

Ordinary Meeting

Meeting Date: Tuesday, 29 July, 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 - 22 July 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

Nil

CL25.225 Notice of Motion - Total Fleet Fuel Expense Data Request

HPERM Ref: D25/317866

Submitted by: Cllr Jason Cox

Purpose / Summary

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

Recommendation

From the AEC Fleet & Plant Service Review - June 2024. As the SCC total Fuel bill is listed in the Millions of dollars, we request a report to Council on behalf of SCC Ratepayers confirming total fuel expenditure expenses for FY2023/24 and FY2024/25 for comparison. To include a breakdown of quarterly & 6 Monthly and if the report can provide details to show actual fuel, oil and any other related line items separately.

Background

In the interests of Financial and fiduciary transparency and accountability.

CL25.225

CL25.226 Notice of Motion - Land & Environment Court Matters

HPERM Ref: D25/320448

Submitted by: Cllr Jason Cox

Purpose / Summary

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

Recommendation

That in the interests of ratepayers for accountability, transparency and cost controls that a report with the following details as minimum be provided to Council soonest on:

1. Total spend per annum on Land & Environment representations and associated costs for FY 2021/22 FY 2022/23 & FY 2023/24.
2. Number of matters that have been submitted per year and final outcome for SCC being either won, lost or other status.
3. What were the main points for not having been resolved by Councils own staff.
4. The D.A. references be also supplied for further public scrutiny subject to not breaching personal or applicable other Privacy rules around releasing the D.A. reference data.

Background

Due to the increasing scale of the financial burden to ratepayers whereby SCC are unable to determine D.A. matters through staff utilising existing D.A. processes. Noting this is now in the Millions of dollars over recent years. Many cases of public interest are heard in the Land and Environment Court.

CL25.226

CL25.227 Notice of Motion - Matter of detailed financial cost savings being applied with accountability and transparency - Follow up on and provide per Notice of Motion significant Reports requested previously in the financial interests of ratepayers to Council

HPERM Ref: D25/320689

Submitted by: Cllr Jason Cox

Purpose / Summary

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

Recommendation

Follow up on the listed N.O.M. Further detail required. (CL24.360/61 AEC Fleet & Plant Service Review - Fuel card restrictions. Partial report back CL24.399.)

1. Confirm the Council's E.M fix' has been executed and is working correctly.
2. Provide a redacted report of the top 20 fuel card users listing vehicle type and spend (leaseback not operational).
3. If Council's Enterprise Management System cannot provide the information, the fuel suppliers raw analysis be provided redacting number plates or any info that could identify staff.
4. Confirm the exact details and rationale for the new Geo restriction of the fuel cards both leaseback & operational.
5. Provide council a detailed report in 2 parts for the past 3x Financial years 2022/23 FY 2023/24 & 2024/25 capturing a) ALL fuel usage outside of NSW - spend and department and b) ALL fuel usage outside of the LGA Shoalhaven - spend and department.

Background

Per NOM request & minutes 26 November 2024 minutes details 10 December 2024. Council's fuel supplier provides a monthly data file on fuel purchases made across the Council fleet, including operational vehicles, leaseback vehicles and small plant. This data file provides the following transaction data:

- Date and time of purchase
- Location of fuel purchase
- Driver
- Registration of vehicle
- Odometer reading entered at the time of purchase
- Fuel volume purchased in litres
- Pump price

CL25.227

- Total purchase price excluding GST

This report is configured to be loaded into Council's enterprise management system to ensure that all odometer readings are recorded against the plant and fleet asset. This enables Council to ensure compliance and review performance of plant and fleet, through reporting:

- Actual fuel consumption against the target litres/km.
- Compliance of entering an odometer reading at each refuelling.

There are two current issues that are being addressed through the project scope:

- Some staff are not consistently entering accurate odometer readings at each refuelling – this is being addressed through protocols requiring staff to input accurate mileage and reviewing the fuel report monthly from December 2024 onwards.
- The fuel data from the supplier is not currently loading into Council's enterprise management system due to a system error. A fix has been developed and is being tested. A workaround has been established, where the data file has been used to generate a fuel usage report outside of Council's enterprise management system and this report will be used to review fuel usage patterns and address any discrepancies found.
- The Acting CEO has proposed the following to drive compliance and improve cost compliance:
 - Odometer readings must be input at the time of paying for fuel on an issued fuel card.
 - Odometer readings that are out by 10% of expected kms (based on average vehicle tank range) are flagged for investigation.
 - Fuel usage that exceeds 10% of the expected consumption based on vehicle average usage is flagged for investigation.
 - Reporting is reconciled monthly by the Fleet Manager, identifying potential compliance issues (to be pursued by Management) based on the above criteria.

Best practice of Fuel/Credit card usages - Further resources for context.

https://shoalhaven.infocouncil.biz/Open/2025/03/CL_20250311_ATT_18193_EXCLUDED_WEB.htm

<https://www.icac.nsw.gov.au/prevention/corruption-prevention-advice-topics/credit-cards>

Note by the CEO

General data on fuel use can be provided to Council in accordance with the Notice of Motion.

As part of deliberating on this Notice of Motion, Council should be cognisant that staffing and contractual matters are not within the decision-making capacity for Councillors, and are determined by the General Manager (CEO), the Award, and individual contractual arrangements. There are no limitations on use for private leaseback arrangements as part of employee entitlements. With specifics to points 2 and 3, de-identified data can be provided for Councillors information only.

Analysis of total fuel spend outside of NSW and outside of the Shoalhaven LGA can be undertaken, however, will require dedication of resourcing within our City Services section that is currently resourced to undertake core fleet management duties.

CL25.227

CL25.228 Notice of Motion - Financial Accountability, Transparency and Performance for ratepayers and to highlight and credit Councils own staff demonstrating initiatives through Budget & Revenue ideas

HPERM Ref: D25/320763

Submitted by: Cllr Jason Cox

Purpose / Summary

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

Recommendation

That in the interests of financial accountability and application of these ideas to the rate payers to make available to the public the findings of the 284 staff ideas (3% Challenge) by the next Ordinary meeting of council.

Background

Original request was a 3% challenge to be part of the financial sustainability solution as a 'bottom up' approach and who better to hear from than the actual front-line staff?

Per ORD meeting 24 June 2024.

Reducing costs – other efficiency ideas (by SCC staff)

Throughout May, all department managers were tasked with identifying cost savings and revenue generating initiatives that will contribute to the savings target. As part of this idea's generation, staff submitted 284 ideas for consideration:

- 156 budget reduction ideas
- 85 revenue generation ideas
- 43 general business improvement ideas (may lead to efficiencies but no direct financial benefit identified)

These ideas have been triaged, and classified as:

- 119 progress immediately
- 114 business case or workplace change impact assessment needed
- 51 future considerations

As efficiency ideas are implemented, they will be reported in this report and adjustment made to Council's budget through the quarterly budget review process.

Note by the CEO

Staff propose to provide the 3% Challenge list and a summary of the implementation progress of the ideas as part of the next Financial Sustainability Quarterly Productivity and Efficiency report, which will be reported to the Ordinary Meeting of Council on the 26 August 2025.

CL25.228

CL25.229 Notice of Motion - Identifying the Source of Funding in Notices of Motions

HPERM Ref: D25/319053

Submitted by: Cllr Jemma Tribe

Purpose / Summary

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

Recommendation

That Shoalhaven City Council:

1. Enforce a requirement that for all Notices of Motion (that propose the expenditure of funds), Councillors submitting the Notice of Motion are to identify the source of that funding.
2. Amend the adopted Code of Meeting Practice to include the following wording (taking from the Model Code of Meeting Practice) as part of section 3:
 - a. A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion.
3. Make specific mention in the Code of Meeting Practice that this identification of funding source/s is not to be delegated to the Chief Executive Officer or staff, and must be included by the Councillor/s submitting the motion at the time the motion is submitted.

Background

The Model Code of Meeting Practice for Local Councils in NSW states the following:

Any motion that involves spending money, other than what's already allocated in the council's budget, needs to state where that money will come from.

Clarity and Transparency:

Identifying the funding source allows council members and the public to understand the financial impact of the motion and whether it's feasible.

Council Procedures:

The [NSW Office of Local Government](#) requires this in their Model Code of Meeting Practice.

Consequences of Non-Identification:

If a motion doesn't specify a funding source, the CEO must either prepare a report outlining potential funding or explain why the motion is not feasible.

Shoalhaven City Council is facing serious financial challenges. Despite this, Councillors have added and seek to add more services, new work or new projects each week. It is simply not sustainable.

CL25.229

Note by the CEO

The [Model Code of Meeting Practice](#) provides a range of non-mandatory provisions for consideration of Councils when adopting their Codes. The wording of the non-mandatory provisions in the Model with respect to identification of funds for Notices of Motion are as follows:

" 3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:

(a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or

(b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report."

Council's current [Code of Meeting Practice](#) has not included the specific wording of the non-mandatory provisions, however does include the following with respect to the subject:

"3.11 If the Chief Executive Officer considers that a Notice of Motion submitted by a Councillor for consideration at an Ordinary Meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the Chief Executive Officer may prepare a report in relation to the Notice of Motion for inclusion with the business papers for the meeting at which the Notice of Motion is to be considered by the Council.

Note for consideration when drafting Notices of Motion: A Notice of Motion for the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted Operational Plan should identify the source of funding for the expenditure that is the subject of the Notice of Motion. If the Notice of Motion does not identify a funding source, the Chief Executive Officer is able to either:

(a) add a note to the Notice of Motion

(b) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the Notice of Motion is to be considered by the Council, or

(c) by written notice sent to all Councillors with the business papers for the meeting for which the Notice of Motion has been submitted, defer consideration of the matter by the Council to such a date specified in the notice, pending the preparation of such a report."

It should be noted that any significant amendments from the Model Code of Meeting Practice will require public exhibition before adoption in accordance with legislative requirements.

CL25.229

CL25.230 2025 CEO Organisation Performance Report

HPERM Ref: D25/302094

Department: Financial Sustainability
Approver: James Ruprai, Acting CEO

Attachments: 1. 2025 CEO Organisation Performance Report (under separate cover) [⇒](#)

Purpose:

The purpose of this report is to update Councillors and the community on the organisation's performance since October 2024, the commencement of the current Council term.

Summary and Key Points for Consideration:

- Since the commencement of the new Council term in October 2024, the organisation has remained focused on delivering outcomes aligned with six strategic priorities.
- Over the past nine months, the organisation has consistently improved performance against key financial, HR and customer experience metrics.
- Significant progress has been made against the Sustainable Financial Futures Plan, which was introduced in December 2024 to provide a clear commitment to deliver \$10 million in operational savings over the next four years.
- The attached report details the whole of Council achievements in this term of Council to date, with notable improvements to the organisation's financial position, asset management strategy, and an acknowledgement of the milestone of Council adopting its first Reconciliation Action Plan.

Recommendation

That Council receive and note this report, along with the 2025 CEO Performance Report, which details the progress made towards the organisation's strategic priorities during the current Council term to date.

Options

1. As recommended
Implications: The information will be received for information
2. Council receives the report and makes any alternative recommendation.
Implications: This will be considered and added to future reports.

Background and Supplementary information

Since the commencement of the new Council term in October 2024, the organisation has remained focused on delivering outcomes aligned with six key strategic priorities:

1. Financial sustainability
2. Asset management

CL25.230

3. Investment in assets and asset renewal
4. Disaster preparedness and recovery
5. Housing affordability and DA performance
6. Community engagement

The attached report, titled 2025 CEO Performance Report, outlines the progress made against these strategic priorities.

Internal Consultations

Managers have been consulted throughout the organisation, with input from all Directorates to prepare the report.

External Consultations

No external consultations occurred.

Community Consultations

The community is regularly engaged on the organisation's progress against key strategic priorities through updates provided via the website, social media and newsletters. Notably, the introduction of monthly Sustainable Financial Futures Plan updates on Council's website has enhanced transparency by clearly communicating the actions and progress related to Council's financial sustainability.

Policy and Statutory Implications

Nil. The report is provided for information.

Financial Implications

Since the commencement of the new Council term in October 2024, the Council's financial position has seen substantial deduction in the annual operating deficit.

All financial metrics on page 5 of the attached 2025 CEO Performance Report have improved, including performance against The Office of Local Government performance indicators.

The actions taken so far to address financial sustainability are proving effective, but more action is required to restore Council's unrestricted cash balance and actively deal with the backlog of building and infrastructure renewals.

Actions are in progress to drive further improvement to Council's financial position, with a clear roadmap outlined in the Sustainable Financial Futures Plan. The action plan is updated quarterly to track action status and communicate achievements against the plan.

Risk Implications

Nil. The report is provided for information.

CL25.230

CL25.231 Ongoing Register of Pecuniary Interest Returns - June 2025

HPERM Ref: D25/275981

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 June 2025 to 30 June 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 Performance	Diana Lord	26 May 2025	3 June 2025
City Development	Breanon Ruddock	30 June 2025	26 June 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 June 2025 to 30 June 2025 be received for information.

CL25.231

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.

CL25.232 Investment Report - June 2025

HPERM Ref: D25/313894

Department: Finance

Approver: Katie Buckman, Director - City Performance

Attachments: 1. Monthly Investment Review - June 2025 (under separate cover) [⇒](#)
2. Statement of Investments as at 30 June 2025 (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 4.95% per annum for the month of June 2025, outperforming the benchmark Aus Bond Bank Bill Index (3.94%p.a.) by 101 basis points (1.01%).

Recommendation

That Council receive the Record of Investments for the period to 30 June 2025.

Options

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

Implications: Nil

2. Further information regarding the Record of Investments for the period to 30 June 2025 be requested.

Implications: Nil

Background and Supplementary information

Investment Portfolio

Council's investment balance as of 30 June 2025 was \$240.13 million and consisted of the following types of investments.

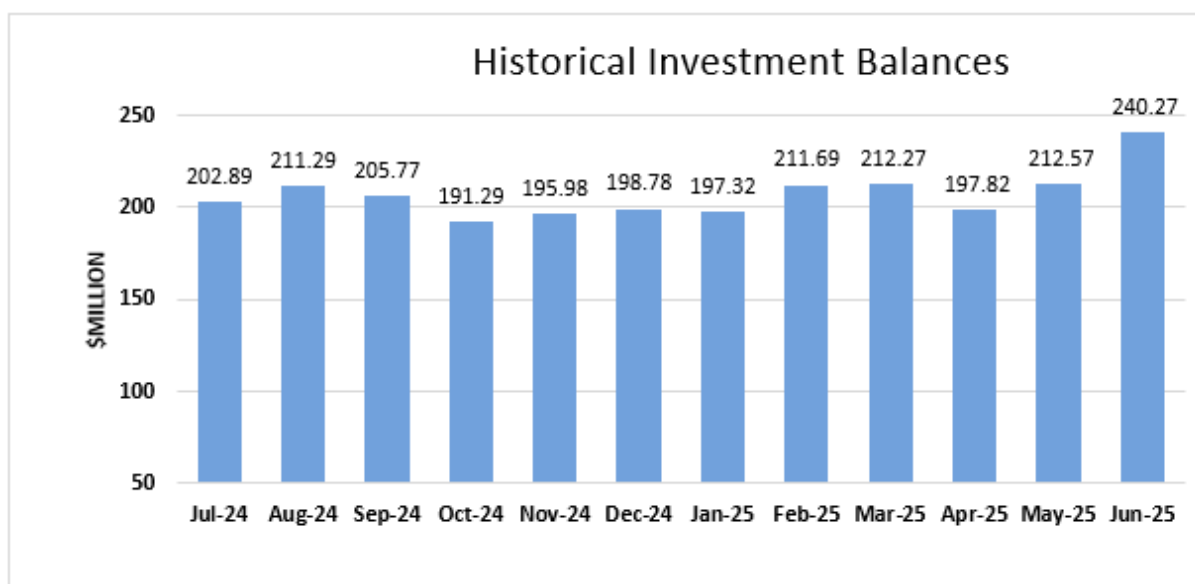
CL25.232

Investment type	Invested (\$)
Cash	76,575,789
Term Deposits	124,000,000
Floating rate notes	37,550,000
Bonds	2,000,000
Total	240,125,789

The details of each investment held by Council on 30 June 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. During the month of June 2025, the investment balance increased by \$28M which is predominantly attributed to the following:

- \$8M from the fourth instalment of Council rates due on Saturday May 31, received in the first week of June.
- \$8M advanced payment of the 2025/26 Financial Assistance Grant.
- \$9.2M of loan proceeds drawn down to fund or part fund the Materials Recovery Facility (MIN24.388) and various capital works (MIN25.132).



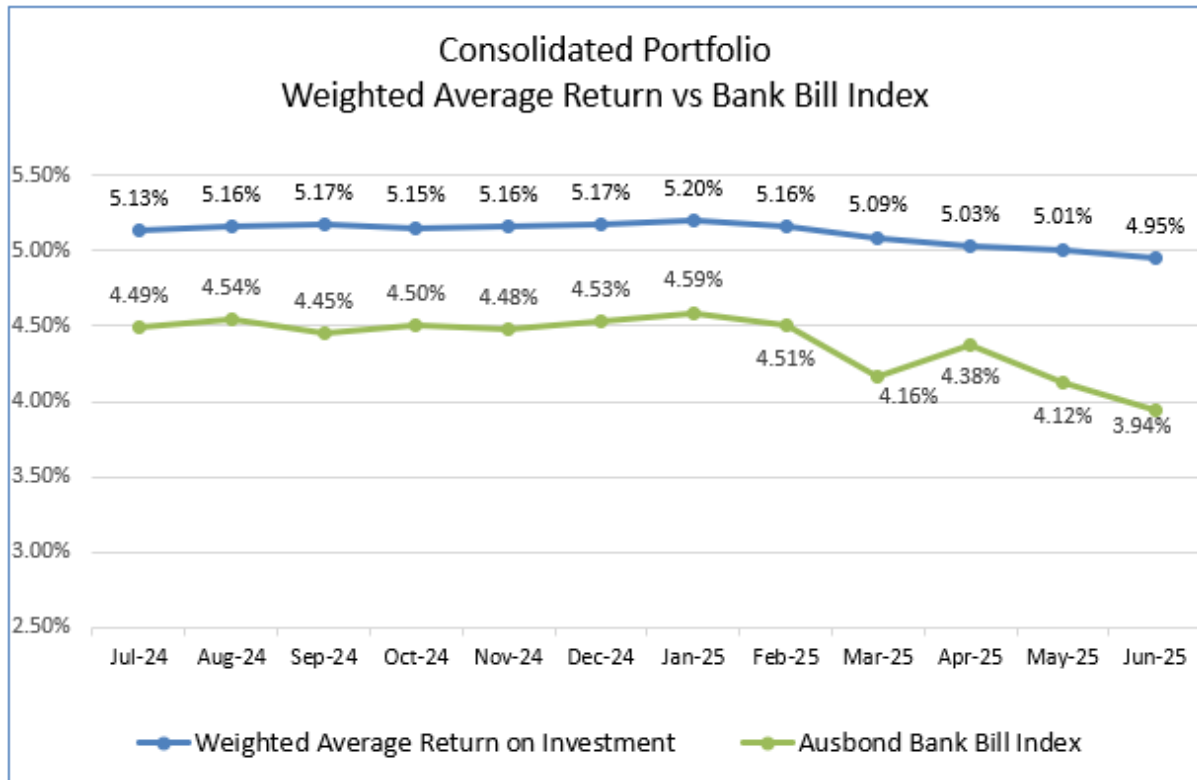
Portfolio Return

For the month of June, the total investment returns were a positive 4.95% p.a. outperforming Aus Bond Bank Bill Index (3.94%) by 101 basis points.

Investments

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

CL25.232



CL25.232

Investment Interest Earned – June 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 June 2025.

Table 1 - Interest Earned for the Month of June 2025

Fund	Monthly Revised Budget \$	Actual Earned \$	Difference \$
General	492,148	500,675	8,527
Water	178,131	188,779	10,648
Sewer	120,947	131,325	10,378
Total	791,226	820,779	29,552

The interest earned for the month of June, was \$820,779 compared to the monthly revised budget of \$791,226.

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	5,969,261	99.69%
Water	2,167,263	2,190,707	101.08%
Sewer	1,471,521	1,499,993	101.93%
Total	9,626,589	9,659,962	100.35%

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.

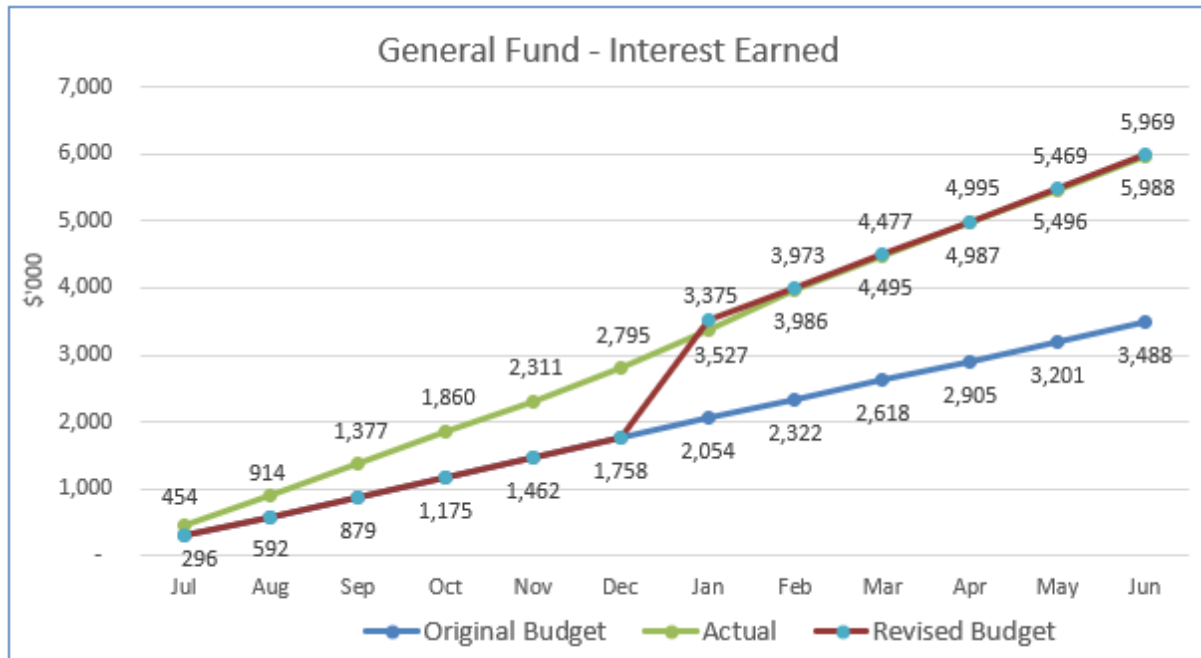
The interest earned in the general fund of \$5,969,261 includes interest earned on unspent s7.11 developer contributions and Domestic Waste Management reserves, which is required to be restricted by legislation. Interest earned on unspent s7.11 developer contributions is \$1,208,801 and Domestic Waste Management reserves is \$316,126 to the end of June 2025. This leaves \$4,444,334 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.

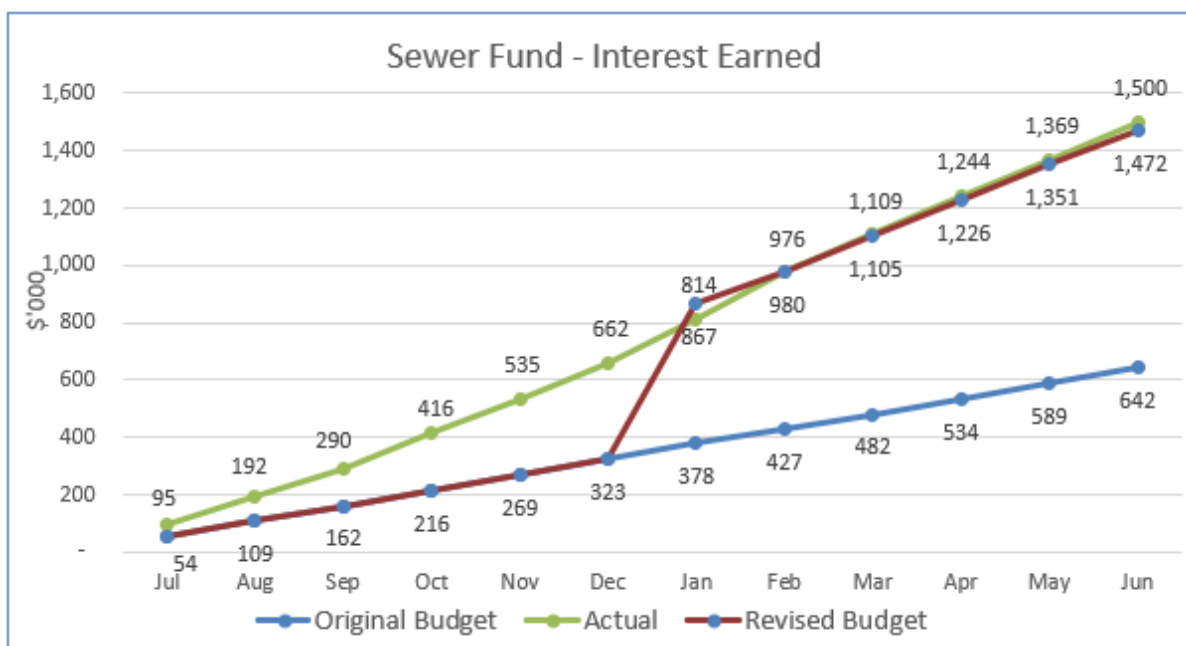
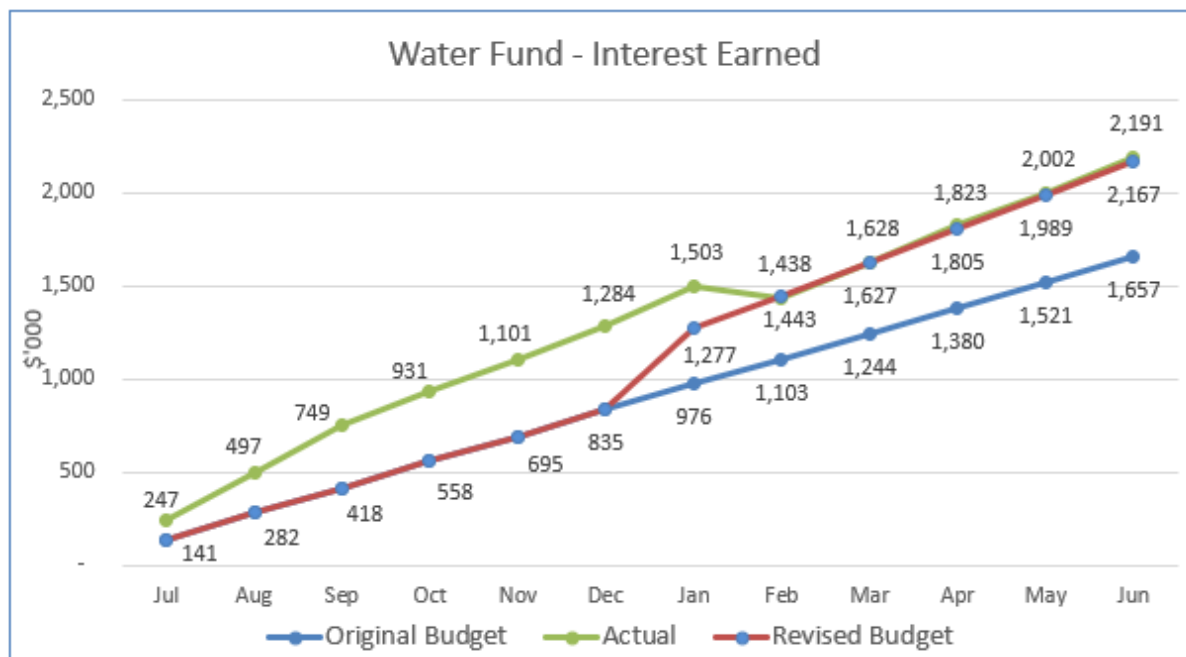
The cumulative interest earned for the year (July to June) was \$9,659,962 which is 100.35% of the current full year revised total annual budget.

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.



CL25.232



Internal Consultations

Not applicable.

External Consultations

Council's investment advisor, Arlo Advisory Pty Ltd.

Community Consultations

Not applicable.

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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: 23 July 2025

CL25.232

CL25.233 Local Government Road Safety Program 2025/2026 - Approved Projects - TfNSW Funding Assistance

HPERM Ref: D25/293491

Department: Technical Services

Approver: Kevin Norwood, Acting Director - City Services

Purpose:

The reason for this report is to seek a resolution of the Council to accept the Local Government Road Safety Program approved funding for 2025/2026.

Summary and Key Points for Consideration:

The reason for this resolution is to seek the acceptance of Council for approved funding for the Local Government Road Safety Program for 2025/2026. The acceptance of funding will allow these important road safety projects and community engagement to be completed with funding from Transport for NSW (TfNSW) to continue.

Recommendation

That Council:

1. Accepts the grant funding offer of \$90,532.66 (excluding GST) from Transport for NSW (TfNSW) comprising the following:

Road Safety Officer Employment Costs (50% of estimated costs)	\$68,622.66
Share the path	\$6,000.00
Safety Around Schools	\$300.00
Child Restraint Checking Days	\$1,500.00
Plan B – Win a swag/Liquor Accord	\$2,610.00
Slow Down Kids Around – Little Blue Dinosaur	\$1,500.00
Speed Monitoring on Local Roads	\$10,000.00

2. Writes to TfNSW and the Local State Members, thanking them for the funding towards the 2025/26 Road Safety Program.

Options

1. Adopt the recommendation.

Implications: This will allow these important road safety projects and community engagement to be completed with the funding from TfNSW.

2. Council does not accept the grant funding offer.

Implications: Not accepting the grant funds would mean these programs would not be completed and the planned road safety outcomes would not be achieved (Not recommended)

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Background and Supplementary information

TfNSW offers funding each year to Councils as part of the Local Government Road Safety Program. This funding is offered to cover programs based on the Safe Systems approach to road safety, highlighting Safe Roads and Roadsides, Safe Vehicles, Safe Speeds and Safe People.

Shoalhaven City Council is concentrating on programs based on positive evaluations and positive community engagement of past programs supported by crash statistics.

A brief outline of the objectives of the programs are as follows:

a. Road Safety Officer Employment Costs

Funding provided by TfNSW to co-fund the Road Safety Officer position within Council (50% of the estimated costs)

b. Road Safety Community Awareness

The Road Safety Community Awareness program aims to highlight and promote: *National Road Safety Week*, *Rural Road Safety Month* and the *Top Ten Misunderstood Road Rules* through education and community engagement.

c. Safety Around Schools

The *Safety Around Schools* project aims to identify road safety issues around schools and provides schools with information on school road safety and possible solutions.

It also includes the provision of road safety education banners in which schools can opt into and display the banners. Road safety issues in school zones can be raised by schools, Rangers, Police, bus operators and the community.

d. Child Restraint Checking Days

The Child Restraint Checking Day program aims to increase the effective and correct use of child restraints and seatbelt use within the Shoalhaven LGA. Free child seat checks and installations for the community are provided through a certified and qualified restraint fitter. Advice is provided to the community on the following:

- safest choice when choosing a child restraint.
- finding and comparing child seats.
- legal requirements.
- restraint testing and ratings.

e. Speed Monitoring on Local Roads

The *Speed Monitoring on Local Roads / Slow Down for Pedestrian's* project aims to reduce the number and severity of casualty crashes involving pedestrians and increase speed zone compliance. Variable Message Signs (VMS) are used to collect and analyse speed data over the course of a four-week period at each site. The results may also lead to other treatments including engineering and behavioural projects.

f. Helping Learner Drivers Become Safer Drivers

These workshops are for parents and supervisors of learner drivers, offering practical advice, information, and tips on how to help learner drivers become safer drivers in the Shoalhaven LGA.

g. Plan B – Win Swag and Liquor Accord

The aim of the *Plan B Win a Swag* project is to open the lines of communication between community members, licenced venues, and Council about the different

options available for getting home after a night out and providing resources to help with these conversations.

h. Slow Down Kids Around – Little Blue Dinosaur

The Little Blue Dinosaur '*Holiday Time; Slow Down, Kids Around*' road safety campaign commenced in the Shoalhaven in 2015. Holiday times create a surge in the population in the Shoalhaven with thousands of children using footpaths and roadways during these peak holiday periods. Holiday time signs will be erected in prominent locations to remind drivers to slow down and be alert to children on or near roads and for parents/caregivers to hold children's hands when crossing the road.

i. South Coast Survive the Ride Workshop

The *Survive the Ride Workshop* is a joint project completed with Shellharbour City Council, Kiama Council, Eurobodalla Council and Bega Valley Council. The project aims to deliver 1 workshop per area which addresses motorcycle safety with a free 2-hour workshop for motorcycle riders both new and experienced.

j. Share the path

Share the path is an educational road safety campaign which include signage along shared user paths highlighting rules in which should be followed and act as reminders for all using the shared user paths. This is a campaign that is run in conjunction Kiama, Wollongong and Shellharbour ensuring consistent messaging along the south coast

Internal Consultations

Internal consultation has commenced with the Works & Services department and Rangers regarding proposed activities within road reserves and will continue for the duration of the delivery of the projects. The Finance department has also been informed to ensure that all finances for these projects are aligned.

External Consultations

External consultation has commenced with stakeholders within the community and government agencies, this will continue to be undertaken as part of the delivery of these projects.

Community Consultations

Community consultation has commenced and will continue to be undertaken as part of the delivery of these projects.

Policy and Statutory Implications

The adoption of the recommendation will have no adverse impact on existing Council policies or applicable legislation. The recommendation is consistent with current frameworks and supports Council's strategic and regulatory obligations.

Financial Implications

These projects are 100% funded by TfNSW.

The Road Safety Officer position (Item a. above) is 50% funded by TfNSW and 50% funded by Council. Council's contribution has been budgeted for in the 2025/26 Operational Plan and budget.

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Risk Implications

Following a comprehensive review aligned with Council's Risk Appetite Statement, the overall risk rating associated with the adoption of the recommendation is **Receptive**. The following analysis outlines risk considerations across key categories:

People (Receptive): Acceptance of funding is considered low risk, as it enables the delivery of critical road safety projects that offer direct community benefits.

Environment (Receptive): No environmental risks have been identified.

Financial (Accept): Minimal financial risk is anticipated. All relevant funding protocols and guidelines have been adhered to, ensuring sound financial management.

Information Technology (Receptive): No risks associated with IT systems or infrastructure have been identified.

Corporate Governance (Receptive): Low risk. Council continues to uphold strong legal and contractual standards, ensuring compliance and accountability.

Property and Infrastructure (Receptive): No anticipated risks to property or physical infrastructure.

Reputation (Receptive): Acceptance of funding is expected to generate a strong, positive impact within the community and among program stakeholders.

This assessment supports the recommendation, reinforcing the alignment with Council's strategic priorities and commitment to delivering high-quality public outcomes.

CL25.221 Temporarily Extension of Memberships - Northern and Central Floodplain Risk Management Committees

HPERM Ref: D25/262084

Department: Environmental Services

Approver: Lindsay Usher, Acting Director - City Development

Note: This item was deferred from the Ordinary Meeting 22 July 2025.

Purpose:

To extend the memberships of the Northern and Central Floodplain Risk Management Committees by six months to facilitate the completion of the Lower Shoalhaven River Floodplain Risk Management Study and Plan (FRMS&P), and the St Georges Basin FRMS&P in accordance with grant deed requirements without disruption.

Summary and Key Points for Consideration:

The memberships of the Northern and Central Floodplain Risk Management (FRM) Committees expires in September 2025.

Council resolved in the Ordinary Meeting on 26 November 2024 ([MIN24.647](#)) that option 1 of combining the Coastal Management Program Advisory Committees and Floodplain Risk Management Committees by geography (northern / central / southern) be adopted and effective as soon as a new Terms of Reference for the combined Committees has been established and adopted by Council.

Council is currently undertaking the Lower Shoalhaven River and the St Georges Basin FRMS&Ps. These investigations are planned for completion in early 2026. To avoid any critical delays in completing these projects in accordance with grant deed requirements, it is recommended that the memberships of the Northern and Central FRM Committees are extended for a period of six months until 31 March 2026. The development of a new Terms of Reference for the combined Committees will occur in parallel to this.

Recommendation

That Council extend the memberships of the Northern and Central Floodplain Risk Management Committees for a period of six months until 31 March 2026.

Options

1. That Council extend the memberships of the Northern and Central Floodplain Risk Management Committees for a period of six months until 31 March 2026.

Implications: The combination of the Coastal Management Program (CMP) Advisory Committees and FRM Committees by geography (northern / central / southern) will be delayed until March 2026. This will, however, allow for Council to develop a new Terms of Reference (TOR) for Council adoption without disruption to ongoing investigations. In this six-month period there are no planned meetings for the Southern FRMC, or any of CMP Advisory Committees. As such, no coastal or floodplain related work undertaken in these areas will be adversely impacted by the proposed membership extension.

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2. That Council do not extend the memberships of the Northern and Central Floodplain Risk Management Committees beyond September 2025.

Implications: If memberships are not extended beyond September 2025 Council will need to create new committees as per Council resolution ([MIN24.647](#)) prior to completing the Lower Shoalhaven River and the St Georges Basin FRMS&Ps. This will have significant implications on the delivery of these projects as follows.

- Due to the administrative time required to establish new committees, this will impact the project delivery, likely pushing the project completion date beyond the grant deed requirements. If Council fails to meet relevant grant milestones, there is no guarantee that grant funding will be provided, and Council may have to fully fund the final milestone of these projects from general funds.
- Council and the committees have been working on these critically important investigations for a number of years. There has been significant efforts and contributions made by the committee members to see the completion of these projects. Further, these projects are highly complex technical investigation that would be challenging for new committee members to fully appreciate within the short timeframe available prior to project completion. Inducting new committee members prior to completion would likely require significant Council resources, taking resources away from other critical tasks, and further risking delaying the completion of these projects. This may also adversely impact grant deed requirements.

Background and Supplementary information

The development of an updated Lower Shoalhaven River FRMS&P and Plan and St Georges Basin FRMS&P has been the highest priority for Council's Floodplain Management Unit and the Northern and Central FRM Committees for many years. It has been a long journey to reach the point where these projects are today, which is summarised below.

- Council's existing Lower Shoalhaven River FRMS&P is from 2011 and based on a flood model from 1990.
- Similarly, the existing St Georges Basin FRMS&P is from 2013 and based on a flood model from 2001.
- Council was successful in receiving grant funding from the NSW Floodplain Management Grant program in 2016 to undertake a review of these two FRMS&Ps.
- Prior to Council procuring consultancy services to deliver these projects, a significant update to the national flood estimation guidelines, the Australian Rainfall and Runoff, was released. This resulted in the need to significantly increase the scope of works for both projects to include the development of a new flood study, and contemporary flood model, for each catchment, using the latest methodology in the national guideline.
- Council engaged Cardno (now Stantec) in October 2017 and the flood studies were subsequently completed in 2022.
- Council was successful in receiving new grant funding from the NSW Floodplain Management Grant program in late 2022 to undertake a review of the two FRMS&Ps based on the contemporary flood models completed in 2022. The completion of these projects will see the original 2016 objectives to prepare contemporary floodplain risk management plans for implementation for these high flood risk catchments met.

- Council engaged Rhelm in early 2024 to complete both projects and are currently working towards delivering final FRMS&Ps for both catchments by the end of this year.
- Final project completion is planned for in early 2026, in accordance with the grant deed requirements.
- Prior to both investigations being finalised and the projects completed, Council needs to undertake extensive public exhibition and community consultation activities for the draft FRMS&Ps to seek community feedback on the proposed flood risk mitigation measures. This is planned for October to November 2025.
- Committee meetings are required to occur in late-September/early-October 2025 to seek endorsement for placing the draft investigations on public exhibition prior to doing so.
- Once the public exhibition and community consultation period (approximately six weeks) has concluded, Council will finalise the investigations, considering the feedback received during this period.
- When all reports have been finalised, Council will meet with the Committees again to seek their endorsement for Council adoption of the final FRMS&Ps.
- To achieve the critical timeline above, it is important that the memberships are extended for a period of six month for the Northern and Central FRM Committees, to avoid any disruptions in delivery.
- Establishing new committees will take both significant time and resources as the following steps needs to be completed prior to a new committee meeting occurring:
 - Create a new Terms of Reference (TOR) for the new committees.
 - Report the TOR to Council for adoption.
 - Undertake Expression of Interest (EOI) for new memberships.
 - Confirm membership of the new committees via report to Council.
- Once new committees have been established, meetings need to be booked in which has an approximately 6 weeks lead time.
- In addition, Council may be required to organise an induction program for the new committee members to ensure they understand the NSW Government's coastal and floodplain management frameworks prior to any meetings being organised.
- If the memberships are not extended, there is significant uncertainty relating to when the Northern and Central Committees can meet next to endorse the Lower Shoalhaven River and St Georges Basin FRMS&Ps for public exhibition and community consultation. This in turn creates significant uncertainty as to when Council can practically complete these projects, and it is not known how this may impact grant deed requirements. It is, however, certain that there will be unnecessary delays in delivery of these projects.
- There is also a risk that Council do not receive enough EOIs to form committees, further delaying the completion of the Lower Shoalhaven River and St Georges Basin FRMS&Ps.
- Council considers it to be unreasonable to expect a new committee to make recommendations on a draft and final FRMS&P that they may have had limited to no prior involvement in developing and may therefore not have a comprehensive understanding of preceding discussions, decisions, and recommendations made to end up where we are today.

- Currently, there are no works underway in the Southern FRM or in any of the CMP Advisory Committee areas requiring meeting to be held in the period up to March 2026. This makes the completion of the Lower Shoalhaven River and St Georges Basin FRMS&Ps a practical point in time to combine the FRM and CMP Advisory Committees by region, in accordance with Council resolution [MIN24.647](#).
- Council will work to create a new TOR and report this to Council for adoption in parallel with completing the Lower Shoalhaven River and St Georges Basin FRMS&Ps to ensure a smooth transition when implementing Council's resolution [MIN24.647](#) after March 2026.

Internal Consultations

The Floodplain Management Unit and Coastal Management Unit have consulted with the Governance Unit when preparing this report.

External Consultations

The NSW Floodplain Management Grant program requires projects to be completed within three years of grant offer, with final acquittal to be completed within two months of project completion date. The grants for the Lower Shoalhaven River and St Georges Basins FRMS&Ps were offered to Council in December 2022. Council is currently on track to complete both projects within the grant deed requirements; however, Council cannot afford any significant delays in the delivery of these projects.

Community Consultations

No community consultation has been undertaken as part of preparing this report.

Policy and Statutory Implications

Since the release of the Flood Prone Land Package in June 2021 there has been significant changes to flood planning requirements in NSW. The completion of the Lower Shoalhaven River and St Georges Basin FRMS&Ps will provide contemporary and clear guidance, in accordance with current best practice, to the development industry and community in relation to flood risk, how it is planned to be managed, and how new developments in these catchments can comply with the current legislative requirements and relevant guidance.

The final Floodplain Risk Management Plans will include a list of recommended flood risk mitigation measures for Council implementation to appropriately manage flood risk within these areas. Currently, Council is working ad-hoc when assessing new developments, which requires significant resources both from Council and the development industry. Any delays in Council completing these projects will ultimately delay the implementation of recommended flood risk mitigation measures to manage flood risk. Council is primarily responsible to manage flood risk within the Shoalhaven Local Government Area in accordance with the NSW Flood Prone Land Policy.

Financial Implications

Both projects are 2/3 funded by the NSW Floodplain Management Grant program, subject to Council meeting grant milestones requirements in accordance with the grant deed. Under this program, Council can only claim grant funding retrospectively once milestones have been met and will have to cover the costs internally until grant funding are received. Should Council fail to meet the requirements of the grant deed, allocated grant funding may be lost,

and Council would have to fund any remaining project costs. Council's 1/3 contribution is funded through general funds. The State Government is currently providing \$130,000.00 (excl. GST) towards the Lower Shoalhaven River FRMS&P and \$111,153.00 (excl. GST) towards the St Georges Basin FRMS&P. At the time of writing, the remaining grant funding to be claimed is \$101,253.00 (excl. GST) and \$90,673.00 (excl. GST) for the Lower Shoalhaven River FRMS&P and St Georges Basin FRMS&P respectively.

Risk Implications

If the memberships for the Northern and Central FRM Committees are not extended this can have implications on Council's ability to deliver the Lower Shoalhaven River and St Georges Basin FRMS&Ps in accordance with the grant deed.

It has taken a significant time, resources and efforts by Council, relevant committees, and the NSW Government to deliver the Lower Shoalhaven River and St Georges Basin FRMS&Ps. Further delays in completing these projects may cause community and industry frustration. Delivering these projects have been many years in the making and they are getting very close to being finalised. Further delays this close to project completion is not desirable for any stakeholders involved, especially when it is not critical to do so.

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CL25.234 DA24/1885 - 24 Clyde Street MOLLYMOOK BEACH NSW 2539 - Lot 351 DP 242021

DA. No: DA24/1885/4

HPERM Ref: D25/261790

Department: Development Services

Approver: Lindsay Usher, Acting Director - City Development

Attachments:

1. 4.15 Assessment Report (under separate cover) [⇒](#)
2. Plans - Architectural (under separate cover) [⇒](#)
3. Clause 4.6 Variation (under separate cover) [⇒](#)
4. DRAFT Determination (under separate cover) [⇒](#)

Description of Development: Alterations and additions to existing dual occupancy and Two (2) lot Torrens Title subdivision

Owner: Dezarae Naylor & Hayden A Naylor

Applicant: Hayden Ashley Naylor

Notification Dates: 21 November 2024 to 5 December 2024

No. of Submissions: Nil

Purpose / Reason for consideration by Council

DA2024/1885 proposes a variation to the development standard set by Clause 4.1 (minimum subdivision lot size) of *Shoalhaven Local Environmental Plan 2014* (SLEP 2014).

The normal subdivision pathway of Clause 4.1A of the SLEP is not available given the dual occupancy was determined prior to clause 4.1A coming into operation.

The departure from the development standard is >10%, therefore the application and variation must be considered and determined by the Council.

Recommendation

That Development Application DA2024/1885 for Alterations and additions to the existing dual occupancy and Two (2) lot Torrens Title subdivision development at 24 Clyde Street Mollymook Beach - Lot 351 DP 242021, be determined by way of approval subject to the recommended draft conditions of consent (Attachment 4) to this report.

Options

1. Approve the application in accordance with the recommendation.

Implications: This would enable the development to proceed

2. Refuse the application

Implications: Council would need to determine the grounds on which the application is refused, having regard to section 4.14(1) considerations. The applicant would be entitled to seek a review and/or pursue an appeal in the Land and Environment Court.

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3. Alternative Recommendation

Implications: Council will need to specify an alternative recommendation and advise staff accordingly.

Location Map

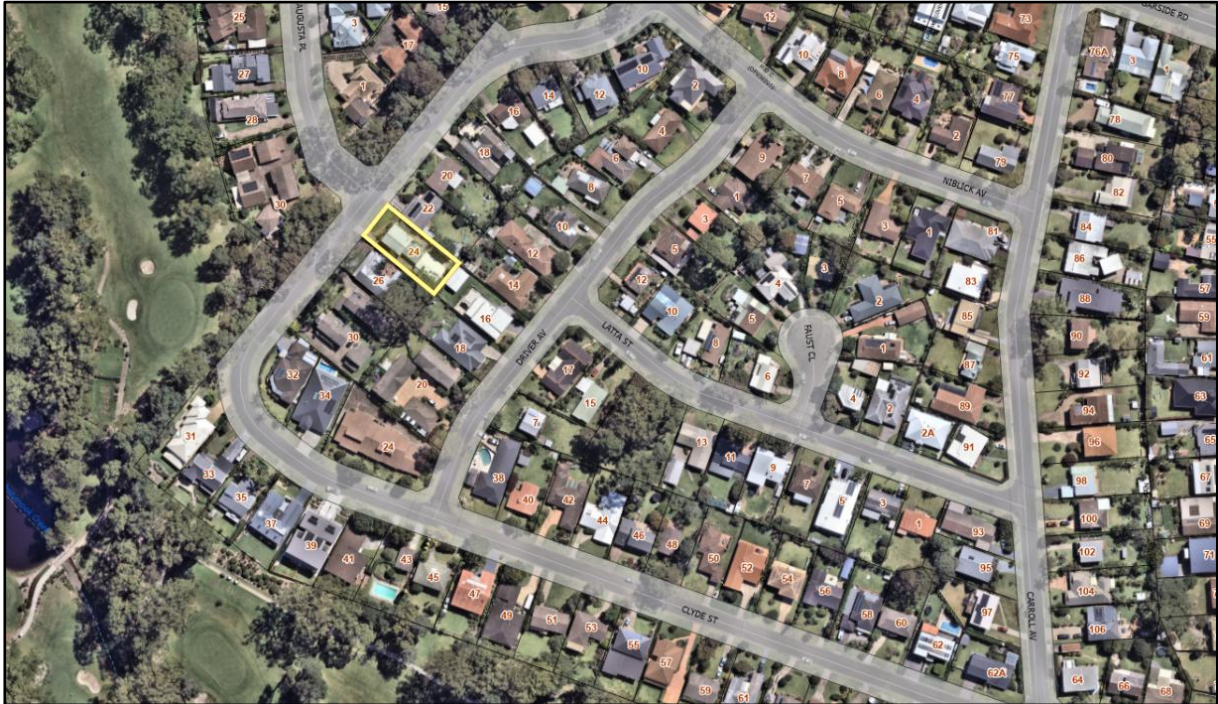


Figure 1 - Location Map. Source: Council's GIS System

Background

The proposed development is for alterations and additions to an existing dual occupancy and Two (2) lot Torrens Title subdivision. The dual occupancy was approved by Council in 1977 under BA77/0789 which authorised '2-single storey brick flats'.

This approval pre-dates the operation of the current Clause 4.1A in the Shoalhaven Local Environmental Plan 2014 (SLEP 2014).

The Torrens title subdivision would result in the creation of two lots with the following areas:

- Lot 100 (closer to the road) = 331.4m² (excluding access handle area)
- Lot 101 (farther from the road) = 356.2m²

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Proposed Development

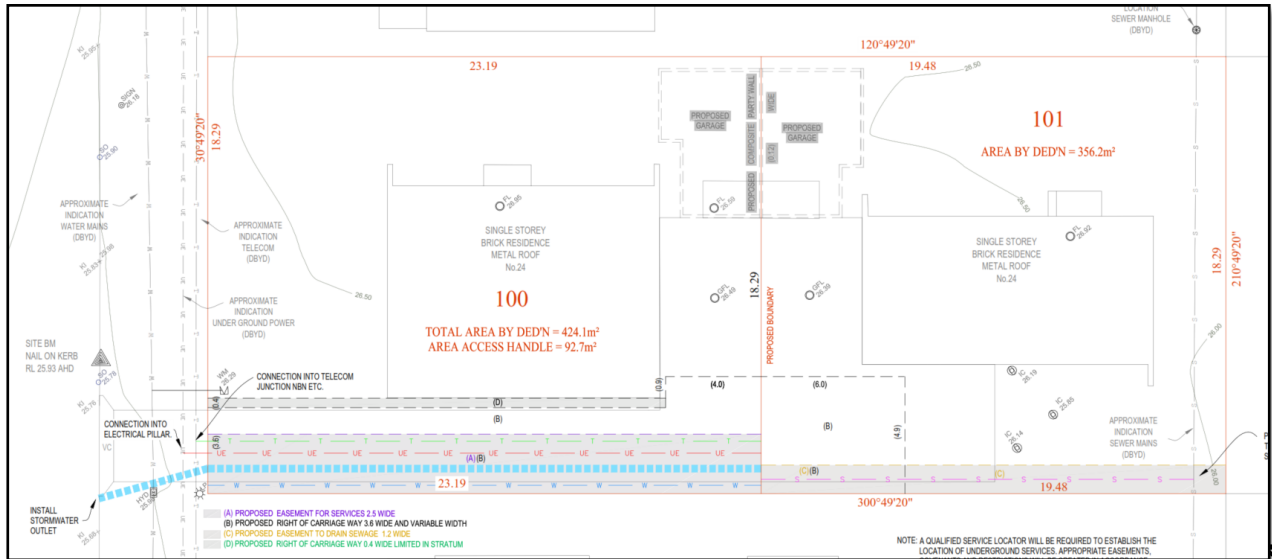


Figure 2 - Proposed Subdivision Plan with easements marked

The Torrens title subdivision will create lots less than the minimum lot size applicable to the subject site. The current Clause 4.1A (4) allows for the subdivision of a dual occupancy approved under that clause to be subdivided into lots of any size, enabling the resulting individual dwelling lots to have separate titles.

Given the approval of **BA77/0789** pre-dates amendment No.35 to SLEP 2014 (i.e. the date of operation of the current version of cl.4.1A), the Saving Provisions under 1.8A [subclause (2)] requires the application to be determined as if that Plan had not commenced and therefore the application does not benefit from Clause 4.1A [subclause (4)].

As such, the proposed subdivision is required to be undertaken pursuant to Clause 4.1 of SLEP 2014 where a minimum lot size of 500m² applies to the site.

Proposed Lot 1 and 2 have areas less than 500m² and therefore a variation to the minimum lot size development standard is required. Any determination of the Development Application must consider the requirements of Clause 4.6 – Exceptions to Development Standards of SLEP 2014.

It is noted that despite being technically non-compliant with the minimum lot size requirement under Clause 4.1, the proposed development remains consistent with the SLEP 2014.

The proposed subdivision has no impacts upon the surrounding locality above and beyond that would have been already considered at the dual occupancy assessment stage in 1977. The subdivision essentially enables individual land titles to be created for the existing development.

Accordingly, under these circumstances, there is no benefit in maintaining the minimum lot size development standard under Clause 4.1 in this case, as the respective subdivision for dual occupancy beneath the minimum lot size is now generally permitted under Clause 4.1A (4). It is noted that Council has considered and approved previous similar proposals having regard to the subdivision of existing dual occupancies.

Subject Land

The development site comprises Lot 351 DP 242021, located at 24 Clyde Street, Mollymook Beach. The site has an area of approximately 777.76 m² and is a standard rectangular lot in a residential environment.

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Site & Context

The site contains an existing dual occupancy development approved under BA77/789 (currently numbered 1/24 and 2/24 Clyde Street respectively). The existing dual occupancies are single storey dwellings attached by a carport and common wall between storage rooms at the centre of the site. These adjoining storage rooms are proposed to be demolished for single car garages plus storage areas for each dwelling, having a common adjoining wall.

The surrounding area is residential in character and the site is adjoined by detached dwelling house developments, multi-unit strata housing developments, and opposite the Mollymook golf course.

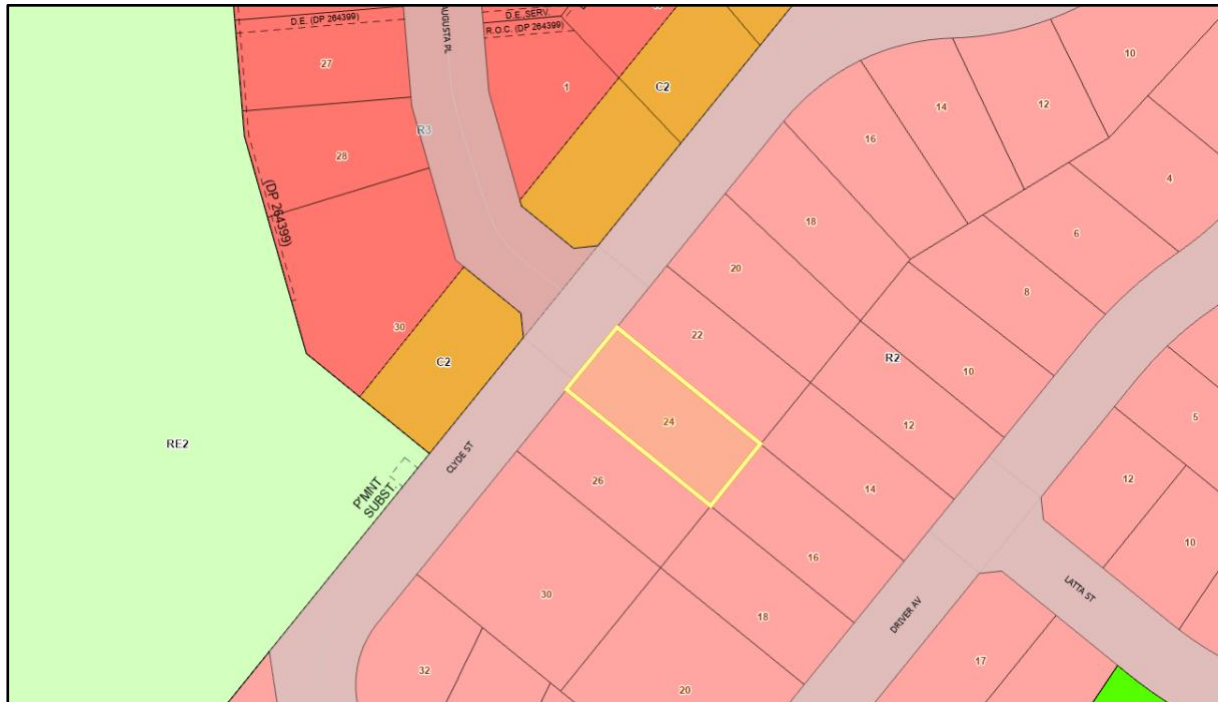


Figure 3 - Zone mapping of subject site and immediate locality

Issues - Clause 4.1 – Minimum Subdivision Lot Size of SLEP 2014

The proposed subdivision results in two lots with the following site areas

- Lot 100 (closer to the road) = 331.4m² (excluding access handle area)
- Lot 101 (towards the rear of the block) = 356.2m²

Proposed Lot 100 is 168.6m² under the minimum lot size requirement. This is representative of a departure to development standard of 33.7%.

Proposed Lot 101 is 143.8m² under the minimum lot size requirement. This is representative of a departure to development standard of 28.7%.

Applicant's Submission

The Applicant has provided the following commentary to address the objectives of Clause 4.1 'Minimum subdivision lot size' in their written request to vary the development standard. See Attachment 3:

(a) to ensure that subdivision is compatible with, and reinforces the predominant or historic subdivision pattern and character of, an area,

The area surrounding the site is primarily a low density residential area. This area is characterised by mostly detached dwellings, with the occasional dual occupancy, attached dwellings, and multi-dwelling housing. The proposed development is the alteration of an

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existing dual occupancy and is compatible with this character. The predominant pattern of subdivision of the area is that of larger lots. The proposed subdivision of the site into two lots reflects the existing approved development of the site and will not detract from the predominant pattern of subdivision across the locality.

(b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,

A statement of environmental effects (SEE) accompanies the development application and demonstrates that the proposed development and subdivision will have no adverse impacts on the amenity of neighbouring properties. The proposed development and subdivision will maintain the views, privacy, solar access and general amenity of neighbouring properties.

(c) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.

The accompanying SEE demonstrates that the proposed lot sizes and dimensions are able to accommodate development that is consistent with the relevant requirements of SLEP 2014 and Council's development control plan (DCP). The proposed lots will properly accommodate the existing dual occupancy and its proposed alterations and additions. Each proposed lot is able to contain an individual dwelling, together with its associated open space, access and parking, all to a high standard of amenity and in accordance with Council's DCP.

Discussion

Under clause 4.6(3) of the Shoalhaven Local Environmental Plan (SLEP) 2014, development consent is not permitted to be granted for development that contravenes a development standard unless the consent authority is satisfied that:

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3) as discussed below.

Compliance with Development Standard is Unnecessary or Unreasonable

Council staff support the reasoning and Clause 4.6 variation statement provided by the applicant. In this case, strict adherence to the Clause 4.1 minimum lot size development standard is considered unreasonable, as it would conflict with the type of development now permitted under Clause 4.1A—had the dual occupancy been approved after 21 August 2020, following Amendment No. 35 to the SLEP 2014.

Maintaining the minimum lot size requirement under Clause 4.1 serves no practical purpose in this instance, given that subdivision of dual occupancies below the minimum lot size is now expressly allowed under Clause 4.1A(4).

The proposal remains consistent with the objectives of both the development standard and the SLEP 2014. Despite the non-compliance, the intent of the standard is still achieved.

Sufficient Environmental Planning Grounds

Council staff concur with the rationale and clause 4.6 variation statement set out by the applicant that there are sufficient environmental planning grounds to justify the contravention to the subdivision minimum lot size development standard in this instance. The proposed subdivision promotes the orderly development of land and is consistent with the type of development that is permitted under Amendment 35 of the Shoalhaven LEP 2014.

Public Interest

The objectives of the R2 Low Density Residential zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide an environment primarily for detached housing and to ensure that other development is compatible with that environment.

The objectives of clause 4.1 of the SLEP 2014 are:

- to ensure that subdivision is compatible with, and reinforces the predominant or historic subdivision pattern and character of, an area,
- to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,
- to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.

The proposed development of alterations and additions to existing dual occupancy, and further Torrens title subdivision to create two individual lots is in public interest as it is consistent with the objectives of Clause 4.1 and Zone R2 in the Shoalhaven LEP 2014.

Planning Assessment

The DA has been assessed under s4.15 of the Environmental Planning and Assessment Act 1979. Please refer to Attachment 1.

Internal Consultations

The application was referred to Council's GIS unit, Shoalhaven Water, Strategic Planning and Development Engineering Team. No issues were identified as a result of the referrals and recommended conditions of consent where relevant have been provided by these teams. These conditions form part of the recommended Development Consent.

External Consultations

NIL

Community Consultations

No public submissions were received in relation to Council's notification of the development.

The notification was made in accordance with Council's Community Consultation Policy with letters being sent within a twenty-five (25)m buffer of the site.

Financial Implications

There are potential cost implications for Council in the event of a refusal of the application. Such costs could be associated with defending an appeal in the Land and Environment Court of NSW.

Legal Implications

Pursuant to the *Environmental Planning and Assessment Act 1979* (EP&A Act), a decision of the Council may be subject to a section 8.2 review or an appeal to the Court against the determination under section 8.7 of the EP&A Act.

Summary and Conclusion

This application has been thoroughly assessed in accordance with the evaluation criteria set out in Section 4.15 of the Environmental Planning and Assessment Act. Based on the assessment and the considerations outlined in the 'Issues' section above, the proposal is recommended for approval.

A draft determination has been prepared and is provided at Attachment 4 to this Report for consideration.

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CL25.235 Affordable Housing Action Taskforce - Recommended Membership

HPERM Ref: D25/286206

Department: Strategic Planning

Approver: Lindsay Usher, Acting Director - City Development

Attachments: 1. Potential Members List [↓](#)
2. Expression of Interest Applications (councillors information folder) [⇒](#)

Purpose:

This report enables Council to consider appointing members to its Affordable Housing Action Taskforce following the Expression of Interest process.

Summary and Key Points for Consideration:

At its 17 June 2025 Ordinary Meeting, Council considered governance arrangements for the Taskforce. It appointed the Mayor as Chairperson, elected Councillors Casmiri, Dunn and Tribe as representatives, and endorsed the Terms of Reference (MIN25.319). Council also resolved that the Chairperson and staff review all membership applications and present a recommended membership for Council's consideration.

Recommendation

That after considering the content of this report, Council select either Option 1 outlined in the report or an alternate option to proceed.

Options

1. Council adopt the following recommendation setting the membership of the Taskforce:
 1. *That Council appoint the representatives identified in **Attachment 1** to this report as members of the Affordable Housing Action Taskforce.*
 2. *Adjust the Terms of Reference for the Affordable Housing Action Taskforce to include an additional community member, providing a total of four (4) community members*

Implications: Finalising the membership of the Taskforce will enable it to start working with staff on the implementation of Council's Affordable Housing Strategy.

2. Make an alternative resolution, that could include possibly not proceeding with the taskforce or setting an alternative membership.

Implications: Subject to the detail of any alternative resolution, this could delay, complicate, or see the Taskforce not established.

Background and Supplementary information

Council adopted the new Shoalhaven Affordable Housing Strategy in August 2024 ([link to Strategy](#)). The Strategy outlines 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.

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Council subsequently resolved (MIN24.518), after considering a Notice of Motion, to create a Taskforce to help support the implementation of the 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.

It was resolved that the Taskforce membership would comprise of the Mayor, Councillors, relevant staff, local State and Federal members and external representatives, such as community members, representatives of government agencies, industry leaders and other stakeholders.

External representatives were invited to submit an Expression of Interest. 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 in the Councillors Information Folder (**Attachment 2**).

The outcome of the Expression of Interest process was reported to Council for consideration on 17 June 2025 – the report (CL25.207) can be viewed [here](#). It was resolved (MIN25.319) that Council:

1. *Appoint and elect the following Councillors as representatives to the Affordable Housing Action Taskforce*
 - a. *Mayor as Chairperson*
 - b. *Three (3) Councillors - Cllr Casmiri, Cllr Tribe, Cllr Dunn*
2. *Endorse the Terms of Reference for the Affordable Housing Action Taskforce with inclusions identified in Part 1.*
3. *Resolve that all applications received for the Taskforce be reviewed by the Chairperson and staff according to the Terms of Reference, to make a recommendation to Council to determine membership.*
4. *Receive a further report back to determine membership of the Taskforce.*

Through the above resolution, Council has appointed the Mayor as Chairperson of the Taskforce and elected Councillor representatives and now needs to appoint other members.

Consistent with Part 3 of the resolution the applications were reviewed and the potential resulting members are identified in **Attachment 1**. The review of applications also identified the opportunity to increase the number of community members from three (3) to four (4).

Unsuccessful applicants will be notified once membership is confirmed by Council.

Internal Consultations

Consistent with the resolution, all applications were reviewed by the Mayor (Chairperson) and relevant staff.

The Governance team provided guidance and administrative support.

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.

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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. Updates on the Taskforce's work, as well as the agendas and minutes of meetings will be published online ([link to webpage](#)).

Policy and Statutory Implications

The Taskforce has been 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

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.

Attachment 1 – Potential Members – Affordable Housing Action Taskforce

Name	Representing
Alex Pontello	Southern Cross Housing
Rachel Foster	The Housing Trust
Sue Brown	Homes NSW
Nathan Boulous	Urban Development Institute of Australia
Jennifer Macquarie	Property Council of Australia
Peter Dover	Salt Care
Renee Knight	Care South
Sarah Date	Safe Waters
Kahlia Miller	Aboriginal Representative
Jenayah Gunson	Youth Representative
Graham Sweet	Community Representative
Craig Hadfield	Community Representative
Paul Mitchell	Community Representative
Peter Wells	Community Representative

CL25.236 Nowra Bioenergy Project Proposal - 54 Terara Rd, Terara - Lot 10 DP 1292790

HPERM Ref: D25/311048

Department: Water Asset Planning & Development

Approver: Andrew McVey, Acting Director - Shoalhaven Water

Attachments:

1. Briefing Paper - Nowra Bioenergy Project Proposal (Confidential - under separate cover)
2. Project Milestones - Nowra Bioenergy Pty Ltd (Confidential - under separate cover)

Purpose:

The purpose of this report is for Council to consider the proposed options and facilitate informed decision making and appropriate action.

Summary and Key Points for Consideration:

- The land is classified as Council owned Operational Land and Council can enter the proposed new lease agreement.
- Council resolution is required to determine the granting of the proposed lease on the basis that the annual rent exceeds \$5,000 per annum.

Recommendation

That Council consider and determine a preferred course of action from the two options outlined below.

Options

1. Progress the negotiation of a long-term lease with clearly defined terms and critical milestones to safeguard Council's interests.

Proposed resolution

That Council:

1. *Enter a new 25 year lease agreement with the prospective lessee over Council Operational land known as Nowra Wastewater Treatment Plant, located at 54 Terara Rd, Terara - Part Lot 10 DP 1292790. The lease is to include an option to extend for a further 25 years. The lease agreement will incorporate specific project milestones (Attachment 2) to ensure financial viability and to secure substantial commencement of the proposed development within the initial two-year provision.*
2. *The rental amount is to be negotiated with the prospective lessee as part of the lease terms.*
3. *Lessee to be responsible for all construction and operating costs of the leased premises.*
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*

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Executive Officer or delegated officer to sign any documentation necessary to give effect to this resolution.

Implications:

- Potential for the land to be encumbered by permanent structures, which may restrict future flexibility or alternative land uses.
- Reputational risk to Council if project fails.
- Potential for odour from waste transport and handling.
- Increased heavy vehicle movements may affect road safety and amenity.
- The facility may be considered intrusive to the rural landscape.

2. Not to enter a new lease and inform the prospective lessee of this decision.

Proposed resolution

That Council:

1. *Not enter a new lease agreement over Council Operational land known as Nowra Wastewater Treatment Plant, located at 54 Terara Rd, Terara - Part Lot 10 DP 1292790.*
2. *Notify the prospective lessee of this decision.*

Implications:

- Reputational risk to Council.
- This may result in the loss of potential revenue.
- Will not provide alternative diversion of organic waste from landfill.

Background and Supplementary information

The Nowra Bioenergy Project is a State Significant Development approved in March 2024 by the Minister for Planning and Public Spaces for a waste to energy facility to be located at Terara Road, Nowra, within the site of the former Nowra Wastewater Treatment Plant and adjacent to the new Wastewater Treatment Plant.

The Nowra Bioenergy facility was designed to process dairy manure (not in current proposal) and food wastes into biogas for electricity generation. The process uses an Anaerobic Digestion technology, a natural decomposition process where microorganisms break down organic material in the absence of oxygen to create a methane rich gas called biogas. The Nowra Bioenergy Project captures these gases and uses them to create electricity and the nutrients from the incoming waste are preserved for reuse as an alternative to chemical fertiliser.

In January 2022, Council entered into a lease agreement with Nowra Bioenergy Pty Ltd for the purpose of developing the biogas facility. The lease was granted for a term of 25 years, with an option to extend for a further 25 years. The commencement of the lease was subject to the satisfaction of three conditions precedent:

1. Obtaining development approval.
2. Obtain deemed subdivision approval as required for a lease term exceeding 5 years.
3. Obtain eligible offsets project registration.

Conditions 1 and 3 were satisfied by the lessee. However, Condition 2 remained outstanding, and no formal extension was in place to address this requirement. As a result, Council terminated the lease agreement on 6 February 2025.

In August 2024, Council was advised that Nowra Bioenergy Pty Ltd had been placed into receivership, with Chris Johnston of Wexted Advisors appointed as Receiver and Manager by the funding entity. The Receiver has indicated that his client is interested in selling the company and its business operation. However, the absence of a valid lease agreement presents a significant challenge to the sale process.

Figure 1 below illustrates the proposed bioenergy facility and the Nowra Wastewater Treatment Plant (WWTP).

Figure 1



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Internal Consultations

Internal consultation was undertaken with Shoalhaven Water and affected Council areas and no major concerns were raised regarding the new lease.

External Consultations

State Significant Development approval for the Nowra Bioenergy Facility was granted in March 2024 by the Minister for Planning and Public Spaces.

Community Consultations

The land is classified as Operational land, and no consultation is required for Council to enter into a lease agreement.

Any future Development Application would require the proponent to undertake community consultation as part of the planning and approval process.

Policy and Statutory Implications

[Occupation of Council Owned or Managed Land Policy](#) is relevant to the proposed licence and has been considered for this matter.

The land is classified as Operational land meaning the provisions of the Local Government Act (community land) and the grant of a lease or licence under Section 46 is not relevant for this licence proposal.

Financial Implications

There is no financial outlay required from Council in relation to this proposal. All associated costs will be borne by the prospective lessee. Furthermore, Council will receive payments in accordance with the terms set out in the proposed lease agreement.

Risk Implications

It is normal practice to allow for an interest in land in the form of a lease. Council's interests have been considered and there is minimal risk associated with the proposed new lease agreement.

The primary concern relates to the potential for the land to be encumbered by permanent structures, which may limit future flexibility or alternative uses.

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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.