

Shoalhaven City Council – CCB Executive Meeting – Thursday, 23 November 2023 – 10.00AM to 2.00PM Sussex Inlet Bowling Club – 8 St Georges Avenue, Sussex Inlet

## Meeting Notes

The following meeting notes should be used in conjunction with the CCB Executive Meeting PowerPoint presentations attached.

Please note: these are meeting notes only and not comprehensive minutes.

**Mayor and Councillor Attendees:** Mayor Amanda Findley, Cllr Evan Christen, Cllr Gillian Boyd, Cllr Patricia White.

**CCB & Community Group Attendees:** Peter Longstaff, Lynn Cowley, Tony Sattler, Stuart Coughlan, Peter Saul, Denise Meldrum, Greg Edmestone, John Byron, Donna Loon, Dirk Treloar, Anthony Becker, Emilio Ferrer, Penny Davidson, Dave Macdonald, Jen Barrett, Gerry McCarthy, Luke Bastock, Phil Guy, John Lang, Russell Neeves, David Swarts, Cathy Stapleton, Richard Purves, Paul Mitchell, Bob Pullinger, Hugh Sinclair, Gill Smith, Ian Carroll, Angela Searle

**CCB & Community Groups Represented:** Bawley Point, Kioloa & Termeil Community Association, Berry Forum, Budgong Community Group Inc, Burrill Lake Community Association, Callala Bay Community Association, Conjola Community Association, Currarong Community Association Inc., Huskisson Woollamia Community Voice, Hyams Beach Villagers Association, Kangaroo Valley Community Consultative Body, Red Head Villages Association, Shoalhaven Heads Community Forum, Sussex Inlet & Districts Community Forum, Tabourie Lake Ratepayers and Residents Association Inc., Ulladulla & Districts Community Forum Inc., Vincentia Residents & Ratepayers Association, Wandandian Progress Association

**Council Employee Attendees:** James Ruprai, Jane Lewis, Coralie McCarthy, Carey McIntyre, Kerrie Hamilton, Caitlin Lewis, Matthew Kidd, Michael Paine, Gordan Clark, Hannah Bennett, Natalie Johnson, Denise De Strang

**Guest Presenters:** Graham Jarvis, AEC Group and Superintendent Matthew Reeves, District Manager, Rural Fire Service.

ITEM	TOPIC	PRESENTED BY
1.	Welcome & Housekeeping	Jane Lewis – MC & Director, City Lifestyles
2.	Acknowledgement of Country	Cllr Evan Christen
3.	CEO Address <ul style="list-style-type: none"> <li>Bioelektra</li> <li>Zero Tolerance Campaign</li> </ul>	James Ruprai – Acting, Chief Executive Officer (CEO)
4.	Special Rate Variation Application	Graham Jarvis, AEC Group
5.	Q & A	Graham Jarvis, AEC Group

### Overview

- Jane welcomed everyone to the meeting and provided an overview of the days presentations.

- Meeting attendees were reminded of Council's code of conduct.
- Cllr Evan Christen provided the Acknowledgment of Country.
- James delivered the CEO address in Stephen's absence, outlining the key priorities of today's meeting, including –
  - Zero Tolerance Campaign
  - Bioelektra
  - Financial Sustainability Review
  - AEC Review

### **Zero Tolerance Campaign**

**Presenter: James Ruprai (Acting CEO)**

Council is seeing a significant increase in abuse against workers. Incidents include, verbal abuse, racial slurs, threats, throwing of items, threats with weapons, spitting, along with physical assault to front line workers.

These behaviours have resulted in staff not returning to work due to the trauma they have suffered. Staff are here to do a job, and assault and / or violence is not acceptable. Staff including rangers / SEC / Libraries / Customer Experience and Outdoor Workers, have all been affected. A campaign including media advertising, scripts for workers, signage and empowering staff to terminate phone calls and prematurely end meetings has been introduced in a structured way to deal with behaviours that can affect people in their day to day working environment.

Council has a legal and WHS obligation to our workers.

So far this year we have seen over 67 psychological incidents to workers.

James called on the CCB's to assist in getting the "Zero Tolerance" message out to the public.

### **Zero Tolerance Campaign – Q & A**

**Q: Is council doing anything to investigate why the public are treating staff in this way?**

**A:** Council does not think there is any excuse for this behaviour and are continually looking at ways to address issues and concerns of the public. Council would like to work collaboratively with the CCB's on this matter. Respectfully, council understands members of the public becoming frustrated, however, it is unacceptable for staff to be treated in this way. Frustration is not a right for disrespect. Council workers continue to work as hard as they can. Some of these offences are a police matter and police reports have been made.

### **Biolektra**

**Presenter: James Ruprai (Acting CEO)**

Council first engaged in talks with Biolektra 10 years ago. As the Biolektra project has reached its end of life, council is now looking at alternate options for waste and recycling.

Council has met with alternate waste providers, including investigating overseas options.

The waste to energy project is no longer being pursued, council are looking at other options.

Waste is an emerging technology and Council is looking at the future of our waste within the Shoalhaven.

## **Biolektra – Q & A**

### **Q: What's happening to recycling going into yellow bins?**

**A:** Some level of manual separation is being made, however, currently there is no long-term solution/s for our recycling. A councillor briefing is scheduled for the evening of 23 November to discuss long term sustainable solutions for our waste.

### **Q: I'm interested in the red bins and the green waste going into these bins. What is the progress now?**

**A:** Green and red waste takes space at our landfill site. Council is looking at alternate waste technology options to extend our landfill site, as currently items are not being separated through technology. Our endeavour is to find a future proof solution for our waste. This is a big challenge and will be discussed at our councillor briefing. Council no longer has a contract with Biolektra, which is why we are meeting with Councillors to look at our options into the future.

## **Special Rate Variation Application**

**Presenter: James Ruprai introduced Graham Jarvis, AEC Group**

Graham provided an overview of the recent AEC financial review.

AEC are a Finance Economics Group, providing specialist financial support to state and local government all around Australia.

AEC conducted a review to look at councils immediate and long-term financial plan. This overview included looking into the past performance of council, along with the amount of funds utilised during the covid pandemic, and also the fire and flood events of recent years.

Findings from the review are available on Council website and in the Business Paper for the extraordinary meeting of the 20 November 2023.

## **Special Rate Variation Application – Q & A**

### **Q: Where is this information available to the public**

**A:** This information is on the council website, as an attachment to the minutes from Monday's council meeting. It is also available on council's Get Involved Page - <https://getinvolved.shoalhaven.nsw.gov.au/srv>

### **Q: Will this presentation be available?**

**A:** No, this presentation is not publicly available, however, there is nothing in this presentation that is not in the report.

### **Q: What measures have been considered for internal reductions?**

**A:** This is not just a cost for the community, internal efficiency savings totalling \$5million have been identified.

**Q: Using Hyam's beach as an example, we could receive funding of thousands of dollars a year from visitors parking fees.**

**A:** There is no debate around this issue, this is a good point and a great suggestion. Paid parking is a political decision, and was discussed a few years ago, and was not supported previously. This can be put forward as part of the resourcing options to help balance the financial deficit. CCB's are encouraged to include initiatives such as this in any submission they might make to the public exhibition.

**Q: How much money does council have now in 712 funds?**

**A:** Graham advised there is 33.5 million currently in 712 funds.

**Q: What is a 712 fund?**

**A:** Section 7.12 of the Environmental Planning and Assessment (EPA) Act 1979, allows a levy (development contribution) to be imposed when a development consent or complying development certificate is issued.

**Q: The general fund shows \$50 million in depreciation. What are the assets?**

**A:** Assets include roads, leisure centres, footpaths, libraries, office equipment, coastal assets, open spaces, stormwater (sewer and water are not included).

**Q: What is the life span of an asset?**

**A:** An asset evaluation indicates an asset has a life span of 40 years.

**Q: One of the issues in projects is where staff see an opportunity and obtain grant funding, however, there is no community consultation until after the funds are received and the project is not a priority for the community. An example of this was 'Boongaree Nature Play Park, where funds were obtained prior to seeking community information on what they would like in the park. We need to push back on community projects to ensure we have justification on what grants are being applied for.**

**A:** Council new Project Management Office (PMO) will have an immense impact on efficiency.

**Q: Could this information be extended to all staff?**

**A:** Grants must not be seen as free money; we need to have the resources / budget to maintain and replace the asset into the future.

Clr Evan Christen addressed the meeting, saying council is in a tight situation, which has been building over more than 10 years. The implications of infrastructure in our area, whilst learning about asset management and depreciation, grant funding, asset maintenance and replacement. It is clear that we need to plan into the future to minimise the rate increases to everyone.

6.	DCP's, DA's and City Land Use Planning Scheme	A/g CEO and Director – City Development, James Ruprai and Section Manager – Strategic Planning, City Futures, Gordon Clark
7.	Q & A	

DCP's, DA's and City Land Use Planning Scheme  
Presenter James Ruprai – Director – City Development

- An overview of the planning and development process was provided.
- Council is looking for appropriate and meaningful opportunities to amend / improve their processes.
- Shoalhaven is a growth council, compared with other councils and public interest in planning and development is continually growing.
- The Shoalhaven is a strategic location, and a visitor destination, which has major impacts on our economy and environment. Good planning, with good design, will benefit the area into the future.
- Town Planning is part art / part science. Our planning heavily impacts the lives of our residents.

**A presentation was provided on Land Use Planning Scheme, DCP's and DA's.**

***Please refer to Attachment 1 to view the presentation: Land Use Planning Scheme, DCP's and DA's***

### **Strategic Planning**

**Presenter Gordon Clark – Section Manager – Strategic Planning – City Futures**

- The Illawarra Shoalhaven Regional Plan 2041 was presented. The plan provides the framework for Illawarra Shoalhaven for growth, planning policies and strategic vision. The plan includes local LGA's including Shoalhaven, Wollongong and Shellharbour. Our LGA is a complicated area.

**A presentation was provided on Strategic Planning. *Please refer to Attachment 1 to view the presentation: Strategic Planning***

### **Statutory Planning**

**Presenter James Ruprai – Director – City Development**

- Shoalhaven Council is currently going through a review of its planning scheme and planning processes. Mandatory community consultations are required. Formation of a community reference group is required for the future of the city. CCB's input will be required for this.
- All developments fall under three categories, development that does not need consent; development that needs consent; development that is prohibited.
- The LEP & SEPPs determine which categories a development fall into.

**A presentation on Statutory Planning was provided. *Please refer to Attachment 1 to view the presentation: Statutory Planning***

### **DCP's, DA's and City Land Use Planning Scheme & Strategic Planning - Q & A**

**Q: What is the importance of having a Strategy?**

**A:** A Local Environment Plan (LEP) strategy, which meets the needs of the community is required for consistency, and to enable Council to act locally. The most important aspect is to have a strategy and stick to it for consistency.

**Q: How stable are the planning instructions when Government's change?**

**A:** Governments will amend guidelines e.g. for housing, a Government may override a councils planning instruments. Also, they can override Councils planning systems in relation to building heights.

**Q: Is there any discussion on pathway from COVID?**

**A:** The lengths which that Council went through to assist the community during COVID / fires / flood totalled in excess of \$6 million. This was made up of reduced fees for development applications, reductions in fees and charges, rebates on rates.

**Q: Council was acknowledged for liaising with the CCB's over the past four years in 'Consideration of Character'.**

**A:** Further discussion will be provided on future slides clarifying this.

**Q: We've spoken a lot about the future / a lot about the past. In regard to local caravan parks being brought by developers and getting around environmental issues and relocating / selling off sites permanently.**

**A:** This is a consent / development matter. Further discussions to be held on this.

**Q: How is it determined what is complying or non-complying?**

**A:** Determination is made by which category the development falls into.

8.	<b>Get Ready / Fire Season Preparation / How to Prepare your Property</b>	<b>Local Emergency Management Officer – Hannah Bennett and RFS Superintendent Mathew Reeves</b>
9.	<b>Q &amp; A</b>	

**Get Ready / Fire Season Preparation / How to Prepare your Property  
Presenter - Hannah Bennett – Local Emergency Management Officer**

- Hannah provided an overview of the 'Hazards Near Me App'. The Shoalhaven is number four in the state for disaster impacts.
- A detailed explanation of the use of information hubs during adverse conditions was provided, along with information on preparing your property and family for an emergency / evacuation and the levels of activation during an actual, imminent, or potential emergency situation.

**A presentation was provided. Please refer to Attachment 2 to view the presentation: Local Emergency Management in the Shoalhaven**

**Get Ready / Fire Season Preparation / How to Prepare your Property  
Presenter – Matthew Reeves – RFS Superintendent**

- Matthew provided an overview of where we are at, along with an update from the Currawong fires in 2019/2020.
- A comprehensive explanation was provided on preparing your property and creating a plan for evacuating.
- Fire ratings were explained.

**A presentation was provided, which included:**

- Shoalhaven Overview
- Sussex and Surrounds – Overview
- Your Bushfire Survival Plan
- Considerations for your plan
- Evacuate or relocate
- Hazards Near Me app

**Get Ready / Fire Season Preparation / How to Prepare your Property – Q & A**

**Q: You spoke briefly about the Hubs, and there is one in Sussex Inlet. Could you please explain how it's going to be used? Does council have a policy on how these hubs will be used?**

**A:** We are currently workshopping with RFS to ensure the messages displayed on the screens at all hubs are aligned with current information. This information is sourced from combat agencies and replicates RFS messages, facebook, website and hazards near me app. The hubs will provide broadcast messages, satellite phone, internet, toilet and kitchen facilities. Each hub will have the facility to phone other hubs or agencies. The hubs are not a place of refuge, they are designed as a place to obtain information, before becoming isolated. Council is currently working on a strategy, and we encourage CCB's to contribute. Posters and flyers will be developed to explain the hubs.

**Q: Will your mobile phone provide the same information as the community hubs, e.g. website, app?**

**A:** Hubs are recommended if you have become isolated and have no other communication source. Combat agencies will update information every 2 hours, with an emergency warning provided every 30 minutes. Maintaining of the hub is essential for accuracy and timely information.

**Q: From your knowledge on hazard reductions and the outcome from the royal commission / coroner inquest, was there any talk on using Aboriginal knowledge to assist with practices for hazard reduction? The Shoalhaven is a very large area.**

**A:** RFS does not currently do cultural burning, they would like to further explore cultural burning and are currently working with the Jerrinja Land Council. Every fire fighter completes cultural awareness training, along with threatened species training to assist and identify any threatened species. The type of landscape is considered when planning burns, and processes are reviewed regularly. Burn regimes are adapted to the weather and other factors.

**Q: There is disconnect between RFS and aboriginal community**

**A:** This is not evidenced here. Assistance is provided with planning burns and hazard reduction.

10.	<b>Expectations of Water Supply during Bushfire</b>	<b>A/g Executive Manager – Shoalhaven Water, Matthew Kidd</b>
<b>Expectations of Water Supply during Bushfire</b> <b>Presenter – Matthew Kidd – Shoalhaven Water</b>  Matthew provided a presentation on the Expectations of Water Supply during a Fire Event.		

***Please refer to Attachment 3 to view the presentation: Shoalhaven Water – Expectations of Water Supply***

**Expectations of Water Supply during Bushfire – Q & A**

**Q: Does Council or Shoal Water have a program that identifies properties that have a pool or water tank that can be utilised in times of fire?**

**A:** Currently there is no way for council to identify properties with pools or tanks. The RFS have an active register where a plate is placed on the gate of a property to indicate that a pool or tank is located on the property.

<b>11.</b>	<b>Thank you and close</b>	<b>MC, Jane Lewis</b>
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Land Use Planning Scheme, DCP's and DA's</li><li>2. Local Emergency Management In the Shoalhaven</li><li>3. Shoalhaven Water – Expectations of Water Supply</li></ol>	



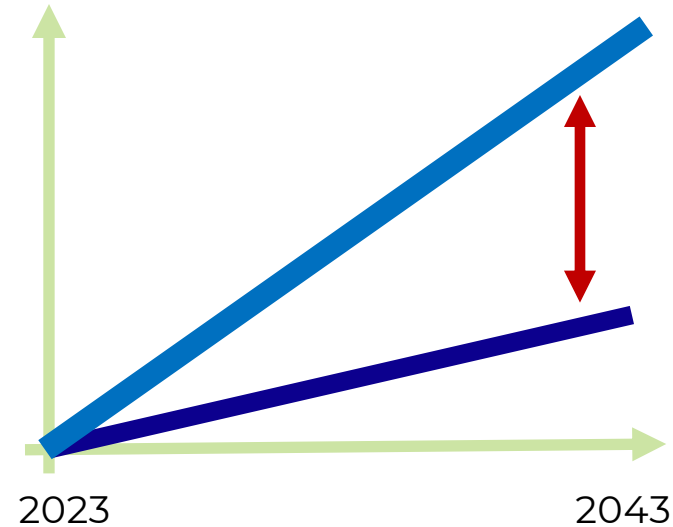
# CCB Executive Meeting 23 Nov 2023

## Land Use Planning Scheme, DCP's and DA's



# Setting the Scene

- ✓ Growth Council
- ✓ Global Mindset
- ✓ Community Guardianship
- ✓ Innovate, Digitise
- ✓ Fiscal Responsibility
- ✓ Agile, Evolving Organisation





## What is (town) planning?

*It's about making considered decisions on how land and resources are used and the way cities and regions function*

# What is Planning?

it's one of local government's **most important functions**

it's about the **future of communities**

it can improve the **economy**, the **environment** and **social well being**

it affects the **financial sustainability** of Councils

it affects **people's** lives and investments

planning decisions are made in a contested context

**Planning is a  
public interest  
profession**

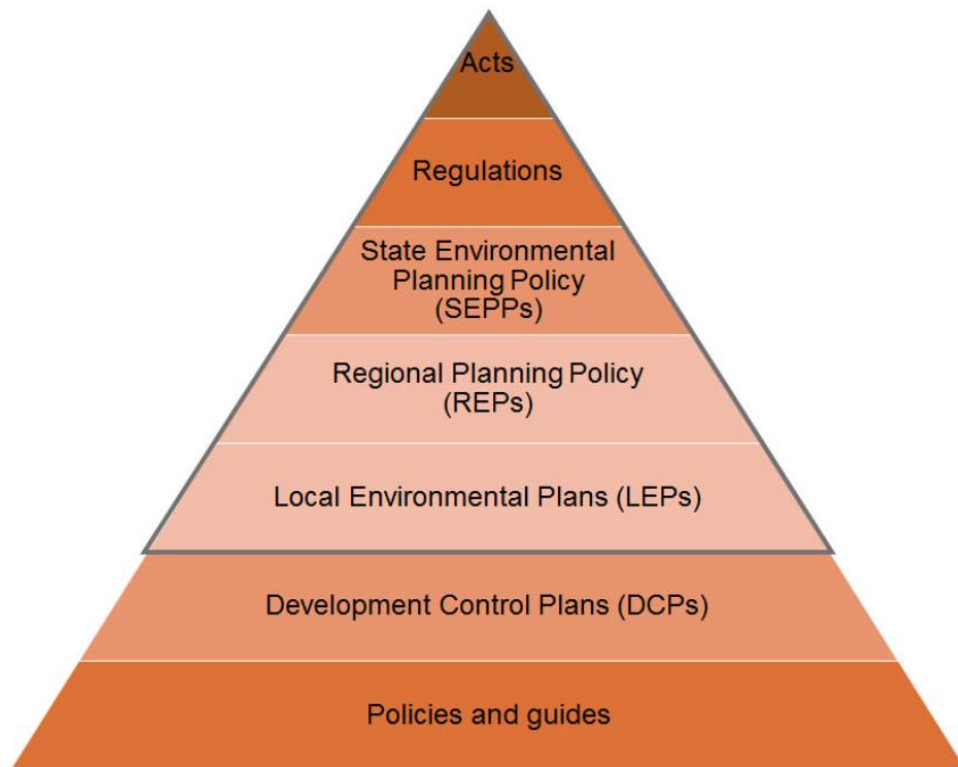


# But first... a bit about our Shoalhaven

- Strategic location in broader NSW context
- Area of coastal beauty and smaller communities
- Will continue to attract more people who want to live here
- Challenge to balance growth pressures and current attributes
- Good planning and good design key to the best outcomes

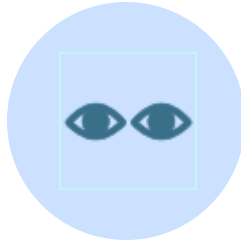


# Hierarchy of Planning Instruments



**State & Local  
in NSW**

# The role of planning instruments.....



**STRATEGIC** – SETS  
VISION, ASPIRATIONS,  
DIRECTIONS



**STATUTORY** – THE RULE  
BOOK / DECISION  
MAKING FRAMEWORK

# Summary of Planning Instruments relevant to Shoalhaven

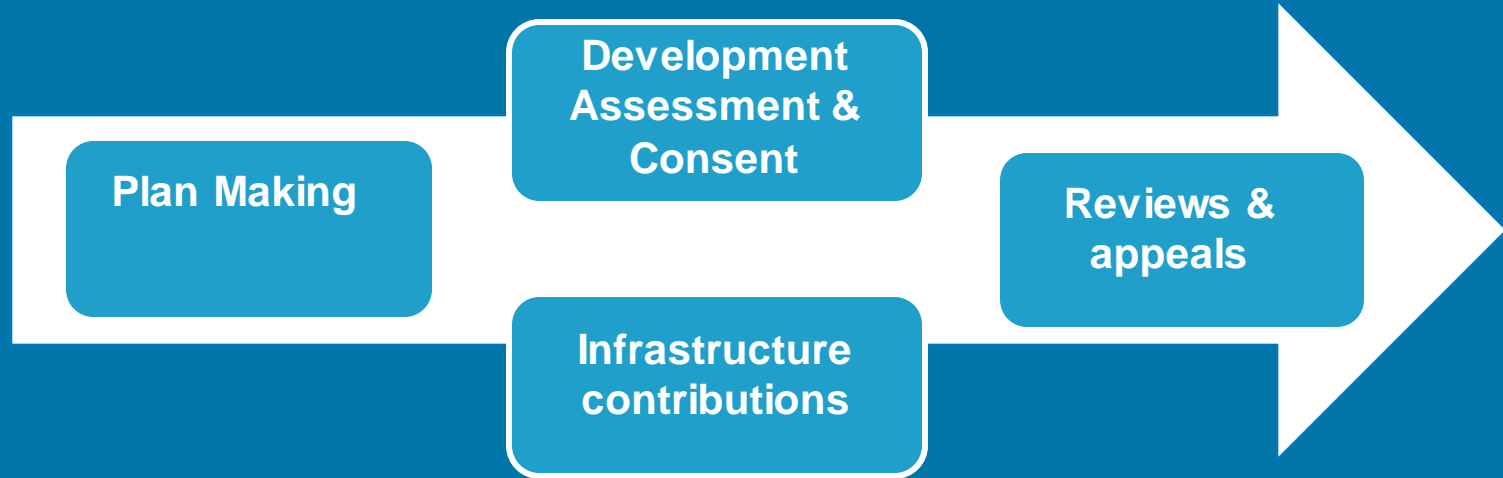
Planning Framework	Instruments
Act	The Environmental Planning and Assessment Act 1979 (EP&A Act)
Regulations	Environmental Planning and Assessment Regulation 2021
State Environmental Policies (SEPPs) – Consolidated	<p>45 existing SEPPs have been consolidated into 11 new SEPPs based on the theme-based focus areas. The following consolidated SEPPs commence on 1 March 2022:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Primary Production) 2021</li> <li>• State Environmental Planning Policy (Resources and Energy) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Industry and Employment) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021</li> <li>• State Environmental Planning Policy (Precincts – Central River City) 2021</li> <li>• State Environmental Planning Policy (Precincts – Western Parkland City) 2021</li> <li>• State Environmental Planning Policy (Precincts – Regional) 2021</li> <li>• State Environmental Planning Policy (Housing) 2021</li> </ul> <p>No changes have been made to:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</li> <li>• State Environmental Planning Policy (Building Sustainability Index: Basix) 2004</li> <li>• State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</li> </ul>
Regional Planning Policy	Illawarra Shoalhaven Regional Plan 2041
Local Environmental Plan (LEP)	<p>Shoalhaven Local Environmental Plan 1985</p> <p>Shoalhaven Local Environmental Plan 2014</p> <p>Shoalhaven Local Environmental Plan (Jerberra Estate) 2014</p>
Development Control Plan (DCP)	Shoalhaven Development Control Plan 2014
Policies and guides	<p>Shoalhaven Contributions Plan 2019</p> <p>Planning Proposals</p> <p>Planning Agreements</p> <p>Pedestrian Access &amp; Mobility Plan</p> <p>Heritage Studies and Conservation Plans</p> <p>HMAS Albatross guidance</p>



**Environmental Planning and Assessment Act 1979 No 203**



The **EP&A Act** provides the overarching framework for the NSW planning system



**Environmental Planning and Assessment Regulation 2021**

[2021-759]

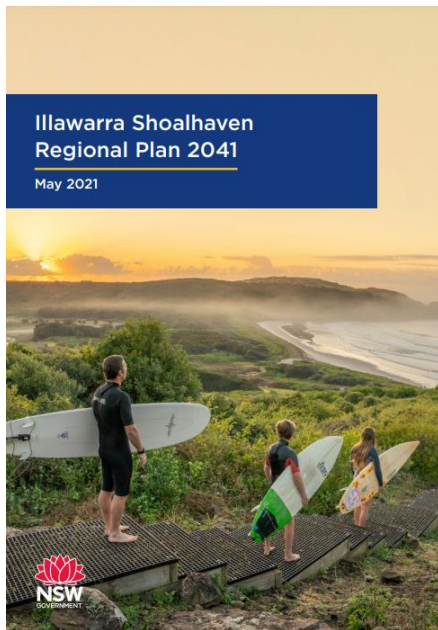


The **EP&A Reg** supports the day-to-day requirements of the system including operational provisions for development contributions and planning agreements

# Strategic Planning

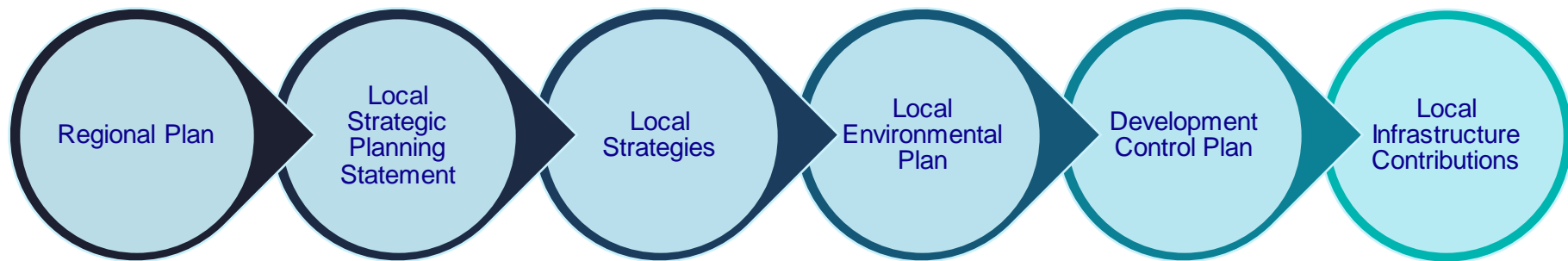


# Illawarra Regional Plan 2041

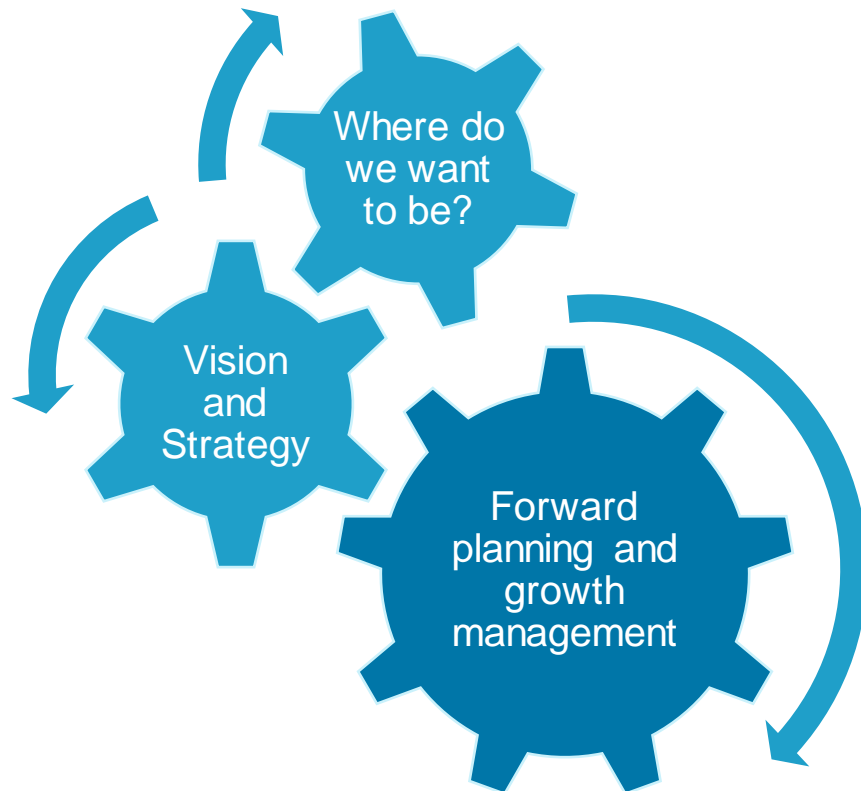


- Provides a regional framework for growth, planning policies and strategic vision.
- Sets benchmarks for housing and employment.
- Informs infrastructure agencies to plan for growth and change.
- Updated every 5 years to reset priorities for next 20 years.

# Strategic Planning on a Page



# Strategic Land Use Planning



# Local Strategic Planning Statement (LSPS)



- EP&A Act requires all councils to have one.
- Allows Council to plan, coordinate and implement vision for next 20 years.
- Translates strategic planning into local priorities and actions.
- Living document with ongoing updates/ revisions.
- Indicative 7-year timeframe.
- Projected population: 126,000 in 2041.

# Local Strategic Planning Statement



## Direction 1 Managing Economic Growth

### Planning Priority:

- 1 - Providing homes to meet all needs and lifestyles
- 2 - Delivering infrastructure
- 3 - Providing jobs closer to home
- 4 - Nowra City Centre
- 5 - Ulladulla Town Centre
- 6 - Strengthening commercial centres
- 7 - Responsible visitor economy
- 8 - Supporting agriculture and aquaculture
- 9 - Industrial and defence-related opportunities



### Current Work

**CW5.1** Implementing the recommendations of the South Ulladulla Building Heights Review.

### Collaboration Activity

**CA5.1** Work with the NSW Government to maintain and protect the operation of the working harbour and identify opportunities for broader cross-government collaboration to improve infrastructure delivery for the Harbour Precinct.

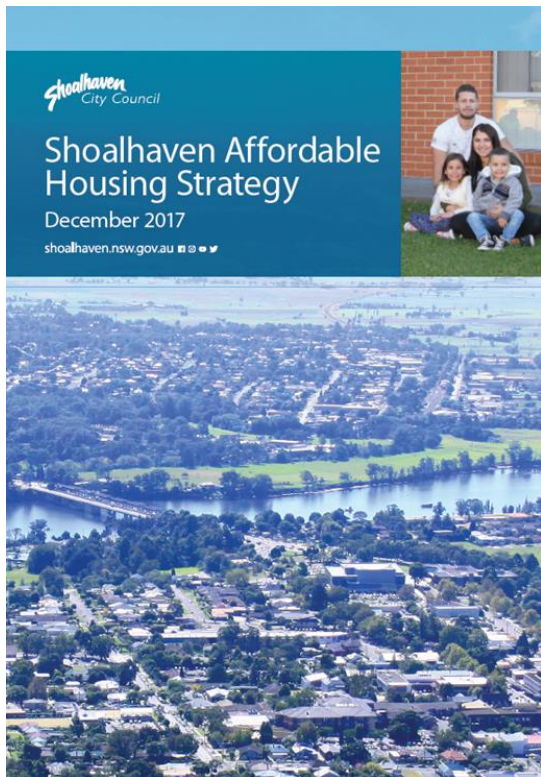
### Actions

**A5.1** Consider the preparation of a new and updated masterplan, including broad community involvement, to help guide the future development of Ulladulla Town Centre, focussing on the harbour precinct and main street, and consider ways to improve traffic and parking. **Medium-term**





# Local Strategies = Local Framework

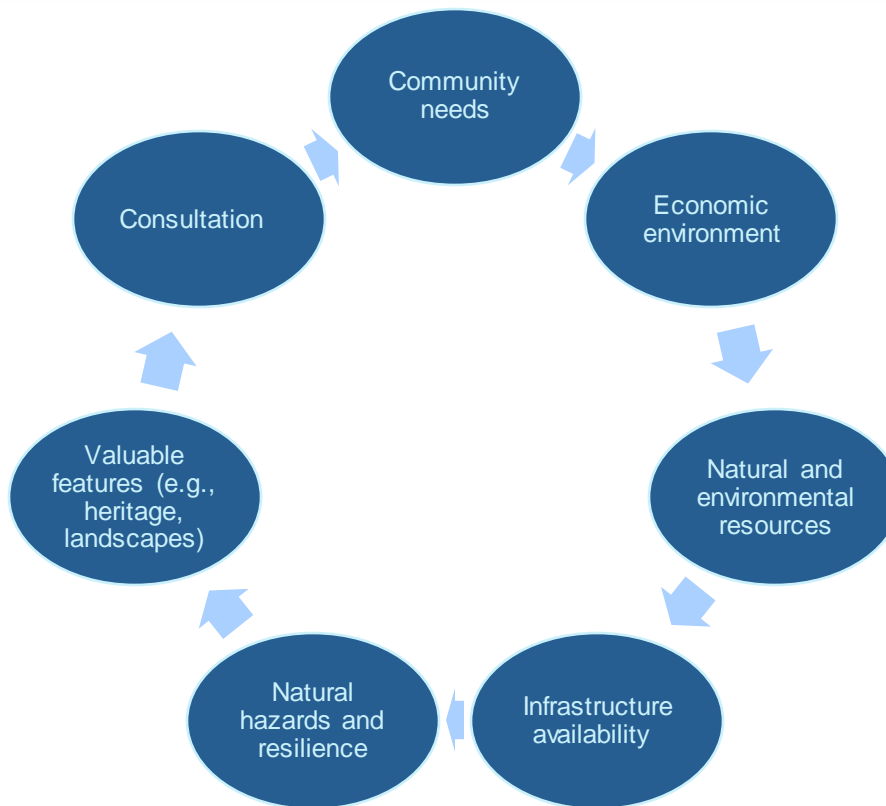


Existing examples include:

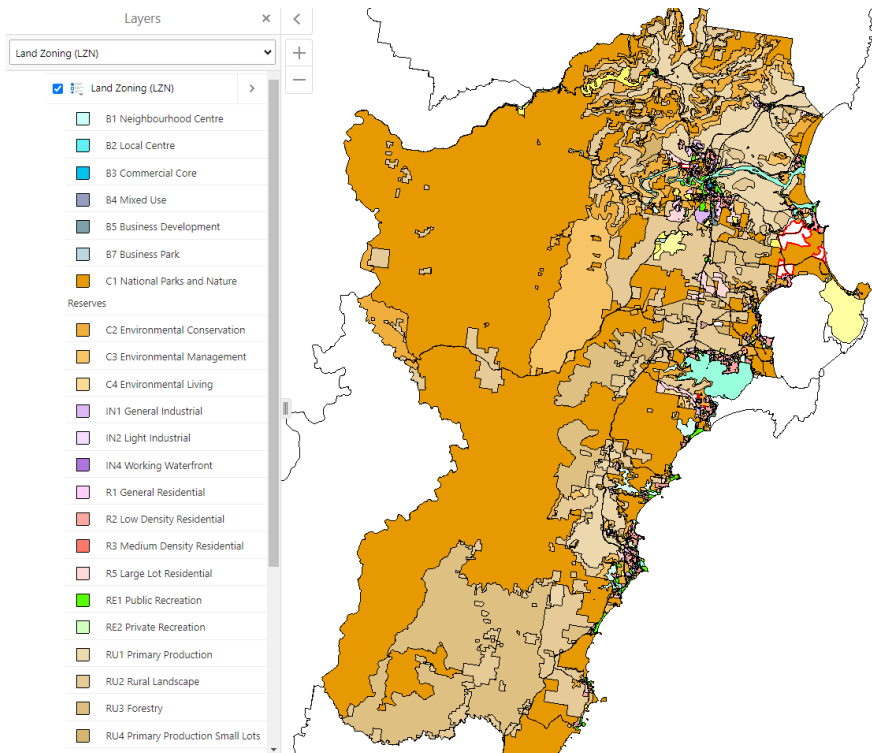
- Shoalhaven Growth Management Strategy.
- Nowra-Bomaderry Structure Plan.
- Milton-Ulladulla Structure Plan.
- Jervis Bay Settlement Strategy.
- Sussex Inlet Settlement Strategy.
- Shoalhaven Affordable Housing Strategy.



# Local Strategy – what is considered?



# Local Environmental Plan (LEP)



## Its Purpose?

- Achieve the objectives of the Act by implementing the vision/priorities of strategic plans.

## How is it created?

- Lots of work from staff and Council on setting policy direction, State review/approval and extensive community engagement.

# Local Environmental Plan (LEP)

The LEP is based around land use zones and supporting clauses that aim to provide:

- A range of residential lifestyles.
- Adequate supply of industrial and commercial land.
- Protection/management of environmental and rural land.
- Various tourism opportunities.

## Shoalhaven Local Environmental Plan 2014

### Legend

- o permitted without consent [mandated under the SI].
- o permitted without consent.
- c permitted with consent [mandated under the SI].
- c permitted with consent.
- x prohibited [mandated under the SI].
- x prohibited.
- H permitted under SEPP (Housing) 2021.
- TI permitted under SEPP (Transport & Infrastructure) 2021.
- fill colours in green or red mandated under the SI.
- fill colour in purple public infrastructure permitted under a SEPP.

Is the zone used? [please select Y/N for each zone]

LAND USE terms WITHIN agriculture group term)

agriculture  
agritourism  
farm experience premises

Rural						Residential					Employment					MU	Special Purpose					Rec	Environment Protection				Waterways			
Primary Production	Rural Landscape	Forestry	Primary Production Small Lots	Village	Transition	General Residential	Low Density Residential	Medium Density Residential	High Density Residential	Large Lot Residential	Local Centre	Commercial Centre	Productivity Support	General Industrial	Heavy Industrial	Mixed Use	Special Activities	Infrastructure	Tourist	Enterprise	Metropolitan Centre	Public Recreation	Private Recreation	Environmental Conservation	Environmental Management	Environmental Living	Natural Waterways	Recreational Waterways	Working Waterways	Working Waterfront
RU1	RU2	RU3	RU4	RU5	RU6	R1	R2	R3	R4	R5	E1	E2	E3	E4	E5	MU1	SP1	SP2	SP3	SP4	SP5	RE1	RE2	C2	C3	C4	W1	W2	W3	W4
Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
C	C	X	X	X		X	X	X		X	X	X	X	X		X						C	X	X	X	X	X	X	X	X
C	C	X	C	X		X	X	X		X	X	X	X	X		X						X	X	X	X	X	X	X	X	X
C	C	X	X	X		X	X	X		X	X	X	X	X		X						C	X	X	X	X	X	X	X	X

# What's in the LEP?

Structure set by the NSW Government the Standard LEP Instrument, includes:

- Land Use Tables - Permitted or prohibited development.
- Exempt and complying development.
- Principal development standards (minimum lot size, subdivision, dwelling entitlement).
- Miscellaneous provisions (architectural design features, heritage, ecotourism).
- Urban release areas.
- Additional local provisions (flood planning, coastal risk, development of specific sites/localities)
- Additional permitted uses.

## Standard Instrument—Principal Local Environmental Plan (2006 EPI 155a)

[2006-155a]



### Status Information

#### Currency of version

Current version for 10 November 2023 to date (accessed 22 November 2023 at 9:37)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

#### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

#### Notes—

##### • Note

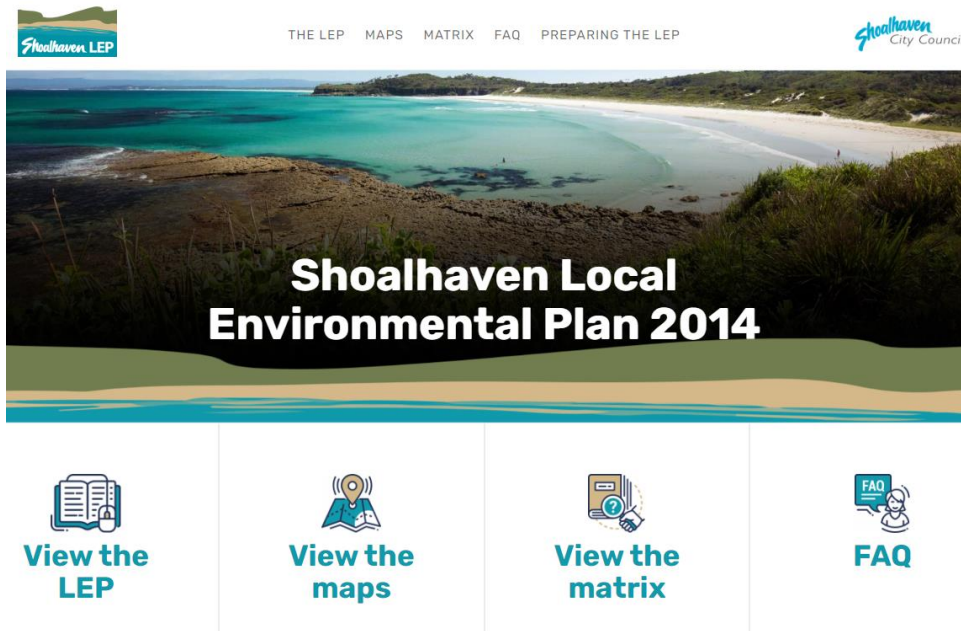
This is the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*, which sets out the standard provisions for a local environmental plan. This version is provided to assist with use and navigation of the standard provisions.

#### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the *Interpretation Act 1987*.


File last modified 10 November 2023

# Existing LEP Instruments



- Shoalhaven LEP 2014.
- Shoalhaven LEP (Jerberra Estate) 2014.
- Shoalhaven LEP 1985.
- Shoalhaven Interim Development Order 1964.

# Amending an LEP – Planning Proposal




Any proposed change to an LEP control (rezoning land or change to an existing control or clause) requires a Planning Proposal (PP).



A PP explains the intent and justification of the proposed change(s) to the LEP.



PPs can be initiated by Council, or by land owners (proponents).



Steps include Council endorsement, approval to proceed from the NSW Government (Gateway determination) and public exhibition.



Council notifies relevant stakeholders when a PP request has been made and when reports are to be considered by Council.

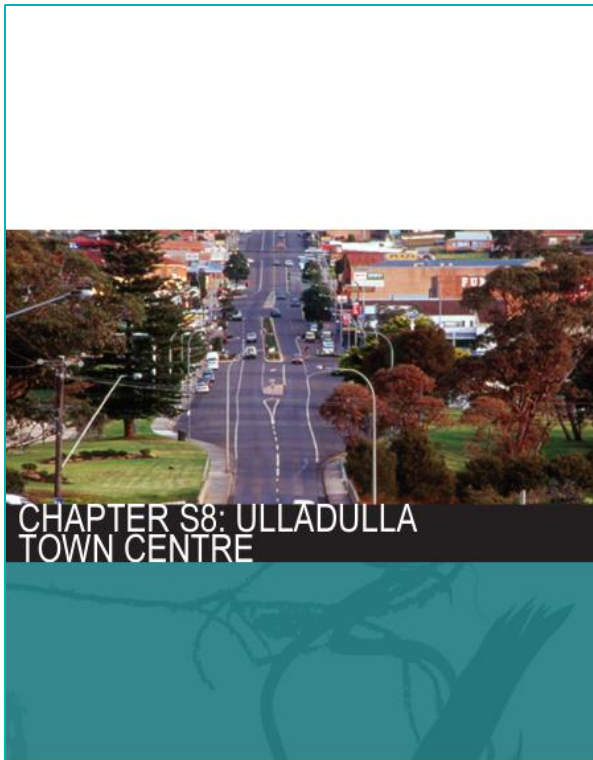
# Development Control Plan (DCP)

- Supports the LEP and is a policy of Council – *it's not legally binding*.
- Provides **guidance** on facilitating development that is permissible and on achieving the objectives of the land zones.
- DCP does not apply to 'exempt' or 'complying' development, 'development without consent'.

[INFORMATION](#)[THE DOCUMENT](#)[MAPS](#)[LATEST UPDATES](#)[HISTORIC INFORMATION](#)[CONTACT US](#)



# Development Control Plan (DCP)



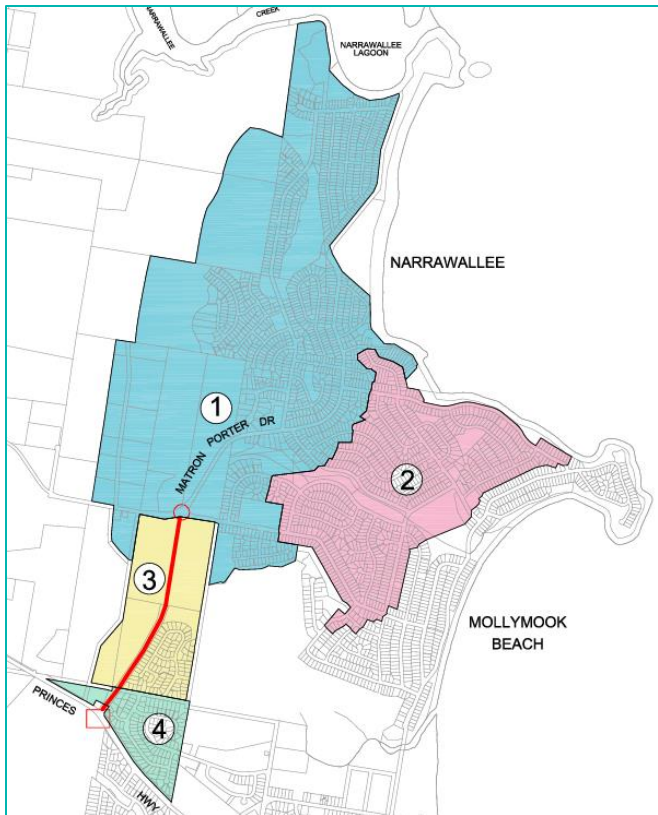
Shoalhaven DCP 2014 applies City wide – contains both generic and locality specific controls

Performance based DCP for 'development with consent':

- **Objectives:** What Council seeks to achieve.
- **Mandatory controls:** Prescriptive measures for achieving objectives.
- **Performance criteria:** How development should perform to meet objectives.
- **Acceptable solutions:** 'preferred' solution to achieve desired performance criteria and objectives.



# Local Infrastructure Contributions



- Shoalhaven Contributions Plan 2019.
- Supports the LEP and DCP.
- Mechanism to levy monetary contributions for the delivery of local infrastructure which is generated as a result of new development.
- Planning Agreements and Works in Kind Agreements.

# Toward New Land Use Planning Scheme



- Practical need for new contemporary land use planning strategies, policies, and documents.
- Council recently endorsed the preparation of a Planning Scheme – will be focus of Council staff.
- Significant body of work focusing on:
  - New strategy base (housing strategy, affordable housing, rural/environmental and employment land strategies).
  - New LEP and DCP.
  - New local infrastructure contributions plan.
- Work will be staged alongside ongoing work/projects.
- Community engagement is critical in this process.

# New Scheme – Stage 1 (pre Sept 24)



- Initial Local Character Planning Controls.
- Berry Development Controls & Heritage Conservation Area.
- Local Infrastructure Contributions Framework.
- Managing Short Term Rental Accommodation.
- Affordable Housing Strategy.
- Evidence and Strategic Principles for new Housing Strategy (inc. rural-residential opportunities).

# New Scheme – Stage 2 (post Sept 24)



- Character Statements and Development Controls
- Scenic values and landscape qualities
- Growth Management Strategy

Housing

Rural Land

Employment Land

Retail Centres

- Master-planning – key town centres
- New resultant LEP, DCP etc.



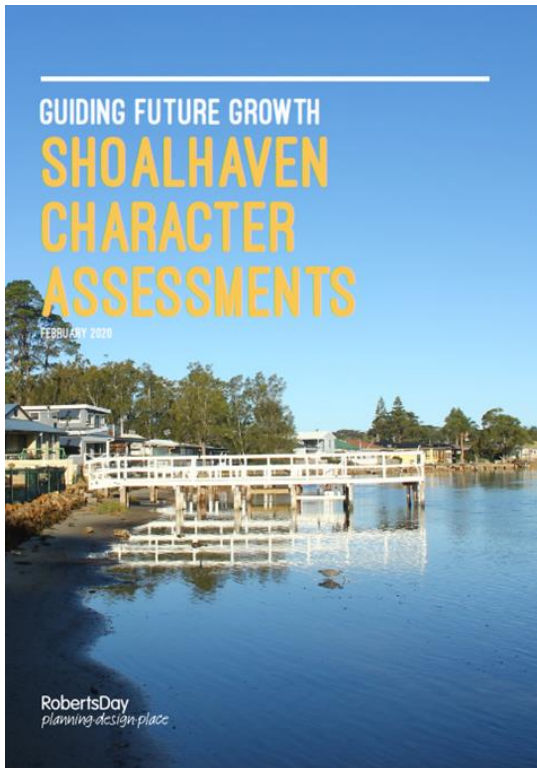


# Consideration of Character



- Range of existing general provisions already apply to residential and other zones in the City.
- Range of specific DCP Chapters exist for Kangaroo Valley and Milton townships, various town centers and other defined areas.
- The specific area provisions have been prepared through time with input from the community.
- Character Overlay in LEP – previously proposed by NSW Government and could have provided option for stronger consideration of character. No longer an option

# Consideration of Character – Next Steps



- Council has adopted the 'Shoalhaven Character Assessments' Report (prepared by Roberts Day) as an 'interim' policy position to assist in the short term.
- The new Planning Scheme ultimately aims to deliver a new, simplified and fit for purpose DCP as part of the overall package of work
- Part of the Stage 1 work (pre-Sept 24) toward a new Scheme will see inclusion of new aims/objectives related to character in LEP and a possible character clause.
- Further work on specific character statements and related DCP controls will occur as part of the Stage 2 work (post Sept 24) on the new scheme.



# CCB Questions – Consideration of Character

*"Character is what makes one neighbourhood distinctive from another. It is the way a place 'looks and feels'."*

*- 'Stepping up planning and designing better places: respecting and enhancing local character', DPE (2018)*



- Why not be less generic – more specific?
- Why not adopt a model like Wingecarribee which has specific village DCP's that preserve character yet allow development?
- Character could be embedded in a village specific DCP not a separate character document overlaying a generic DCP. Also flood and fire standards for the village too.
- You wouldn't need 49 DCPs but say 4 or 5 types of villages and DCPs specific to that type.
- As a result, an owner/builder/ architect/ developer can go to the specific DCP and see what can be built in that area.

# Character – Response to Questions

NOTE: This Chapter should not be read in isolation. You may need to consider other chapters of this DCP when preparing your application.



CHAPTER S6: TOWN OF MILTON

- Single DCP required by legislation – provides both general and specific provisions where appropriate/needed.
- Wingecarribee – Much smaller LGA. Has 13 locality or town/village specific DCP's (3 cover groupings).
- Size of the city and scale of the task – 49 towns and villages. Not all are same or could be grouped.
- Specific DCP Chapters for villages or village groups - time consuming and challenging to resource. Example: Milton DCP - approx. \$60,000 and 2 years to complete.
- Community response – can be difficult to negotiate and outcome.
- Does not turn off Exempt & Complying Development.
- Work on new scheme will consider a Shoalhaven specific approach



# Statutory Planning



# Effective development assessment is....



CONSISTENT



ACCOUNTABLE



EFFICIENT

# Development assessment process

- Contested context
- Public access to the process - often strong and opposing views
- Both intended and unintended results
- No single perfect blueprint



# All development will fall under 3 categories....

1. Development that does not need consent
2. Development that needs consent
3. Development that is prohibited

The LEP & SEPPs determine which categories a development falls into

A SEPP can override a LEP so if development is prohibited under a LEP, the SEPP can allow development to proceed in certain circumstances.



# Approval Pathways

- **Prohibited development**
- **Exempt development**
- **Complying development**
- **Local development**
- **Regional development**
- **State significant development**

## Prohibited development

- LEP can specify prohibited development
- If prohibited under LEP– the consent authority cannot approve
- Unless...SEPPs can override a LEP and can prohibit development

## Exempt development

- Minor, low-impact or routine forms of development i.e. sheds, carports, decks
- Exempt development can be identified in LEP
- SEPPs can also specify exempt development i.e. SEPP (Exempt & Complying Development Codes 2008)
- Construction certificate or occupation certificate may still be required

## Complying development

- Combined planning and construction approval for straightforward development including dwelling, alterations and additions, industrial buildings and changes of use.
- Fast track process (10 days) where a Complying Development Certificate is issued by Council or private accredited certifier
- The LEP or the Codes SEPP set out complying development.

## Local development

- Requires consent. Councils are the consent authority
- Determination can be through delegation, Council decisions or Local Planning Panels (Sydney & Wingecarribee Councils). Local development can be Integrated Development – see below

## Regional development

### Designated Development:

- High impact developments or developments located near an environmentally sensitive area (i.e. quarries, marinas, chemical factories)
- Council is usually the consent authority
- Requires environmental impact statement (EIS), public notification and can be subject to a merits appeal to the Land and Environment Court by objectors
- EP&A Reg, LEP or SEPP can declare designated development

and/or

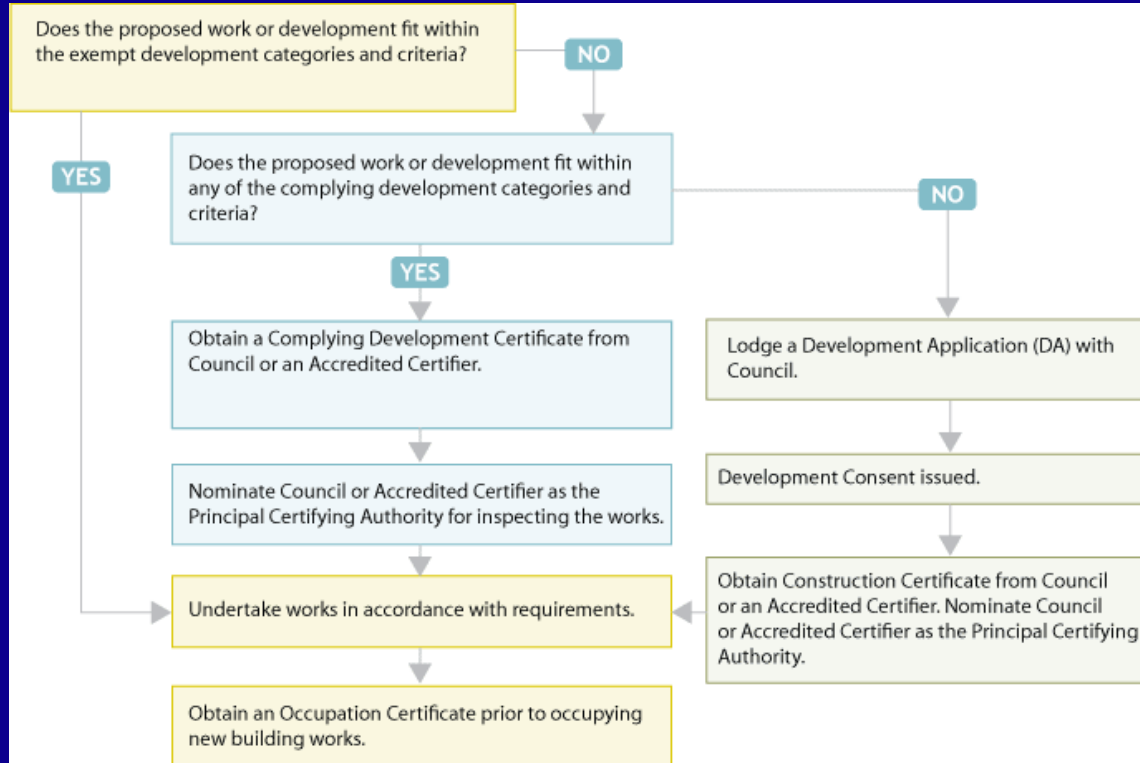
### Integrated Development:

- Requires one or more additional approvals before it can proceed i.e. bushfire safety authorisation, approval relating to mine subsidence district or approval under the Heritage Act 1977
- Approval is required from the authority responsible with the authorities conditions required to be imposed. If the authority does not grant approval, Council must refuse the development consent.
- May require public notification

## State significant development

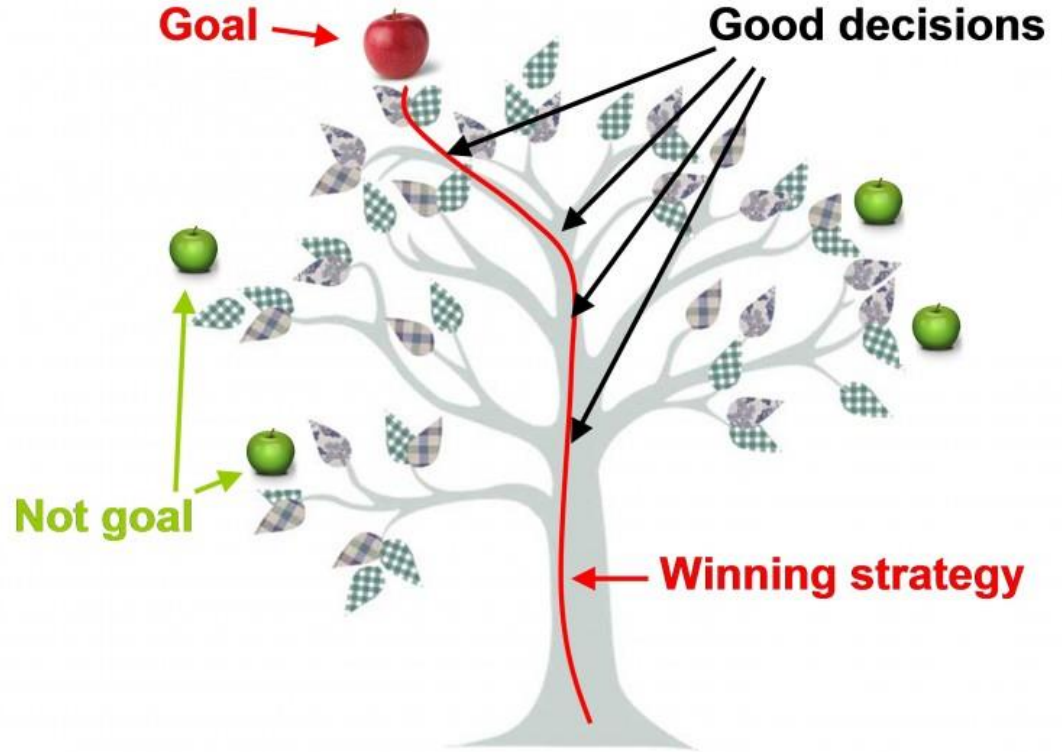
- State and Regional Development SEPP identifies State significant development types and sites
- Major public and private projects (i.e. transport developments, new mines, tourist and recreation facilities) i.e. Barangaroo
- Independent Planning Commission is the consent authority if the application is not supported by Council or has received 50 or more objections. The Minister is the consent authority otherwise.

# Exempt or Complying Development Process



Development is assessed against planning instruments which contains policy approved by **elected representatives**

Decisions made either by delegated staff or full Council or independent panel





# Development assessment and decision making



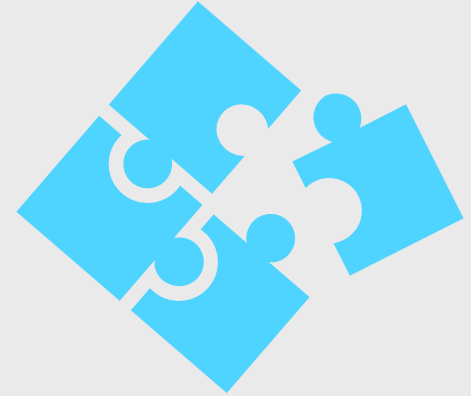
Planning is not an exact science - implementation of planning instruments requires **professional judgment**



Judgment needs to be **bounded by** the **established policy** framework and decision making rules under the EP&A Act. It is a legal process that must be transparent, unbiased, unfettered and legally correct.

# Why is it important to stick to the plan?

- It's the agreed plan / it embodies the agreed balance
- It creates a level playing field (fairness and transparency)
- It creates certainty for investment (public/private)
- It's an agreement with the stakeholders: community / industry need to have trust in the plan
- Shaping the future of the city takes time and commitment

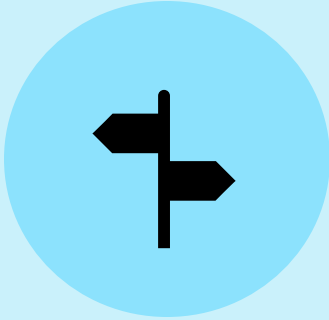


*If we don't have a plan  
we don't have direction*

# Summary



# Nature of planning schemes



**Strategic** – sets vision, aspirations, directions



**Statutory** – the rule book / decision making framework

*Identifies the outcomes that best meet diverse and competing objectives, and guides new development towards those outcomes*

# Some take home messages:

Planning is a public interest activity

Strategic planning and statutory planning

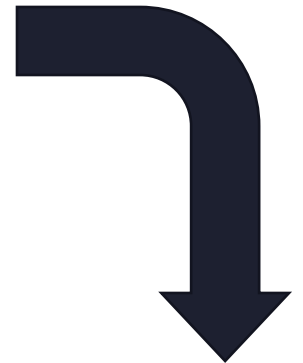
"Hard to know how to get there if you don't know where you are going"

Many stakeholders involved

Challenges of balancing economic, environmental and social objectives

Planning instruments:  
- legal documents  
- primary strategic and development assessment tool

Development assessment process is intended to be efficient, accountable and consistent



# Some take home messages:

Council sets the  
policy

Officers  
implement the  
policy

Important to be  
consistent in  
implementation

Risks in departing  
from planning  
policy when  
deciding  
applications

Better to amend the  
planning instrument to  
respond to emerging  
issues rather than allow  
it to be overtaken by  
events

Some decisions  
get tested in  
Court

- Community Values
- The green, the blue and the grey
- Development Quality
- Natural Endowments
- Urban Design
- Strength in Strategy
- **What is the built and environmental future for the Shoalhaven?**



# Thank you.

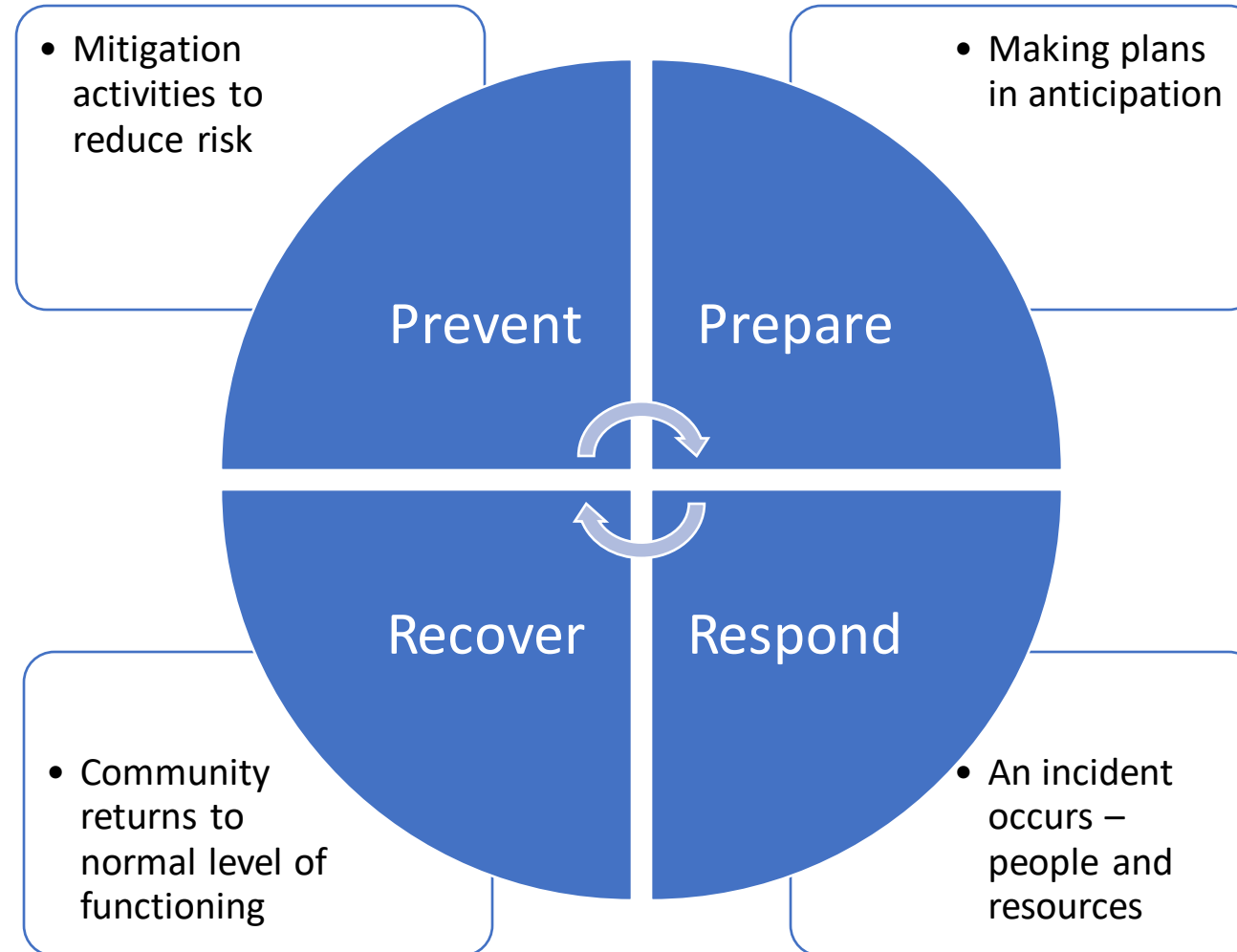


# Local Emergency Management

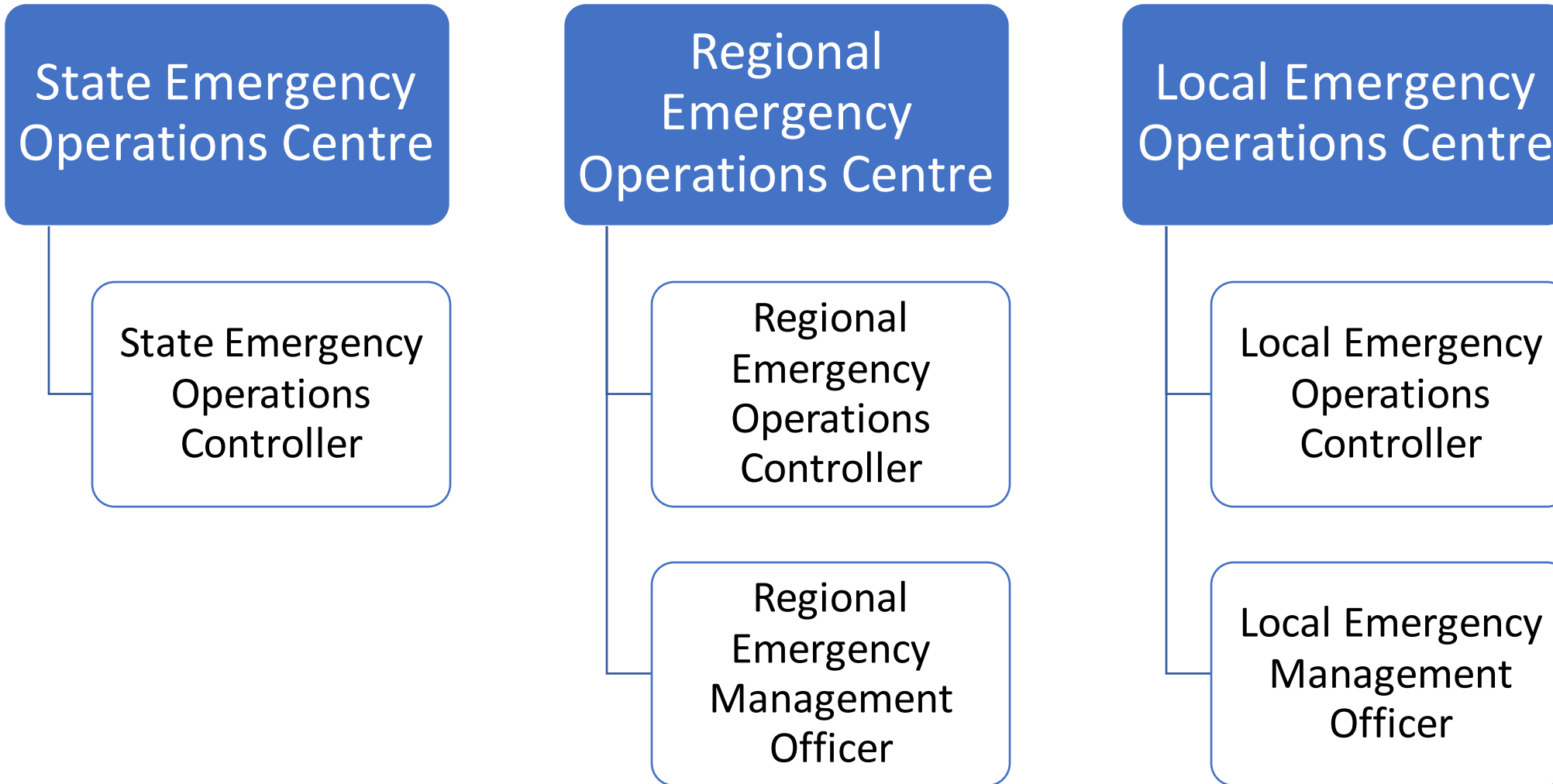
In the Shoalhaven



# The PPRR Model

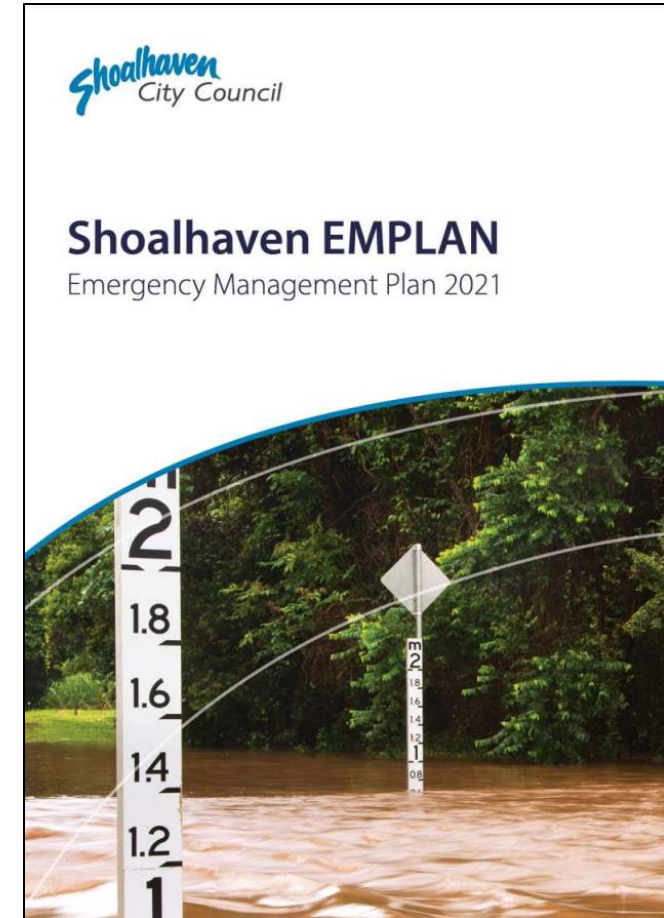


# Emergency Management at all levels



# What does a LEMO do?

- Coordinate meetings of the Local Emergency Management Committee (LEMC) and represent Council at the Regional Emergency Management Committee (REMC)
- Maintain the Local Emergency Management Plan (EMPLAN)
- Assist in the establishment of an Emergency Operations Centre (EOC)
- Ensure Council meets its obligations for Emergency Management Planning
- Collaboration with:
  - Different areas within Council
  - External agencies



# Shoalhaven Emergency Operations Centre (EOC)



- Located in Nowra – An alternate physical space exists in the event that the building is cut off due to an incident
- Shared building with RFS and SES
- Operational space – Stakeholders from multiple agencies and services work together to respond to incidents in a coordinated way
- Operations are documented for review and reporting purposes
- Facilitate the sharing of information and resources
- Dynamic space – can be used in many ways depending on needs
- Dedicated maps, printing, internet, phones



# EOC Levels of Activation

The authority to activate is vested in the Emergency Operations Controller and may be activated for an actual, imminent, or potential emergency situation.

Level	Status
WHITE	<b>MONITOR</b> – Normal use of facility, including for such activities as conference room, training, etc
YELLOW	<b>ALERT</b> – Heightened state of readiness, preparedness activities undertaken
RED	<b>OPERATIONAL</b> – Commitment of EOC staff and resources to monitor, support or control emergency activities
GREEN	<b>STAND DOWN</b> – Process to return the centre to normal business (transition to White)



Who is in the EOC?  
The Emergency Operations Centre is activated in the event of an incident requiring a **multi-agency response**



## Emergency Services

RFS, Fire and Rescue, Police, SES, Ambulance, Marine Rescue etc.



## Functional Areas

Transport, health, Welfare, Agriculture, Engineering etc.

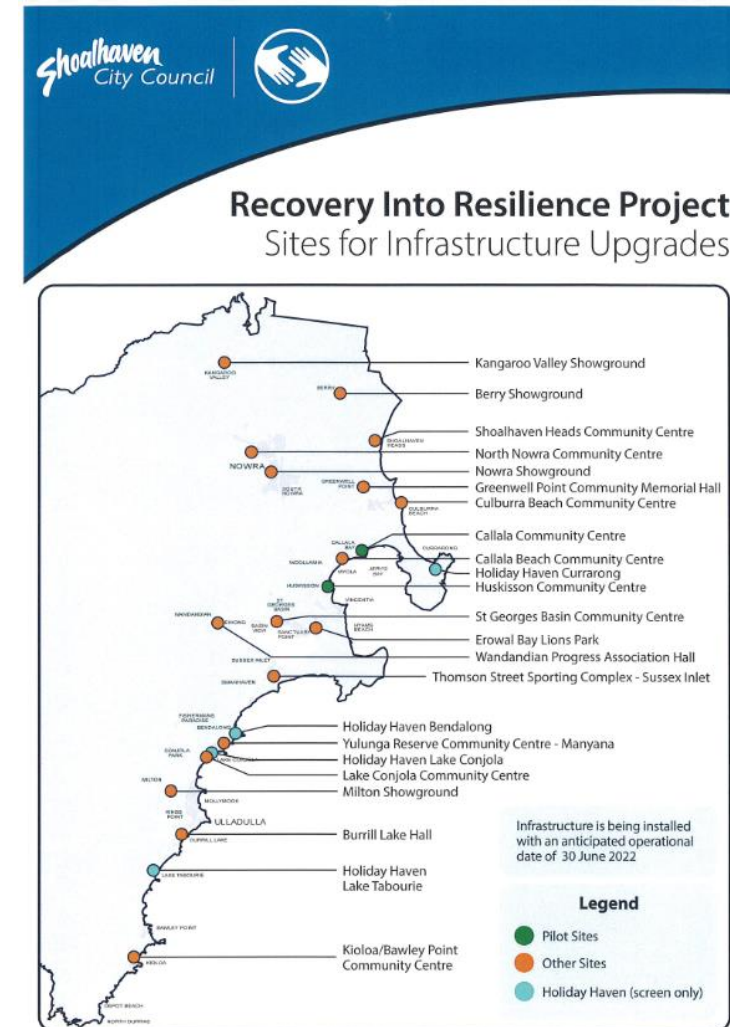


## Supporting Agencies

Council, Shoalhaven Water, Corrections, Defence etc.

# Communications during an emergency

- Community Info Hubs – built to be resilient in adverse conditions
- Early activation of the EOC with a liaison officer from the media/comms team – Meaning the key players are there in anticipation of a potential incident and can react quickly and effectively to deliver information to the community
- The combat agency is the source of truth – all outward communications and media should reflect this
- The Mayor is the spokesperson of the Local Emergency Management Committee / Emergency Operations Centre
- We are always documenting and implementing any lessons learned





# Shoalhaven Disaster Dashboard

**GET READY**  
For disasters

**Now is the  
time to get  
ready NSW**

[www.emergency.nsw.gov.au/getready](http://www.emergency.nsw.gov.au/getready)



## 1. Know your risk

Think about the area you live in and the types of disasters that could affect you.



## 2. Plan now for what you will do

Sit down and talk with your family and plan for what you will do if a disaster affects your area.



## 3. Get your home ready

Prepare your home by doing general home maintenance and checking your insurance.



## 4. Be aware

Find out how to prepare and what to do if there is a disaster in your area. Connect with NSW emergency services to stay informed.



## 5. Look out for each other

Share information with your family, friends, neighbours and those who may need assistance.

<https://shoalhaven.disasterdashboards.com/dashboard/overview>

# We Know Campaign



## Prepare your home

You think it will never happen to you until it does. Prepare your home. Being prepared can save lives and your property. It can also help you and your family make better decisions when before an incident occurs.



## Prepare yourself and family

Are you ready to act? Being prepared can save lives and help you and your family make better decisions when disaster strikes.



## Staying connected

Learn where to get help if you need it before, during and after an emergency.



## Your wellbeing

There are many ways to take care of you and your family's wellbeing.



## Become a volunteer

Empowering the community, residents and visitors, with essential local information.

## Plan and prepare for the bush fire season

In the Shoalhaven, we know the devastation caused by fire. After battling bush fires in the summer of 2019-20 and then continuing to rebuild ever since, we know you can never be too vigilant or too prepared.

We know that the effort put in now could make all the difference. We know what it means to unite as a community and help each other in difficult times. We know that in the face of adversity, we're there for each other.

<https://www.shoalhaven.nsw.gov.au/Emergencies/We-Know>

# Preparing for an emergency

- Each household will have a plan unique to them
- Follow the messaging from emergency services and Council
- Identify your “triggers” to leave – don’t leave it too late
- Practice packing your bags and evacuating
- Make a plan for where you will go – an evacuation centre or Neighbourhood Safer Place should be used only if you don’t have anywhere else and you will be more comfortable with family and friends
- Create a checklist with things you will need to take
- Include all household members in planning and practicing an evacuation



Hazards Near Me App  
iOS and Android devices



Advice



Watch And Act



Emergency Warning





# Evacuation

- Official evacuation centres exist across the Shoalhaven and are audited regularly to ensure they meet the needs of evacuees
- This does not always mean that these are the facilities that will be activated as an evacuation centre – facilities are activated in response to the emergent needs of the community impacted by an incident so locations can and do vary
- Evacuation centres are supported by Welfare, Local Land Services, NSW Health, and NFPs such as Red Cross
- The Community Info Hub sites are not necessarily going to be evacuation centres – they are a source of information



# Contact details

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Hannah Bennett

Local Emergency Management Officer

Shoalhaven City Council

[hannah.bennett@shoalhaven.nsw.gov.au](mailto:hannah.bennett@shoalhaven.nsw.gov.au)



*Shoalhaven* Council's  
Water Utility

**WATER**





# Expectations of Water Supply during a Fire Event

Shoalhaven Water





**Shoalhaven Water** is committed to providing the community the highest quality water and wastewater services. Staff are available 24/7 to ensure the systems and operations are maintained.

Shoalhaven Water have completed a number of resilience related projects since the devastating 2019/20 bushfires.

Immediately following the fires, we undertook several “**lessons learned**” workshops, and then developed water and sewerage resilience related works programs.







- Installation of a deluge system and on-site generator at the Fishermans Paradise communications tower.
- Overhead power lines have been replaced with underground power at Fishermans Paradise.
- Alterations have been made to the Conjola Pressure Zone to increase water pressure in high elevation areas of Conjola Park.



- Installation of a backup generator at the Conjola Water Pumping Station site.
- Installation of a water deluge system.
- For sites that have a generator connected, the changeover from electricity supply to generator.
- Installation of remote access telemetry.
- Asset Protection Zones have been formalised and maintained around critical water and sewerage infrastructure.
- A further 10 generators have been purchased so they can be strategically placed for emergencies.



- Installation of two additional water storage tanks at Kangaroo Valley.
- Various network changes to reduce the impact of power outages on our schemes.
- A sewage pumping station re-built at Fishermans Paradise in a lower risk location.
- A larger water reservoir is being built at Kangaroo Valley to reduce the risk of running out of water.
- Drought Management and Operational Plans are under review to improve the overall water security for Shoalhaven.







**Plan and prepare**  
for the bushfire season

**Prepare your home:**

- trim overhanging trees and branches
- remove dead and dry vegetation
- clean out gutters and down-pipes
- secure or put away loose items
- check the roof is in good repair
- complete a home safety check.

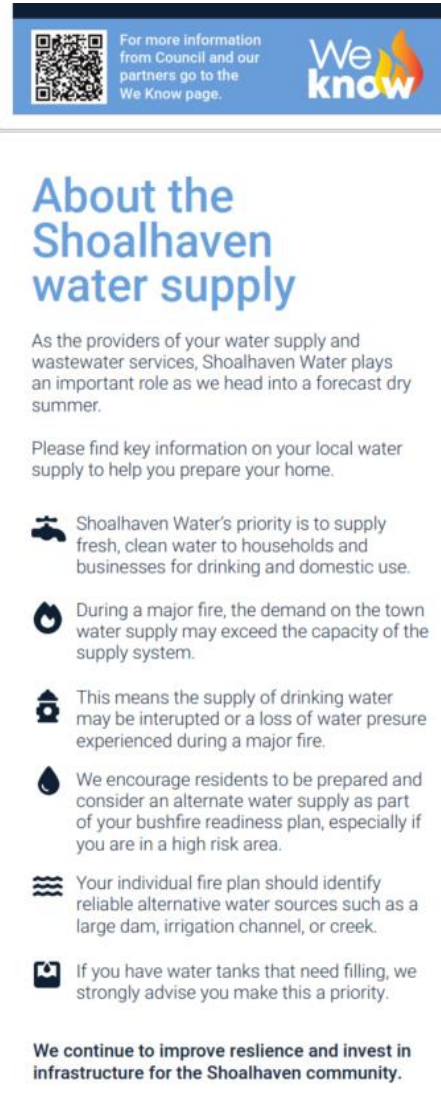
**Prepare yourself and your family. Decide:**

- When to leave and where to go?
- What to take?
- What to do with your pets and animals?
- What about your business?
- How will you contact family and friends?

**Stay connected**

- Find where your nearest community hub location is.
- Keep a list of emergency contacts
- Check fire danger rates for our area







For more information from Council and our partners go to the We Know page.



**About the Shoalhaven water supply**

As the providers of your water supply and wastewater services, Shoalhaven Water plays an important role as we head into a forecast dry summer.

Please find key information on your local water supply to help you prepare your home.

-  Shoalhaven Water's priority is to supply fresh, clean water to households and businesses for drinking and domestic use.
-  During a major fire, the demand on the town water supply may exceed the capacity of the supply system.
-  This means the supply of drinking water may be interrupted or a loss of water pressure experienced during a major fire.
-  We encourage residents to be prepared and consider an alternate water supply as part of your bushfire readiness plan, especially if you are in a high risk area.
-  Your individual fire plan should identify reliable alternative water sources such as a large dam, irrigation channel, or creek.
-  If you have water tanks that need filling, we strongly advise you make this a priority.

We continue to improve resilience and invest in infrastructure for the Shoalhaven community.

## ***Plan & Prepare Flyer content will be:***

- Distributed throughout Council's facilities.
- Uploaded to Community Information Hubs.
- Promoted via Council's social media channels.
- Available on the Shoalhaven Water website.



# Our Water Supply Performance



Shoalhaven Water's priority is to supply fresh, clean water to households and businesses for drinking and domestic use.



During a major fire, the demand on the town water supply is likely to exceed the capacity of the supply system.



This means we cannot guarantee uninterrupted supply of town water or to maintain normal pressure during a major fire.



We encourage residents to be prepared and consider an alternate water supply as part of your bushfire readiness plan, especially if you are in a high-risk area.



Your individual fire plan should identify reliable alternative water sources such as a large dam, irrigation channel, or creek.



If you have water tanks that need filling, we strongly advise you make this a priority.

