

Ordinary Meeting

Meeting Date: Tuesday, 17 June, 2025

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

Time: 5.30pm

Membership (Quorum – 7)

Clr Patricia White – Mayor

Ward 1

Clr Jason Cox

Clr Matthew Norris - Assist. Deput Mayor

Clr Peter Wilkins - Deputy Mayor

Clr Selena Clancy

Ward 2

Clr Ben Krikstolaitis

Clr Bob Proudfoot

Clr Jemma Tribe

Clr Luciano Casmiri

Ward 3

Clr Denise Kemp

Clr Gillian Boyd

Clr Karlee Dunn

Clr Natalee Johnston

Please note: The proceedings of this meeting (including presentations, deputations and debate) will be webcast, recorded and made available on Council's website, 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 its 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. Acknowledgement of Country

Walawaani (welcome),

Shoalhaven City Council recognises the First Peoples of the Shoalhaven and their ongoing connection to culture and country. We acknowledge Aboriginal people as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.

Walawaani njindiwan (safe journey to you all)

Disclaimer: Shoalhaven City Council acknowledges and understands there are many diverse languages spoken within the Shoalhaven and many different opinions.

2. Moment of Silence and Reflection

3. Australian National Anthem

4. Apologies / Leave of Absence

5. Confirmation of Minutes

- Ordinary Meeting - 10 June 2025

6. Declaration of Interests

7. Presentation of Petitions

8. Mayoral Minute

9. Deputations and Presentations

10. Notices of Motion / Questions on Notice

Notices of Motion / Questions on Notice

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11. Call Over of the Business Paper

12. A Committee of the Whole (if necessary)

13. Committee Reports

Nil

14. Reports

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15. Confidential Reports

Reports

- CCL25.18 Tenders - Shoalhaven Material Recovery Facility - Pavements
- Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*
- There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.*
- CCL25.19 Tenders - Jervis Bay Territory Water Main Extension
- Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*
- There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.*

CL25.195 Rescission Motion - CL25.191 Report Back - Planning Proposal: Local Character (PP073) - Finalisation Options

HPERM Ref: D25/254191

Submitted by: Clr Jemma Tribe
 Clr Matthew Norris
 Clr Natalee Johnston

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 CL25.191 Report Back - Planning Proposal: Local Character (PP073) - Finalisation Options of the Council Meeting held on Tuesday 10 June 2025.

Background

The following resolution was adopted at the Ordinary Meeting held Tuesday 10 June 2025 (MIN25.297).

That Council:

1. *Not proceed with Planning Proposal PP073 and advise the NSW Department of Planning, Housing & infrastructure accordingly.*
2. *As part of the Stage 2 work on a New Land Use Planning Scheme for Shoalhaven, Council consider the preparation of new or revised character statements with the community, subject to funding and resourcing, for inclusion only in the Shoalhaven Development Control Plan.*
3. *Advise key stakeholders, including Community Consultative Bodies and those who made a submission during the exhibition period.*

CL25.195

CL25.196 Notice of Motion - CL25.191 Report Back - Planning Proposal: Local Character (PP073) - Finalisation Options

HPERM Ref: D25/254230

Submitted by: Cllr Jemma Tribe
Cllr Matthew Norris
Cllr Natalee Johnston

Purpose / Summary

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

Recommendation

That Council:

1. Proceed to adopt Planning Proposal PP073 as exhibited, and using Council's delegation, forward to the NSW Parliamentary Counsel's Office to draft the resulting Amendment to Shoalhaven Local Environmental Plan (LEP) 2014 and proceed to finalisation.
2. Monitor the effectiveness and operation of the Amendment for a period of 12 months following commencement and if needed Council will receive a further report detailing any relevant outcomes and any resulting proposed adjustments to improve or clarify the operation of the new character aims and objectives in Shoalhaven LEP 2014.
3. Depending on the information gathered from Part 2 of this resolution, if needed consider any earlier adjustments that are required to improve, clarify or improve the operation of the provisions in the LEP if the need arises.
4. As part of the Stage 2 work on a New Land Use Planning scheme, consider the preparation of new or revised character statements with the community for inclusion in the Shoalhaven Development Control Plan and in the meantime utilise the *Shoalhaven Character Assessments Report (Roberts Day 2020)* where required, with the exception of the 'sensitivity to change' rating which is to be disregarded.
5. Advise key stakeholders, including Community Consultative Bodies and those who made a submission during the exhibition period, of this decision and when the Amendment is made effective.

Note by the CEO

This Notice of Motion will be dealt with if the preceding Rescission Motion is carried.

CL25.196

CL25.197 Notice of Motion - Planning & Development Committee

HPERM Ref: D25/218712

Submitted by: Cllr Luciano Casmiri

Purpose / Summary

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

Recommendation

That Council direct the Acting CEO to draft a Planning and Development Committee Terms of Reference and associated documentation, and report back to Council for consideration.

Background

Council previously had a Planning & Development Committee to oversight policy in regard to developments within the Shoalhaven. Because the changing of demographics within Shoalhaven and housing policies being implemented by the State Government through the NSW Land & Housing corporation, it is essential that Council keep abreast of these changes. With affordable housing and social housing very much on the agenda, Council needs to take action and develop policies that ensure the best outcome for the ratepayers and residents of the Shoalhaven.

As I have mentioned before, Council is the last link in the housing supply chain therefore has a moral obligation to facilitate developments and streamline its processes to ensure that there are no delays and impediments for developers to supply affordable housing, commercial premises and industrial facilities in the Shoalhaven. There needs to be strategic planning to ensure that areas of land are set aside for the construction of rental and residential accommodation that will assist low-income workers to afford affordable housing.

Affordable housing offers stability and reduces financial risk to low-income earners in the Shoalhaven and a greater supply of affordable housing will have an impact in reducing the costs based on the supply and demand rules.

Commercial and Industrial developments provides employment opportunity and economic growth to Shoalhaven

To achieve this, it is proposed that Council establish a Planning & Development Committee (similar to the Finance Committee) to formulate policy in this area.

The Committee to be comprised of six Councillors plus the Mayor. The Committee have a quorum of 4 Council Members. Other Councillors will have the right to attend meetings and speak without voting rights at any of the meetings. Experts in the Planning and Development industry may be invited to attend and speak on specific topics as required.

Meetings to be held bi-monthly on the alternative Tuesday or as required, generally commencing at 5.30 pm or at other day and time as agreed by majority.

The location of the meetings is to be Council Chambers or committee room with AV capability.

The Committee be delegated the following powers –

1. The general oversight of the preparation of the following plans but not restricted to these –
 - a. Community Plans & Policy
 - b. Strategic Plans & Policy
 - c. Planning Proposals
 - d. Work in Kind Agreements
 - e. Volunteer Planning Agreement
2. The general oversight of the development assessment process.
3. Make recommendations to the Council and the CEO on any of the activities or associated issues contained within the portfolio of City Development.
4. Make recommendation on development and associated matters to council.
5. To co-opt industry professionals for the provision of specialty advice (if required).

Committee Membership: Councillor Wilkins (Chairperson), Councillor Casmiri (Deputy Chairperson) Councillor Norris, Councillor Proudfoot, Councillor Clancy, Councillor Cox and Mayor White.

CL25.197

CL25.198 Audit Risk and Improvement Committee Four-Year Strategic Workplan and Internal Audit Charter

HPERM Ref: D25/240283

Department: Office of the CEO
Approver: James Ruprai, Acting CEO

Attachments: 1. ARIC Strategic Work Plan (under separate cover) [⇒](#)
2. Internal Audit Charter (under separate cover) [⇒](#)

Purpose:

The purpose of this report is to obtain Council's approval on the Audit Risk and Improvement Committee's (ARIC) four-year Strategic Workplan and Internal Audit Charter in accordance with the *Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023*.

Summary and Key Points for Consideration:

- The Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023 came in effect on 01 July 2024.
- Commencing with the 2024-2025 annual report, the Chief Executive Officer will be required under the Local Government Regulation to attest each year in the Council's annual report whether the Council has complied with the requirements prescribed under the Regulation.
- The Internal Audit Charter is prescribed as a requirement under the Regulations and the ARIC four-year Strategic Workplan is a requirement of the Guidelines supporting the Regulation. The Chief Executive Officer is required to attest to both requirements from the 2024-2025 annual report.

Recommendation

That Council:

1. Receive and approve the ARIC four-year Strategic Workplan.
2. Endorse the changes to the Internal Audit Charter.

Options

1. Council receives the report and endorses the recommendations made.

Implications: Council will be compliant with the Local Government (General) Amendment (Audit Risk and Improvement Committee) Regulation 2023.

2. Council receives the report and makes any alternative recommendation.

Implications: This will be considered and added to future reports.

CL25.198

Background and Supplementary information

ARIC Four-year Strategic Workplan

The Guidelines for Risk Management and Internal Audit for Local Government in NSW (Core requirement 1 under The Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023) require ARIC to develop a strategic work plan every four years to ensure that all the matters listed in section 428A of the Local Government Act are reviewed by the ARIC and considered by the internal audit function when developing their risk based program of internal audits.

The Guidelines require ARIC to exercise its functions in accordance with a four-year strategic work plan that is endorsed by the governing body. This is supported by an annual ARIC work plan, endorsed by ARIC.

The attached four-year Strategic Workplan is tabled for Council endorsement. This four-year Strategic Workplan was approved at the 07 May 2025 ARIC meeting.

Refer to attachment *ARIC Strategic Work Plan* for details.

Internal Audit Charter

The Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023 under the Local Government Act 1993 requires Council's internal audit function to have an internal audit charter.

216O Internal audit charter – the Act, Sch 6, cl 8A prescribes:

- (1) *A council must adopt an internal audit charter setting out how the council will exercise its internal audit functions.*
- (2) *The adoption must occur by resolution of the council.*
- (3) *The council must consider a model internal audit charter approved by the Departmental Chief Executive before adopting an internal audit charter.*
- (4) *An internal audit charter must be consistent with the Act and this regulation.*
- (5) *The council must exercise its internal audit functions in accordance with the adopted internal audit charter.*

The Internal Audit Charter provides the framework for the conduct of the Internal Audit Department. The Council adopted the Internal Audit Charter which was based on the model published by OLG on 03 June 2024 (MIN24.303) and reflected the Institute of Internal Auditors' (international professional association) International Professional Practices Framework. The internal audit charter is reviewed annually as per the review arrangements in place.

The Institute of Internal Auditors have published the new Global Internal Audit Standards which came in effect in January 2025 and replaced the International Professional Practices Framework. The internal audit charter has been reviewed to reflect the requirements of these new Global Internal Audit Standards. The internal audit charter was endorsed by ARIC on 07 May 2025.

The attached Internal Audit Charter (with track changes) is tabled for Council's adoption.

Internal Consultations

The ARIC four-year Strategic Workplan and Internal Audit Charter have been prepared in consultation with the ARIC members and considered at the 07 May ARIC meeting.

External Consultations

Not applicable.

Community Consultations

Not applicable.

Policy and Statutory Implications

Commencing with the 2024-2025 annual report, the Chief Executive Officer will be required, under the Local Government Regulation, to attest each year in the council's annual report whether the council has complied with the requirements prescribed under the Regulation.

Financial Implications

Not applicable.

Risk Implications

Compliance with Regulation is supported as it demonstrates Council's commitment to good governance and accountability. Failure to implement the requirements of the Regulation will result in non-compliance resulting in a reputational risk for Council.

CL25.198

CL25.199 Code of Meeting Practice - For Adoption

HPERM Ref: D25/172764

Department: Business Assurance & Risk
Approver: Katie Buckman, Director - City Performance

Attachments: 1. Draft Code of Meeting Practice (under separate cover) ➡
2. Public Exhibition Submission (under separate cover) ➡

Purpose:

To adopt the Draft Code of Meeting Practice that was placed on Public Exhibition (attachment 1) and to report on the one submission received during that time (attachment 2).

Summary and Key Points for Consideration:

At the Council Meeting held on 15 April 2025, Council considered a report outlining the Draft Code of Meeting Practice and resolved (MIN25.172)

That:

1. *In accordance with Section 361 of the Local Government Act, the draft Code of Meeting Practice be placed on public exhibition to obtain community feedback for the minimum of 28 days and invite submissions for a period of at least 42 days, including the following changes:*
 - a. *Note Resolution MIN25.10 of 21 January 2025 however at section 15.26 not include the following wording as part of the draft exhibition they be removed from sight which allows for them in bags/handbags etc for emergencies*
 - b. *At Section 3.37 Insert the words where possible instead of 'must' in relation to camera usage for Councillors remotely attending at pre meetings and briefings.*
2. *A report be provided for consideration at an Ordinary Meeting of the Council at the completion of the exhibition period, outlining the submissions received and providing a final draft Code of Meeting Practice for adoption by the Council.*

As prescribed by the Local Government Act, Council is required to adopt the Code within 12 months of the election. The Code of Meeting Practice adopted by the Council is required to reflect the provisions of the Council's current Code of Meeting Practice has a range of different provisions of [Model Code of Meeting Practice](#) which is provided by the Office of Local Government.

In accordance with the requirements and resolution of the Council, the Draft Code of Meeting Practice was placed on public exhibition for 42 days being from 24 April 2025 to 4 June 2025.

Submissions:

There was one (1) submission received from a member of the public with respect to the Draft Code of Meeting Practice. The submission has been attached to this report and discussed under the Community Consultation section of this report.

Recommendation

That Council adopt the Draft Code of Meeting Practice as provided as attached to the report.

CL25.199

Options

1. Adopt as recommended.

Implications: The attached Code of Meeting Practice that was publicly exhibited will replace our current Code.

2. Amendments be made to the Code of Meeting Practice prior to adoption.

Implications: In accordance with the provisions of Section 362 of the Local Government Act, the Council may wish to advertise further amendments before adoption. For reasons of transparency, it is suggested that if the Council proposes to make further amendments which substantially change meeting procedures under the Code, then re-exhibition is considered. Any resolution to amend the Code which was exhibited should ideally provide direction as to advertisement of the proposed changes to the Code.

Background and Supplementary information

As outlined in the previous report to the Council, the Draft Code reflects the outcome of a Councillors Workshop on the Code of Meeting Practice which was held on 25 February 2025.

By way of reminder the following are the significant changes that were made to the draft Code of Meeting Practice document prior to exhibition (attachment 1):

- Part 1 of the draft Code – Rising to Speak – removed due to this no longer being required under the legislation
- Part 3 of the draft Code - Pre-Meeting Briefing Sessions – additions to the provisions of joining via audio visual link
- Part 4 of the draft Code – Deputations – addition of requiring presentations in advance
- Part 15 of the draft Code - Use of Mobile Phones and Laptops – additions in line with the resolution of Council regarding mobile phone and laptop use.

On 18 February 2025, Council also considered a report outlining the submission of proposed changes to the Model Code of Meeting Practice proposed by the Minister for Local Government. It is not known what components of the Model Code may ultimately change and the timing of the release of the final model given legislative change may also be required. For this reason, the changes to the Code of Meeting Practice are proposed now. Council can consider further changes once an amended Model Code of Meeting Practice is released.

Internal Consultations

A workshop with Councillors was held on 20 February 2025 to discuss the Code of Meeting Practice.

External Consultations

The Model Code of Meeting Practice is released by the Office of Local Government (OLG). Council have made a submission with respect to the proposed changes to the model Code on 28 February 2025 following Council's endorsement 18 February 2025 ([MIN25.43](#)).

Community Consultations

Submissions from the public were called via Council's Documents on Exhibition page prescribed period of 42 days being from 24 April 2025 to 4 June 2025. It was a News Feed Item on the Council Webpage and was advertised through social media platforms LinkedIn and Facebook. Attachment 2 of this report contains the One (1) submission received during public exhibition of the document.

The points raised in the submission (Attachment 1) are outlined in summary below with comments by staff for consideration by Councillors:

Submission Comment	Staff Comment
<p>Enhancing Public Participation in Deputations:</p> <p>Clarify the <u>criteria for increasing the number of speakers</u> allowed for or against an item during deputations.</p> <p>Adding guidelines or criteria could enhance transparency and ensure the discretion is exercised consistently to hear a fuller range of views.</p>	<p><i>Relevant Parts of Code: Part 4 Deputations</i></p> <ul style="list-style-type: none"> - The Model Code of Meeting Practice does not - The Council's current and proposed code has distinct differences from the provisions of Model Code of Meeting Practice which are not mandatory. - The Code proposes to limit speakers to one for and one against unless there are specific reasons (s4.6) – the reasons when this applies could be more specifically stated in the Code – criteria may include because they relate to a specific topic or other factors which Council considers will always warrant additional deputations.
<p>Consider requiring written submissions from all deputation applicants (not just approved speakers) to be circulated to Councillors and published on the website.</p>	<p><i>Relevant Parts of Code: Part 4 Deputations</i></p> <p><i>It is current practice that written submissions are circulated to Councillors prior to the meeting, and registered in Councils records, it is not however required that all applicants provide a written submission, nor that they be published. Deputation applicants are given the opportunity to register a written deputation on Councils webpage: https://www.shoalhaven.nsw.gov.au/Services-and-requests-A-Z/Request-to-make-a-deputation</i></p> <p><i>It is within the discretion of Council should they wish to pursue this option., however such practice will need to have clarity as to what inclusions in written deputations will not be published (e.g. Copyright material or images or sensitive matters)</i></p>
<p>Review the restriction on speakers asking questions of the Council, Councillors, or Council staff.</p>	<p><i>Relevant Parts of Code: Part 4 Deputations</i></p> <p><i>The Council has adopted a model where deputies provide information for the consideration of the Council in their decision making at the commencement of the Ordinary Meeting. This is distinct from a separate Public Forum model which the Council could decide to adopt should the intent to be wider discussions with the Community about agenda items</i></p>

CL25.199

<p>Improving Information Access and Transparency (Webcasting and Minutes):</p> <p>Consider making written transcripts or detailed summaries of public addresses/deputations available.</p>	<p><i>Relevant Parts of Code – Part 17 – Council Decisions.</i></p> <p><i>Model Code of Meeting Practice only provides direction on webcasting of meetings, not written transcripts.</i></p> <p><i>It is not envisaged in the Local Government Act that Minutes of Meetings will be full transcripts of debate, rather the documented decisions and key procedural matters.</i></p> <p><i>As outlined in the submission, there are many services available online for informal transcription of video or audio however these can often prove to be inaccurate. It is within the discretion of Council should they wish to pursue this outside of the Model Code</i></p>
<p>Provide clearer guidelines or examples for the CEO's power to terminate or suspend webcasting.</p>	<p><i>Relevant Parts of Code – Part 5 – Webcasting of Meetings</i></p> <p><i>The Model Code does not provide direction on this matter. There is related information about managing the risk of Webcasting in the Office of Local Government's Guide to webcasting council and committee meetings which includes the power to suspend as a key risk mitigation tool.</i></p>
<p>Refining Councillor Procedures and Conduct:</p> <p>Refine the restriction on Questions with Notice that comprise complaints or imply wrongdoing against the CEO or staff.</p>	<p><i>Relevant Parts of Code – Part 3 Questions with Notice</i></p> <p><i>The provision of the Model Code of Meeting Practice reads as follows: "A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council." It is within the discretion of Council should they wish to pursue this outside of the Model Code; however, consideration will need to consider conduct requirements of the Code of Conduct</i></p>
<p>Review the rule prohibiting the use of laptops for live communication with non-council parties, especially social media, during Ordinary meetings.</p>	<p><i>Relevant Parts of Code – Part 15 – Use of Mobile Phones and Laptops</i></p> <p><i>The inclusion of these provisions in the Draft Policy were resolved by Council on 21 January 2025 (MIN25.10): That Council formally direct the CEO to include The Use of Mobile Phones in the upcoming review of the Code of Meeting Practice. As part of the Code of Meeting Practice, Councillors refrain from Mobile phone use in the Chamber (they be removed from sight which allows for them in bags / handbags etc for 'emergencies') and that laptops not be used for live communication with non-council related external parties, especially social media platforms whilst in SCC Ordinary meetings.</i></p>

CL25.199

	<p><i>The Model Code on provides direction on use of mobile phones: Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.</i></p> <p><i>It is within the discretion of Council should they wish to pursue this outside of the Model Code</i></p>
Provide more detailed guidance on how disorder by Councillors attending via audio-visual link will be managed.	<p><i>Relevant Parts of Code – Part 5 – Attendance by Councillors Via audio visual Link</i></p> <p><i>The provisions in the draft Code are taken directly from the Model Code, which are optional provisions. It should be noted that the clause states that ‘the chairperson or a person authorised by the chairperson may mute the Councillor’s audio link to the meeting for the purposes of enforcing compliance with this code.’ This clause takes into account all previous clauses in the code relating to Disorder.</i></p> <p><i>It is within the discretion of Council should they wish to pursue this outside of the Model Code. It is noted that these are matters envisaged to be addressed in the new version of the Model Code currently under consideration.</i></p>
<p>Clarifying Decision Review Processes:</p> <p>Reconsider the restriction on recommitting resolutions only to correct errors, ambiguities, or imprecisions, and specifically prohibiting alterations to the substance of the resolution.</p>	<p><i>Relevant Parts of Code – Part 17 – Recommitting Resolutions to Correct an Error</i></p> <p><i>The Code provides for circumstances outlined in this submission in the section on Rescinding or Altering Council decisions: A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10. If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with. (Note, these clauses are reflective of section 372 of the Local Government Act)</i></p> <p><i>The provisions for resolutions are optional in the Model Code. It is within the discretion of Council should they wish to pursue this outside of the Model Code</i></p>
<p>Ensuring Consistency in Committee Procedures:</p> <p>Encourage or require Council Committees to formally adopt any specific procedural variations from the main Code or require Council approval for such variations.</p>	<p><i>Relevant Parts of Code – Part 20 Council Committees</i></p> <p><i>By nature, the rules around Committees, Working Groups and other forums are expected to be less formal and rigid in process than Ordinary Meetings and Committees of all Councillors As a general rule any Committees which have substantive procedural variations from this Code have that formalised in a Council endorsed Terms of Reference.</i></p>

CL25.199

Policy and Statutory Implications

Advertisement and adoption of the Code of Meeting Practice is required to be in accordance with the relevant provisions of the Local Government Act provided below:

Section 361 and 362 of the Local Government Act 1993 states:

361 Preparation, public notice and exhibition of draft code

- (1) Before adopting a code of meeting practice, a council must prepare a draft code.*
- (2) The council must give public notice of the draft code after it is prepared.*
- (3) The period of public exhibition must not be less than 28 days.*
- (4) The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council.*
- (5) The council must publicly exhibit the draft code in accordance with its notice.*

362 Adoption of draft code

- (1) After considering all submissions received by it concerning the draft code, the council may decide:
 - a. to amend those provisions of its draft mandatory code that are non-mandatory provisions, or*
 - b. to adopt the draft code as its code of meeting practice.**
- (2) If the council decides to amend its draft code, it may publicly exhibit the amended draft in accordance with this Division or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.*

If the Council does not adopt a new Code of Meeting Practice within the 12 months, any provisions of the council's adopted meeting code that are inconsistent with the mandatory provisions of the Model Meeting Code prescribed under the Regulation will automatically cease to have any effect to the extent that they are inconsistent with the mandatory provisions of the Model Meeting Code.

The provisions within the Code of Meeting Practice are related to the Code of Conduct, in particular in relation to conduct at meetings and conflict of interest management. The Code of Conduct and Code of Conduct Procedures were adopted by Council on 25 February 2025 ([MIN25.83](#))

Financial Implications

Should Council consider changing the manner in which it considers deputations or includes additional requirements with respect to the provision of technical or administrative reports to Council meetings, this may result in changes to budget.

Risk Implications

If the Council does not adopt a new Code of Meeting Practice within the 12 months from the election (September 2025) any provisions of Council's adopted meeting Code that are inconsistent with the mandatory provisions of the Model Meeting Code prescribed under the Regulation will automatically cease to have any effect to the extent that they are inconsistent with the mandatory provisions of the Model Meeting Code.

CL25.200 Ongoing Register of Pecuniary Interest Returns - May 2025

HPERM Ref: D25/217467

Department: Business Assurance & Risk
Approver: Katie Buckman, Director - City Performance

Purpose:

To provide Council with the Register of Pecuniary Interest Returns from newly designated persons lodged with the Chief Executive Officer for the period of 1 May 2025 to 31 May 2025 as required under Section 440AAB of the Local Government Act 1993 and Part 4.26 of the Code of Conduct.

Summary and Key Points for Consideration:

Under Section 440AAB of the *Local Government Act 1993* and Part 4.26 of the Model Code of Conduct, newly designated persons are required to complete an Initial Pecuniary Interest Return within 3 months of becoming a designated person.

Section 440AAB (2) of *The Local Government Act 1993* states:

Returns required to be lodged with the general manager must be tabled at a meeting of the council, being the first meeting held after the last day specified by the code for lodgement, or if the code does not specify a day, as soon as practicable after the return is lodged.

Part 4.26 of the Model Code of Conduct states:

Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.

This report is one of a series of reports of this nature which will be provided throughout the year to align with the legislative requirements.

Those persons who have submitted a return within the period in accordance with their obligation to lodge an initial pecuniary interest return are listed below:

Directorate	Name	Designated Position Start Date	Returned
City Development	Lindsay Usher	3 February 2025	15/5/2025
City Development	Richard Carter	31 March 2025	13/5/2025

Those marked with an asterisk (*) have already completed an annual form and have submitted a new form updating their details and/or circumstances.

Electronic versions of the disclosure documents (with relevant redactions) are available on the Council website, in accordance with requirements under the *Government Information (Public Access) Act, 2009*.

Recommendation

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 May 2025 to 31 May 2025 be received for information.

CL25.200

Options

1. That the report be received for information.

Implications: Nil.

2. That the Council may seek further information.

Implications: Further information be provided to Council in future reports in line with the resolution.

Background and Supplementary information

This report is being submitted directly to the Ordinary Meeting due to the requirements under the Code of Conduct and the Local Government Act 1993.

Internal Consultations

Internal consultation is not required as the process for Initial Pecuniary Interest forms is governed by the *Local Government Act 1993*, the Model Code of Conduct and the *Government Information (Public Access) Act, 2009*.

External Consultations

External consultation is not required as the process for Initial Pecuniary Interest forms is governed by the *Local Government Act 1993*, the Model Code of Conduct and the *Government Information (Public Access) Act, 2009*.

Community Consultations

Community consultation is not required as the process for Initial Pecuniary Interest forms is governed by the *Local Government Act 1993*, the Model Code of Conduct and the *Government Information (Public Access) Act, 2009*.

Policy Implications

The obligations with respect to the Pecuniary Interest Returns by designated officers are in accordance with the Model Code of Conduct and the *Government Information (Public Access) Act, 2009*.

Financial Implications

There are no financial implications for this report.

Risk Implications

A failure of meeting the obligations with respect to the Pecuniary Interest Returns by a designated officer leaves Council at risk of non-compliance with legislative requirements, conflict of interests and limited transparency.

CL25.201 Investment Report - May 2025

HPERM Ref: D25/247411

Department: Finance

Approver: Katie Buckman, Director - City Performance

Attachments: 1. Monthly Investment Review (under separate cover) [⇒](#)
2. Statement of Investments (under separate cover) [⇒](#)

Purpose:

The reason for this report is to inform the Councillors and the community on Council's investment returns. The report also ensures compliance with Section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation 2021, that requires a written report is provided to Council setting out the details of all funds it has invested.

Summary and Key Points for Consideration:

Council's total Investment Portfolio returned 5.01% per annum for the month of May 2025, outperforming the benchmark Aus Bond Bank Bill Index (4.12%p.a.) by 89 basis points (0.89%).

Recommendation

That Council receive the Record of Investments for the period to 31 May 2025.

Options

1. The report of the record of Investments for the period to 31 May 2025 be received for information, with any changes requested for the Record of Investments to be reflected in the report for the period to 30 June 2025.

Implications: Nil

2. Further information regarding the Record of Investments for the period to 31 May 2025 be requested.

Implications: Nil

Background and Supplementary information

Investment Portfolio

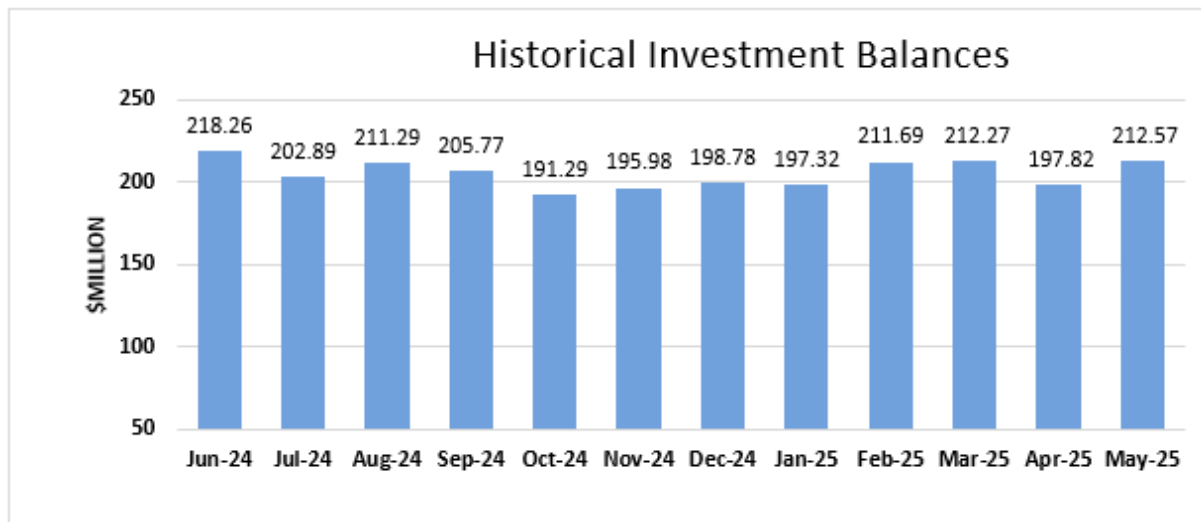
Council's investment balance as of 31 May 2025 was \$212.57 million and consisted of the following types of investments.

CL25.201

Investment type	Invested (\$)
Term Deposit/cash	173,016,034
Floating rate notes	37,550,000
Bonds	2,000,000
Total	212,566,034

The details of each investment held by Council on 31 May 2025 is included in the Statement of Investments at [Attachment 2](#).

The graph below illustrates Council's investments balance on a rolling 12-month basis. Timing of expenditure and grant monies varies throughout the year which can cause fluctuations in the overall balance at the end of each month. The fourth instalment of council rates was due on 31 May 31, resulting in an increase in cash and investments.



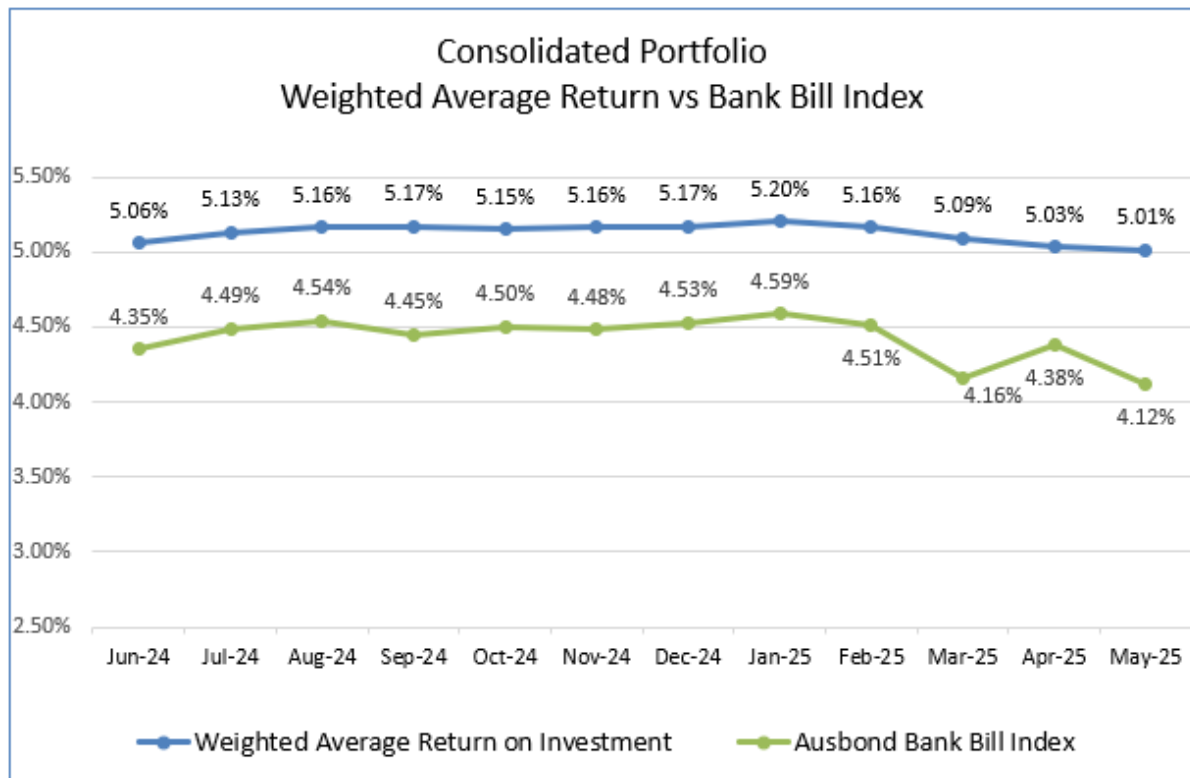
CL25.201

Portfolio Return

For the month of May, the total investment returns were a positive 5.01% p.a. outperforming Aus Bond Bank Bill Index (4.12%) by 89 basis points.

Investments

Graph 1 below, shows the performance of Council's Investment Portfolio against the benchmark on a rolling 12-month basis.



CL25.201

Investment Interest Earned – May 2025

Much of Council's cash is restricted in its use to specific purposes by external bodies (e.g., specific purpose unspent grants), legislation (e.g., developer contributions, domestic waste management, water and sewer funds) and Council resolutions (i.e., internally restricted reserves). Interest earned on externally restricted cash must be allocated to those external restrictions in accordance with legislation. The two tables below show the allocation of interest to each applicable Fund.

Table 1 below, shows the interest earned for the month of May 2025.

Table 1 - Interest Earned for the Month of May 2025

Fund	Monthly Revised Budget \$	Actual Earned \$	Difference \$
General	508,553	473,459	-35,094
Water	184,069	178,517	-5,552
Sewer	124,979	124,186	-793
Total	817,601	776,162	-41,439

The interest earned for the month of May, was \$776,162 compared to the monthly revised budget of \$817,601.

Investment Interest Earned - Year to Date

Table 2 below, demonstrates how the actual amount of interest earned year to date has performed against the 2024/25 budget.

Table 2 - Amount of interest earned year to date, against the total budget

Fund	Revised Total Annual Budget ¹ \$	Actual YTD \$	% Achieved
General	5,987,804	5,468,586	91.33%
Water	2,167,263	2,001,928	92.37%
Sewer	1,471,521	1,368,668	93.01%
Total	9,626,589	8,839,183	91.82%

¹ As part of the December Quarterly Budget Review, it was resolved to increase the annual budget for interest income by \$3.8M. This is because the interest rates on investments are higher than originally forecast and Council is earning more interest than originally budgeted.

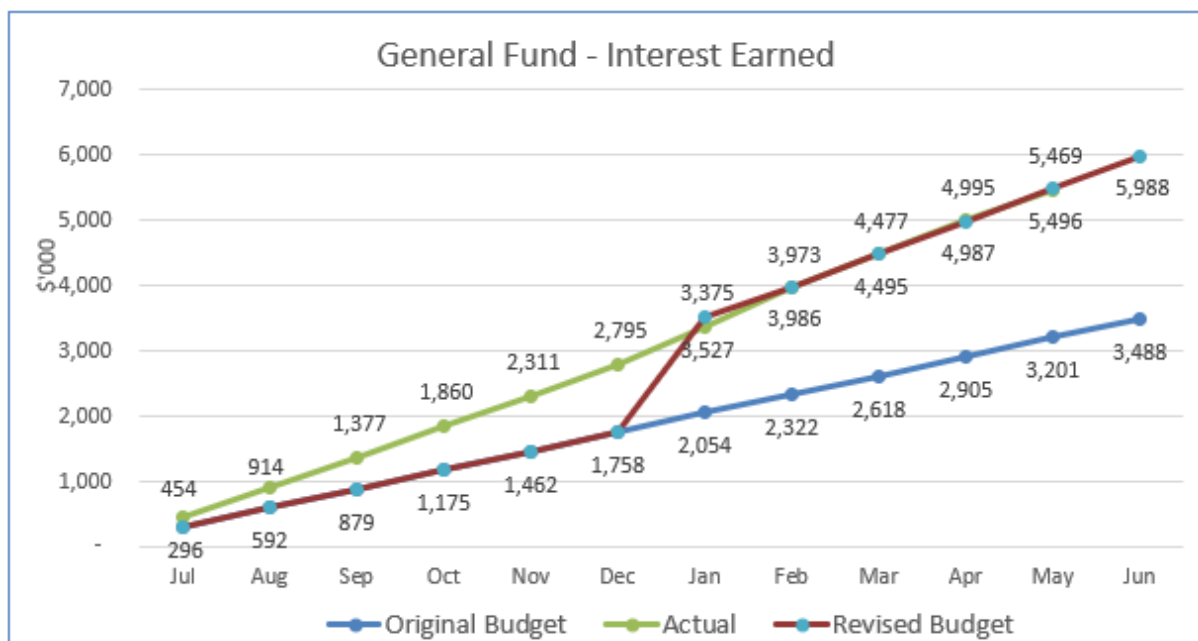
The interest earned in the general fund of \$5,468,586 includes interest earned on unspent s7.11 developer contributions and Domestic Waste Management reserves, which is required to be restricted by legislation. Interest earned on unspent s7.11 developer contributions is \$1,208,801 and Domestic Waste Management reserves is \$316,126 to the end of May 2025. This leaves \$3,943,659 which is unrestricted.

All returns on investments above budget on externally restricted Funds must be allocated to those Funds in accordance with legislation. Externally restricted surplus funds will be allocated to the respective external reserve to help fund future capital works included in the long-term financial plan. Any returns on investments above budget on unrestricted Funds will be used to replenish internal reserves which are currently funding costs incurred and spent on grant funded projects awaiting final acquittal.

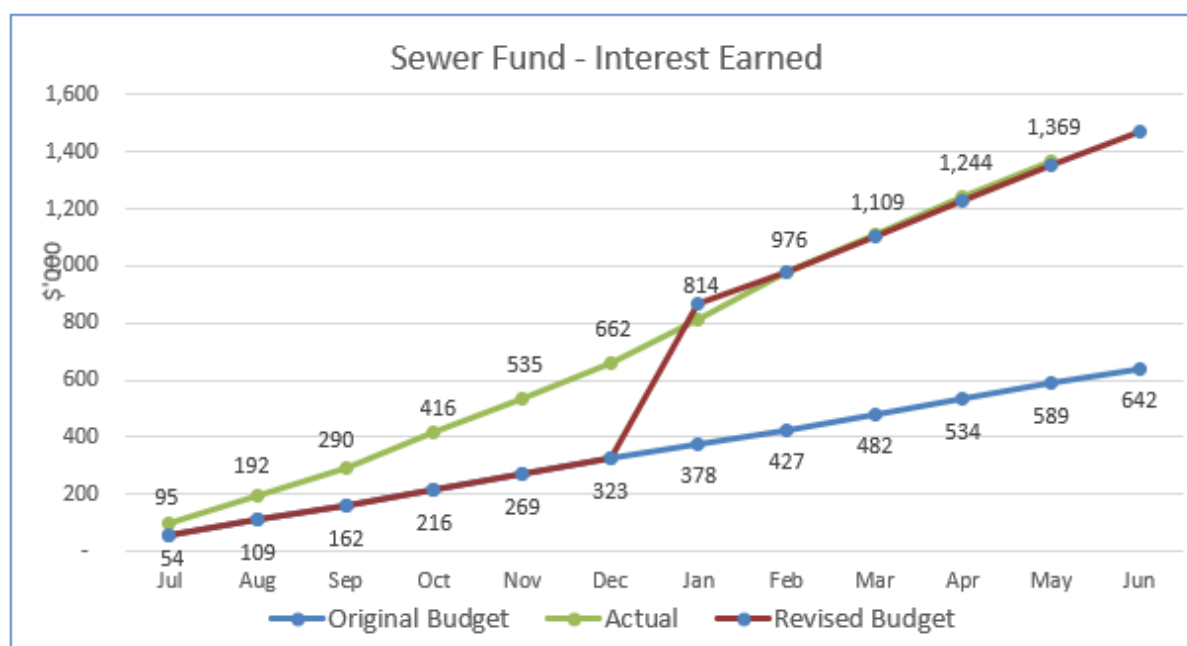
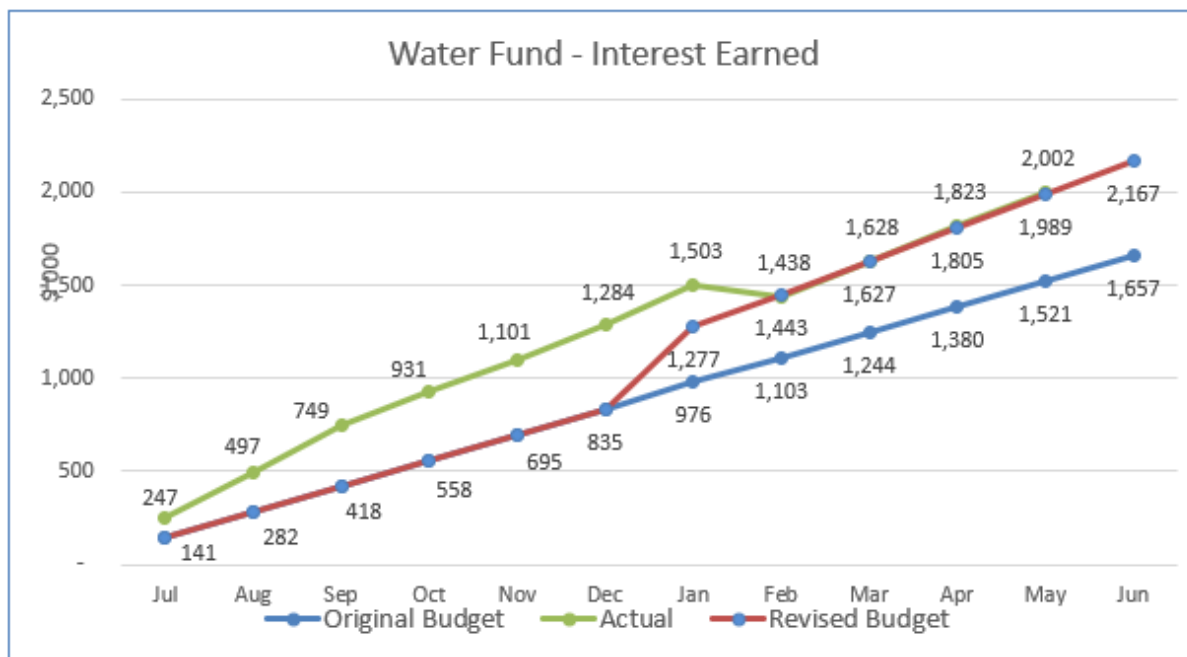
The cumulative interest earned for the year (July to May) was \$8,839,183 which is 91.82% of the current full year revised total annual budget.

Graph 2 (3 separate graphs) below, illustrates the cumulative interest earned for the year for each fund (General, Water and Sewer) against budget:

Graph 2 - Cumulative interest earned for the year for each fund against budget.



CL25.201



Internal Consultations

Not applicable.

External Consultations

Council's investment advisor, Arlo Advisory Pty Ltd.

Community Consultations

Not applicable.

CL25.201

Policy Implications

All investments have been placed in accordance with Council's Investment Policy.

Financial Implications

Council is on track to achieve the revised budgeted interest revenue forecast for the current financial year.

Risk Implications

All investments are placed with preservation of capital the key consideration to prevent any loss of principal invested.

Statement by Responsible Accounting Officer

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulations 2021 and Council's Investments Policy POL22/78.



Mathew Badcock

Date: 06 June 2025

CL25.201

CL25.202 Narrawallee Creek Road, Lake Conjola - Maintenance Responsibility

HPERM Ref: D25/165524

Department: Works & Services

Approver: Kevin Norwood, Acting Director - City Services

Attachments: 1. 88B Terms of restriction on the use of land [📄](#)

Purpose

The purpose of this report is to advise Council of outcome of investigations into the responsibility for the maintenance of Narrawallee Creek Road, Lake Conjola and to seek its endorsement of a position that Council will not maintain the road.

Summary and Key Points for Consideration

- A report to Council has been prepared on the findings of an investigation into the responsibility for maintaining Narrawallee Creek Road following residents' requests that the Council take over some or all of the road maintenance.
- The road was constructed in 1994 as part of the subdivision known as D.P. 827665.
- The associated development Section 88B instrument outlines that the road will not be maintained by Council and that maintenance is the joint responsibility of the proprietors (owners) of designated lots in the subdivision.
- In the past, in response to residents raising concerns about the maintenance of this road, it has been communicated by Council that the road was not maintained by Council as it had not been constructed to the appropriate standard and is the responsibility of private property owners under imposed 88B title instruments.
- In a letter dated 21 March 1997 issued by Council's then General Manager, it was confirmed that the constructed access road met the approved plans and was signed off with the release of the plan of survey.

Recommendation

That Council:

1. Note the outcome of the investigation into the responsibility for maintaining Narrawallee Creek Road, Lake Conjola.
2. Endorse the position that Narrawallee Creek Road is not maintained by the Council and the maintenance is the joint responsibility of the proprietors of the lots burdened per the Section 88B instrument of D.P. 827665.

Options

1. Adopt the recommendation as printed.

Implications: Maintenance of Narrawallee Creek Road continues to be the joint responsibility of lots burdened by the Section 88B instrument of D.P. 827665.

CL25.202

2. Not accept the recommendation.

Implications: Council accept either part or full responsibility for current repairs to Narrawallee Creek Road and its ongoing maintenance. This will introduce a cost and maintenance liability burden the Council currently does not hold as part of scheduled road maintenance and would require reallocation of budget away from existing adopted operational budget allocations, which may include other road maintenance programs.

Background and Supplementary information

This report was originally reported to Council on 10 December 2024 ([CL24.391](#)). Council resolved to defer the matter to a Councillor Briefing ([MIN24.669](#)). The Councillor Briefing was held on 10 April 2025 with residents of Narrawallee Creek Road in attendance. Minor modifications have been made to the report to clarify comments around liability raised at the briefing.

Residents have been responsible for the maintenance of Narrawallee Creek Road since its construction in 1994. Narrawallee Creek Road residents have requested road maintenance assistance from Council on several occasions.

In 2016 and 2021, the Council supplied plant and labour to carry out maintenance grading and gravel re-sheeting, with road base material provided by property owners. In May 2025, Council approved for the residents of Narrawallee Creek Road to access materials from its spoil site located on Conjola Entrance Road. These arrangements were made on an ex-gratia basis and did not imply any responsibility for the maintenance of the road by Council.

The residents are aware that the maintenance of Narrawallee Creek Road is a burden placed on them by Part 2 item 1. e) of the Section 88B instrument associated with the D.P. 827665 (**Attachment 1**).

The Section 88B instrument is used to set out the creation of easements and other rights that must be provided or things that must be done (known as positive covenants) under the Conveyancing Act 1919. These easements and positive covenants often relate to services such as drainage and water or the right of a carriageway over land. In this instance the Section 88B outlines that.

“Narrawallee Creek Road will not be maintained by the Council and the maintenance is the joint responsibility of the proprietors of the lots hereby burdened and lots 4,5 and 6 in D.P. 827665”

Council has received several requests from the residents via direct communication with Council and representations from Councillors and the local Federal and State MPs, seeking that the maintenance burden associated with this road be fulfilled either fully or in part by Council.

A letter from Council dated 21 March 1997 was provided to a representative of the Narrawallee Creek Road Residents Action Group. This letter states in part that.

“From the aforementioned Council considers that purchasers of allotments within these subdivisions were adequately notified that Council would not maintain the road of access to the subdivision. That is, purchasers would be required to make alternative arrangements for the maintenance of the road.”

Regarding the physical attributes of this road, the road is mostly unsealed, approximately 2km long, generally 5m wide with 3 short sections of bitumen seal surfacing as follows:

- 60m (Ch0 to Ch60),
- 60m (Ch140 to Ch200) and
- 100m (Ch400 to Ch500) in length.

The road provides access to eight private properties at the end of the road and to National Parks and Wildlife Service (NPWS) Narrawallee Creek Nature Reserve track at Ch1320. Just beyond the Nature Reserve Track at Ch1380 a gate, fencing, and signs are located stating “Private Property Road Ends”, “No Through Road” and “Trespassers Will Be Prosecuted”.

The road has a twin cell box culvert causeway at Ch160 and is fenced on both sides of the road verge with signs located at Ch100. Signs include NPWS “Narrawallee Creek Nature Reserve”, and “No Through Road”.

The road appears to have minimal gravel pavement thickness. Some sections have no gravel pavement cover and re-sheeting is required at Ch60 to Ch140, Ch200 to Ch320, and Ch620 to Ch1360.

The bitumen-sealed sections need resealing and defects including edge breaks need repair. These concerns would need to be addressed if the Council sought to take over the maintenance of the road.

Estimated costs are outlined in the Financial Implications section below along with estimated ongoing maintenance costs.

Internal Consultations

Not required for this report as recommended. If option 2 is adopted further internal consultation will be required.

External Consultations

The National Parks and Wildlife Service has confirmed that they do not have the available budget to assist with the maintenance of the road.

Community Consultations

Not required for this report. If option 2 is adopted, consultation in the form of a notification will be carried out to inform impacted residents.

This report itself is communicated through the publishing of an open report to Council.

Policy Implications

There are other roads in the Shoalhaven that are not maintained by Council. Accepting Narrawallee Creek Road into maintenance would create inequity and set a precedent for other residents to have their maintenance responsibilities transferred to Council.

Financial Implications

If Option 1 is adopted there are no ongoing financial implications other than discretionary spending to assist the residents with maintenance as has been provided in the past.

It is not the recommendation, however if Option 2 is adopted the estimated annual maintenance costs and upfront repair costs would be as followed:

Annual Maintenance Cost	\$23,000
Upfront Repair Costs (re-sheet and reseal)	\$81,000 Est.

The above is an estimate only and is subject to a detailed cost estimate being developed and assumes that there are no existing major drainage or pavement concerns.

There is also a risk that the land would need to be acquired to facilitate maintenance by Council. It is reasonable to assume that the residents would not seek costs, however, there would be legal fees associated. Those costs would need to be determined.

Risk Implications

Option 1 – There will be no increased risk to Council.

Option 2 – All financial liabilities currently associated with the road would fall to Council.

For all options, Council owns the road within the designated road reserve (Ch0–1380). Within this section, Council serves as the road authority and is liable for any accidents that occur on the roadway. Liability for incidents may only be transferred if the responsible residents fail to meet their maintenance obligations.

INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS ON THE
OF LAND INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE
VEYANCING ACT, 1919 AS AMENDED.
Lengths are in metres)

(Sheet 2 of 5 Sheets)

Plan


Subdivision of Lot 7
D.P. 827665.

PART 2

1. TERMS OF RESTRICTION ON THE USE OF LAND FIRSTLY REFERRED TO
IN THE ABOVEMENTIONED PLAN

- a) No building shall be erected on the land hereby burdened unless the floor level of the building is 300 mm above Councils adopted 1:100 year floor level for the land.
- b) No building shall be erected on the land hereby burdened unless constructed of darker external colour or materials and of a colour to enable the building to blend with the natural landscape. Any metal cladding/roofing or water tanks shall be pre-coloured at manufacturing stage.
- c) Any application for a building on the land hereby burdened shall be accompanied by a landscape plan detailing measures to be provided to reduce the visual impact of the building.
- d) No buildings shall be erected on the land hereby burdened outside the areas designated (Q) on the abovementioned plan.
- e) Narrawallee Creek Road will not be maintained by the Council and the maintenance is the joint responsibility of the proprietors of the lots hereby burdened and Lots 4, 5 and 6 in D.P. 827665.
- f) Effluent disposal on the land hereby burdened shall be by a 'split system' or other alternative approved by Council that meets the aims of removing pollutants (especially nutrients) from the effluent prior to disposal. The 'split system' shall consist of a pump out (cart-away) system for "soil wastes" (toilet wastes) and on site disposal for "sullage wastes" (washing machines, shower, etc). Full details of the system shall be submitted with the septic tank application for approval.
- g) Detergents and washing powders utilised will be 'phosphorous free' type or other approved alternative that does not contain nutrients or other polluting material.
- h) The authority empowered to release vary or modify the terms of this restriction is the Council of the City of Shoalhaven or its successors.

Approved by the Council of the City of Shoalhaven

 date

29-9-94

CL25.202 - Attachment 1

4

INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS ON THE USE OF LAND INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919 AS AMENDED
(Lengths are in metres) (Sheet 3 of 6 sheets)

Plan

DP827665

Subdivision of Lots 114
and 190 D.P. 755923
(Portion 114 and 190 Parish
of Conjola County of
St. Vincent).

Part 2

1. Terms of Right of Carriageway and Easement for Services 20 wide and variable width
Firstly referred to in the abovementioned plan.

(a) Pull and free right for Registered Proprietor for the time being of the land hereby benefited or any part thereof and for every person authorised by them to go pass and repass at all times and for all purposes with or without animals vehicles or both over the land indicated herein as the land burdened and Pull and Free right for the Registered Proprietor for the time being of the land hereby benefited and every person authorised by them to enter upon the land hereby burdened to make, layout, construct, erect, install, carry, maintain, use through and under the land hereby burdened all drains, pipes, conduits, underground wires or other equipment and materials necessary to provide and carry all or any water, gas, electricity, telephone and/or other domestic services to and from the said land hereby benefited PROVIDED THAT the said drains, conduits, underground wires and/or other equipment and materials shall be laid in such position as to cause as little interference as possible with the Right of Carriageway hereby reserved TOGETHER WITH the right for the Registered Proprietor for the time being of the land hereby benefited and every person authorised by them with any tools, implements, or machinery necessary for the purpose to enter upon the land hereby burdened and to remain there for any reasonable time for the purpose of laying, inspecting, cleansing, repairing, maintaining or renewing such equipment or that part thereof to such extent as may be necessary PROVIDED THAT the Registered Proprietor for the time being of the land hereby benefited and the persons authorised by them will take all reasonable precautions to ensure as little disturbance as possible to the surface of the land hereby burdened and/or free access to the land hereby benefited and will restore without delay that surface as nearly as practicable to its original condition.

(b) The maintenance of the right of carriageway shall be shared equally by the
Proprietors for the time being of all appurtenant lots. (1, 4, 5, 6)

(c) The persons empowered to release vary or modify the terms of this easement are the Registered Proprietors for the time being of all appurtenant and burdened lots jointly but not severally and the Council of the City of Shoalhaven.

2. Terms of Easement for Electricity Services 10 wide Secondly referred to and
easement for Electricity Services variable width Seventhly referred to in the
abovementioned plan.

(a) FULL AND FREE RIGHT FOR THE AUTHORITY IN WHOSE FAVOUR THIS EASEMENT IS CREATED
its employees and contractors together with all necessary plant and vehicles to use and maintain for the purpose of the transmission of electrical energy the electrical substation equipment structures cables and fittings constructed installed and laid in and above the land burdened by this instrument. The authority in whose favour this easement is created shall have the following rights:-

- (1) To make all necessary excavations in or under the land provided that the surface of such land shall be rehabilitated and restored.
- (2) To enter upon the land for the purpose of installing any component in substitution for or in addition to any electrical substation equipment structures cables and fittings installed in and above the land.

Approved by the Council of the City of Shoalhaven.

Town Clerk.

Date... 15th December, 1992

REGISTERED 23.12.1992

10	20	30	40	50	60	70	Table of mm	110	120
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CL25.202 - Attachment 1

CL25.203 Public Road Dedication - Part Lot 262 DP 794245 Moss Vale Road, Badagarang

HPERM Ref: D25/189034

Department: Building & Property Services

Approver: Kevin Norwood, Acting Director - City Services

Purpose:

The purpose of this report is to seek Council approval to formally confirm the status of a constructed public road through dedication, in accordance with Section 10 of the *Roads Act 1993*. The subject road, commonly known as Bannada Way, is a formed road traversing Lot 262 in Deposited Plan 794245 running east to west and linking Moss Vale Road with Taylors Lane/Illaroo Road.

Summary and Key Points for Consideration:

- Council previously resolved (MIN17.476C) to acquire Lot 262 DP 794245 to facilitate the construction of the Far North Collector Road, now officially named Bannada Way, and the connecting road to Taylors Lane.
- The road was formally opened to traffic in August 2024.
- Pursuant to Section 10 of the *Roads Act 1993*, Council, in its capacity as the Roads Authority, is required to dedicate the constructed road as public road by publishing a notice in the NSW Government Gazette.
- Council resolution is required for dedication of road by gazette notice being non-delegable function under section 377 Local Government Act 1993.

Recommendation

That Council

1. Authorise the dedication of the land identified as the constructed road through Lot 262 DP 794245 Moss Vale Road, Badagarang as shown on Figure 1 to this report and subject to survey, as a public road pursuant to section 10 of the *Roads Act 1993*, by notice published in the NSW Government Gazette.
2. Authorise the Common Seal of the Council of the City of Shoalhaven affixed to any documents required to be sealed and delegate authority to the Chief Executive Officer (Director City Services) to sign any documentation necessary to give effect to this resolution.

Options

1. Adopt the recommendation.

Implications: Bannada Way, including its connection to Taylors Lane, has been constructed and is currently open to traffic. To formalise its status as a public road, Council, in its capacity as the Roads Authority, is required to publish a notice in the NSW Government Gazette pursuant to Section 10 of the *Roads Act 1993*.

CL25.203

2. Not adopt the recommendation.

Implications: The land will remain as Council Operational land and not formally be a dedicated public road. This may result in legal and administrative uncertainties regarding road status, limit Council's ability to enforce road-related regulations, and public access rights.

Background and Supplementary information

On 23 May 2017, Council resolved (MIN17.476C) to acquire Lot 262 DP 794245, located on Moss Vale Road, Cambewarra (now known as Badagarang), to facilitate the construction of the Far North Collector Road. The land is classified as Operational land.

The project was delivered in 4 stages, with stage 3 comprising the connection between Illaroo Road and Moss Vale Road, including a link to Taylors Lane. Construction of this stage was completed in December 2023, and the road was officially opened to traffic on 6 August 2024. The area of road construction is shown in Figure 1.

Figure 1 – constructed roads to be dedicated as public road under Roads Act 1993



The section of road extending in an east-west direction was formally named Bannada Way and accordingly gazetted on 16 August 2024.

To formalise its status as a public road, Council, in its capacity as the Roads Authority, must publish a notice in the NSW Government Gazette pursuant to Section 10 of the *Roads Act 1993*. Other sections of the constructed Far North Collector Road (now Bannada Way) have corresponding Council resolution for dedication of public road by gazette notice, the area for road having to be acquired from several landowners.

Internal Consultations

Consultation has been conducted with relevant internal stakeholders.

CL25.203

External Consultations

External consultation is not required for dedication of land for road purposes.

Community Consultations

Community engagement is not required for dedication of land for road purposes.

Policy and Statutory Implications

There are no policy implications.

Financial Implications

There are no financial implications for Council associated with the dedication of land for road purposes.

Risk Implications

Council's interests have been considered and there is no risk to Council in the dedication of the land as 'Public Road'. The act of formal road dedication by gazette notice will remove risks for Council.

CL25.203

CL25.204 Proposed Road Closure - Depot Beach Road, Depot Beach

HPERM Ref: D25/215900

Department: Buildings & Property Services

Approver: Kevin Norwood, Acting Director - City Services

Purpose:

The purpose of this report is to provide Council with the outcome of the public notification process for the proposed road closure of Depot Beach Road, Depot Beach. On 8 April 2024 Council resolved ([MIN24.179](#) - Part 6):

6. *Close approximately 1,655sqm, subject to final survey, of unformed road reserve known as Depot Beach Rd, Depot Beach shown in red on Attachment 2 – Depot Beach Road Closure (D24/123285) by notice published in the Government Gazette, and*
 - a. *Sell the closed road at Depot Beach Rd, Depot Beach for not less than the market value as determined by an independent valuer through a competitive sales process.*

Summary and Key Points for Consideration:

- Pursuant to Section 38A of the *Roads Act 1993*, Council may propose the closure of a Council public road for which it is the Roads Authority.
- No objections were received from Notifiable Authorities.
- Public submissions were received and have been reviewed.
- Council resolution is required for the closure of a public road by gazette notice, to affect the closure of a road under section 38D of the *Roads Act 1993*, as well as sale of land. Notwithstanding Council's resolution of 8 April 2024 (MIN24.179) to close the road by gazette notice and sell the land, this report provides information to Council arising from the statutory road closure process.

Recommendation

That Council;

1. Proceed with the resolution of 8 April 2024 ([MIN24.179](#) - Part 6) and close the identified section of Depot Beach Road by notice in the Government Gazette.
2. Create a right of carriageway, subject to survey and final location, over the closed road for access to the constructed public road system benefitting Lot 7 DP247077, Lot 1 DP246692, and Lot 8 DP247077.
3. Classifies the closed section of road as Operational land following public notice of the proposed classification under the *Local Government Act 1993*.
4. Authorise the Common Seal of the Council of the City of Shoalhaven to be affixed to any document required to be sealed and delegate authority to the Chief Executive Officer (Director City Services) to sign any documentation necessary to give effect to this resolution.

CL25.204

Options

1. Resolve as recommended.

Implications: The identified section of Depot Beach Road is closed by Gazette Notice and Council proceeds to sell the closed road at Depot Beach Road, Depot Beach in accordance with MIN24.179.

2. Not proceed as recommended.

Implications: Council does not proceed as per resolution MIN24.179 and retains the land as public road reserve. The land is not sold and remains in Council ownership. Council will not realise the income contribution towards its land sales strategy Council's previous resolution MIN24.179 (Part 6) is to be rescinded with this option.

Background and Supplementary information

The subject area of road proposed for closure is shown below in Figure 1 being Council public road reserve by way of Government Gazette No.40 of 27 April 1962.

Figure 1 – proposed road closure



The *Roads Act 1993* (section 38A) states;

Council may propose the closure of a Council public road for which it is the roads authority if:

- a) the road is not reasonably required as a road for public use (whether for present or future needs), and*
- b) the road is not required to provide continuity for an existing road network, and*
- c) if the road provides a means of vehicular access to particular land, another public road provides lawful and reasonably practicable vehicular access to that land.*

Council is able to consider closure of an unformed road reserve having consideration to section 38A of the *Roads Act 1993*. The closure of the identified road reserve will facilitate the creation of a residential lot for future residential development.

Public Submissions

A total of 26 submissions were received from the public following notification of the proposed road closure. In total, 21 individuals made a submission, with individuals making additional submissions. At the end of the public notification period, Council also received representations from Federal and State MPs as well as one public submission. The issues raised in the late public submission were raised as issues in submissions received during the notification period.

Issues raised in submissions is provided below in Table 1.

Table 1 – summary of issues raised in public submissions

Issue		Times raised
1	Used for public (pedestrian) access and future access need	22
2	Wildlife habitat/fauna corridor	16
3	Used for emergency vehicle access	11
4	Needed for access adjoining private properties	10
5	Loss of vegetation/tree removal	9
6	No consultation (with initial Council resolution to close the road)	7
7	Public notification inadequate	3
8	Loss of view/aesthetics with land development	2

1. Used for public access and future need

Concern for loss of public access between Depot Beach Road and Fairley Street was the most frequently raised issue in the public submissions.

The area of land is prima facie open space however is classified as road and the road closure can be considered under the *Roads Act 1993*. The original Council report of 8 April 2024 to close Depot Beach Road ([CL24.89](#)) stated, “*It has been identified that the unformed road is not required as part of the road network and could be closed to form part of the associated residential subdivision.*” Following the public notification process and additional internal stakeholder consultation, it is considered that Section 38A(a) and (b) of the Roads Act is satisfied and the road is not required for current and future public use, or for continuity of the existing road network.

If the road is closed by gazette notice, pedestrian and any public vehicle access would no longer be available. Continued public road access will be available to the east and west along Fairley Street and Depot Beach Road respectively, through the connected road network. The prevailing public road system is suitable for future public access and movement requirements. The constructed road network provides short travel distances for residents of Depot Beach, with the proposed unformed road reserve closed. Figure 2 shows the public road network of Depot Beach.

Figure 2 – public road network Depot Beach



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2. Wildlife habitat/fauna corridor

Whilst it is acknowledged that future development of the land will restrict the passage of animals between Fairley Street and Depot Beach Road, it is not considered to be a substantive reason in isolation to retain the unformed road reserve.

Section 38A of the Roads Act provides the basis for Council to consider the closure of a public road, as discussed in the previous paragraph. Depot Beach and Pebbly Beach comprises a significant area of National Parks and Wildlife Service (NPWS) land and it is to be expected that animals will move along all road corridors in the area irrespective of the subject road reserve being closed.

No objections were received from internal or external referrals during the notification period.

3. Used for emergency vehicle access

Following the public notification process and additional internal stakeholder consultation, it is considered that Section 38A(a) and (b) of the Roads Act is satisfied and the road is not required for future public road purposes in relation to emergency vehicles.

If the road is closed by gazette notice, emergency service vehicle access would no longer be available. However, continued public road access is available to the east and west along Fairley Street and Depot Beach Road respectively, through a connected and constructed/sealed road network. The unformed road reserve in its present state may not be able to support the movement of vehicles in all weather conditions on the basis it is an unformed section of road reserve. The notification process with the road closure proposal did not result in any issues from the relevant stakeholders.

No objections were received from internal or external referrals during the notification period.

4. Needed for access adjoining private properties

The unformed road is adjoined by four residences. There is no obligation for Council to preserve ongoing access rights over unformed road reserve once a road is closed.

No. 14 Depot Beach Road (Lot 7 DP 247077) has a residence with a constructed driveway and parking space, but its vehicle access relies on the unformed road reserve. The property does not have direct access to Depot Beach Road, and while there is enough space on the eastern boundary for potential access, the sewerage system makes it impractical. As a result, the unformed road reserve serves as the primary vehicular access.

A right of way could be established to provide legal vehicle access to No. 14 Depot Beach Road if the road closure proceeds. This would allow future access from Depot Beach Road or Fairley Street, ensuring connectivity despite the lack of a constructed vehicle access within the unformed road reserve shown indicatively on Figure 3. The maintenance of the right of way would depend on the terms of the legal instrument used to create it.

The free-standing garage in the south-east corner of No.14 directly fronts the unformed road reserve, but there is no evidence of a previous building approval for it. Due to this uncertainty, right of way access for the garage is not recommended in the road closure proposal.

No.16 Depot Beach Road (Lot 1 DP246692) has primary vehicular access directly from Depot Beach Road. A free-standing garage is constructed at the rear of the lot directly fronting the unformed road reserve approximately 3.5m off the property boundary and approved by BA80/546.

No.16 has a current development consent (DA23/1286) for demolition of existing structures and construction of a new split-level dwelling. The approved DA plans show continuation of direct vehicle access from Depot Beach Road with no vehicle access from the unformed road reserve. There will be no consideration for right of way provision benefitting No.16 with future development of the property in accordance with DA23/1286, with the sole access to be gained from Depot Beach Road.

The development approval remains valid until 6 July 2028. If the consent is not acted upon before this date, Council may reconsider access arrangements, including the possibility of a right of way over the unformed road reserve, similar to No.14 Depot Beach Road. Any future right of way provisions and their maintenance would depend on the terms set out in the legal instrument establishing them.

No.13 Fairley Street (Lot 8 DP247077) and **No.15 Fairley Street** (Lot 15 DP246692) both have primary vehicular access from Fairley Street.

No.13 Fairley Street's driveway partially extends onto a small section (around 10m²) of the unformed road reserve in the southwest corner due to its alignment for optimal grading. There are two possible solutions: either relocating the driveway entirely off the reserve or formalising a right of way over this section before road closure. The latter option is preferred, as it avoids impact on adjacent properties and ensures future access rights if the road is officially closed and sold. Arrangements for maintenance of the right of way is dependent on the terms of the instrument creating the future right of way.

No.15 Fairley Street, meanwhile, has direct access from Fairley Street, and no right of way considerations are planned for its road closure.

Figure 3 – indicative future rights of carriageway benefitting No.14 & No.16 Depot Beach Road (orange) and No.13 Fairley Street (purple)



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NB: orange and blue broken lines indicate alternative right of locations to the respective constructed public roads

5. Loss of vegetation/tree removal

Any future development on the land after its road closure gazettal will require proper approvals, such as development consent, along with an assessment of the existing vegetation. Since no development proposal currently exists, a vegetation assessment cannot be conducted at this stage.

The majority of vegetation is located on the Fairley Street (southern) side, while the logical placement for any future building envelope would be in the cleared area fronting Depot Beach Road. The site contains a total of 12 mature trees in the southern section of the road reserve, including a large *Eucalyptus tereticornis* at its centre. Additionally, one mature tree is adjacent to No.15 Fairley Street, and two separate clusters of approximately five trees each are situated near No.13 Fairley Street.

6. No consultation (with Council resolution to close the road)

On 8 April 2024, Council resolved (MIN24.179) to close the road by gazette notice and sell the land through a competitive sale process. However, before a road closure can proceed, public notification is required under the statutory requirements of the Roads Act 1993. This notification was completed following Council's initial resolution.

Due to other priorities, the formal statutory road closure process could not commence until later in 2024.

7. Public notification inadequate

The public notification process for the road closure followed section 38B of the Roads Act, with the period extended to 31 January 2025 to allow more submissions. The total notification period lasted 44 days, exceeding the statutory minimum of 28 days. During this time, 21 individual submissions (26 total) were received from the public. Council also

received responses from Notifiable Authorities, but no objections were raised. Based on this, the notification period is considered satisfactory and compliant with statutory requirements.

8. Loss of view/aesthetics with land development

Concerns were raised about potential loss of views and aesthetic impact from future development of the land. If the road is officially closed and a development application is submitted, these issues will be assessed during the approval process, alongside considerations of scale, built form, and design.

Internal Consultations

Consultation was undertaken with internal stakeholders for the proposed road closure.

External Consultations

The *Roads Act 1993* provides notification requirements for a proposed road closure which was undertaken. No submission or formal objection was received from any of the Notifiable Authorities regarding the proposed road closure.

Community Consultations

A total of 26 public submissions were received following public notification of the proposed road closure under the *Roads Act 1993*. The summary of the issues raised in submissions have been addressed in the Background/Supplementary Information section of this report.

Policy and Statutory Implications

Council is conducting the proposed road closure under the *Roads Act 1993*. Council Policy 22/47 (Development and/or Disposal of Council Lands) is relevant for the sale of the land, following gazettal of the road closure.

Financial Implications

In accordance with MIN24.179, the closed road will be sold at not less than market value as determined by independent valuer through a competitive sales process. Valuation advice will be obtained prior to any sale to assess prevailing market value. If the road is closed by gazette notice, the market will determine the ultimate land value through the competitive open sale process.

Costs incurred in the road closure process and creation of separate lot will be met through proceeds from land sale.

Council will receive financial return through the closure and sale of land which is included in its current land sales strategy, contributing to Councils overall financial sustainability efforts.

Net land sale proceeds will go the Strategic Property Reserve and used for the purposes expressed in section 43 of the *Roads Act 1993*.

Risk Implications

Council's interests have been considered through the process and there is minimal risk associated with the proposed road closure and sale. The closure and sale of surplus road reserve is enabled by the *Roads Act 1993* and commonly practised by local government authorities. Under the *Roads Act 1993*, the Land and Environment Court may, upon appeal against the closure of a public road following notice published in the Government Gazette,

affirm the closure or set aside the closure. In the event a road closure is set aside following decision of the Land and Environment Court, the road will continue to be used for public road purposes.

CL25.204

CL25.205 Tenders - Shoalhaven Material Recovery Facility - Pavements

HPERM Ref: D25/253543

Department: Technical Services

Approver: Kevin Norwood, Acting Director - City Services

Purpose

To inform Council of the tender process for Shoalhaven Material Recovery Facility - Pavements.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

Summary and Key Points for Consideration

Shoalhaven City Council is seeking to engage a suitably qualified and reputable company to undertake pavements works for the Shoalhaven Material Recovery Facility.

- Council called tenders for the Shoalhaven Material Recovery Facility – Pavements on 25 March 2025 which closed on 17 April 2025.
- At Council Ordinary Meeting 27 May 2025 Council awarded the contract ([MIN25.272C](#)) to Jirgens Civil Pty Ltd for the pavement works for the Shoalhaven Material Recovery Facility.
- Council received notification 10 June 2025 that Jirgens Civil Pty Ltd were not proceeding with the execution of the contract and withdrawing from the project.
- In accordance with Section 178 of the Local Government (General) Regulation 2021, Council is required to consider the recommendation of the tender - Shoalhaven Material Recovery Facility – Pavements

Recommendation

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

Options

1. Accept the recommendation.

Implications: Consider a separate confidential report on the matter.

CL25.205

2. Council makes a different resolution.

Implications: This is not recommended as an extensive evaluation process has been undertaken by the tender evaluation team in accordance with the tender evaluation plan.

Background and Supplementary information

Project Description

Council is in the process of establishing a Materials Recovery Facility (MRF) at its existing West Nowra Waste Management Precinct. This procurement provides for the pavements to the facility entry and around the base building.

The MRF is designed to receive mixed recyclables from the Illawarra and Shoalhaven regions, initially capable of processing up to 24,000 tonnes per year. The facility aims to divert an additional 9,000 tonnes annually of recyclable materials away from landfills. The establishment of this state-of-the-art MRF will offer Council increased adaptability in response to the ever-evolving recyclables industry.

This engineered pavement is required to support the thousands of truck movements generated annually by the operations of the MRF and ensure appropriate durability and dust suppression.

Tendering

Council called tenders for Shoalhaven Material Recovery Facility - Pavements on 25 March 2025 which closed at 10:00 am on 17 April 2025. Five tenders were received at the time of closing and are listed in Table 1.

Table 1: Tenders Received

Tenderer	Location
Unicivil (NSW) Pty Ltd	Fairy Meadow, NSW
Pascall Group Pty Ltd	Nowra Hill, NSW
Jirgens Civil Pty Ltd	South Nowra, NSW
JBG Contractors NSW Pty Ltd	Albion Park Rail, NSW
APX Civil Pty Ltd	Yallah, NSW

Details relating the evaluation of the tenders are contained in the confidential report.

Internal Consultations

Council receives bi-monthly project updates on the Materials Recovery Facility (MRF) which have included a Councillor tour of the development. Collaboration occurs across Council departments with an established Project Control Group comprising members of the Waste Services, Technical Services, and Finance Teams.

External Consultations

Contractors registered with the Tenderlink portal were notified of the tender and were able to access the tender documentation.

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Community Consultations

Project Updates are provided to the community via the Major projects page on Council's web page.

Policy Implications

Nil. The tender process has followed the requirements under the provisions of the Local Government Act 1993.

Financial Implications

Sufficient funds have been allocated in the Shoalhaven Material Recovery Facility - Pavements budget for 2024/2025. Funding is available to cover the tender amount including other project costs.

Risk Implications

Details relating to the Risk Implications are contained in the confidential report.

CL25.205

CL25.193 Adoption of the Lower Shoalhaven River Coastal Management Program

HPERM Ref: D25/74614

Department: Environmental Services

Approver: Lindsay Usher, Acting Director - City Development

Attachments: 1. [Final Draft Lower Shoalhaven River Coastal Management Program](#)
2. [Lower Shoalhaven River Coastal Management Program – Public Exhibition Response to Submissions Document](#)

Note: This item was deferred from the Ordinary Meeting 10 June 2025.

Purpose:

To present to Council the Lower Shoalhaven River Coastal Management Program (CMP). The CMP is being presented to Council for adoption and for subsequent CMP certification by the relevant NSW Government Minister, following which the CMP will be submitted for gazettal.

Summary and Key Points for Consideration:

The Lower Shoalhaven River CMP has been developed in accordance with the legislative requirements and framework developed under the *Coastal Management Act 2016* (NSW). The development of the CMP has followed the required staged process and has involved the consideration of historical studies, completion of additional technical studies, and extensive consultation with the community and key stakeholders. The CMP comprises a program of integrated management actions responding to identified risks and opportunities that are to be implemented over a 10-year management timeframe under several overarching strategies. There are 60 management actions to be delivered through the implementation stage of the CMP.

A Business Plan has been developed that outlines the key components of the funding strategy for the CMP to implement the management actions, including the cost of proposed actions, proposed cost-sharing arrangements, and other potential funding mechanisms. Delivery of the CMP is estimated to cost \$24.64 million (2024 dollars) over 10 years, with approximately \$8 million of this funding proposed to be coming from Council.

Following the completion of the public exhibition of the CMP, 4 November 2024 to 10 February 2025, the CMP was finalised and presented to the Northern Coastal Management Program Advisory Committee to gain their support and endorsement before the CMP is presented to Council to request their adoption. This report is now being presented to Council for adoption of the final CMP. Following this, the CMP will be submitted to the relevant NSW Minister for certification at which time Council can then gazette the CMP and then commence implementation.

Recommendation

1. That Council
2. Adopt the Lower Shoalhaven River Coastal Management Program (CMP) and the CMP be submitted to the relevant NSW Government Minister for certification.

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3. Note the resourcing requirements encompassed by the plan and its actions (Stage 5 implementation), with capital and operational allocations to be determined via budget processes, and the reliance on grant funding for delivery.
4. Note that the Northern CMP Advisory Committee have requested that Council consider, through the implementation of the Lower Shoalhaven River CMP, additional sites for water testing where available resources and funding can be identified.

Options

1. As recommended.

Implications: Council's adoption of the CMP will support the finalisation and certification of this document, and subsequent implementation by Council. This CMP provides an integrated and strategic approach to the management of the Lower Shoalhaven River coastal zone consistent with the objectives of the *Coastal Management Act 2016* and has integrated community feedback following substantial consultation. Once certified, Council can proceed with the implementation of the identified management actions to ensure the comprehensive, risk-based management and mitigation of coastal hazards within the CMP Study Area can occur to meet the needs of the community.

2. Not adopt, or, seek further modification to the Lower Shoalhaven River CMP.

Implications: Additional modifications to the draft CMP, if significant, would require further public exhibition and reporting back to the Committee and Council. Under such a scenario, additional Council time and budget would be required for the project team to complete this work, which would delay the implementation of high priority management actions to address coastal hazards. This will also place further demands on community members who have already provided significant input into the development of this CMP. This project has been funded by the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Coast and Estuary Grants Program with a one third contribution by Council. Applications for additional funding and time would not be successful due to several variations already approved on this project and the project now being considered complete. Consequently, there is no scope or budget for further significant amendments to the CMP.

Background and Supplementary information

In accordance with the *Coastal Management Act 2016* (NSW) (CM Act), local councils are to prepare CMPs to meet the objectives of the CM Act. The CMP covers the coastal zone of Lower Shoalhaven River – as legally defined in the CM Act and the *State Environmental Planning Policy (Resilience and Hazards) 2021* (RH SEPP). The Study Area for the purposes of the Lower Shoalhaven CMP comprises the coastal zone within the lower catchment of the Shoalhaven and Crookhaven Rivers. It also includes the intermittently open entrance area at Shoalhaven Heads. The landward extent of the study area is defined by the coastal management areas mapped in the *State Environmental Planning Policy (Resilience and Hazards) 2021* (RH SEPP) that are within the catchment of the Shoalhaven River estuary. This includes Coomonderry Swamp, Saltwater Swamp and Brundee Swamp.

The Lower Shoalhaven CMP has been developed in accordance with the CM Act and the staged process for developing and implementing a CMP, as detailed in the NSW Coastal Management Manual. The stages completed to support this CMP include the preparation of:

- **Stage 1 – Shoalhaven Coastal Management Program Scoping Study:** This included a review of relevant background information, a first-pass risk assessment, a data gap

analysis, and formulation of a plan for the development of the suite of CMPs covering the Shoalhaven's coastline and estuaries.

- **Stage 2 – Risks, Vulnerabilities and Opportunities:** This included a detailed assessment of the various threats and risks affecting the environmental, social, cultural, and economic assets and values of the Lower Shoalhaven River and resulted in the development of the following reports:
 - *Stage 2: Lower Shoalhaven River Tidal and Coastal Inundation, Morphological Changes to Berry's Canal, Groundwater and Acid Sulfate Soils Assessment.* An assessment of tidal and coastal inundation under several sea level rise scenarios with consideration of tidal and storm conditions, ground water levels and Acid Sulfate Soils. Morphological changes to Berry's Canal were also assessed.
 - *Stage 2: Boating Study.* An analysis of current boat usage, a review of boating facilities, future demand estimates and potential management options.
 - *Stage 2: Water Quality and Monitoring program assessment.* A review of water quality data to assess water quality issues and trends in the estuary and the adequacy of the existing monitoring and reporting program.
 - *Stage 2: Urban Runoff Assessment and Treatment Options.* An analysis of
 - urban stormwater catchments draining to the Lower Shoalhaven River was undertaken in Stage 2 to identify opportunities for stormwater management to reduce this threat to the estuary.
 - *Stage 2: Bank and Riparian Condition Assessment.* Categorises and assesses the bank and riparian condition along the Lower Shoalhaven River, identifying potential erosion mechanisms and consideration of appropriate management recommendations.
 - *Stage 2: Shoalhaven River Floodplain Prioritisation Study.* Prioritisation of management actions in the floodplain based on acid drainage risk, blackwater potential and sea level rise vulnerability.
- **Stage 3 – Lower Shoalhaven River CMP Stage 3 Report:** This included stakeholder engagement and options analysis to identify and prioritise coastal management actions that can effectively address issues and risks, take advantage of new opportunities, and give effect to the objectives of the CM Act.
- **Stage 4 – Lower Shoalhaven River Coastal Management Program:** This included the preparation of a draft CMP for public exhibition and the finalisation of the CMP following the exhibition. This document outlines the identified management actions and business plan for their implementation over a 10-year period. It is this document that is being presented to Council for adoption.

The CMP comprises a program of integrated management actions that are intended to address key issues, and harness new opportunities for the management of the Lower Shoalhaven River coastal zone. It outlines specific actions that are to be implemented over a 10-year management timeframe under several overarching strategies for managing the coastal zone, which include:

- Overarching Local Government Area (LGA) – Wide Management Actions
- Manage Foreshore Areas and Address Bank Erosion
- Improve Planning and Management Arrangements for the Lower Shoalhaven River Area
- Support Management of the Shoalhaven Heads Entrance
- Maintain and Improve Water Quality

- Protect and Rehabilitate Estuarine and Riparian Vegetation and Habitat
- Maintain and Improve Recreation and Amenity, and
- Support and Manage Boating and Waterway use.

This has resulted in the development of a total of 60 management actions to be delivered through Stage 5 (Implementation) of the CMP over the next 10-years. 55 of these actions are to be implemented by Council.

A Business Plan has been developed which outlines the key components of the funding strategy for the CMP to implement the management actions, including the cost of proposed actions, proposed cost-sharing arrangements, and other potential funding mechanisms. Delivery of the CMP is estimated to cost approximately \$24.64 million (2024 dollars) over 10 years, with approximately \$8 million of this funding proposed to be coming from Council.

Sustainable funding and financing arrangements for management actions will be established in consultation with key stakeholders. Funding for management actions may be gained from various sources, including competitive State and Federal Government grant programs and Council's internal funds.

The CMP was presented to the Northern CMP Advisory Committee on 17 March 2025 to gain their support and endorsement before the CMP was presented to Council. At the Committee meeting, consultants (Rhelm) presented a recap on the Lower Shoalhaven River CMP, the engagement undertaken and public exhibition. Key topics of concerns that were brought up during public exhibition, and were discussed in detail at the Committee meeting, included:

- Entrance management and flood mitigation
- Foreshore erosion and stabilisation
- Environmental protection and biodiversity
- Recreational Amenity and community access
- General plan comprehensiveness and clarity

At the meeting it was resolved that:

- The Committee endorse that the Lower Shoalhaven River Coastal Management Program (CMP) and report to Council for adoption and submission to the relevant NSW Minister for certification.
- Council consider, through the implementation of the Lower Shoalhaven River CMP, additional sites for water testing, where available resources and funding can be identified.

The CMP is now being presented to Council to request its adoption. Following this, the CMP is required to be submitted to the relevant NSW Minister for certification before Council can gazette the CMP and then commence implementation.

Internal Consultations

Throughout Stages 1-4 of the CMP development, internal consultation was carried out within Council. This included consultations across and within Council Directorates to obtain feedback on the existing coastal hazards, risks and opportunities within the Lower Shoalhaven River coastal zone, as well as the development and implementation of proposed management actions. For actions that involve the construction of new or upgrade of existing Council assets, asset custodians were consulted to ensure integrated and consistent delivery of works across Council. Internal consultations will be ongoing throughout the implementation of the CMP.

External Consultations

Throughout Stages 1-4 of the CMP development, external consultation was carried with a range of representatives from NSW State Government agencies, adjacent local councils and Non-Government Organisations. These included:

- NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)
- NSW Department of Primary Industries and Regional Development (DPIRD) – Fisheries
- NSW Department of Planning, Housing and Infrastructure (DPHI) – Crown Lands and Planning
- Transport for NSW (TfNSW)
- National Parks and Wildlife Service (NPWS)
- State Emergency Services (SES)
- Local Land Services (LLS)
- Jerrinja Local Aboriginal Land Council (LALC)
- Jerrinja Tribal Group

Consultations were undertaken to obtain feedback on the existing coastal hazards, risks and opportunities within the Shoalhaven LGA, as well as the development and implementation of proposed management actions. Through this process, external entities provided information to support Council in developing a CMP that meets statutory obligations for the management of the coastal zone within the CMP Study Area. Following the completion of the CMP Public Exhibition Period, Council is currently seeking letters of support from the relevant NSW State Government agencies listed as supporting agencies within the CMP. These letters are required for submission of the CMP for certification by the relevant NSW Minister. To date, all agencies have expressed in principle support for the CMP.

The management actions within the CMP identify where these external entities have been identified as a 'Partner' or a 'Lead Agency' in the implementation of the management actions. Council will continue to engage with these entities throughout the implementation of the CMP and to ensure that the relevant legislation under each of their jurisdictional boundaries is appropriately complied with.

Community Consultations

Stakeholder and community engagement has been implemented progressively through each stage of the CMP. The various engagements were coordinated and developed in line with CMP Engagement Guidelines developed by the NSW State Government (DCCEEW), the Shoalhaven City Council Community Engagement Strategy, and the use of the International Association for Public Participation (IAP2) guidelines. This included engagement with traditional owner groups, local communities, and public authorities through a range of methods – including workshops, drop-in sessions, surveys, one-on-one meetings and interactive online map-based platforms. The draft CMP document outlines the community consultation process employed throughout the lifecycle of the CMP.

During the development of the CMP, the Council employed a diverse range of strategies to actively engage with the community. These methods have included the following:

- Social media posting and advertising
- Council's Community newsletter
- Community Information drop-in sessions and workshops

- Council media releases
- Emails to a well-developed stakeholder list to provide project updates and promote upcoming engagement opportunities.
- Correspondence with Council's Community Consultative Bodies
- Email to subscribers of the *Get Involved* page
- Face-to-face meetings with our Indigenous stakeholders
- External Government workshops
- Internal Government workshops
- Radio advertising
- Newspaper advertising

As a result, Council has developed an extensive database of individuals interested in being engaged on the progression of the CMP through each stage of development, while also having had 158 members of the community subscribing to receive project updates on the project *Get Involved* webpage, and a further 170 subscribers for the broader Shoalhaven Coastal Management Programs *Get Involved* webpage.

To summarise the feedback received during Stages 2 and 3 of the development of the CMP a 'closing the loop' summary document was prepared and is available on the project *Get Involved* webpage (linked below). The intention of this summary document was to provide responses to all submissions received on the risks, vulnerabilities and opportunities identified by the community for the Lower Shoalhaven River CMP, as well as the potential management actions considered for the CMP. The document outlines how and where feedback had been considered in the development of management actions as presented in the Stage 4 draft CMP document.

The draft CMP was on public exhibition from 4 November 2024 to 10 February 2025 to obtain final stakeholder feedback on the proposed management actions included in the draft CMP. Council is required under the CM Act to publicly exhibit the draft CMP for a period of at least 28 days. The draft CMP was placed on public exhibition for a total of 99 calendar days in response to community requests. The public exhibition process involved:

- Provision of the document electronically on the Shoalhaven City Council *Get Involved* webpage for the project: <https://getinvolved.shoalhaven.nsw.gov.au/lower-shoalhaven-river-cmp> and the *Documents on Exhibition* section of the Council website.
- Two community information sessions, attended by the project team, were held on 20 and 21 November 2024 in Nowra and Shoalhaven Heads respectively. These sessions provided the community an opportunity to review, ask questions, and provide in-person feedback on the draft CMP.

Other engagement methods deployed during the Public Exhibition Period included, distribution of pamphlets, *Get Involved* page posts and updates, direct emails to Council community and stakeholder participation lists and the creation of an 'explainer video' summarising the CMP process and outcomes. As part of the public exhibition, Council also hosted a meeting for all CMP Advisory Committee Members on the 21 November 2024. This meeting provided CMP Advisory Committee Members the opportunity to discuss the draft CMP document with the project team and an opportunity to ask questions about this document before providing feedback.

The following summarises the engagement achieved throughout the public exhibition process:

- 50 online submissions on the draft CMP through the *Get Involved* page.

- 14 submissions on the draft CMP through emails or letters sent into Council
- 25 registered attendees at the community information sessions

Following the public exhibition period, the draft CMP has been updated based on the submissions received. A response to submissions (RTS) has also been prepared and is available as an appendix to the final CMP (Attachment 2 to this report) outlining how each submission has been considered in the finalisation of the CMP document.

The CMP document and RTS document were presented to the Northern CMP Advisory Committee to gain their support and endorsement before the CMP was presented to Council. The Committee meeting was held on 17 March 2025. At the meeting, the Committee supported the recommendation that the CMP be presented to Council for adoption, and subsequent submission to the relevant NSW Minister for certification.

Policy and Statutory Implications

The CMP has been prepared in accordance with the NSW Coastal Management Framework that is governed by the CM Act. Council has prepared the CMP giving regard to the relevant legislation, environmental planning instruments and statutory guidelines applicable to the coastal zone within the CMP Study Area. Furthermore, as part of the CMP development process, DCCEEW is required to confirm that the CMP satisfies the objectives of the CM Act and the mandatory requirements for a CMP as set out in the Coastal Management Manual. DCCEEW has indicated in principle support for the draft CMP and is currently reviewing the final CMP to confirm that it meets the objectives of the CM Act and mandatory requirements for a CMP.

The CMP has also been prepared considering existing Council Policies for the management of the foreshore and coastal environment including, but not limited to, Council's Tree Management Policy (Public Land) (POL21/51), Vegetation Vandalism Prevention Policy (POL22/24), and the Foreshore Reserves Policy (POL19/76). In addition, the CMP has been prepared giving consideration to Council's suite of CMPs, notably the certified and gazetted Shoalhaven Open Coast and Jervis Bay CMP, to ensure consistent management of the coastal zone throughout the Shoalhaven.

The CMP is considered a 'living document' that is to be reviewed and updated continually throughout its lifecycle. A strategic review of the CMP should occur at least once every ten years to assess the effectiveness of the CMP in achieving its objectives and to incorporate changes, considering new information, legislative and policy changes, and improved understanding of the local coastal processes.

Following the certification of the CMP, existing resolutions from Council meetings relating to coastal management that have been actioned by Council will be superseded, with the CMP to become the overarching strategy for the management of the coastal zone within the Shoalhaven. As outlined above, the CMP has been developed considering Council's statutory obligations for coastal management as outlined with the CM Act, Council's existing policies relevant to the coastal environment, best practice coastal management as documented within State guidelines and literature, as well as the outcomes of extensive consultation with the community and NSW State Government agencies over the preceding years. Subsequently, it is considered the CMP should be the primary mechanism for Council to manage the coastal zone of Lower Shoalhaven River in an integrated and holistic way.

Financial Implications

The CMP has been prepared by Council with funding assistance received from NSW DCCEEW through a Coast and Estuaries Grant. This grant funding has provided a fifty percent contribution from the NSW State Government for the completion of the CMP. Delivery of the CMP is estimated to cost approximately \$24.64 million (2024 dollars) over 10

years, with approximately \$8 million of this funding proposed to be coming from Council, which will be subject to inclusion in the long-term financial plan.

Following the certification of the CMP, Council will be eligible to apply for grant funding for the implementation of management actions through the DCCEE Coast and Estuaries Implementation Stream Grants. This funding has been specifically created to provide a two-to-one funding ratio for actions within a certified CMP. This grant funding program is contestable, prioritised to Council applications with certified CMPs and subject to NSW State Government funding priorities and allocations. However, the availability of these funding opportunities provides a clear indication of the financial benefits a certified CMP provides to Council for the implementation of the management actions identified through the CMP.

In preparing the CMP, it has been recognised that for Council to implement and deliver the identified management actions, additional resourcing is likely to be required. Management Action ECON_05 of the CMP has been developed to respond to this and set out for Council to “Establish one new Full Time Equivalent (FTE) Coast & Estuary Officer role within Council”. The Business Plan within the CMP has assigned this management action an expected cost of \$1.3 million over the 10-year lifecycle of the CMP to ensure that internal capability is maintained to oversee and carry out strategic actions. This operational funding (and any capital project allocations) will be decided on through standard budget processes, accounting for whole of organisational resourcing requirements and capability.

Staff resourcing and associated Council budgets for the Lower Shoalhaven River CMP implementation is vital to ensure the delivery of Stage 5 in line with the business plan. This is paramount given the significant increase in workload requirements for Council staff. Furthermore, it must be acknowledged that current resources are working on the development of high priority estuary CMPs to meet stakeholder expectations. Adequate resourcing will enable the efficient and complementary implementation and continued development of all CMPs throughout the LGA.

Risk Implications

Consideration of Risk in the CMP process

A First Pass Risk Assessment was completed in the Stage 1 Scoping Study for the Shoalhaven CMPs. This provided a high-level assessment the various issues, vulnerabilities, and opportunities affecting the Lower Shoalhaven River coastal zone. The risk assessment was further refined in Stage 2 of the CMP and included an updated and detailed risk assessment of coastal hazards. This involved identifying and assessing risks and benefits to environmental, social, and economic values across the coastline, with the aim of informing the development of management options in Stages 3 and 4.

The risk-based framework applied in Stage 2 was consistent with those applied in Council's existing coastal hazard risk assessment, and the CMP Stage 1 Scoping Study, as well as Council's organisational Risk Management Framework. This risk assessment approach was also developed to be consistent with the following standards and guidelines:

- ISO 31000:2018 Risk management – Principles and guidelines, provides principles, framework, and a process for managing risk (International Standards Organisation, 2018).
- Part B of the NSW Coastal Management Manual (OEH, 2018).

The risk assessment considered and quantified a wide range of threats and the hazards they present for the relevant coastal management areas (as defined in the RH SEPP) within the coastal zone of each estuary. The potential impact of these threats was evaluated for several key interconnected risk assessment themes, comprising public safety, infrastructure, environmental, and public amenity. The indicative control measures identified against each

risk were used as the basis for further prioritisation and refinement of management actions in Stage 3 of the CMP process.

As required by the CM Act, the key risks and threats have been considered over a range of timeframes, including the present day, as well as future planning horizons 20 years, 50 years, and 100 years – to account for future climate changes impacts, and the impacts of population growth and future development on the coastal zone.

Management actions included within the CMP reflect issues that have been assessed as being high risk either in the present day or under future planning horizons. Council's development of the CMP and the relevant management actions have been guided by decisions made in 'good faith' as established under Section 733 of the *Local Government Act 1993* to suitably address and mitigate identified risks and hazards. The CMP has incorporated the statutory objectives for the management of the coastal zone as reflected in the CM Act, and other supporting legislation and guidance as part of the NSW Coastal Management Framework. Subsequently, failure to implement the CMP in line with this statutory guidance may expose Council to liability by failing to act with reasonable care and due diligence to proactively manage potential risks identified within the CMP. This may hinder defences available to Council under Section 733 of the *Local Government Act 1993* and Section 43A(3) of the *Civil Liability Act 2002*.

Risk of not adopting the recommendations of this report

Additional modifications to the draft CMP, if significant, would require further public exhibition of the draft document and reporting back to the Committee and Council. Under such a scenario, additional time and budget would be required for the project team to complete this work, which would delay the implementation of high priority management actions. This project has been funded by the NSW DCCEEW Coast and Estuary Grants Program with a fifty percent contribution by Council. Applications for additional funding and time would not be successful due to several variations already approved on this project and the projects being considered complete. Consequently, there is no scope or budget for further significant amendments to the CMP.

CL25.206 Initial Consideration - New Proponent Initiated Planning Proposal – 28 Bowen Street and 34-38 Hawke Street, Huskisson

HPERM Ref: D25/219960

Department: Strategic Planning

Approver: Lindsay Usher, Acting Director - City Development

Attachments: 1. Preliminary Planning Proposal Assessment [↓](#)

Reason for Report

The report enables consideration of and seeks direction on a proponent-initiated Planning Proposal (PP) request submitted by Jervis Bay Town Planning (JBTP) on behalf of the landowners (Mehmet) that seeks to amend the Shoalhaven Local Environmental Plan (LEP) 2014 to increase the mapped building height limit from 7.5 metres (28 Bowen Street) and 11 metres (34-38 Hawke Street) to 12 metres.

Recommendation

That Council:

1. Support the Planning Proposal (PP) request to amend the Clause 4.3 Height of Building development standard related to the subject land to 12 metres within the Shoalhaven Local Environmental Plan 2014
2. Prepare and submit the required PP documentation to the NSW Department of Planning, Housing and Infrastructure (DPHI) for initial Gateway determination.
3. If significant public interest is received during the required public exhibition, following Gateway determination, receive a report back to consider its finalisation.

Options

1. As recommended, support the Planning Proposal request and progress to Gateway determination

Implications:

- The proposed adjustment is considered to be relatively minor in nature and can be supported given the circumstances of the site.
- The proposed amendments will help improve the supply and quality of tourist accommodation in the Huskisson area and provide associated employment opportunities.
- Increased tourist accommodation is likely to have a positive economic impact and promote greater use of existing public amenities and commercial businesses.
- The proposed development will add to Huskisson's vibrancy, particularly during peak tourism seasons and special events. It will also enable both short term and long-term local employment opportunities.
- The submitted indicative architectural plans shows a built form that exceeds the requested proposed 12 m height limit by up to 1.1 m. Note: this would be subject to approval of a clause 4.6 variation request at the development application (DA) stage should the PP proceed.

- The proposed amendments may result in some adverse amenity impacts to the surrounding lower density residential development. This will require closer consideration at the DA stage.
- The proposed amendments could impact the view corridors across White Sands Park to Jervis Bay for the properties immediately to the south and west of the property.

The first step in progressing the requested PP would be to seek a Gateway determination from the NSW Government. Council's request could recommend any additional studies that should be done prior to public exhibition. However, if the determination allows the PP to proceed, any additional studies listed in the conditions would need to be completed prior to public exhibition.

2. Not support the or modify the request.

Implications:

- If this PP request is not supported or supported in a modified fashion this could trigger the potential for a PP Review with the NSW Government and if this occurs Council would lose oversight of the matter.

Background and Supplementary information

Subject Land

The subject land comprises Lot 1 Sec 5 DP 758530 and Lots A, B, C DP 33476 located at 28 Bowen Street and 34-38 Hawke Street, Huskisson – see **Figure 1** below. The existing Huskisson Bayside Resort (tourist accommodation) and other associated uses currently operate on the site.



Figure 1 – Subject land

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The existing land uses adjacent to and surrounding the subject land include:

- Low and medium density one and two storey residential and multi dwelling development.
- Crown Land to the north known as Whitesands Park that provides direct access to Shark Net Beach, shared picnic facilities and play equipment.
- The former Huskisson Anglican Church is located directly to the northwest of the subject site, on the corner of Bowen Street and Hawke Street.
- The Huskisson town centre is positioned approximately 240 m north of the subject site and provides a range of food and drink venues, commercial venues and other forms of tourist accommodation.

LEP Overview – current zoning and building height

The subject land is currently zoned R3 Medium Density Residential (as shown in **Figure 2**) and has a maximum mapped building height of 7.5 m (Lot 1 Sec 5 DP 758530), with the remaining lots not currently specifically mapped on the LEP's height of building overlay and therefore a maximum height of 11 m applies as per Clause 4.3 of the LEP.

The R3 Medium Density Residential zoning allows a range of residential uses and some other uses, including 'tourist and visitor accommodation'.

The PP request does not seek to amend the zoning.

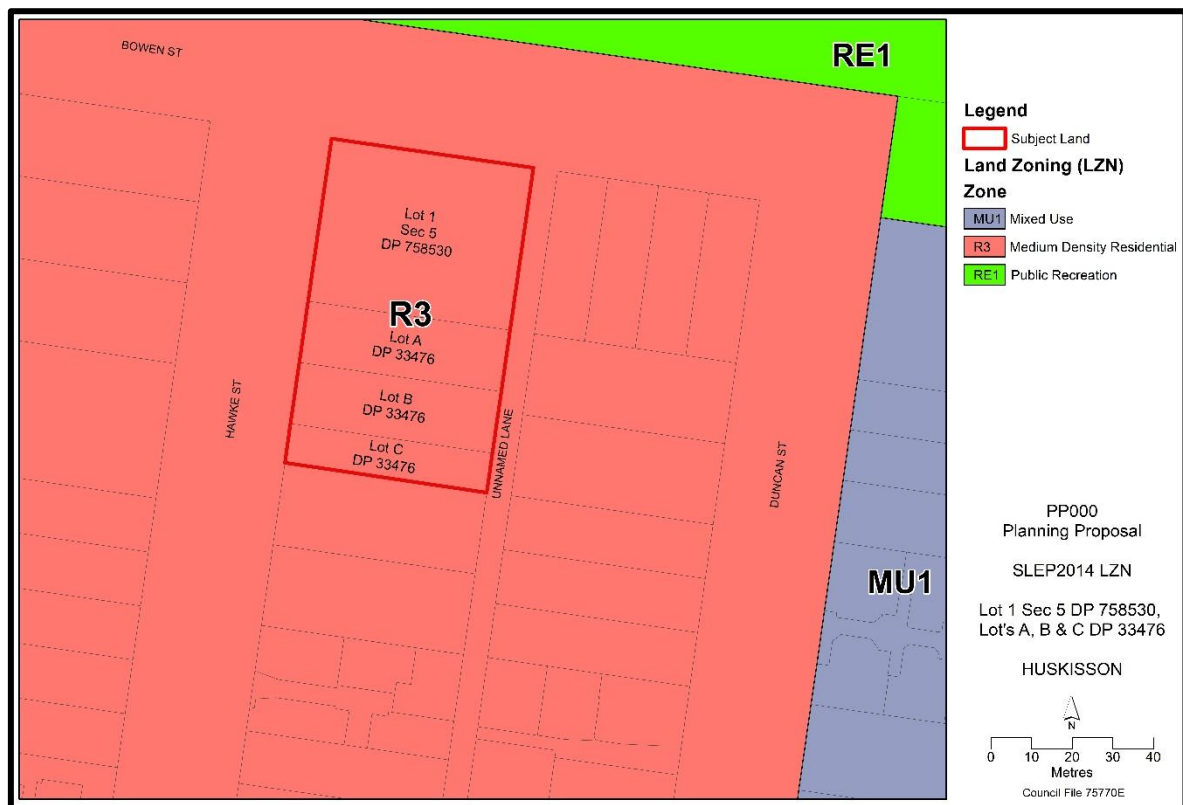


Figure 2 – current zoning under SLEP2014

History of current building height controls

Prior to the current LEP, building height controls largely sat outside the LEP. They were generally contained in Development Control Plan's (DCP's). Also a provision in the previous Illawarra Regional Environmental Plan (REP) enabled Council to consider applications for development up to 11 m.

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With the move to the NSW Government's Standard LEP Instrument, Councils were required to include 'height of building' controls, usually mapping, in their new LEP's. This however was implemented in the Shoalhaven LEP 2014 in two ways:

- Zones, areas or sites with specific height limits/controls in existing DCP's were mapped on the Height of Buildings (HOB) map overlay in the LEP.
- As a result, the 7.5 m HOB that currently applies to 28 Bowen Street was derived from the earlier DCP No.62 - Residential Development in Foreshore Areas, which in turn was derived from Council's earlier Code to Control Building Height and Amenity of Waterfront Areas. The 7.5m maximum height applied to the first residential lot back from the waterfront, hence it applied to 28 Hawke Street and not the remainder of the property. The original intent of the Foreshore Height Code was to better manage development in close proximity to the foreshore and limit/manage any overshadowing or similar.
- The application of a 7.5 m maximum height is not consistently applied for relevant lots across Huskisson. Properties located west of the Whitesands Park have a mapped HOB of 10m whereas foreshore residential properties located south-east of the subject land have a mapped HOB of 13m. The properties to the south-east are separated from the foreshore by a lesser distance than the subject land, however, are not subject to a 7.5m HOB.
- The 11 m height limit that applied to the remaining land under the Illawarra REP (including 34-38 Hawke Street) was carried over (not mapped) to the LEP via Clause 4.3 (Height of Buildings).

It is noted that there are a range of other existing building heights in the broader Huskisson area and these range from 7.5m to 13/14m. Given the circumstances of this site it could be considered to be a historical anomaly, particularly noting the heights on the other properties that front Whitesands Park – 10m west of park and 13m to the south east of the park (and closer to the foreshore/waterfront).

The current and proposed height limits reacted to the subject land are shown in **Figure 3**. Other existing mapped heights in the broader surrounding area are also shown in **Figure 4**.

Subject Land - Development history

The subject land has historically been used for tourist and visitor accommodation, as approved through various previous/historic applications.

Most recently development application DA23/1562 for the demolition of the existing motel and construction of a tourist hotel containing 72 Suites, Function Areas, Meeting Rooms, Restaurant, Swimming Pool and Two-Level basement carpark for 140 spaces was lodged over the site.

Following advice that a proposed contravention to Height of Building control (Clause 4.3 of the LEP), could not be supported, the applicant subsequently withdrew the application in late 2023. This has resulted in the current PP request.

Planning Proposal (PP) Request

In accordance with the NSW Government's [Local Environmental Plan Making Guideline](#) and Council's [Guideline for Proponent Initiated Planning Proposals](#), the following pre-lodgement process steps occurred in regard to this proposal.

A scoping proposal was initially lodged by the applicant on 8 February 2024. Note: The scoping proposal sought to increase height limits to 11 m.

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Council's Strategic Planning staff met with the proponent on 20 June 2024 to provide feedback on the scoping proposal and a [pre-lodgement letter](#) was issued to the proponent on 28 June 2024 that including the following feedback:

- Consideration could be given to mapping the subject site in its entirety as 11 m.
- Future PP would require a detailed assessment of the strategic framework and to address the relevant Ministerial Directions
- The PP must demonstrate that it will not result in an undesirable precedent in the area.
- The applicant must provide supporting documentation and studies, including, a site analysis plan, diagrams showing indicative building heights and existing height planes, shadow diagrams and a visual impact assessment prepared by a suitably qualified person.
- Include a detailed assessment against the relevant strategic planning documents including the Illawarra Shoalhaven Regional Plan 2041, Shoalhaven 2040: Local Strategic Planning Statement and Shoalhaven Growth Management Strategy.
- A detailed assessment against the NSW Department of Planning, Housing & Infrastructure's (DPHI) Local Environment Plan Making Guideline (August 2023).

What LEP changes are requested?

The PP request essentially now seeks Council's support to amend the LEP to:

- Increase the maximum height limit of the subject land to from 7.5 m on Lot 1 Sec 5 DP 758530 and 11 m on the remainder of the lots to a consistent 12 m as shown in **Figure 3** below.

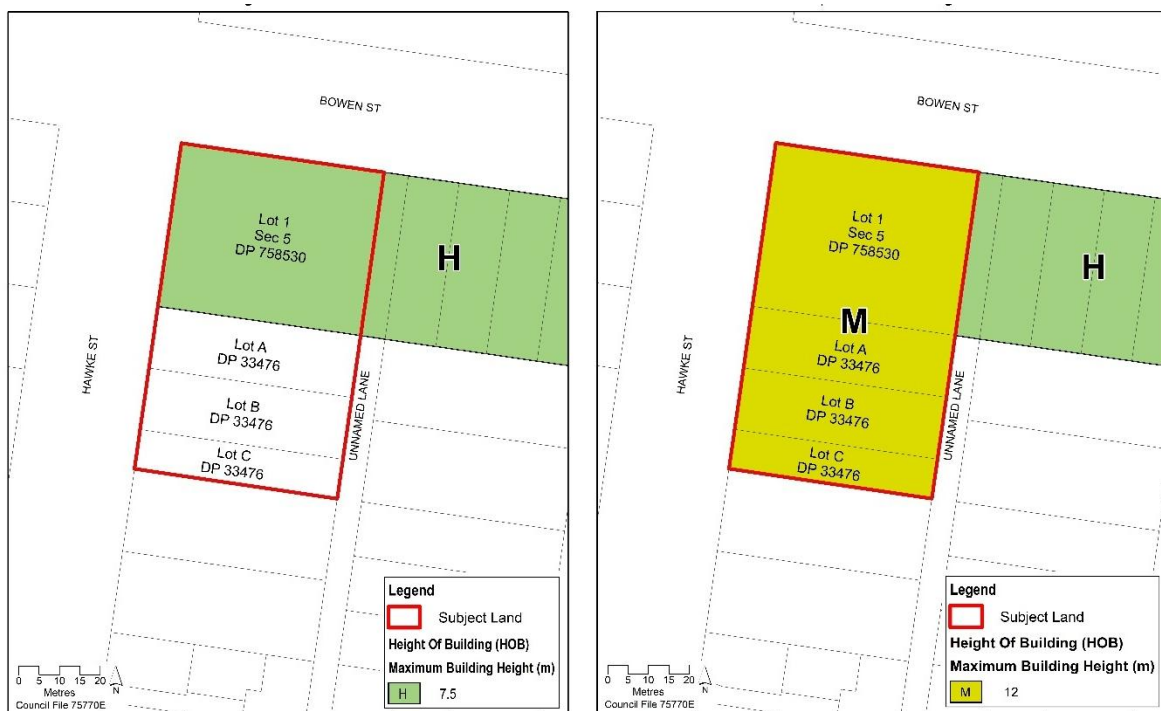


Figure 3 – current (left) and proposed (right) mapped Height of Buildings (HOB) under SLEP2014.

Note: An 11 m HOB applies to the unmapped area per clause 4.3(2A) of the SLEP 2014.

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Figure 4 – Current mapped Height of Buildings (HOB) under SLEP 2014 across Huskisson.

Green = H/7.5m or I2/8.5
Brown = N1/13m or N2/14m
Yellow= K/10m
Uncoloured = 11m

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The proponent's material includes a potential concept design for proposed tourist and visitor accommodation comprising of a 4-storey hotel. The indicative development is proposed to incorporate:

- 72 rooms/suites
- Inground swimming pool
- Restaurant
- 2 storey basement parking

Vehicular access to the site is proposed to be achieved through Hawke Street to the west of the site and vehicular exit to be via the laneway to the east. Pedestrian access is proposed to be achieved from the north of the site via Bowen Street.

The appropriateness of the built form shown in indicative plans has not been considered or endorsed by Council staff at this point. This will require detailed consideration at the future development consent stage if the PP progresses through to finalisation.

The key documents submitted by the proponent are listed below and can be accessed via the links provided.

Planning Proposal Report
Architectural Plans
Aboriginal Due Diligence Assessment
NSW Coastal Design Guidelines Assessment Checklist
Statement of Heritage Impact
Visual Impact Assessment

Overview – Strategic Planning Context

Illawarra - Shoalhaven Regional Plan 2041

The Regional Plan focuses on the strategic planning framework for the Illawarra Shoalhaven Region prepared in accordance with Section 3.3 of the *Environmental Planning and Assessment Act 1979*. It is used to guide and inform land use planning across each Council within the region through a series of objectives.

The subject PP request is considered to align with a range of objectives of the plan, including the following:

- Objective 5: Create a diverse visitor economy
- Objective 22: Embrace and respect the region's local character
- Objective 24: Support major events, public art and cultural activities

The enhancement of tourist accommodation in the Huskisson Town Centre is likely to deliver increased visitation and expenditure in accordance with the plan objectives. Huskisson is recognised as a tourism hub and hosts major events, cultural activities and the like.

Increasing the Height of Building limit across the subject site, will enable its re-development to better cater for the growing visitor economy and provide a more contemporary offer in accordance with its zoning and existing use.

Jervis Bay Settlement Strategy (JBSS)

The JBSS identifies Huskisson as the gateway to the Jervis Bay Region through the provision of housing opportunities and economic activities. The strategy identifies Huskisson as the key focal point for tourism in the region, emphasising the importance of increasing these tourism numbers generating more activity within the region.

The PP request is broadly consistent with the vision “to maintain and enhance the marine, estuarine and natural resources by providing balanced future living and visiting opportunities which are environmentally, socially and economically sustainable”.

Shoalhaven Growth Management Strategy (GMS)

The GMS identifies the importance of promoting Huskisson as a tourist destination through urban renewal. The strategy highlights opportunities for Huskisson to provide for a range of tourist accommodation and permanent living through a combination of urban consolidation and higher densities.

The PP request is broadly consistent with this strategy by seeking to provide additional height to provide well-located tourist accommodation within the existing urban and commercial footprint.

Shoalhaven Character Assessments 2020

This document identifies the Huskisson town centre as a prime tourist destination, recommending further enhancement of the area to maintain this status. These recommendations include broadening the range and availability of housing, retaining the environmental and ecological communities in the area and ensuring the town centre remains pedestrian friendly to enhance commercial and social activities within the region.

The PP request identifies these recommendations and notes that the proposed change across the site will enable improved tourist accommodation and offer new economic and commercial opportunities to Huskisson. The proposed replacement of the existing tourist accommodation with new tourist accommodation will provide improved tourist accommodation opportunities and to support existing/continued tourism growth.

Shoalhaven Local Strategic Planning Statement (LSPS)

The LSPS contains a variety of strategic planning goals to be implemented across Shoalhaven, through a particular focus on population, economy and amenity. The proposed change in height of building at the subject site is not expected to significantly impact these factors within the Huskisson town centre and surrounds.

The subject land is considered to be an appropriate location where a slight increase in the height limit to facilitate additional tourist accommodation can be considered, noting that it is well located in proximity to the Huskisson town centre.

LSPS Planning Priority 7 identifies that a balance between supporting and promoting tourism to increase visitor spending and managing impacts on communities and sensitive locations must be reached. This proposal seeks to increase height that will permit an intensification of tourist accommodation on an existing site which will potentially help limit demand and impact to existing residential land/homes.

Shoalhaven Destination Management Plan 2018-2033

This Plan highlights current and future tourism data and visitor demands, and the role of tourism within Shoalhaven. The PP request aligns with the Plan by replacing existing tourist accommodation with new tourist accommodation and supporting ancillary uses to meet the gaps in tourist accommodation within Huskisson.

Preliminary Assessment

A full preliminary assessment of the PP request received is provided in **Attachment 1**.

The assessment considers and addresses the strategic and site merit criteria set out in the NSW Government's [Local Environmental Plan Making Guideline](#). The key findings are summarised below:

- The proposal is considered to be within the 'Standard' PP category as it "relates to altering the principal development standards of the LEP".
- It is acknowledged that it will help deliver improved tourist accommodation and contribute to the increasing visitation and community economy.
- The proposal is considered to be generally consistent with the relevant Ministerial Directions.
- The proposal is generally aligned with and not inconsistent with the relevant objectives within the Illawarra-Shoalhaven Regional Plan 2041.
- The proposed change of building height is relatively minor, not considered to significantly impact local character and amenity and thus is considered to be acceptable. The proposed height is broadly consistent with existing heights that apply across Huskisson and precincts adjacent to the coastal foreshore and Whitesands Park. This amendment in part corrects the historical application of a 7.5m height for foreshore properties that has potentially been inconsistently applied across private properties in Huskisson.

Internal Consultations

The following internal Council stakeholders have reviewed and provided feedback on the PP request (including as part of the scoping proposal process):

- City Development
 - Development Services,
 - Environmental Health,

- Development Engineer
- Economic Development Officer

The feedback received has been considered in the preparation of this report.

External Consultations

The following NSW Government agencies provided feedback on the scoping proposal component.

NSW Department of Planning, Housing and Infrastructure

Summary: The proposal appeared to have strategic merit and did not appear to raise any precedent issues. It is noted that there is an existing tourist accommodation development and will therefore remain consistent with the character of the site. Further, it is not expected that it will be affected by the nearby Huskisson Anglican Church site.

Additional information was requested in that the applicant provide an assessment against the Shoalhaven Local Strategic Planning Statement and detailed diagrams and plans to demonstrate solar access and amenity impacts

Community Consultation

Formal community notification occurs if/when the PP is publicly exhibited, subject to receiving a favourable Gateway determination.

Adjoining landowners were notified on 1 May 2025 of receipt of PP request and no submissions were received in response to this notification process. However, an oversight during the notification processes resulted in the relevant CCB and Huskisson Heritage Association (HHA) not being notified as part of this procedure.

Consequently, a notification letter was sent to the CCB and HHA on 28 May 2025 that outlined the oversight and advised of the process. A standard 14-day response period was provided for the submission of any written submissions relating to the PP request. Note: If any submissions result from this, they will be summarised/covered at that the Council meeting by staff.

As a proponent may request a rezoning review if a PP is not supported by Council or if a decision is not made within 90 days of lodgement, it is not possible or desirable to hold the Council report to afford additional time for comment from these community bodies. If a review with the NSW Government is initiated, Council may lose oversight of this matter.

It is also noted that the submission process for development application DA23/1562 received 20 unique submissions. The feedback provided raised concern about the height of building contravention from Clause 4.3 of the LEP and that the applicant failed to follow the relevant processes to gain approval for this height variation.

Financial Implications

If supported the PP would be managed as a Standard PP, fully funded by the proponents in accordance with the applicable Council fees and charges.

Conclusion

The proponents PP request and supporting specialist studies conclude that the impacts are acceptable, and that the proposal would provide significant overall social and economic benefits.

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The PP is considered to have the necessary strategic or site merit to proceed to Gateway. The staff assessment concludes that the proposed height increase is generally acceptable, considering the circumstances and noting that a more detailed assessment will occur at the DA stage.

CL25.206

Preliminary Planning Proposal Assessment

28 Bowen Street & 34-38 Bowen Street, Huskisson

NSW Local Environmental Plan Making Guideline

Section A – need for the planning proposal

Q1. Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

The PP is not the result of an endorsed LSPS, strategic study or report.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The current height provisions as per the Shoalhaven Local Environmental Plan 2014 (LEP 2014) does not permit the intended development height.

The proponent was advised during the scoping proposal assessment that the intended 4-storey tourist and visitor accommodation outcome and associated required height increase across the site is best achieved through a Planning Proposal.

The submitted PP seeks to amend the mapped Height of Building (HOB) across the site to 12m, from 11m on Lot/s A, B and C DP 33476 and from 7.5m on Lot 1 Sec 5 DP 758530.

While the subject land is zoned appropriately as *R3 Medium Density Development* to permit *Tourist and Visitor Accommodation*, the proposed four-storey development exceeds the current mapped HOB. While a Development Application (DA) could be lodged using a Clause 4.6 exception to the development standard to seek flexibility in applying the current height limits, the extent of the proposed variation required is not considered the best means of achieving the intended outcome. Proceeding with a DA limits the opportunity to undertake a complete assessment ensuring that all considerations are given an adequate assessment, nor does it enable appropriate community input on the proposed development.

Section B – relationship to the strategic planning framework

Q3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional or district plan or strategy? (including any exhibited draft plans or strategies)?

Illawarra-Shoalhaven Regional Plan (ISRP) 2041

The ISRP was endorsed by the then NSW Department of Planning, Infrastructure and Environment (now Department of Planning, Housing and Infrastructure) in May 2021.

The Plan is prepared in accordance with section 2.2 of the *Environmental Planning and Assessment Act 1979* and seeks to inform Council's land use planning work.

The relevant objectives and strategies are discussed below:

Proponent's PP	Staff Assessment
<p>Objective 5: Create a diverse visitor economy</p> <p>Strategy 5.1: Create an environment for a diverse visitor economy. Strategic planning and local plans should consider opportunities to:</p> <ul style="list-style-type: none"> • Enhance the amenity, vibrancy and safety of centre sand township precincts • Create green and open spaces that are accessible and well connected and enhance existing green infrastructure in tourist and recreation facilities. • Support the development of places for artistic and cultural activities. • Protect heritage, biodiversity and agriculture to enhance cultural tourism, agri-tourism and eco-tourism • Support appropriate growth of the night-time economy • Provide flexibility in planning controls to allow sustainable agritourism and ecotourism • Improve public access and connection to heritage through innovative interpretation • Incorporate transport planning with a focus on active transport modes to connect visitors to key destinations • Provide water services to meet the needs of visitors. <p>Strategy 5.2: Support a diverse visitor economy in national parks through collaboration between National Parks and Wildlife Service, Destination NSW, Destination Networks, councils and local tourism organisations to encourage and welcome visitors.</p>	
<p>Does not specifically address 5.1 or 5.2, where the applicant states more broadly that there is an overreliance on residential accommodation in the JB region to cater for tourist accommodation. The proposal will further diversify the visitor economy through providing greater choice of accommodation.</p>	<p>The PP seeks to enable the redevelopment of an existing tourist accommodation site in Huskisson, currently known as the 'Huskisson Bayside Resort'.</p> <p>The proposal seeks to enhance the tourist accommodation offering on the site where the HOB control will be adjusted to enable greater planning and design outcomes.</p> <p>When referring to Strategy 5.1, the PP proposes to enhance the amenity, vibrancy and safety of town centres and township precincts, relating to open green spaces (i.e. Whitesands Park).</p> <p>This proposal is considered broadly consistent with Objective 5 of the Illawarra-Shoalhaven Regional Plan 2041.</p>

Objective 22: Embrace and respect the region's local character	
Strategy 22.1: Support the development of local character statements in accordance with the NSW Government's <i>Local Character and Place Guideline</i> .	
The PP states that the proposed change in building height is expected to be consistent with both current and future desired character. It does not discuss any potential impacts the proposed height change may have on existing character.	<p>The PP seeks to change the HOB control across the site to enable the intended use as an upgraded tourist and visitor accommodation development that is beneficial and will embrace the region's local character.</p> <p>The desired character of the Huskisson town centre will generally not be diminished by an increased HOB to 12m across the subject site. The residential areas to the east of the subject site have a HOB restriction as per Clause 4.3 of the LEP 2014 of 7.5m to 13m. By raising the HOB of this site to be 12m, it is within the range of surrounding height controls. Additionally, the trees and vegetation in Whitesands Park and surrounds will aid in minimising any adverse impacts on the built form and local character of Huskisson.</p> <p>This proposal is considered to be broadly consistent with Objective 22 of the Illawarra Shoalhaven Regional Plan 2041.</p>
Objective 24: Support major events, public art and cultural activities	
Strategy 24.1: Strategic planning and local plans should consider opportunities to: <ul style="list-style-type: none"> • Enhance and protect creative work and performance spaces, and related facilities • Support the temporary use of vacant buildings for performance and creative work • Support the night-time economy • Facilitate opportunities for creative and artistic expression and participation with a minimum regulatory burden • Encourage the diversification of uses, or activation of underutilised facilities • Facilitate street art to enhance urban areas and contribute to the attractiveness of neighbourhoods. 	
The PP states that the proposal is expected to facilitate the provision of a substantial number of professionally operated tourist accommodation suites will promote major events held in the Huskisson town centre.	The PP stipulates that the proposed change in H.O.B to facilitate a tourist an upgraded visitor accommodation use on this site will contribute to the overall tourism offering in the Huskisson region.

	The proposal is consistent with Objective 24 of the Illawarra Shoalhaven Regional Plan and is expected to result in positive social and economic outcomes for the area.
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Q4. Is the Planning Proposal consistent with a council Local Strategic Planning Statement (LSPS) that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

Shoalhaven Growth Management Strategy (GMS) 2014

The GMS seeks to manage the social and economic implications of future growth in Shoalhaven whilst protecting and preserving the environmental values of the City.

The GMS effectively embeds various structure plans and settlement strategies. The Huskisson area is identified as a key focal point for tourism within Shoalhaven, where amenities are required to accommodate for continued and growing tourism and visitor numbers.

The proposed additional height will enable the consideration of a new well-located, higher density tourist and visitor accommodation development.

Shoalhaven Character Assessments 2020

The Shoalhaven Character Assessments report identifies the Huskisson town centre as an ideal tourist destination and recommends to further enhance and develop the town centre. The recommendation consists of enhancing the built and commercial character of the area.

The subject PP acknowledges that the intended use of the site resulting from an increased HOB when considered against this report, where it will contribute to the local economy, short and long term employment and attract visitation to the area.

Q5. Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

NSW Visitor Economy Strategy 2030

The PP and intended use of the site is aligned with the NSW Visitor Economy Strategy 2023 given it facilitates growth through the redevelopment of a new tourist and visitor accommodation centre.

Strategic pillar 5 of the strategy stipulates that the facilitation of growth will contribute to the local economy and encourage short- and long-term visitation. The proposed HOB to enable a new tourist and visitor accommodation ensures the visitor economy is maintained and improved within Shoalhaven and the Huskisson area.

Shoalhaven 2040: Our Strategic Land-Use Planning Statement (September 2020)

The following actions and planning priorities of the adopted LSPS are considered relevant to the assessment of this proposal:

Proponent's PP	Staff Assessment
Planning Priority 7: Promoting a responsible visitor economy <ul style="list-style-type: none"> • There are opportunities to deliver an improved visitor economy and provide services to accommodate for increased visitation across the Shoalhaven. • Necessary infrastructure is required to provide amenities to accommodate for tourism numbers visiting the region. 	
The development that will be as a result of this PP, subject to development assessment and approval, will encourage improved infrastructure and facilities to encourage and accommodate a growing tourism industry in the Shoalhaven, and more specifically, the Huskisson town centre.	The proposed height increase to 12m demonstrates consistency with planning priority 7 as it will enable a higher density of tourist accommodation to better cater for visitors. The subject land is appropriately located in walk distance to the CBD of Huskisson and close to relevant amenities.
Planning Priority 13: Protecting and enhancing neighbourhoods <ul style="list-style-type: none"> • The character of neighbourhoods in the Shoalhaven are influenced by the interactions with the natural and built environment, the quality of public space and the way people interact and use places. • There is a strong desire for good management of development in the Shoalhaven region to ensure development respect existing character. 	
The PP states that the proposed works seek to protect and enhance the neighbourhood of Huskisson town centre. A Visual Impact Assessment (VIA) has been provided as part of the application indicating that the intended future use of the site is not expected to impact the local amenity of Huskisson.	The proposal appears to be consistent with Planning Priority 13 of the LSPS. As per the submitted Visual Impact Assessment, it is expected that the intended use of the site will not have any adverse effects to the built and local character of the Huskisson area and noting that it is already occupied by an older motel type development.

Q6. Is the Planning Proposal consistent with applicable SEPPs?

State Environmental Planning Policy (Housing) 2021

Height and FSR Incentives for Affordable Housing

As the proposed development outcome does not seek to include any affordable housing, these incentives do not apply.

Low and Mid-rise housing reforms

In December 2023, the NSW Government exhibited an Explanation of Intended Effect (EIE) which seeks to encourage additional low-rise and mid-rise housing near established town centres and areas serviced by good public transport.

These reforms have since been implemented on 28 February 2025 and have applied the following amendments to local planning controls to allow for:

- Dual occupancies (two dwellings on the same lot) in all R2 low density residential zones across NSW.
- Terraces, townhouses and 2 storey apartment blocks ('manor houses') near transport hubs and town centres in R2 low density residential zones.
- Mid-rise apartment blocks near nominated transport hubs and town centres in R3 medium density zones across the six cities region.
- Introduction of 'non-refusal' development standards are also proposed for applicable development.

Given the zoning of the site as R3 Medium Density residential, if the indicative development is not pursued and an alternative outcome is proposed with the revised height of building, the LMRH reforms are not currently relevant and any such development will need to be considered against the relevant provisions in the Shoalhaven Local Environmental Plan 2014.

State Environmental Planning Policy (Resilience and Hazards) 2021

The proposed change in HOB to 12m for the intended use of tourist and visitor accommodation does not directly affect the coastal management or environment of Huskisson. The Coastal Design Guidelines checklist provided as part of this application indicates that the subject proposal is considered reasonable when assessing it against the coastal management.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The submitted PP is broadly consistent with the objectives and controls of the SEPP. The subject land is not located on a frontage to or within close proximity to a classified road.

Q7. Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

Direction 1.1 Implementation of Regional Plans

Objective: Give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.

The requested increase in building height is not inconsistent with the relevant land use strategies or goals within the Illawarra Shoalhaven Regional Plan 2041.

Direction 1.3 Approval and Referral Requirements

Objective: Ensure that LEP provisions encourage the efficient and appropriate assessment of development.

The proposed amendment to Clause 4.3 of the Shoalhaven Local Environmental Plan 2014 is considered to be consistent with this direction. The proposal is minor in nature

and does not appear to be classified as requiring concurrence, consultation or referral to a Minister or public authority during the development application stage.

Direction 3.2 Heritage Conservation

Objective: Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The provided supporting material reveals that there does not appear to be known items, areas, objects or places of environmental heritage or Indigenous heritage significance on the site. A future development application will require Aboriginal significance and due diligence to be assessed and considered.

Direction 4.2: Coastal Management

Objective: To protect and manage coastal areas of NSW.

The application was accompanied by an assessment against the Coastal Design Guidelines 2023 indicating that the proposed height and intended use of the site will not cause any adverse impacts to the coastal environment of Huskisson.

Direction 5.1: Integrating Land Use and Transport

Objective: To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) Improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) Increasing the choice of available public transport and reducing dependence on cars, and*
- (c) Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) Supporting the efficient and viable operation of public transport services, and*
- (e) Providing for the efficient movement of freight.*

The proposal is consistent with this direction, it is well serviced by walking and cycling routes through Huskisson. The proposed development of the site is not considered to be significant intensification that will require an increase in additional services.

Section C – environmental, social, and economic impact (site merit)

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject site is largely development and located within an established urban area and is cleared of any native vegetation. It is unlikely that any critical habitat, threatened species, populations or ecological communities or their habitats will be adversely affected by the proposed change and any subsequent development.

Q9. Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?

Visual Impact, local amenity and character

The proposed change in building height is not expected to cause significant visual impact or markedly affect the local amenity or character of the Huskisson area. The proponent submitted a Visual Impact Assessment as part of this application which indicated that the proposed 12m height standard is considered to have acceptable impacts on the local character and amenity. This is subject to a more detailed assessment during the DA process. Adjacent surrounding HOB controls range from 10m to 13m around the subject site and given the circumstances of this site the requested change is not expected to set a new precedent for Huskisson. The intended use of the site to remain as tourist and visitor accommodation will ensure the local amenity and character of the site, and more broadly in Huskisson will be improved and align with the desired future character of the Huskisson town centre.

Overshadowing and Access to Sunlight

An increase in the HOB with intended use of the site to remain as tourist and visitor accommodation is not expected to result in significant solar access impacts for neighbouring sites. The existing height across the site ranges from 11m on the rear allotments (34-38 Hawke Street) and 7.5m on the front allotment (28 Bowen Street). The expected impacts of a uniform 12m height limit are considered acceptable where it will not significantly differ from the existing height of building impacts. The height change for the front allotment is deemed to be acceptable as it will not significantly intensify overshadowing on the used public domain from what is currently permissible. The provided shadow diagrams indicate that the surrounding sites will receive at least 3 hours of solar access during the winter solstice.

Q10. Has the Planning Proposal adequately addressed any social and economic effects?

The intended use of the site for new tourist and visitor accommodation is consistent with Shoalhaven City Councils Economic Development Strategy, in that it will ensure the tourism sector in Huskisson will be maintained and result in related economic and social outcomes for the community. The plan stipulates that refining and improving the tourism experience will allow for continual visitation growth to the Shoalhaven region.

Q11. Is there adequate public infrastructure for the planning proposal?

The subject site is currently a tourist development within a well-serviced location. The intended use of the site resulting from the revised HOB will increase density, however, Huskisson already has sufficient public infrastructure to support this development. Private parking will be required as part of this development and this will be closely considered in the development assessment stage should the PP proceed.

Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The Department of Planning, Housing and Industry was consulted during the initial stages of this Planning Proposal and did not raise any concerns at this stage of the proposal. No federal public authorities and government agencies have been consulted due to the nature of the proposal.

Consistency with Council's Guideline for Proponent-Initiated Planning Proposals

In addition to the criteria set out in DPE's Local Environmental Plan Making Guideline, Section 1.7 of Council's [Guideline for Proponent-Initiated Planning Proposals \(PPs\)](#) states that PP is more likely to be supported by Council if one or more of the following criteria are met:

1. *There is a clear error or anomaly in the LEP.*

Comment: Not applicable

2. *Council is satisfied that the proposed amendment is minor and has sound justification.*

Comment: The proposed amendment is considered to be minor in nature. The proposed height increase will permit a higher density tourism accommodation development to replace the existing aging facility. The proposed height adjustment represents a minor amendment has sound justification as it is broadly consistent with Illawarra Shoalhaven Regional Plan, Shoalhaven LSPS and Strategic Growth Management Strategy.

3. *The proposal would not create an undesirable precedent.*

Comment: The PP in its submitted format is unlikely to create an undesirable precedent as the proposal exhibits the necessary site and strategic merit to be broadly consistent with Council's Guideline.

4. *The proposal would provide environmental, social, and economic benefits to the community/public and is consistent with the objects of the Environmental Planning and Assessment Act, 1979.*

Comment: The proposal has the potential to deliver positive environmental, social, and economic outcomes.

CL25.207 Affordable Housing Action Taskforce Establishment

HPERM Ref: D25/221374

Department: Strategic Planning

Approver: Lindsay Usher, Acting Director - City Development

Attachments:

1. Recommended Members (under separate cover) [⇒](#)
2. Amended Draft Terms of Reference (under separate cover) [⇒](#)
3. Amended Draft Terms of Reference (with tracked changes) (under separate cover) [⇒](#)
4. Expression of Interest Applications (councillors information folder) [⇒](#)

Purpose:

This report provides an update on the establishment of Council's Affordable Housing Action Taskforce, as resolved by Council on 28 October 2024 (MIN24.518). This report also seeks Council's endorsement of a draft Terms of Reference, appointment of members and election of a Chairperson. The proposed membership includes the Mayor, Councillors, community members and other external stakeholders.

Summary and Key Points for Consideration:

The Taskforce, essentially a new Council Committee, will specifically support Council's implementation of the Affordable Housing Strategy it adopted in 2024 ([link to Strategy](#)). Council resolved to create the Taskforce following its adoption of the Strategy (MIN24.518). To enable the Taskforce to be established, start meeting, and commence work to help implement the Strategy, Council needs to:

- Appoint members to the Taskforce,
- Appoint Councillors representing each ward,
- Endorse draft Terms of Reference, and
- Elect a Chair.

Council resolved the Taskforce membership should be comprised of the Mayor, Councillors, relevant staff, local State and Federal members and external representatives, such as community members, representatives of government agencies, key industry leaders and other stakeholders. External representatives were also invited to submit an Expression of Interest with the opportunity to do so closing on 30 April 2025. These expressions have been reviewed to enable a proposed membership to be recommended - see **Attachment 1**.

Draft Terms of Reference were prepared to support the Expression of Interest Process ([link to document](#)). These terms of reference set out membership, meeting arrangements, and other administrative matters. Several amendments to the draft Terms of Reference are recommended prior to Council's endorsement and the Taskforce's own consideration of the Terms of Reference at its first meeting. Suggested updated draft Terms of Reference are provided as **Attachment 2** (clean version) and **Attachment 3** (version with tracked changes).

Recommendation

That Council:

1. Appoint the recommended members identified in Attachment 1 to the Affordable Housing

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- Action Taskforce.
2. Appoint the Mayor and three (3) Councillors as representatives for each ward (Wards 1,2 and 3).
 3. Endorse the Terms of Reference for the Affordable Housing Action Taskforce provided as Attachment 2.
 4. Elect a chair for the Affordable Housing Action Taskforce.

Options

1. As recommended.

Implications: Appointing members to the Taskforce, endorsing the draft Terms of Reference, and electing a Chair will enable the actual establishment of the Taskforce, allowing it to start work helping to implement the adopted Affordable Housing Strategy.

2. Council makes an alternative resolution.

Implications: Subject to the detail of any alternative resolution, this could delay, complicate or prevent the establishment of the Taskforce. Alternative resolutions include adjusted membership or amendments to the draft Terms of Reference.

Background and Supplementary information

The Role and Purpose of the Taskforce

Council's Affordable Housing Strategy estimates the community's affordable housing need, identifies key challenges to the supply of affordable housing, and sets out work Council can do to supply affordable housing and improve housing affordability. The Strategy was publicly exhibited throughout June and July 2024 and was endorsed by the Council in August 2024. After adoption of the Strategy and following consideration of a Notice of Motion, Council resolved on 28 October 2024 to establish the Taskforce (MIN24.518):

1. *Shoalhaven City Council form a cross government 'Affordable Housing Action Taskforce' to collaborate and drive forward opportunities outlined in the [Affordable Housing Strategy](#) 2024.*
2. *The taskforce membership be comprised of the Mayor, Councillors, relevant staff, local State/Federal Members and external representatives.*
3. *External representatives will be invited through an Expression of Interest (EOI) process, to be completed by Easter 2025. This will include key stakeholders essential for advancing the strategy from various backgrounds, such as Federal, State and Local political representatives, relevant cross government departments, and key industry leaders for example, housing sector representatives.*

The purpose and intent of the Taskforce is to support the implementation of the Strategy. Council recognises the benefits of working with others to implement the Strategy. The Taskforce will focus on and help lead work to progress and implement the specific actions set in the Strategy by leveraging the knowledge, skills, and connections of its members in the planning and delivery of affordable housing (for rent or purchase) and related industries.

The role of the Taskforce is to:

- Provide Council with advice on the implementation of the Strategy, guided by its members skills, expertise, and experience.

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- Use network, government, and industry connections to inform and drive the implementation of actions set in the Strategy.
- Utilise networks and connections to promote the Taskforces awareness raising, education, and advocacy campaigns.
- Advise on the development, review and implementation of the Strategy.
- Monitoring and evaluation of the effectiveness of the Strategy.

Taskforce Membership

Invites for Expressions of Interest were called for during March and April 2025, with the opportunity to submit an expression closing on 30 April 2025. Invites were sent to community members and stakeholders who made a submission in response to the public exhibition of the draft Affordable Housing Strategy. A broader advertising campaign also encouraged applications from community members, government agencies, and industry leaders.

The original intention was for the Taskforce to include ten (10) external representatives in addition to the appointed Chair and Councillors, including:

- Three (3) community representatives, ideally with representation from Northern, Central, and Southern Shoalhaven.
- An Indigenous representative.
- A youth representative.
- Five (5) representatives of government agencies, service providers, and industry.

Other, non-voting members include Council's Chief Executive Officer, relevant Council staff and State and Federal Members (who will be invited to Taskforce Meetings).

Twenty-one applications were received from a range of stakeholders, including community members, Community Housing Providers, crisis and transitional housing providers, government agencies, planning consultants and real estate agents, and peak industry bodies such as the Urban Development Institute of Australia and Property Council of Australia. All applications are provided for Councillors information as **Attachment 4**.

The draft Terms of Reference establish an assessment panel to review the applications which consists of the Chairperson, the Manager – Strategic Planning, and one suitably qualified independent representative. As the Terms of Reference have not yet been adopted or a Chair elected, an interim panel was convened with appropriate department representation and an independent member. The interim panel included Council's Manager – Strategic Planning, Manager – Community Connections, and Strategy Planning Coordinator. The review of future expression of interests will involve the Chair.

The interim panel reviewed the applications and recommended the proposed membership provided as **Attachment 1**. This attachment identifies the proposed member, the organisation they represent (if relevant), and the reasons for their suggested selection. Unsuccessful applicants will be notified once the membership is confirmed.

The review of applications identified the need to consider increasing the proposed membership to secure representation for the three services providing crisis and transitional accommodation in Shoalhaven (who submitted an expression of interest). These agencies will provide valuable insight into current housing pressures, challenges and opportunities. They also provide access multiple networks to assist with education and advocacy activities.

Terms of Reference

Several improvements to the draft Terms of Reference. These are generally administrative, summarised below, and included in the updated Draft Terms of Reference provided as **Attachment 2** and **Attachment 3** (version with tracked changes).

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- Membership – Voting Members: Expansion of Voting Members to ensure a quorum is achieved for each meeting and secure representation from providers of crisis and transitional housing. Additional voting members to include:
 - i. The five representatives of relevant government agencies, community housing providers, and the development industry.
 - ii. One representative from a community organisation providing crisis and transitional accommodation.
- Membership – Non-Voting Members: Updated to provide examples of the Council Teams/Staff likely to attend Taskforce meetings.
- Membership – Community Members: Adjustment of the paragraph about community representation from the Northern, Central, and Southern Shoalhaven to allow for the selection of members considered able to make the greatest contribution to the Taskforce, regardless of where they reside. This ensures community members can still be appointed if insufficient applications are received from parts of Shoalhaven.
- Membership – Government agencies, Community Organisations, and Service Providers: Inclusion of a mechanism to invite the agencies/organisations to nominate another representative should a representative leave the agency/organisation.
- Committee Meetings – Quorum: Increase the quorum size from six to eight to reflect the increased membership of voting members.

Internal Consultations

The assessment panel recommending Taskforce membership consisted of staff from Council's Strategic Planning and Community Connections teams. Council's Governance team provided guidance and administrative support for the establishment of the Taskforce.

External Consultations

No external consultation was required or undertaken to establish the Taskforce. The opportunity to submit an expression of interest was shared with relevant stakeholders.

Community Consultations

No community consultation was required or undertaken to establish the Taskforce. The opportunity to submit an expression of interest was advertised on Council's website, 'Get Involved' consultation page, and social media accounts. A new webpage has been created on Council's website to support the Taskforce and publish updates on its work, as well as the agendas and minutes of meetings ([link to webpage](#)).

Policy and Statutory Implications

The Taskforce is being established in accordance with *Section 355 How a council can exercise its functions* of the *Local Government Act 1993*. The establishment of the Taskforce aligns with Council's:

- Community Strategic Plan, supporting *Key Priority 1.1 Support inclusive, safe, and connected communities*
- Local Strategic Planning Statement, supporting *Planning Priority 1 Providing homes to meet all needs and lifestyles*

Financial Implications

There are unlikely to be any additional/direct financial implications as the management, support, and work of the Taskforce will be undertaken with the budget and resources allocated to Council's Strategic Planning and Governance teams.

Risk Implications

The establishment of the Taskforce presents minimal risks to people, the environment, Council's finances, or systems. Any risks presented to people during Taskforce meetings will be managed through adherence to Council's Code of Conduct and Code of Meeting Practice.

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CL25.208 Tenders - Jervis Bay Territory Water Main Extension

HPERM Ref: D25/195777

Department: Water Asset Planning & Development

Approver: Andrew McVey, Manager - Water Operations & Maintenance

Purpose:

To inform Council of the tender process for Jervis Bay Territory Water Main Extension

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

Summary and Key Points for Consideration:

Council resolution is required to determine the tender process for the Jervis Bay Territory Water Main Extension project.

Recommendation

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

Options

1. Accept the recommendation

Implications: Consider a separate confidential report on the matter.

2. Council make a different resolution

Implications: This is not recommended as an extensive evaluation process has been undertaken by the tender evaluation team in accordance with the tender evaluation plan.

Background and Supplementary information

Project Description

The Jervis Bay Territories (JBT) are currently serviced by a water treatment plant and dedicated water reticulation network within JBT. Recent investigations have identified that the long-term operation of the exiting water treatment plant is not considered a viable option, with an extension from Shoalhaven Water's Vincentia Reservoir being the preferred water-supply solution.

It is proposed that a watermain between the Vincentia Reservoir and Stoney Creek reservoirs is constructed, to allow the water from Stoney Creek Reservoir to be refreshed via re-chlorination, including the construction of a booster pump station and chlorination system.

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In February 2025, Shoalhaven City Council entered into a Contract with the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (Department) (on behalf of Commonwealth of Australia) called the *Jervis Bay Water Supply Connection Works Management Contract*; LD11090.

Tendering

Council called tenders for Jervis Bay Territory Water Main Extension on 18/02/2025 which closed at 10:00 am on 10/04/2025. Five (5) tenders were received at the time of closing. Tenders were received from the following:

Tenderer	Location
Quickway Constructions Pty Ltd	Silverwater, NSW, 2128
Ferrycarrig Construction Pty Ltd	Sydney, NSW, 2000
Brefni Pty Ltd	Smeaton Grange, NSW, 2567
CBK Constructions Pty Ltd	Gerringong, NSW, 2534
Water Brothers Services Pty Ltd	Kogarah, NSW, 2216

Details relating the evaluation of the tenders are contained in the confidential report.

Internal Consultations

Guidance from Council's Procurement Team was sought on the financial limitations, delegations, and statutory provision for the procurement of the works.

External Consultations

Council has been engaged by the Department to undertake this construction project on their behalf. The Department will be involved for the duration of the work, and have been involved in the design and development of this project. The Department also assists Council in communicating with other stakeholders such as the Booderee National Park representatives (managers of the land where works are being undertaken), and the Department of Defence.

Furthermore, an agreement with NSW National Parks and Wildlife Services (NSW NPWS) has been entered into between Shoalhaven City Council and NSW NPWS for the works, LD10942 refers.

Community Consultations

Community and stakeholder engagement prior to, and during subsequent construction phases of the project are proposed, with a dedicated project webpage to be established under Council's Major Projects & Works Portal.

As part of the design phase of this project, a Review of Environmental Factors was publicly exhibited for community consultation and feedback. Moreover, the Wreck Bay community have also been consulted as part of the design engagement.

Policy Implications

Nil. The tender process has followed the requirements under the provisions of the Local Government Act 1993. The tenders were assessed in accordance with Council's *Local Preference Policy*.

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Financial Implications:

Council has been engaged by the Department (on behalf of Commonwealth of Australia) to construct the water main extension works on their behalf. Costs incurred by Council are recoverable in accordance with the Contract between Shoalhaven City Council and the Department, LD11090 refers.

Risk Implications

Details relating to the Risk Implications are contained in the confidential report.

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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.