

Extra Ordinary Meeting

Meeting Date: Thursday, 16 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.

Shoalhaven City Council live streams it's Ordinary Council Meetings and Extra Ordinary Meetings. These can be viewed at the following link

<https://www.shoalhaven.nsw.gov.au/Council/Meetings/Stream-a-Council-Meeting>.

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. **Notices of Motion / Questions on Notice**

Notices of Motion / Questions on Notice

CL22.259 Rescission Motion - CL22.258 PP-2021-406 - Planning Proposal -
Callala Bay and Kinghorne Point Halloran Trust Lands Rezoning 1

CL22.259 Rescission Motion - CL22.258 PP-2021-406 - Planning Proposal - Callala Bay and Kinghorne Point Halloran Trust Lands Rezoning

HPERM Ref: D22/247955

Submitted by: Clr Serena Copley
Clr Patricia White
Clr John Wells
Clr Greg Watson
Clr Mark Kitchener

Purpose / Summary

The following Rescission Motion, of which due notice has been given, is submitted for Council's consideration.

Recommendation

That Council rescind the Motion relating to Item CL22.258 PP-2021-406 - Planning Proposal - Callala Bay and Kinghorne Point Halloran Trust Lands Rezoning of the Council Meeting held Tuesday 14 June 2022.

Background

The following resolution was adopted at the Extra Ordinary Meeting held Tuesday 14 June 2022 (MIN22.399).

That Council determine its position on the deferred Notice of Motion presented to Council at the Ordinary meeting 6 June 2022 as detailed below:

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.*
 - 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. *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

- d. *Strongly recommending and requesting that DPE engage with the Aboriginal Land Councils and other indigenous representatives to ensure that their voices are heard on this Planning Proposal.*
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.*
5. *Copies of Councils submission to be sent to*
 - a. *The Hon. Anthony Roberts MLC, Minister for Planning & Environment*
 - b. *The Hon. Peter Poulos MLC, Parliamentary Secretary to Wollongong and the Illawarra*
 - c. *The Hon. Penny Sharpe MLC, Shadow Minister for Planning and Environment*

The motion seeks to rescind the above resolution. There is no replacement resolution proposed.

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.