

Extra Ordinary Meeting

Meeting Date: Tuesday, 14 June, 2022
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5:00pm

Membership (Quorum - 7)
All Councillors

Please note: The proceedings of this meeting (including presentations, deputations and debate) will be webcast and may be recorded and broadcast under the provisions of the Code of Meeting Practice. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Shoalhaven City and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

Agenda

1. Apologies / Leave of Absence
2. Declarations of Interest
3. Reports

City Futures

CL22.258 PP-2021-406 - Planning Proposal - Callala Bay and Kinghorne Point
Halloran Trust Lands Rezoning 1

CL22.258 PP-2021-406 - Planning Proposal - Callala Bay and Kinghorne Point Halloran Trust Lands Rezoning

HPERM Ref: D22/243875

Approver: Carey McIntyre, Director - City Futures

Reason for Report

The reason for this report is to allow Council to consider a Notice of Motion that was originally deferred by the Council at the Ordinary Meeting of 6 June 2022.

Recommendation

That Council determine its position on the deferred Notice of Motion presented to Council at the Ordinary meeting 6 June 2022.

Background

Council was presented with the following Notice of Motion on 6 June 2022:

That Council

1. *Acknowledges the community concern about this Planning Proposal regarding the loss of threatened species, the risks due to bushfires and that clearing forest does not help mitigate or manage climate change*
2. *Recognise and take steps to help protect the biodiversity value of the overall area covered by the exhibited documents and the site adjacent to Callala Bay that is currently proposed for rezoning to residential*
3. *Direct staff to make a submission on the exhibited Planning Proposal and Biodiversity Certification Assessment Report for Callala Bay the Department of Planning and Environment for the following considerations*
 - a. *That DPE ensures that it can be satisfied the proposal will achieve a 'maintain or improve' biodiversity outcome in relation to the Greater Glider, Yellow-bellied Glider and Grey-headed Flying-fox, including a discussion of suitable habitat for these species within the Lake Wollumboola Biobank Site.*
 - b. *That DPE should seek independent evidence on the accuracy and currency of the BCAR (2016/17) in context of the Currowan bushfire (2019/20) and recent credible sightings of endangered species on the site, and the potential value of the proposed biodiversity certification area as a suitable and credible refuge for the identified threatened species, as any inaccuracies may be contentious for DPE.*
 - c. *Mitigation measures that could be included as conditions of consent for the subdivision development application(s) to minimise harm to biodiversity values within the biodiversity certification area during the construction phase, including the Greater Glider, Yellow-bellied Glider and Grey-headed Flying-fox, such as*
 - i. *Staging clearing*
 - ii. *Timing of clearing outside breeding seasons*

- iii. *Retention of hollow bearing trees within the public land and potential installation of nesting boxes within surrounding bushland*
 - iv. *Best practice methodology for felling trees to protect wildlife*
 - d. *Staff are involved in ongoing discussions with the RFS, DPE & the proponent, and need to be satisfied that the protection of lives and property can be realistically ensured considering the proposed addition of 380 houses is to be surrounded on 3 sides by tall coastal forest in a small remote village*
4. *Receive an update report at the appropriate point after the exhibition has concluded outlining how the above matters will be considered and addressed moving forward.*

Council resolved to defer the Notice of Motion pending a briefing. This Extraordinary Meeting provides the opportunity for Councillors to be briefed by staff in respect of the Planning Proposal and for a decision to be made in respect of the Notice of Motion presented to the Ordinary Meeting on 6 June 2022.

The exhibition period for the Planning Proposal and Biodiversity Certification Application close on **17 June 2022**. The Department of Planning and Environment (DPE) has not granted an extension to this deadline for the Planning Proposal.

Community Engagement

Council will continue to inform the community of the progress of the Planning Proposal and Biodiversity Certification Application, primarily via Council's Project Get Involved Page.

Policy and Financial Implications

Nil.

Risk Implications

The exhibition period for the Planning Proposal and Biodiversity Certification Application close on **17 June 2022**. If Council does not make a submission by this date, then in accordance with the advice received from DPE, further submissions on the Planning Proposal may not be accepted.

LOCAL GOVERNMENT ACT 1993

Chapter 3, Section 8A Guiding principles for councils

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by councils:

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should 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.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law):

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following:
 - (i) performance management and reporting,
 - (ii) asset maintenance and enhancement,
 - (iii) funding decisions,
 - (iv) risk management practices.
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following:
 - (i) policy decisions are made after considering their financial effects on future generations,
 - (ii) the current generation funds the cost of its services

Chapter 3, 8C Integrated planning and reporting principles that apply to councils

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:

- (a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) Councils should identify strategic goals to meet those needs and aspirations.
- (c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.
- (d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) Councils should regularly review and evaluate progress towards achieving strategic goals.
- (f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) Councils should collaborate with others to maximise achievement of strategic goals.
- (h) Councils should manage risks to the local community or area or to the council effectively and proactively.
- (i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.