

Ordinary Meeting

Meeting Date: Tuesday, 23 September, 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 Debbie Killian

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 - 9 September 2025

6. Declaration of Interests

7. Presentation of Petitions

8. Mayoral Minute

Mayoral Minute

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9. Deputations and Presentations

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Notices of Motion / Questions on Notice

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12. A Committee of the Whole (if necessary)

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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.

MM25.21 Mayoral Minute - Establishment of Cruise Terminal at Port Kembla

HPERM Ref: D25/404853

Attachments: 1. Wollongong City Council - Cruise Wollongong Prospectus [↓](#)

Recommendation

That Council

1. Support Wollongong City Council's proposal for a Cruise Terminal at Port Kembla.
2. Confirm Shoalhaven Council is a key stakeholder on the Cruise Wollongong Taskforce.
3. Provide a submission to the Cruising Industry Advisory Panel to highlight Port Kembla as the most suitable location for a new cruise terminal in NSW, and outline the significant regional economic benefits of establishing a cruise terminal.

Details

Between 2016 and 2019, Wollongong hosted seven cruise ship day visits (including Royal Caribbean International and Norwegian Cruise Lines ships). The day visit of Radiance of the Seas in 2016 alone generated around one million dollars for the city's visitor economy. A turn around port brings a far greater financial return with passenger overnight stays (pre and post cruise) and the provision of supplies and services. The estimated economic benefit for a single turnaround visit can be valued at \$1.75 million.

According to the NSW Government, the cruise industry contributed \$4.4 billion to the NSW economy in 2023-24 and created more than 13,700 jobs.

A cruise terminal at Port Kembla would be a game changer giving the hotel industry confidence in Wollongong, Illawarra and Shoalhaven as a viable market.

A panel of cruise and tourism industry experts was established by the Hon Jo Haylen MP, Minister for Transport, to work on identifying the preferred location for a potential new cruise terminal in NSW. This is an opportunity to highlight why Wollongong and Port Kembla boasts overwhelming reasons to be selected as the preferred site.

MM25.21



MM25.21 - Attachment 1

Wollongong City Council

Cruise Wollongong

The Ideal Location for
a Third Cruise Terminal
and Turnaround Port in NSW





Ruby Princess
departs Port Kembla

Executive Summary

As the cruise industry continues to grow in NSW, the state is facing increasing pressure on its cruise ship infrastructure. The NSW Government has taken action and established the Cruise Industry Advisory Panel to identify the preferred location for a third cruise terminal.

There is a compelling case for Wollongong via the Port at Port Kembla to become the third turnaround Port in NSW and a critical piece of the state's cruise future. Located just 80km south of Sydney, Wollongong offers a unique blend of deep-water port capability, transport connections, scalable infrastructure and an excellent tourism offering for the domestic travel market.

During the period of 2016-2019, Port Kembla also hosted seven cruise vessels with strong operational success and high passenger satisfaction (dubbed 'The Friendly Port' thanks to outstanding post-visit surveys and fantastic volunteer cruise ambassadors). These visits were well received by the cruise industry and the community, showcasing Wollongong's ability to offer an enthusiastic and warm welcome to cruise passengers and crew.

This warm welcome was in force during the difficult outbreak of COVID 19 when Port Kembla hosted the Ruby Princess and our community stepped up to demonstrate our support and showed kindness to the impacted crew with 1200 care packages provided.

The proposal that Wollongong become the third location for a cruise terminal is strongly supported by Wollongong City Council, Destination Wollongong, and Destination Sydney Surrounds South, who together recognise the opportunity for Wollongong to emerge as a major cruise gateway for NSW.

Adding to the strength of this proposal is the united support of regional stakeholders through the Cruise Wollongong Taskforce working together to champion this opportunity.

Key stakeholders in this group include:

- Lord Mayor of Wollongong, Tania Brown - Wollongong City Council
- The Hon Paul Scully MP - Minister for Planning and Public Spaces and Member for Wollongong
- The Hon Ryan Park MP - Minister for the Illawarra and Member for Keira

- Alison Byrnes MP - Member for Cunningham
- Carol Berry MP - Member for Whitlam
- Mayor Chris Homer - Shellharbour City Council
- Mayor Cameron McDonald - Kiama Municipal Council
- Mayor Patricia White - Shoalhaven City Council
- Mayor Darcy Lound - Campbelltown City Council
- Mayor Ashleigh Cagney - Camden Council
- Mayor Matt Gould - Wollondilly Shire Council
- Mayor Jesse Fitzpatrick - Wingecarribee Shire Council
- Destination Wollongong
- Destination Sydney Surrounds South
- Illawarra Shoalhaven Joint Organisation
- Ports Authority of NSW
- RDA Illawarra Shoalhaven
- Business Illawarra
- Australian Cruise Association
- Cruise Lines International Association
- NSW Tourism Association

As outlined in 2024 'The Value of Cruise Tourism' report released by Cruise Lines International Association (CLIA) and the Australian Cruise Association (ACA), total cruise tourism output generated in NSW was estimated at approximately \$4.4 billion in 2023-24 and supported 13,714 jobs.

The addition of a third cruise terminal at Port Kembla would not only ease congestion in Sydney's Circular Quay and White Bay terminals but also unlock significant visitor economy benefits and increase economic activity across the Illawarra, Shoalhaven, Wingecarribee and Macarthur region.

The activation of a cruise terminal at Port Kembla aligns with NSW's strategic Visitor Economy priorities, regional development, and transport objectives, while delivering balanced economic growth, enhancing visitor dispersal, and increasing cruise sector resilience in NSW.

 **Wollongong is the right choice!**

At a Glance: Why Wollongong is the Right Choice

Wollongong provides a powerful and pragmatic solution to NSW's growing cruise demands:

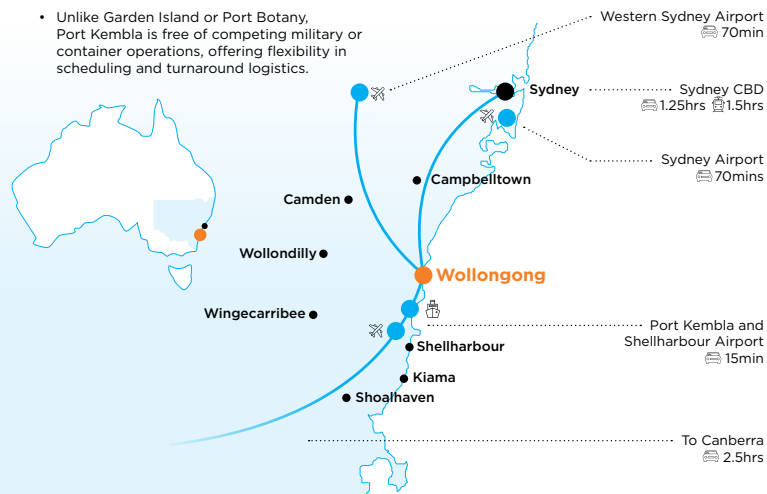
- Port Kembla harbour is a deep-water, sheltered port capable of accommodating vessels up to 300m in length and 14.5m in draft, without air height restrictions or the need to navigate congested shipping lanes.
- The port provides the perfect location for a cruise terminal and turnaround port for the cruise industry that would cater directly to the domestic cruise travel market.
- It is located less than 90 minutes from Greater Sydney via road or rail, with direct motorway connections and ongoing upgrades to the South Coast rail line enhancing accessibility.
- The Port is situated close to Shellharbour Airport (Regional Airport for the Illawarra), less than 90 minutes from Sydney Airport and Western Sydney Airport and within two hours of Canberra Airport.
- The Port currently handles commercial vessels with potential capacity for cruise berthing which could be adapted for passenger use with minor capital investment.
- Unlike Garden Island or Port Botany, Port Kembla is free of competing military or container operations, offering flexibility in scheduling and turnaround logistics.

Beyond infrastructure, Wollongong is a thriving regional city with a highly attractive visitor experience. The region offers escarpment lookouts, coastal drives, pristine beaches, tourist attractions (including a wildlife park and action park), award-winning food and wine, and rich Aboriginal cultural heritage, all within 30 minutes of the Port.

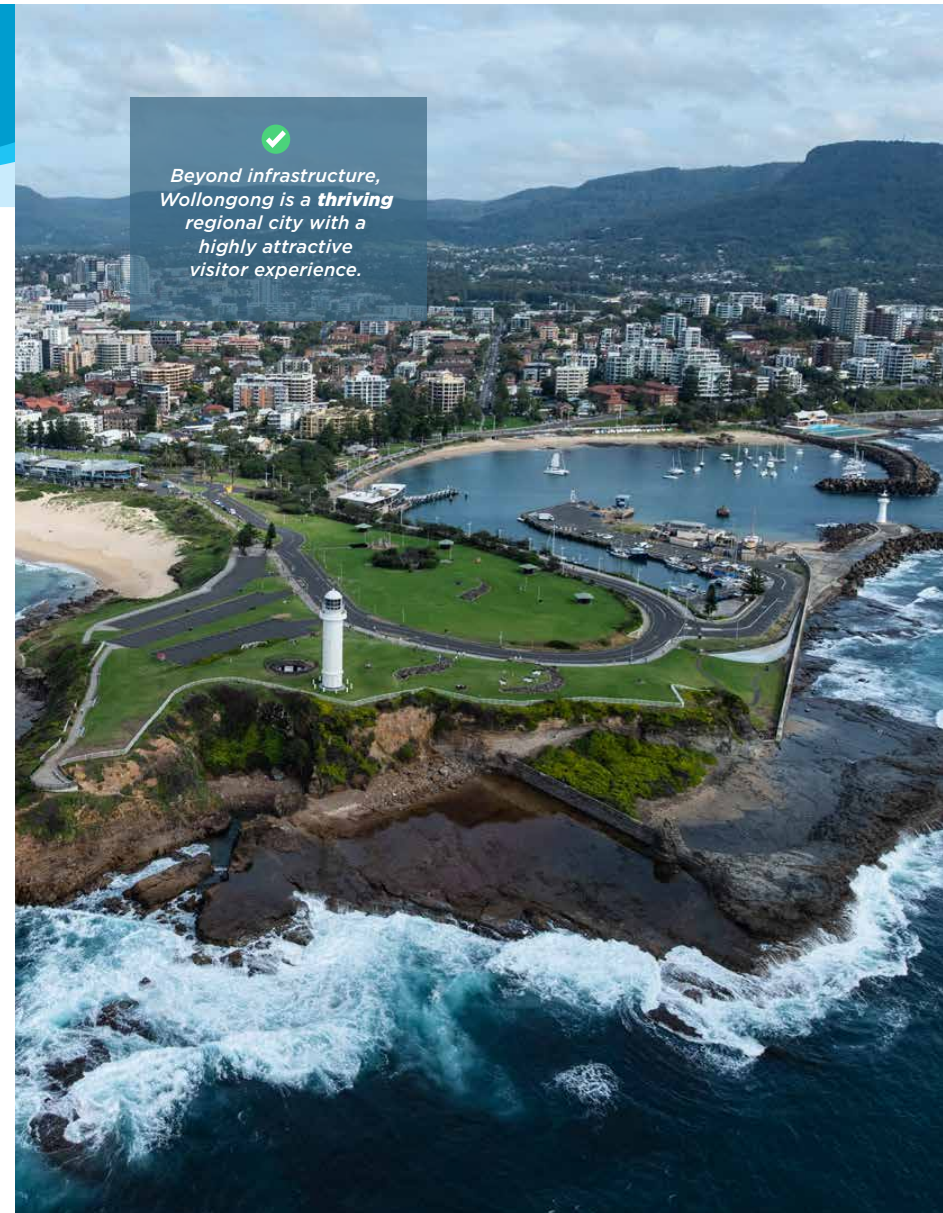
Wollongong's commitment to the visitor economy and cruise industry ensures the region is not only ready to welcome increased cruise visitation but also has the partnerships and planning capacity to deliver lasting economic outcomes.

Finally, Wollongong as a location for a cruise terminal would directly contribute to the NSW Government objectives of regional dispersal, economic resilience, and infrastructure optimisation.

By investing in Wollongong as the third cruise turnaround port, NSW can meet current demand, accommodate future growth, and ensure that cruise remains a vibrant and sustainable part of the state's visitor economy.



Wollongong City Council • Cruise Wollongong



*Beyond infrastructure, Wollongong is a **thriving** regional city with a highly attractive visitor experience.*

Cruise Wollongong • Wollongong City Council

5



Aerial looking north
to Wollongong from
Port Kembla

Opportunity: Benefits of a Cruise Terminal in the Illawarra and South Coast

1. The Growing Need for Cruise Capacity in NSW

The cruise sector is one of Australia's most significant tourism drivers:

- The 2023-24 Australian Cruise Industry Economic Impact Analysis shows a powerful surge in the value of cruise tourism, setting a new high of \$8.43 billion in total economic output created by cruise tourism (\$2.80 billion more than the previous year).
- Cruise line expenditure also rose significantly in 2023-24, increasing 36% over the previous year to reach \$1.60 billion. In addition to the extensive supply chain that supports cruise operations, cruise line spending also included a record \$351.0 million paid in port fees.
- New South Wales remained Australia's biggest beneficiary of cruise tourism, increasing its share to 52.3% of national economic output providing 13,714 jobs and \$4.41 billion total economic output.
- Cruise visitation to NSW is forecast to grow to 2.3 million passengers per annum by 2033.
- Sydney's current infrastructure at Circular Quay and White Bay is already under significant

pressure, with limited scope for growth due to congestion, heritage limitations, and freight conflicts.

- There is a pressing need for alternative berthing solutions that allow cruise lines to maintain and expand operations in NSW.

2. Wollongong: An Untapped Cruise Gateway

A. Port Infrastructure and Accessibility

- Port Kembla is a deep-water, sheltered port already handling large vessels, including automotive and bulk carriers.
- The location offers immediate access to a working harbour with a range of cruise-ready berth options, requiring only minor modifications for passenger processing and available land for car parking and provisioning.
- Port Kembla offers an area for development that is already in an industrial zone and will not impact residents. This reinforces community support and interest in welcoming cruise ships.
- Unlike Botany or Garden Island, there are no competing defence or container priorities to disrupt scheduling.

- The planning redevelopment of nearby BlueScope land offers significant opportunities for both visitors and community, with the potential for large scale tourism product that caters for the cruise market.
- **Port Kembla is an ideal turnaround port location for cruises that attract the domestic market.**

B. Transport and Turnaround Readiness

- Direct motorway access (M1) connects Port Kembla to Greater Sydney and Canberra.
- The South Coast rail line is undergoing continued improvements and offers connectivity to Greater Sydney. Existing rail infrastructure to Port Kembla offers an opportunity for rail to ship transfers (similar to that enjoyed at Circular Quay).
- Shellharbour Airport is within 15 mins of the port, alongside Sydney and Western Sydney airports, providing options for passenger transfer within 70 minutes of the port.
- Turnaround operations would benefit from low-congestion logistics and local coach access.



The cruise sector is one of Australia's most significant tourism drivers.



*Cruise visitation to NSW is forecast to grow to **2.3 million passengers** per annum by 2033.*



*Port Kembla can accommodate vessels up to **300m in length** and **drafts of 14.5m**, with no air draft restrictions.*



Destination Wollongong
Ambassadors greet arriving
cruise passengers

3. Exceptional Visitor Appeal

Wollongong and the broader South Coast and Macarthur regions are home to a rich variety of experiences aligned with cruise passenger preferences:

- Grand coastal drives, escarpment lookouts, and pristine beaches.
- Nature-based experiences and recreational activities, including whale watching, rainforest walks and horse riding.
- Local events, award-winning wineries and farm-to-table culinary experiences.
- Historical tours, Aboriginal cultural heritage and immersive tours.
- Boutique shopping, adventure tourism, and wellness retreats.

Wollongong, the South Coast and Macarthur regions deliver distinct tourism assets within 60 minutes of the Port, minimising transfer time and enhancing guest satisfaction.

4. Economic Opportunity and Regional Equity

The introduction of a cruise terminal in Wollongong would:

- Create hundreds of local jobs across tourism, transport, logistics, and retail.
- Benefit a multitude of other local businesses including food and beverage suppliers, fuel, hotel consumables, equipment, maintenance, transportation and embarkation staff.
- Drive new visitor expenditure through day trips, local business spending and hotel stays (50%-60% of turnaround port visitors stay at least one night).
- Support regional dispersal goals by offering access to Shoalhaven, Eurobodalla, and Southern Highlands.
- Contribute to economic resilience in regions recovering from bushfires, floods, and the pandemic.

The activation of Port Kembla supports the NSW Government's goals to decentralise economic growth and increase the competitiveness of regional ports.

5. Industry and Stakeholder Alignment

- Royal Caribbean, Carnival Cruise Lines, Royal Norwegian Cruise Lines, and other cruise lines have previously trialled or expressed support for Wollongong as a port of call.
- The Port has already hosted successful cruise visits with positive passenger feedback and operational ease.
- Wollongong City Council, Destination Wollongong, and Destination Sydney Surrounds South have demonstrated strong alignment on activation plans.
- The proposal has wider regional support from a range of government and industry stakeholders through the establishment of the Cruise Wollongong Taskforce.
- There is clear synergy with the NSW Cruise Infrastructure Strategy and Cruise Development Plans for the NSW Government.



*Wollongong, the South Coast and Macarthur regions deliver **distinct tourism assets within 60 minutes of the Port**, minimising transfer time and enhancing guest satisfaction.*

6. Comparative Advantage Over Other Options

Criteria	Wollongong	Newcastle	Eden
Proximity to Sydney	✓ 80km	✗ 160km	✗ 480km
Existing deep-water port	✓	✓	✓
Turnaround capability	✓	✓ (limited by travel time)	✗
Tourism attractions within 60 mins	✓	✓	✓
Road/Rail access	✓	✓	✗
Underutilised infrastructure	✓	✗	✗
Congestion or commercial conflict	✗	✓	✗

7. What's Next – Pathway to Activation

To realise this opportunity, the following actions are recommended:

1. NSW Government to recognise Wollongong as the preferred location for a turnaround port and commission a feasibility study for cruise terminal development at Port Kembla.
2. Assess capital investment required for port-side infrastructure upgrades, including parking solutions and a multi-use facility which would host customs and passenger processing facilities and be available for other uses.
3. Engagement and collaboration with cruise lines be commenced to develop, implement and schedule pilot turnaround services and acceptable dockside support services.
4. Commence destination marketing collaboration to prepare local experiences, transport, accommodation options and opportunities for visitors pre and post cruise.
5. Audit of current accommodation facilities and shuttle services for cruise passengers and strategy for the inclusion of cruise-based accommodation in the development of accommodation services across the Illawarra region.

Conclusion

Wollongong is the right choice. Port Kembla stands as the logical, cost-effective, and sustainable choice for Sydney's third cruise terminal, with a focus on the domestic market. Wollongong is also uniquely positioned to complement existing ports and relieve pressure on Sydney with minimal compromise or additional cost.

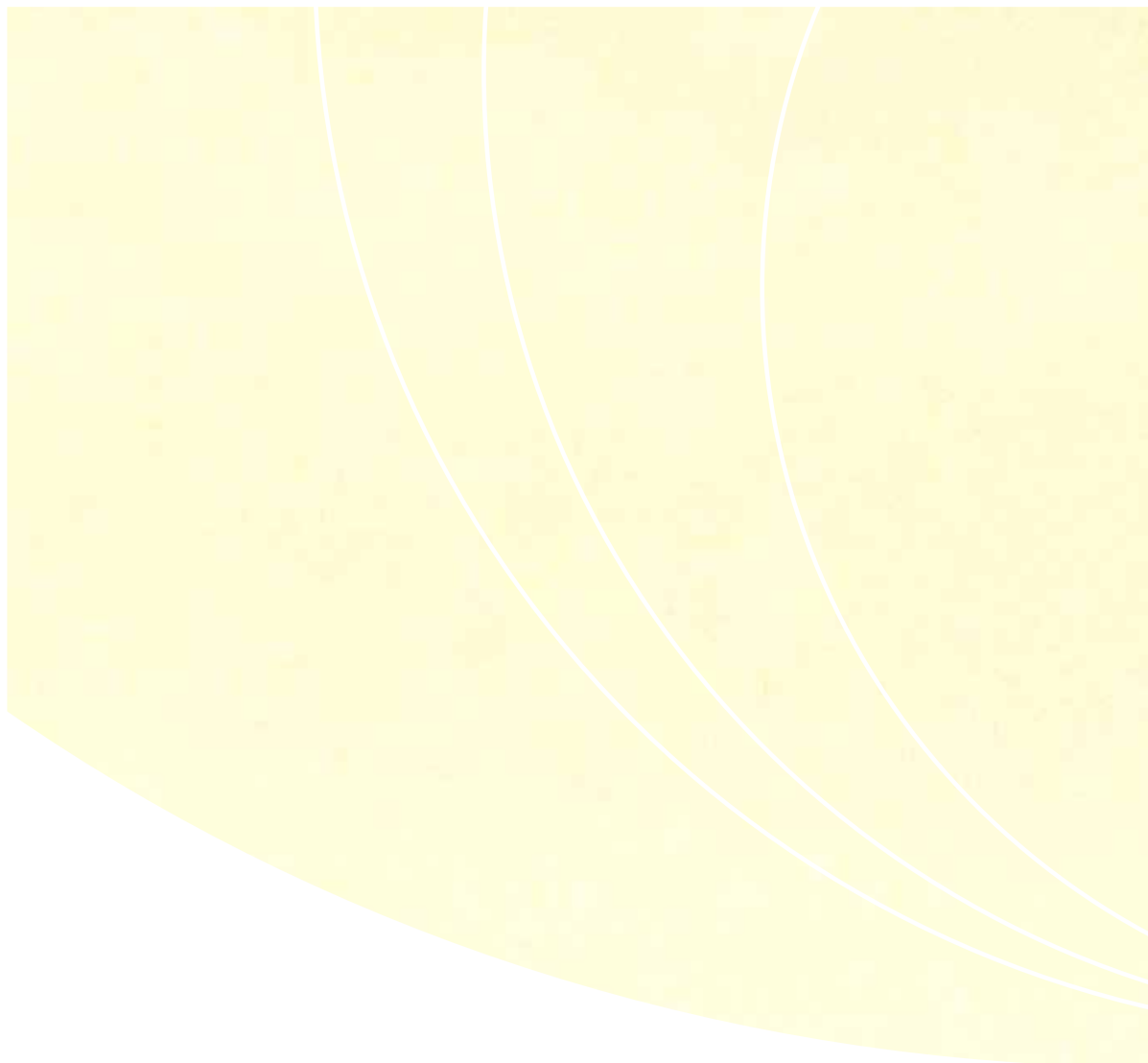
With unmatched proximity, infrastructure readiness, and support from community, local government and industry, Wollongong can help futureproof NSW's cruise sector and deliver significant economic and visitor economy outcomes for generations to come.

Wollongong is the right choice for a third location for a cruise terminal in NSW.



Wollongong is the right choice for a third location for a cruise terminal in NSW.





On Dharawal Country, from the mountains to the sea,
we value and respect each other, our places, past,
and future. We will be a sustainable, connected,
vibrant, and innovative city, with a diverse economy.

We are a sustainable and climate resilient city

We have well planned, connected, and liveable places

We foster a diverse economy, and we value innovation, culture, and creativity

We have a healthy, respectful, and inclusive community



Wollongong City Council
wollongong.nsw.gov.au
Phone (02) 4227 7111



CL25.296 Notice of Motion - Call in DA2024/1589 - 737 Woollamia Road, Woollamia - Lot 12 DP 9289

HPERM Ref: D25/408701

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

1. Council call in the Development Application DA2024/1589 - 737 Woollamia Road, Woollamia (Lot 12 DP 9289) due to public interest.
2. Any further additional information the applicant provides to Council staff prior to the matter being reported back to Council be taken into consideration.

Background

The proposal is for the construction of 3 multi-dwelling housing units in Woollamia. The development application was lodged on the 30 July 2024. On 12 March 2025, the Applicant filed a Class 1 application appealing Council's deemed refusal of the Development Application. On Friday 29 August 2025, a Section 34 Conciliation conference was held in Woollamia and on the subject land. It is understood that the parties (being Council and the Applicant) could not reach agreement at that conference.

The development application remains undetermined. It is open to the Council to make a determination of the development application

Note by the CEO

A report could be submitted to a future Council meeting for Council's determination of the matter.

CL25.296

CL25.297 Notice of Motion - St Georges Basin Rugby League Football Club - Francis Ryan Reserve - Sanctuary Point - Drainage Works

HPERM Ref: D25/408603

Submitted by: Cllr Bob Proudfoot

Purpose / Summary

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

Recommendation

That Council staff proactively work with St Georges Basin Rugby League Football Club to enable much needed stormwater drainage work to be installed on the main playing field at Francis Ryan Reserve, Sanctuary Point. In particular, an acknowledgement of the sincere and considered approach of the highly qualified personnel of the local football club be recognised. Further, the timeframe for the execution of the works as per the community led application portal be an approval in no more than fourteen days.

Background

The Francis Ryan precinct was the genesis for the Community Led Projects Portal. Some nine or so months later, curiously, following a trial at Shoalhaven Heads, the portal was launched. One can only speculate as to why the time lag, and as to why there appears to be a cynical point of view from the person in the street. Just let the Sanctuary Point based rugby league club do their volunteer work on behalf of their community!

Note by the CEO

Applications to deliver community-led projects are assessed in accordance with the Community-Led Projects Policy (ref. [POL24/129](#)).

Through the Policy, it is acknowledged there are a range of benefits to supporting community-led initiatives to deliver projects on land owned or managed by Shoalhaven City Council, including that:

There are opportunities to bring to bear the skills, knowledge, experience, qualifications and resources of members of the community to deliver benefits for the City.

The Policy provides a framework through which it is possible to realise those benefits, whilst managing risk and ensuring Council's legal obligations are fulfilled – particularly in relation to the health & safety of workers and the public on community land under Council's management.

Following an initial assessment by Council officers of a community-led project application related to this matter (ref. CLP202500073), it was determined the risk profile associated with delivery of the proposed drainage works as a community-led project was not acceptable. Council has significant previous experience in field drainage projects, including the adjacent field at Francis Ryan Reserve. Primary considerations were:

- Effective installation of field drainage systems requires specialist precision equipment

CL25.297

- Conflicts with other infrastructure including irrigation, stormwater and power needs to be managed
- The proponent would be taking on full financial risk of the project with a high probability of unforeseen works being required
- Potential for ongoing dispute regarding responsibilities for managing the condition of the field following the works (Council is currently fully responsible for the condition of the field and undertakes irrigation, mowing and fertilising activities).

Following the initial assessment it was determined that responsibility for delivery of drainage upgrades at Francis Ryan Reserve be undertaken by Council's professional Project Delivery team once funding is available, in line with similar upgrades delivered by Council at Francis Ryan Reserve in 2023.

SCC does not doubt the capabilities of the personnel of the St Georges Basin Rugby League Club to undertake the drainage work in the method that they have proposed at Francis Ryan Reserve. However, that method is not consistent with best practice and it does raise a considerable risk to Council and the club for work of this magnitude to be undertaken without having the clear lines of responsibility and accountability which come from engaging a contractor who specialises in this work.

Without having the standard form of contract between SCC and a contractor, SCC may find itself in dispute for claims arising from things such as:

- Damage to third party property resulting from undertaking the works.
- WHS legislation compliance.
- Repair of works undertaken incorrectly – No defect liability i.e. Council will need to cover the costs of any defects.
- No warranty on installed products and materials
- Material disposal
- Latent conditions

While a contract does not remove these risks, it makes clear who is accountable and the method for coming to an agreement. If this was a Council-led project, sufficient budget would be allocated to deal with project contingencies. Whereas no Council funds are available to this project under the community-led project model.

It is important to note that in delivery of community lead projects council cannot abdicate its responsibility under the WHS Act.

Council officers have recently met on site with representatives of the St Georges Basin Rugby Leagues Club to work through Council's outstanding details and expectations for the safe delivery of this project.

CL25.298 Notice of Motion - 1 Wharf Road Shoalhaven Heads

HPERM Ref: D25/410059

Submitted by: Cllr Peter Wilkins

Purpose / Summary

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

Recommendation

That Council provide a full detailed report and cost analysis outcome over the Land and Environment court hearing into Lot 2, DP701597 - 1 Wharf Road, Shoalhaven Heads. The cost analysis should include an audit of council staff hours over the more than 2 and half years of this disputed DA, alongside court costs.

Note by the CEO

Council does not assign staff hours to individual Development Applications. An analysis of costs could, at the very best, estimate staff time involved and as such the result is unlikely to be accurate.

Analysis of direct external legal costs and the like could be undertaken and reported to Council.

CL25.298

CL25.299 Declaration of Countback Election - Ward 3 - Councillor Debbie Killian

HPERM Ref: D25/394508

Department: Business Assurance & Risk
Approver: Brian Barrett, CEO

Attachments: 1. Declaration of Election - Cllr Killian - 15 September 2025 - Redacted [↓](#)

Purpose:

This report is to advise Council of the result of the Countback Election to fill the Ward 3 Casual Vacancy declared on 15 September 2025.

Summary and Key Points for Consideration:

Notice is hereby given that the Returning Officer, Monica Richmond declared Debbie Killian duly elected as Councillor for Ward 3 of the City of Shoalhaven for the ensuing period, in accordance with the provisions of Section 356 of the Local Government (General) Regulation 2021.

Recommendation

That the report of the Chief Executive Officer regarding the Declaration of the Election, on 15 September 2025 and the election of Councillor Debbie Killian be received for information.

Options

1. As recommended.
2. That Council receive the report of the Chief Executive Officer and add any other recommendations related to the countback election results deemed appropriate.

Background and Supplementary information

A casual vacancy was created in Ward 3 on 11 August 2025 following the resignation of Councillor Natalee Johnston.

At the first meeting of this Council term, it was resolved (MIN24.503) that if Council declared a casual vacancy of a Councillor within 18 months after the 14 September 2024 Council elections, then this will be filled by a countback of votes.

A process for countback election was commenced in accordance with Schedule 9A of the Local Government (General) Regulation, 2021.

On 15 September 2025, the Returning Officer, Monica Richmond declared **Debbie Killian** duly elected as Councillor of the City of Shoalhaven for Ward 3 indicated hereunder, in accordance with the provisions, Clause 356, of the Local Government (General) Regulation 2021.

CL25.299

Internal Consultations

Internal consultation is not required as is not been required or undertaken. The countback election is governed by Local Government Act, Local Government Regulation and was administered by the NSW Electoral Commission.

External Consultations

Returning Officer for the NSW Electoral Commission, Monica Richmond provided the declaration of the Councillor for the Shoalhaven City Council on 15 September 2025 (refer attached).

Community Consultations

Community consultation is not required as the countback election is governed by Local Government Act and Local Government Regulation and was administered by the NSW Electoral Commission.

Policy Implications

To participate in their first Ordinary Council meeting Councillor Killian will have undertaken the Oath or Affirmation of Office in the presence of Shoalhaven City Council's Acting CEO.

The Councillor will be offered a program of essential induction training in accordance with the *Induction and Ongoing Professional Development for Mayors and Councillors Policy*. The attendance of all Councillors at induction training will be included in the Council's Annual Report as required by the Local Government Regulation, 2021.

Financial Implications

Council resolved at its first meeting of the term on 14 October 2024 to fill any vacancies within the first 18 months by countback. The quotation for the countback is \$6,325.00.

Risk Implications

The Councillor listed in the report is declared duly elected and is officially appointed as a council official with related obligations, powers and authorities bestowed upon them under legislation and council Policy. These responsibilities and obligations will be addressed in induction training.

CL25.299



LGCB.208

Declaration of uncontested election

Council	Shoalhaven City Council	Ward (if applicable)	3
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#	Vacating councillor name(s)
1.	Natalee JOHNSTON
2.	
3.	
4.	
5.	
6.	

The NSW Electoral Commission acknowledges the Traditional Owners of Country throughout New South Wales and their continuing connection to land, sea and community. Our head office is located on Gadigal land. We pay our respects to their Elders past and present.

In accordance with Schedule 9A of the *Local Government (General) Regulation 2021* I declare

#	Elected candidate's name(s)
1.	Debbie KILLIAN
2.	
3.	
4.	
5.	
6.	

elected as Councillor(s) following receipt of only one valid application in respect of each casual vacancy.

The Returning Officer's declaration will be available for inspection at the office of

Shoalhaven City Council council
COUNCIL

from 22 / 09 / 2025
DATE

The information contained in this declaration of results will be published on the NSW Electoral Commission website for one month.

Monica Richmond
RETURNING OFFICER'S NAME


RETURNING OFFICER'S SIGNATURE

15 / 09 / 2025
DATE

NSW ELECTORAL COMMISSION USE ONLY

I hereby approve the Returning Officer's declaration of this countback election.

RACHEL MCCALLUM
ELECTORAL COMMISSIONER'S NAME


ELECTORAL COMMISSIONER'S SIGNATURE

15 / 09 / 2025
DATE

CL25.300 Election of Deputy Mayor and Assistant Deputy Mayor

HPERM Ref: D25/394546

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

Attachments: 1. Election of Mayor and Deputy Mayor by Councillors - Fact Sheet [↓](#)
2. Nomination Forms - Deputy Mayor and Assistant Deputy Mayor [↓](#)

Purpose

To consider the election of a Deputy Mayor and an Assistant Deputy Mayor.

Summary and Key Points for Consideration:

Under the provisions of Section 231 of the Local Government Act 1993 (LG Act) Councillors may elect a person from among their members to be the Deputy Mayor. A Deputy Mayor may be elected for the Mayoral term or a shorter term.

The practice of the Council has traditionally been an appointment for twelve (12) months.

In addition to the Deputy Mayor, Council elected an Assistant Deputy Mayor for the twelve (12) month period to September 2025. While this position is not legislated and thus does not hold prescribed functions under the LG Act, it has previously been adopted by Council as a governance practice to provide additional support to the Mayor and Deputy Mayor.

It is proposed that the election of the Assistant Deputy Mayor be conducted in the same manner as the Deputy Mayor, for a term of twelve (12) months.

Under the LG Act, a Mayor may allocate a portion of their annual fee to the Deputy Mayor. It is proposed that an amount be allocated from the Mayor's Additional Fee to the Deputy Mayor for the twelve (12) months period of office.

Recommendation

That Council:

1. Elect a Deputy Mayor for a period of office of twelve (12) months (to 30 September 2026).
2. Consider the election of an Assistant Deputy Mayor for a period of office of twelve (12) months (to 30 September 2026).
3. Conduct elections for these roles (by show of hands) for the resolved period.
4. Allocate an amount of \$10,000 from the annual Mayoral Additional Fee to be paid to the Deputy Mayor for the resolved period, in accordance with section 249(5) of the *Local Government Act 1993*.

Options

1. Elect and appoint a Deputy Mayor (as recommended).

Implications: Council will continue to have an elected Deputy Mayor to assist with mayoral duties in the absence of the Mayor.

CL25.300

2. Elect and appoint a Deputy Mayor for the full Mayoral term.

Implications: Council will continue to have an elected Deputy Mayor to assist with mayoral duties in the absence of the Mayor for the full Mayoral term.

3. Not appoint a Deputy Mayor at this time.

Implications: Without an elected Deputy Mayor in place, Council would need to manage, and where possible reassign the duties of the Mayor when absent. This would include election of chairperson of Council Meetings when the Mayor is not present and/or election of a Deputy Mayor when an extended absence occurs. This approach may result in delay or gaps or an inconsistent approach in addressing mayoral duties in the Mayor's absence.

4. Elect and appoint an Assistant Deputy Mayor in addition to the Deputy Mayor.

Implications: Council will continue its practice of appointing an Assistant Deputy Mayor to support the Mayor and Deputy Mayor to ensure continuity of leadership.

Background

The Deputy Mayor may exercise any function of the Mayor in the following circumstances:

- at the request of the Mayor or
- if the Mayor is prevented by illness, absence or otherwise from exercising the function or
- if there is a casual vacancy in the office of the Mayor.

The Deputy Mayor also has a specific function under Section 369 of the Local Government Act:

"369 Who presides at meetings of the Council?"

(1) The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of the Council.

(2) If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council."

The Act does not outline a role for an Assistant Deputy Mayor, however Shoalhaven City Council elected one for the preceding year and in many previous Council terms. An elected Assistant Deputy Mayor (along with other Councillors) would assist the Mayor and Deputy Mayor with the ceremonial functions of the office, when required.

The Returning Officer for the Election will be Director – City Performance. Completed nomination forms are requested to be submitted to the Returning Officer prior to Midday on Tuesday, 23 September 2025.

The election of the Deputy Mayor must be conducted in accordance with section 394 and Schedule 7 of the *Local Government (General) Regulation 2021* (Regulation).

Section 394 of the Regulation prescribes, for the purposes of this election, that if a Deputy Mayor is to be elected by the Councillors, the election is to be in accordance with Schedule 7.

Schedule 7 of the Local Government (General) Regulation 2021 prescribes three methods of election of these positions:

- open ballot (i.e. by show of hands)

- ordinary ballot (i.e. a secret ballot), or
- preferential ballot (i.e. place 1,2,3 etc against each candidate).

The method of election is as fully outlined in the Attachment 1, being the [Office of Local Government Factsheet – Election of Mayor and Deputy Mayor](#).

The Nomination forms for the use of Councillors are provided as Attachment 2 and distributed to Councillors separately via email.

Deputy Mayoral Fee

Section 249(5) of the Act states as follows:

“(5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor’s annual fee.”

The matter of the Deputy Mayoral Fee is for consideration and determination by the Council.

At the Ordinary Meeting held on 10 June 2025 the Council considered and determined the Councillor and Mayoral Fees for the 2025/2026 Financial Year. The Council resolved (MMIN25.290) as follows:

“RESOLVED (Clr Clancy / Clr Proudfoot) MIN25.290

That Council:

1. *Note the Local Government Remuneration Tribunal’s Annual Report and Determination dated 17 April 2025.*
2. *Adjust the Councillor Fee payable to Councillors from 1 July 2025 to 30 June 2026 to \$34,820 and the Mayoral Additional Fee of \$101,470.*
3. *Defer the decision with respect to a Deputy Mayoral Fee for discussion between the Mayor and Deputy Mayor and CEO prior to a report being provided to the Council outlining arrangements for endorsement of the Council.”*

With respect to Part 3 of the above resolution, Mayor White has advised that she wishes for an amount of \$10,000 per year from the Mayoral Allowance to be paid to the Deputy Mayor as compensation for the additional duties fulfilled by the role during the elected period. This is reflected in Part 4 of the recommendation of this report.

In practice, should the recommendation of this report be resolved by Council, the Annual Fees paid will be as follows:

Councillor Fee – (paid to all Councillors and Mayor) \$34,820 per annum.

Deputy Mayor Additional Fee - \$10,000 per annum

Mayor Additional Fee - \$91,470 per annum.

As per the arrangements for the Mayor Additional fee, the Deputy Mayor Additional Fee will be paid on a weekly basis and supplements the Elected Deputy Mayor’s Councillor fee. Superannuation is also payable.

Internal Consultations

Internal consultation is not required as the election of a Deputy Mayor is governed by Local Government Act and Regulation. With respect to the allocation of part of the Mayoral Additional Fee to the Deputy Mayor the Mayor has been consulted.

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External Consultations

External consultation is not required as the election of a Deputy Mayor is governed by Local Government Act and Regulation.

Community Consultations

Community consultation is not required as the election of a Deputy Mayor is governed by Local Government Act and Regulation, and the election of an Assistant Deputy Mayor is solely at the discretion of Council.

Policy Implications

There are no policy implications with this report.

Financial Implications

There are no financial implications with this report.

Risk Implications

If Council does not elect a Deputy Mayor the result may be delays, gaps or an inconsistent approach in addressing mayoral duties in the Mayor's absence.

CL25.300

Fact Sheet

ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS



Summary

Councillors must elect a mayor from among their number every two years unless they have a popularly elected mayor.

Councillors may also elect a deputy mayor. The deputy mayor may be elected for the mayoral term or a shorter term.

The election of the mayor and the deputy mayor must be conducted in accordance with section 394 and Schedule 7 of the *Local Government (General) Regulation 2021* (the Regulation).

The purpose of this document is to assist councils to conduct mayoral and deputy mayoral elections in accordance with these requirements. It includes scripts for key activities to help returning officers exercise their functions. These scripts are provided in the text boxes inserted in the relevant parts of this document.

How can councils use this document?

Electing a mayor is an important activity. It is vital that the process is smooth, open and easy to follow and not rushed or confusing. Where necessary, it may be appropriate to stop and provide clarification for the benefit of councillors, staff or the gallery.

Returning officers can circulate this document prior to the meeting to help councillors understand the election process.

Election of a mayor after an ordinary election of councillors

An election for mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council.

The returning officer is to be the general manager or a person appointed by the general manager.

As no mayor or deputy mayor will be present at the start of the meeting, the first business of the meeting should be the election of a chairperson to preside at the meeting. Alternatively, the returning officer may assume the chair for the purpose of conducting the election.

Mid-term election of a mayor

A mayor elected by councillors holds office for two years. A mid-term mayoral election must be held in the September two years after the ordinary election of councillors or the first election of a new council following its establishment.

Procedures

Prior to the meeting

Before the council meeting at which the election is to be conducted, the returning officer will give notice of the election to the councillors.

The notice is to set out how a person may be nominated as a candidate for election as chairperson.

As returning officer, I now invite nominations for the position of mayor/deputy mayor for [name of council] for a two year period.

In accordance with the Local Government (General) Regulation 2021, two or more councillors may nominate a councillor (one of whom may be the nominee) for the position of mayor/deputy mayor. Nominations must be in writing and the nominee must consent to their nomination in writing.

A councillor may be nominated without notice for election as mayor or deputy mayor. The nomination is to be made in writing by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The returning officer checks the nomination forms and writes the nominees' names on a candidates' sheet.

At the meeting

At the start of the first meeting after an ordinary election, in the absence of a chairperson, the returning officer assumes the chair and announces that the first item of business is to be the election of a mayor.

If a chairperson is present, they announce that the first item of business is the election of the mayor then vacates the chair for the returning officer who will then conduct the election.

The returning officer reads out the names of the nominees and seeks confirmation that the nominee has accepted the nomination.

If only one councillor has been nominated for the position of mayor/deputy mayor, the nominee is elected.

As there is only one nominee for the role of mayor/deputy mayor, I declare that [name of successful candidate] is elected as mayor/deputy mayor for the ensuing two years.

If more than one candidate has been nominated, the council must determine by resolution, the method of voting for the position of mayor/deputy mayor, by way of one of the following methods:

- Open voting – i.e. by show of hands
- Ordinary ballot – i.e. a secret ballot (place an "X" against the candidate of their choice)
- Preferential ballot – i.e. place 1, 2, 3 etc. against each candidate.

The returning officer must ask for a motion to be put to the meeting by one of the councillors on the preferred method of voting for the election of a chairperson. This must then be seconded and voted on by the councillors.

Note: In the event of a tie, if there is a chairperson, they may use their casting vote. If there is a tie and no chairperson, an election for the role of chairperson should be conducted. Then the election for mayor resumes.

Open voting (show of hands)

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods.

The returning officer will advise the meeting of the method of voting and explains the process.

It has been resolved that the method of voting for the position of mayor/deputy mayor will be by show of hands.

Each councillor is entitled to vote for only one candidate in each round of voting.

I will now write each candidate's name on a slip of paper and deposit it in a barrel. The first name out of the barrel will be written first on the tally sheet, with second name out being written second on the tally sheet, etc.

When all candidates' names have been written on the tally sheet, the returning officer announces the names of the candidates and, commencing with the first candidate, states the following:

Would those councillors voting for [name of candidate] please raise your hand.

The returning officer records the number of votes for each successive candidate on the tally sheet and announces the number of votes received for each candidate.

The minute taker records the vote of each councillor.

The returning officer should check with the minute taker that each councillor has voted. If a councillor has not voted it should be confirmed that they are abstaining (an informal vote).

Two candidates

If there are only two candidates for the position of mayor/deputy mayor and the voting is higher for one candidate than another (number of formal votes recorded on the tally sheet), the returning officer then announces the result.

[Name of candidate] has the higher number of formal votes and as a result I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote**, the returning officer will advise the meeting of the following process.

In accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the

names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Three or more candidates

If there are three or more candidates, the candidate with the lowest number of votes for the position of mayor/deputy mayor is excluded.

[Name of candidate], having the lowest number of votes, is excluded.

The voting continues as above until there are only two candidates remaining (see voting for **two candidates** above).

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

In accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Ordinary ballot – (secret ballot)

The returning officer advises the meeting of the method of voting and explains the process.

It has been resolved that the method for voting for the position of mayor/deputy mayor will be by ordinary ballot, in other words by placing an "X" against the candidate of the councillor's choice.

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

It will be necessary to have a number of blank papers as this process may require more than one round of voting.

The returning officer writes the names on one set of the ballot papers and initials the front of each ballot paper.

A staff member distributes the ballot papers and collects them into the ballot box when completed and gives it to the returning officer who counts the votes and records them on the tally sheet.

The returning officer announces the results.

[Name of candidate], having the lowest number of votes, is excluded.

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

In accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

The returning officer writes the names of the remaining candidates on a further set of the ballot papers and initials the front of each ballot paper.

The staff member distributes ballot papers listing the remaining candidates and collects them into the ballot box when completed and gives it to the returning officer who again counts the votes and records them on the tally sheet and announces the results.

The process continues until two candidates remain, where a final vote takes place.

[Name of candidate] has the higher number of votes and I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote** between the two remaining candidates, the returning officer makes the following statement and announces the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel.

Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Preferential ballot

The returning officer explains the process.

It has been resolved that the method for voting for the position of mayor/deputy mayor will be by preferential ballot, i.e. placing 1, 2 and so on against the candidate of the councillor's choice in order of preference for all candidates.

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each candidate's name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The returning officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers.

A staff member distributes the ballot papers and collects them when completed and gives them to the returning officer who counts the first preference votes and records them on the tally sheet.

If a candidate has an absolute majority of first preference votes (more than half), the returning officer declares the outcome.

[Name of candidate], having an absolute majority of first preference votes, is elected as mayor/deputy mayor for the ensuing two years.

If no candidate has the absolute majority of first preference votes, the returning officer excludes the candidate with the lowest number of first preference votes.

[Name of candidate], having the lowest number of first preference votes, is excluded.

The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the returning officer announces the result.

[Name of candidate], having an absolute majority of votes, is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote** where there are only two candidates remaining in the election, the returning officer explains the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel. The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

In the event that the **lowest number of votes are tied** and where there are three or more candidates remaining in the election, the returning officer advises the meeting of the process.

In accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded and their preferences distributed.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is excluded and any votes cast for them will be distributed by preference.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Schedule 7 - Election of Mayor by Councillors

Part 1 Preliminary

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this section:
ballot has its normal meaning of secret ballot.
open voting means voting by a show of hands or similar means.

Part 2 Ordinary ballot or open voting

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.
- (3) An informal ballot-paper must be rejected at the count.

6 Count—2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 Count—3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subsection (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Section 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subsection (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 Preferential ballot

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.
- (3) An informal ballot-paper must be rejected at the count.

10 Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter’s preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
- (4) In this section, “**absolute majority**”, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

11 Tied candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Part 4 General

12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and
- b) to be delivered or sent to the Secretary and to the Chief Executive of Local Government NSW.



Election of Deputy Mayor

shoalhaven.nsw.gov.au/contact | 1300 293 111

Under the provisions of Section 231 of the Local Government Act 1993 the Councillors may elect a person from among their members to be the Deputy Mayor.

Nomination

- a) The nomination is to be made in writing by two (2) or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- b) The nomination is to be delivered or sent to the Returning Officer, Director City Performance – Katie Buckman by 12pm Midday on Tuesday 23 September 2025.

However, this does not preclude nominations being lodged without notice.

Should there be more than one candidate, Council may elect to proceed by preferential ballot or ordinary ballot (show of hands).

Nomination Form – Deputy Mayor

We the undersigned nominate Councillor _____ for election as Deputy Mayor.

Nominating Councillors

Name	Signature

I _____ by my signature below hereby consent to this nomination as Deputy Mayor.

Signature of Nominee

D25/225223



Shoalhaven City Council has historically elected a Councillor to the role of Assistant Deputy Mayor. The role of Assistant Deputy Mayor is not identified in legislation or policies of the Council however the Council may wish to elect a person to this role.

Nomination

- a) The nomination is to be made in writing by two (2) or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- b) The nomination is to be delivered or sent to the Returning Officer, Director City Performance – Katie Buckman by 12pm Midday on Tuesday 23 September 2025.

However, this does not preclude nominations being lodged without notice.

Should there be more than one candidate, Council may elect to proceed by preferential ballot or ordinary ballot (show of hands).

Nomination Form – Assistant Deputy Mayor

We the undersigned nominate Councillor _____ for election as Assistant Deputy Mayor.

Nominating Councillors

Name	Signature
_____	_____
_____	_____
_____	_____

I _____ by my signature below hereby consent to this nomination as Assistant Deputy Mayor.

Signature of Nominee

D25/225223

CL25.301 Determination of Date & Time of Council Meetings and Briefings

HPERM Ref: D25/392022

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

Attachments: 1. Proposed meeting dates (one Ordinary meeting per month) [↓](#)

Purpose:

To consider options in setting time, date, and place for the Council meetings for November 2025 - October 2026.

Summary and Key Points for Consideration:

Annually in September the Council considers the arrangements it has in place for the dates and times of Ordinary Meetings for the following year. Council's current Code of Meeting Practice (the Code) states that "*The Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings,*" in accordance with section 365 of the Act.

Council's draft Code of Meeting Practice, currently being developed following the release of the updated 2025 Model Code of Meeting Practice (Model Code) by the Office of Local Government at the end of August 2025, will soon be provided to the Council for consideration and endorsement for public exhibition. It must be adopted by 31 December 2025.

Reflecting the changes outlined by the Model Code and internal feedback and consideration of the optimal schedule of meetings, a calendar is proposed for one (1) Ordinary Meeting to be scheduled per month (except for July) – the proposed calendar to October 2026 is provided as **Attachment 1** to this report.

This proposed schedule supports a new meeting arrangement that will facilitate:

- Ordinary Meetings which are scheduled on the fourth Tuesday of each month (generally) commencing at 5.30pm.
- The hearing of any Presentations or Deputations, from 4.30pm on the same day of the meeting, before the formal meeting commences. These public sessions would be livestreamed from the Chamber according to the requirements of the new Model Code.
- Provision of the finalised Agenda (business papers) to Councillors for consideration 12 days prior to the meeting, with the publication of the paper on the website for public review being eight (8) days prior to the Council Meeting.
- Meeting the provisions of the new Model Code of Meeting Practice which prohibits pre-meeting briefings sessions.
- Councillor submission of Notices of Motion as business for a meeting up to three full days before the finalisation of the Agenda.

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Recommendation

That Council:

1. Commencing on 1 October 2025, adopt a schedule for one (1) Ordinary Council Meeting per month held on the fourth Tuesday subject to the following:
 - a. Meetings not being held on public holidays or during the following periods:
 - i. Christmas / New Year break – 22 December 2025 to 16 January 2026
 - ii. Easter break – 03 to 06 April 2026
 - iii. Mid-year Council Recess – July 2026 NSW school holidays – 06 to 17 July 2026.
2. Determine the start time for Council meetings to be generally at 5.30pm.
3. Commencing in October 2025, holds a live-streamed Public Forum on the day of each Meeting at which the Council will hear presentations and deputations from the community - the start time to be generally at 4.30pm. The application process for deputations will reflect the details outlined in the report and Council's current Code of Meeting Practice administrative arrangements including application and approval processes.
4. Reaffirm the authorisations to the Chief Executive Officer as set out in the report.
5. Receive a further report with respect to the 2025 Model Code of Meeting Practice and the required and optional changes to meeting practice which it outlines.

Options

1. As recommended – One (1) Ordinary Meeting per Month.

Implications

This would reflect the new provisions of the Model Code and provide a streamlined and efficient arrangement of meetings.

2. Make adjustments to the timing of individual components of the newly monthly calendar, such as date of agenda publication, Public Forum time or date etc.

Implications:

The proposed changes may impact on other facets of meeting administration and agenda publication. These would need to be considered individually.

3. Continuing current arrangements until such time as the Council adopts a New Code of Meeting Practice (December 2025).

Implications: The current meeting schedule of 2 Ordinary Meetings per month will continue until December 2025. Council will need to reconsider its approach at that time and noting that the changes would be effective immediately on adoption of the new Code.

Background and Supplementary information

Councillors should be given at least three days' notice of meetings, except for extraordinary meetings called in an emergency.

All formal Council meetings must be held in accordance with requirements in the *Local Government Act 1993*, the *Local Government (General) Regulation 2021* (Regulation) and

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the Council's Code of Meeting Practice to determine a schedule of meetings the Council needs to determine the decision-making structure it wishes to put in place.

The decision-making structure of the Council

The Local Government Act establishes the Council as the decision-making body with respect to the functions of the Council. In practice, decisions can be made by the Elected Council (at Ordinary and Extra Ordinary Meetings) or by an individual or body under Delegated Authority.

[The Local Government Act at Section 377](#) sets that the Council may delegate functions of the Council (other than some specific listed functions) to the CEO or any other person or body (not including another employee of the Council).

In addition to Council meetings, Councils can establish Committees to oversee specific functions, projects or programs and report back to the Council on those matters. A Council Committee is one where members of the Committee are Councillors only. (As opposed to Advisory Committees which have other members, such as community representatives and industry experts).

Council must specify the function, purpose, and delegation of each of its committees when such a committee is appointed but may amend those functions or purpose and delegation from time to time.

Establishing 'Council Committees'

A Council Committee is to consist of The Mayor, and such other Councillors as are elected by the Councillors or appointed by Council only.

The Chairperson of each Council Committee (i.e., a committee consisting of only Councillors) of Council must be:

- a) The Mayor; or
- b) If the Mayor does not wish to be the Chairperson of the Committee – a member of the Committee elected by the Council; or
- c) If the Council does not elect such a member – a member of the Committee elected by the Committee.

The Committee must be chaired by the Mayor, or a Chair elected from its membership or by the Council. The Mayor does not have to be the Chair of the Committee.

The meetings of Council Committees are required to be conducted in accordance with the meeting rules prescribed under the Act, the Regulation and Council's Code of Meeting Practice. The Code includes specific provisions with respect to Committee arrangements.

Each Councillor, whether a member of a committee or not, is entitled to attend and speak at a meeting of a Council Committee. However, only Councillors who are members of the Committee are entitled to put business on the Committee's agenda, move or second a motion at the Committee meeting, or vote at the meeting.

Current Practice

In February 2022 (re-adopted September 2022 & 2023) Council established a starting time for Ordinary meetings at 5.30pm, with two (2) Ordinary Meetings held per month. These meetings have included deputations from the public in accordance with the Code of Meeting Practice.

Briefing sessions are usually held on Thursdays preceding those meetings from 5pm (concluding at 7pm or before). These were considered confidential sessions. Pre – meeting briefings are prohibited under the new Model Code.

The current practice is reports are usually published and provided to Councillors on the Wednesday afternoon prior to a briefing held the next day (Thursday) and the meeting held

on the following Monday. Councillors have indicated that they would benefit from additional time to consider and review the agenda and consult with stakeholders prior to the Council Meeting. The proposed arrangement allows Councillors to receive the agenda 12 days prior to a Meeting, and four (4) days prior to publication of the agenda on the website, so that they are prepared for conversations or queries from constituents. Members of the public would have 8 days from the publication of the Agenda to submit an application to make a deputation.

Councillors are currently permitted to attend Ordinary and Extra Ordinary meetings via audio visual link without restriction. Under the provisions of the new Model Code this will be restricted to situations where a Councillor is prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities. The proposed calendar will reduce the occasions where a Councillor will need to plan to be in physical attendance in the chamber each month, whilst meeting their official duties.

The Proposed Calendar

The following graphic provides a visual representation of the arrangements which would be in place each month under the proposed calendar:

Week	Mon	Tues	Wed	Thu	Fri
1					<i>Staff Reports due to CEO for next meeting</i>
2		5.30pm Deadline for Councillors to submit Notices of Motion for the next meeting			Final Agenda provided to Councillors (12 days ahead of meeting)
3	Agenda published on Website (8 days ahead of Meeting)				
4	<i>Applications for Deputations Close on Midday</i>	Public Forum (Presentations and Deputations) from 4.30pm Ordinary Meeting from 5.30pm			<i>Minutes published on Website</i>

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The Council could supplement the meetings with Extraordinary Meetings where required.

Frequency/Date and Time of Meetings

The Council may set the times and days of meetings and briefings to suit their requirements. When considering times and dates, Council should consider:

- The requirements under Section 365 of the Local Government Act, 1993 “to meet at least 10 times per year, with each meeting occurring in a different month.”
- Availability of all Councillors for most meetings (where possible to achieve).
- Accessibility of members of the public to attend meetings where required (in addition to webcasting).

- Work, Health and Safety of Councillors and Staff to attend and travel to and from the meetings.
- Provisions of the current Code when determining the meeting schedule and format.
- Achieving an efficient and effective use of resources for the decision-making requirements of the Council.

Authorities provided to the Chief Executive Officer with respect to meeting arrangements.

As is the usual practice, it is recommended that Council resolve to provide the following authorisation to the Chief Executive Officer to enable the smooth scheduling and conduct of meetings without Council resolution:

- a) Calling of Meetings of any established Committees: The Chief Executive Officer be authorised to call Special Meetings for any of the Core or Advisory Committees and Boards.
- b) Commencement Time for any regular Council Committees: The Chief Executive Officer be authorised to make changes to the commencing time for Council Committees where appropriate.
- c) Advisory Committees – Frequency of Meetings: Advisory Committees to meet as adopted by Council subject to Chief Executive Officer, in consultation with the Chairperson, being authorised to call meetings on a more regular basis to consider urgent and/or important business.
- c) To allow the Chief Executive Officer to consider alternate venues for the Public Session or Ordinary Meetings of Council in special circumstances (noting that Webcasting services will be required).

Internal Consultations

Council's Executive Leadership Team have been consulted on options for change, noting the new arrangements that will be required under the Model Code. Councillors informal feedback to staff on meeting arrangements have also been considered.

External Consultations

Council has previously surveyed the NSW Councils and determined that most Councils meet once per month and hold a separate public forum in place of deputations.

There are no requirements to consult with external parties or organisations prior to the adoption of arrangements for Council meetings.

Community Consultations

Council is required to make publicly available a list of endorsed meeting times and dates.

The proposed Public Forum arrangements will continue the Council's practice of allowing constituents to be heard on matters listed on the agenda of the Council.

Further formal community consultation will be required with respect to the Council's adoption of a new Code of Meeting Practice in line with the Model Code.

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Policy Implications

Arrangements proposed in this report do not impact on policy documentation of the Council but will prepare the Council for operation under a new Code of Meeting Practice in a few months' time.

Financial Implications

The frequency and time dedicated to Council Meetings has a direct correlation with the administrative costs and resources for those meetings. The proposal is expected to reduce administrative and resourcing costs related to holding meetings by approximately 50%.

Risk Implications

Council Meetings and their arrangements are required to reflect legislative requirements and provide opportunity for the public to see and hear the decision-making processes of the elected body. They also need to be suitably timed and scheduled for elected members. There are legal and reputational risks for the Council should the framework of meetings not meet these requirements.

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Proposed Schedule of one Ordinary Meeting per month – Oct 2025 to Oct 2026 on Tuesdays

October		
14 October (Cancelled)		
28 October	5.30pm	Ordinary Meeting
November 2025		
25 November	5.30 pm	Ordinary Meeting
December 2025		
16 December	5.30 pm	Ordinary Meeting
January 2026		
27 January	5.30 pm	Ordinary Meeting
February 2026		
24 February	5.30 pm	Ordinary Meeting
March 2026		
24 March	5.30 pm	Ordinary Meeting
April 2026		
28 April	5.30 pm	Ordinary Meeting
May 2026		
26 May	5.30 pm	Ordinary Meeting
June 2026		
23 June	5.30 pm	Ordinary Meeting
August 2026		
25 August	5.30 pm	Ordinary Meeting
September 2026		
22 September	5.30 pm	Ordinary Meeting
October 2026		
27 October	5.30 pm	Ordinary Meeting

Other important dates:

The 2025 Annual Conference of Local Government NSW – Sunday 23 to Tuesday 25 November 2025

Christmas/New Year break – Monday 22 December 2025 to Friday 16 January 2026

Easter – Friday 3 April to Monday 6 April 2026

Anzac Day Public Holiday – Saturday 25 April 2026

King's Birthday – Monday 8 June 2026

Australian Local Government Association National General Assembly – Tuesday 23 to Thursday 25 June 2026 (TBC)

Mid Year Break – Monday 6 July to Friday 17 July 2026

Labour Day – Monday 5 October 2026

CL25.302 Ordinary Meeting - Order of Business

HPERM Ref: D25/396711

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

Purpose:

To outline the Order of Business for meetings of the Council (other than an Extra Ordinary meeting) with reference to future implications arising from the revised 2025 Model Code of Meeting Practice, which is yet to be presented to Councillors.

Summary and Key Points for Consideration:

The current order of business at Ordinary Meetings of Council is consistent with Council's current adopted Code of Meeting Practice. The revised Model Code of Meeting Practice, which must be adopted by all councils by 31 December 2025, continues to state that the general order of business is as fixed by resolution of Council. As such, no change is required to this aspect under the mandatory provisions.

The proposed Order of Business in this report reflect that which is currently in place with the following amendments to pre-empt arrangements that will be required in accordance with the 2025 Model Code of Meeting Practice:

- Removal of Deputations from within the Ordinary Meeting to reflect a move to include them in a Public Forum which is proposed to be held prior to the Council Meeting on the same day (Refer Report – *'Determination of Date & Time of Council Meetings and Briefings'*).
- An added item *'Confirmation of Audio-Visual Attendance'* to facilitate the Council's formal decision with respect to applications from Councillors to attend meetings by audio-visual link. The 2025 Model Code outlines that a Councillor may seek approval of the Council to attend and participate in meetings of Council and Committees by audio-visual link when they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.

Should Council adopt the Order of Business as proposed in this report it is not envisaged that further amendments will be required when the Council's New Code of Meeting Practice is adopted prior to 31 December 2025 and the requirements of that Code take effect.

Recommendation

That Council:

1. Adopt the Order of Business for the Ordinary Meetings as follows:
 - a. Acknowledgement of Country
 - b. Moment of Silence and Reflection
 - c. Australian National Anthem
 - d. Apologies/Leave of Absence
 - e. Confirmation of Audio-Visual Attendance**
 - f. Confirmation of Minutes

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- g. Declarations of Interest
- h. Presentation of Petitions
- i. Mayoral Minutes
- j. Notices of Motion and Questions on Notice
- k. Call Over of the Business Paper
- l. A Committee of the Whole (if necessary)
- m. Report of Committees
- n. Report of the Shoalhaven Local Transport Forum (if required)
- o. Officers Reports
- p. Addendum Reports
- q. Confidential Reports

*If any items of business require attendance of specialist staff (e.g., Legal, Insurance, Property) then Council will generally consider those items following the Notices of Motion and Questions on Notice.

Options

1. Council adopts the order of business as recommended.

Implications: The order of business will be that which is currently in place with adjustments made in preparation for a change to deputations and attendance by Audio – Visual link.

2. Council changes the order of business by removing or altering the order of business.

Implications: Any changes should be consistent with the provisions of the Current Code of Meeting Practice and ideally with the new Model Code of Meeting Practice.

3. Council defers making a determination on the order of business until the revised Code of Meeting Practice is formally considered.

Implications: The current order of business will remain in place until Council adopts a Code of Meeting Practice, which is required by 31 December 2025. Prior to that date, Council will receive a further report to confirm the arrangements.

Background and Supplementary information

Council's current order of business is governed by its adopted Code of Meeting Practice, which remains consistent with legislative requirements. Following release of the new Model Code of Meeting Practice, Council will be presented with a draft Code of Meeting Practice within the next month. The release provides an opportunity to review existing meeting practices as part of the upcoming adoption process.

Notwithstanding this, it is recommended that the Council determine to adopt an order of business reflecting the new Model Code of Meeting Practice. This will set in place arrangements administratively for meetings for the next year.

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The current Order of Business which was adopted by the Council at the commencement of this term (14 October 2024) is as follows:

- a. *'Acknowledgement of Country*
- b. *Moment of Silence and Reflection*
- c. *Australian National Anthem*
- d. *Apologies/Leave of Absence*
- e. *Confirmation of Minutes*
- f. *Declarations of Interest*
- g. *Presentation of Petitions*
- h. *Mayoral Minutes*
- i. *Deputations*
- j. *Notices of Motion and Questions on Notice*
- k. *Call Over of the Business Paper*
- l. *A Committee of the Whole (if necessary)*
- m. *Report of Committees*
- n. *Report of the Shoalhaven Traffic Committee (if required)*
- o. *Officers Reports*
- p. *Addendum Reports*
- q. *Confidential Reports*

If any items of business require attendance of specialist staff (e.g., Legal, Insurance, Property) then Council will generally consider those items following the Deputations.

The Shoalhaven Traffic Committee recently was renamed the Shoalhaven Local Transport Forum, following the changes to the framework of regulation for traffic control by Transport for NSW.

With respect to the business of the Meeting, any Mayoral Minute will take precedence over all business on the Council's agenda for the meeting, as outlined at 9.7 of the current Code of Meeting Practice. This remains unchanged in the mandatory provisions of the new Model Code of Meeting Practice.

Council may amend its adopted Order of Business by resolution and may adjust the order of business within a meeting by Procedural Motion.

Internal Consultations

Internal consultation is not required at this stage, as the requirements relating to Council meetings are specified in Council's current Code of Meeting Practice and the *Local Government Act 1993* or associated Regulation. However, it is noted that the revised Model Code of Meeting Practice has been released and must be adopted by Council by 31 December 2025. Further internal consultation will occur as part of the formal review and adoption process.

External Consultations

External consultation is not required at this stage. However, it is noted that Council will be required to place the revised Code of Meeting Practice on public exhibition if amendments

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are proposed as part of the formal adoption process, in accordance with the *Local Government Act 1993*.

Community Consultations

Community consultation is not required at this stage. The new draft Code of Meeting Practice will be placed on public exhibition later this year, as required under the *Local Government Act 1993*.

Policy and Statutory Implications

The Order of Business must reflect the requirements of Meetings as outlined in the Code of Meeting Practice. While the current Code of Meeting Practice remains in effect, the revised Model Code of Meeting Practice has been released and must be adopted by Council by **31 December 2025**.

The draft new Code of Meeting Practice will require public exhibition prior to adoption in accordance with the *Local Government Act 1993*.

Financial Implications

There are no financial implications for this report.

Risk Implications

There are no risk implications for this report.

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CL25.303 Community Consultation and Committee System 2025 - 2026

HPERM Ref: D25/399118

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

Attachments: 1. Committees for reappointment (under separate cover) [⇒](#)

Purpose:

To determine the Councillor membership, confirm or disband the purpose/objective, delegated authority and quorum of Council's Committees.

Summary and Key Points for Consideration:

In September each year Council can reaffirm and/or disband Council Advisory Committees and determine the Councillor membership on those Committees.

Recommendation

That Council:

1. Continue the operation of the following Committees, Boards & Reference Groups pursuant to Section 355 – Local Government Act and pursuant to Section 377 with purpose, delegation and sitting fee (if applicable), membership and quorum as outlined in Attachment 1 to the report:
 - a. Audit, Risk and Improvement Committee (39763E)
 - b. Aboriginal Advisory Committee (1209E)
 - c. Affordable Housing Advisory Taskforce (77566E)
 - d. Financial Review Panel (74866E)
 - e. Inclusion and Access Advisory Committee (1228E)
 - f. Natural Area Volunteers Group (42643E)
 - g. Rural Fire Service Strategic Planning Committee (1227E)
 - h. Shoalhaven City Mayor's Relief Fund (3926E)
 - i. Shoalhaven Heads Estuary Taskforce (45866E)
 - j. Shoalhaven Motor Sports Working Group (69319E)
 - k. Youth Advisory Committee (1506E)
2. Appoint Councillor and staff membership of each Committee (in part 1 above) as highlighted in the report and outlined in Attachment 1.
3. Consider a separate report provided in this agenda with respect to:
 - a. Land Use Planning and Development Committee
 - b. Strategic Planning Working Party
 - c. Northern Coastal Management Program Advisory Committee (64354E)
 - d. Northern Floodplain Risk Management Committee (59950E)

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- e. Central Coastal Management Program Advisory Committee (64355E)
- f. Central Floodplain Risk Management Committee (59951E)
- g. Southern Coastal Management Program Advisory Committee (64356E)
- h. Southern Floodplain Risk Management Committee (59950E)
4. Not proceed with the following committees and thank any remaining members for their service:
 - a. The Conjola Memorial Working Group- (64310E)
 - b. Arts Advisory Committee (Previously Shoalhaven Arts Board) (2123E)
 - c. Homelessness Advisory Committee (55584E)
 - d. Nowra CBD Revitalisation Strategy Committee (50242E)
 - e. Shoalhaven Economic Growth Advocacy Group (SEGA) (70630E)
 - f. Shoalhaven Sports Board (1223E)
5. Reaffirm that any non-voting Councillor in attendance at any of the above Committees may act as an alternate voting member in circumstances where achievement of a quorum is required, noting that this doesn't apply when quorum specifies the quorum to require community member attendance.

Options

1. That Council adopt the Committees with their purpose, terms of reference, delegations, membership and meeting frequency, as outlined in the attachment.

Implications: This will continue current resourcing allocations and community membership.

2. That the proposed list of Committees be altered, and/or those purpose, terms of reference, delegations, membership and meeting frequency, be amended.

Implications: Dependent upon the extent of the amendments, resources for the administration and support of Committees and other resource allocations may be impacted.

Background and Supplementary information

At the commencement of each term, the Council establishes its process of community consultation, in terms of advisory and other Committees, to inform the Council. These Committees are reviewed each year, usually in September, and other amendments are proposed to the Council throughout the term, when identified or required.

Appointment of Councillors:

For ease the table below summarises the details in the attachment of Committees recommended for reappointment under Recommendation 1 with respect to the frequency of meetings per year and if a resolution is required to appoint Councillors and/or staff.

Committee Name	Meetings per year	Councillor Member Resolution Required
Audit, Risk and Improvement Committee	Minimum of four (4) & others as required	One (1) Councillor (non voting) One (1) Councillor (Alternate - non voting)

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		Mayor Clr White (observer)
Aboriginal Advisory Committee	Four (4) and others as required	All Councillors
Affordable Housing Advisory Taskforce	Four (4) and others as required	One (1) Clr - Chairperson Clr White - Mayor Three (3) Councillors (voting)
Financial Review Panel	Four (4) and others as required	Clr White - Chairperson Deputy Mayor Three (3) Councillors (one from each ward)
Inclusion & Access Advisory Committee	Four (4) and others as required	One (1) Councillor One (1) Alternate Clr
Natural Area Volunteers Group	One per year and others as required)	One (1) Councillor - Chairperson
Rural Fire Service Strategic Planning Committee	Two (2) & others as required (historically four meetings per year)	One (1) Councillor Chairperson One (1) Councillor One (1) Alternate Clr
Shoalhaven City Mayor's Relief Fund	One & others as required (One meeting has been held in 2025)	All Councillors
Shoalhaven Heads Estuary Taskforce	Four (4) and others as required	One (1) Councillor as Chairperson All Councillors (observers)
Shoalhaven Motor Sports Working Group	Four (4) and others as required	One (1) Councillor - Chairperson All Councillors
Youth Advisory Committee	Four (4) and others as required	All Councillors Non-Voting

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The details of each of the listed Committees is available for review in **Attachment 1**.

The Conjola Memorial Working Group - yet to be established and proposed to be removed:

On 20 May 2024 (MIN24.280), Council resolved that a process commence to establish a memorial in the Conjola area. It was proposed to honour the resilience and unity in the Conjola Community and to recognise and remember the significant impact of the devastating 2019/20 Black Summer bushfires on the community. Central to the process was the establishment of a representative Working Group to guide the project through its various stages, ensuring a reflection of the community's needs.

Council records show that on 30 May 2025, staff reported that, unfortunately, there was not enough interest from the community to move forward at this time, leading the project to be postponed indefinitely. A minimum of 7 submissions was required. The total submissions received was 3. Notifications of the pause were issued to the community through the project '[Get Involved Page](#)' and emails were sent to those who submitted an expression of interest. The project remains listed on the Council website advising that Council remains committed to this initiative and hopes to revisit the formation of a working group when there is more interest from the community. The Working Group, when established, would not technically be considered an Advisory Committee of the Council but has been captured in this report to provide comprehensive and consistent reporting.

On this basis it is proposed that the Working Group be removed from the list of operational Committees of the Council.

Committees currently not operating which are proposed for disbanding:

The following committees are recommended to be removed from the list of operational committees of the Council (disbanded):

- Arts Advisory Committee (Previously Shoalhaven Arts Board) – paused since 23 December 2023
- Homelessness Advisory Committee – paused since 27 June 2024
- Nowra CBD Revitalisation Strategy Committee – paused since 5 December 2023
- Shoalhaven Economic Growth Advocacy Group (SEGA) (70630E) – paused since 31 July 2024
- Shoalhaven Sports Board (1223E)- paused since 29 November 2023

These Committees were identified in the period from November 2023 to July 2024 as requiring review as it had been identified that operations were not meeting requirements and they did not represent effective use of Council resources, and community member time, to achieve their purpose.

Following this, an internal survey was conducted in July 2024 seeking feedback on the operations of Committees. Information outlined in the survey was provided to the Councillors during induction of the new Council. Council formally resolved at the Meeting of 28 October 2024 (MIN24.529) to proceed with most Committees, but keep those Committees listed above on hold until such time as they were presented with detailed report on the operations of each Committee.

On 15 April 2025 Council received a report ([CL25.119- Advisory Committee Review - Update](#)) which provided proposals for change. Each proposal from staff recommended the disbandment of the Committees on the basis that there were alternate ways in which the activities of the Committee could effectively and efficiently occur outside a formal committee structure. The Council resolved at that time (MIN23.180) “*That the change proposals be deferred to a Councillor Workshop.*” For a range of reasons, including the prioritisation of other Council Resolutions requiring briefings and workshops, the responding Councillor workshop has not yet been held.

These committees have remained pause now for up to 21 months, without identified detriment. In this time the organisation has been subject to structural change and further is currently underway.

It is proposed that the Council now formally acknowledge that the operations of those Committees have ceased and they are recorded as disbanded, and the organisation continue to carry out the required work as outlined in the change proposals. The opportunity remains in the future for Council to identify areas where Committees may be considered and appointed to address specific circumstances and achieve projects identified in the Council's Strategic Planning Documents.

Internal Consultations

Internal consultation has been held with the Executive Leadership Team and relevant staff.

External Consultations

No external consultation required for this report.

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Community Consultations

No community consultation was undertaken prior to this report. Community and External Organisation members of Committees will be informed of the Council's resolution.

Policy Implications

For those Committees reaffirmed at this meeting, the Committees Terms of Reference will be reviewed following the first meeting of the Committee.

Committee members are obliged to adhere to the Code of Conduct, Code of Meeting Practice and other legislation and Council Policy applicable to the Committee operations and activities.

Financial Implications

There are costs to the Council with respect to the administration, preparation of agenda, attendance by staff and Councillors at meetings, and actioning the request of the Committees. These costs vary dependent upon the operations of each Committee and frequency of meetings.

Risk Implications

There is reputational risk to the Council if Committee operations are ineffectual and not considered to be representative or aligned to identified expectations as outlined in the Council's adopted strategic plans. There are also reputational and health risks which may arise if Committee members and staff and Councillors in attendance do not abide by the Council's Code of Conduct or if meetings are not physically and psychologically safe for those in attendance.

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CL25.304 Council Representatives on Other Committees or Organisations Outside of Council

HPERM Ref: D25/397008

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

Reason for Report

To confirm the list of Council representatives on Other Committees or Organisations Outside of Council.

Summary and Key Points for Consideration:

Details of the other committees or organisations in which Council has an interest, along with their respective purpose and current membership, are listed below.

Recommendation

That Council:

1. Resolve the representative membership of Councillors and other delegates on other Committees or Organisations Outside of Council (excluding Southern Water Services Pty Ltd) for the period to September 2026.
2. Resolve to cease the operation of Southern Water Services Pty Ltd and commence the process to wind up the company.

Options

1. Council resolves the representative membership of Councillors and other delegates on Committees or Organisations outside of Council as recommended.
Implications: Updated appointments will take effect, and relevant external organisations and internal records will be updated accordingly.
2. Council defers making a determination on representative membership at this time.
Implications: Existing appointments will remain in place until Council resolves new memberships.

Background and Supplementary information – to be updated for 25/26

a)

<u>Australian Coastal Councils Association – 3245E</u>	
Purpose: To advocate of behalf of coastal councils. It also commissions research on behalf of councils in coastal areas in relation to a range of coastal issues.	
Note: The Committee of Management is a separate entity and nominations are called every two years. The representative(s) nominated below perform a liaison role only. The Association has confirmed that Council would be able to nominate a Councillor &/or a staff member.	
Current Council Members	2025/2026 Council Members
Clr Clancy	Clr

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b)

<u>Cemeteries and Crematoria Association of NSW – 24714E</u>	
Current Council Members	2025/2026 Council Members
Manager - Bereavement Services	Manager - Bereavement Services

c)

Food Organics and Garden Organics (FOGO) Implementation Advisory Panel – 4043E	
Functions: The functions of the Panel are to: (a) provide advice to the Minister and the EPA about the implementation and operation of this chapter, and (b) be consulted about, and provide advice to, the Minister about matters to be prescribed in regulations made for the purposes of this chapter, other than regulations proposed to be made under this section, before the Minister recommends to the Governor the making of the regulations.	
Current Council Members	2025/2026 Council Members
Manager - Waste Services (nominated)	Manager - Waste Services (nominated)

d)

<u>Illawarra Academy of Sports – 2388E</u>	
Purpose: To develop outstanding young community citizens who utilise their sporting talents and role model status in a positive manner within the Illawarra Region.	
Current Council Members	2025/2026 Council Members
Southern Recreation Manager (Matthew Graham)	Southern Recreation Manager

e)

<u>Illawarra Shoalhaven Joint Organisation – 50403E</u>	
The functions of the ISJO are: Core Functions: • Regional Strategic Planning, including high level planning across the quadruple bottom line • Inter-Governmental Collaboration, working closely with the NSW Government as well as the Australian Government and other councils and JOs • Regional Leadership and Advocacy, as the preeminent regional voice for councils and communities Optional Functions: • Enhancing Regional Strategic Capacity, to support member councils to deliver services to their communities • Regional Service Delivery, to provide services directly to communities within the region. The Illawarra Shoalhaven Joint Organisation is comprised of representatives from Shellharbour; Kiama; Wollongong & Shoalhaven Councils.	
Current Council Members	2025/2026 Council Members
Mayor, Deputy Mayor and Assistant Deputy Mayor CEO (non-voting delegate)	Clr White- Mayor Clr Clr (alternate delegate) CEO (non-voting delegate)

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f)

Illawarra Shoalhaven Regional Plan 2024 – Coordination and Monitoring Committee – 29118E	
Purpose: The Illawarra Shoalhaven Coordination and Monitoring Committee oversees and coordinates the implementation of the Illawarra Shoalhaven Regional Plan 2041, bringing together NSW Government agencies, Councils and organisations responsible for delivering the Plan's actions. The Committee is administered by the NSW Department of Planning, Housing & Infrastructure and it: • Oversees and coordinates the implementation of the Regional Plan • Provides accountability for delivery of the Plan • Monitors and reports periodically on the progress of implementing the Plan • Collaborates to resolve issues where impediments are identified • Provides a forum to discuss and resolve implementation issues or action delivery in a changing regional policy environment • Prioritises delivery of actions and review project plans for each action in the Regional Plan • Develops a communication strategy to guide communication from Committee members to the wider network of stakeholders • Provides high level progress updates to the Illawarra Shoalhaven Regional Leadership Executive (NSW Government) • Signs off completed actions that have been finalised or no longer appropriate, relevant, or possible due to a changing regional policy environment • Informs and participate in a five-year review of the Regional Plan. More information on the Regional Plan is available here	
Current Council Members	2025/2026 Council Members
Strategic Planning Manager (Gordon Clark)	Strategic Planning Manager (Gordon Clark)

g)

Illawarra Shoalhaven Urban Development Committee – 50697e
Purpose: The Urban Development Program (UDP) Committee is a collaborative forum that assists with the implementation of the NSW Government's Illawarra-Shoalhaven Urban Development Program (UDP), including: • Ensuring there is up to date, detailed and accessible data to enable regular monitoring of land supply, barriers to development and development activity within the area. • Improving the coordination and integration of land use, infrastructure, development planning, investment and sequencing to ensure sufficient housing and infrastructure to meet current and future community needs. • Promoting broader and earlier engagement with stakeholders across government and industry to allow proactive interventions that remove barriers to housing land supply and housing delivery. The Committee is administered by the NSW Department of Planning, Housing & Infrastructure and brings together representatives from NSW Government

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Departments/Agencies, Local Government, industry and infrastructure providers to focus on stakeholders working together to maintain a strong pipeline of housing in the area by aligning development, state and regional infrastructure and planning priorities to ensure a coordinated response to address issues.

More information on the UDP is available online [here](#)

Current Council Members	2025/2026 Council Members
Strategic Planning Manager (Gordon Clark)	Strategic Planning Manager (Gordon Clark)

h)

<u>Jervis Bay Marine Park Advisory Committee – 1462E</u>	
Purpose: Advise the Ministers and the Marine Parks Authority (NSW) on the management of the Park and: • The conservation of the marine biological diversity within the Marine Park • The ecologically sustainable use of the Marine Park • The public use and enjoyment of the Marine Park	
Current Council Members	2025/2026 Council Members
Clr Krikstolaitis and Clr Norris (alternate delegate)	Clr Clr (alternate delegate)

i)

Nowra Riverfront Activation Taskforce (NRAT) - 65932E	
Purpose: The Nowra Riverfront Advisory Taskforce is a consultative forum managed and chaired by the NSW Premier's Department (PD). The broad objectives of the Advisory Taskforce are to: • identify and prioritise strategic development sites within the Riverfront Precinct as a catalyst for the creation of an iconic gateway into Nowra and the enhancement of associated public spaces • consider appropriate planning controls to facilitate investment on strategic development sites and investment into affordable housing and other social infrastructure within the Precinct • identify and explore funding opportunities for catalyst infrastructure within the Precinct • ensure that any future revitalisation and redevelopment of the Riverfront Precinct aligns with work being undertaken as part of the Nowra Bridge Project and on the Shoalhaven Medical Campus; and • examine the project impact including its effect on local roads and traffic, and opportunities for social housing and community outcomes.	
Current Council Members	2025/2026 Council Members
Mayor - Clr White CEO Director City Development Manager - Strategic Planning 2 Strategic planners	Mayor - Clr White CEO Director City Development Manager - Strategic Planning 2 Strategic planners

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- j) Note: The Mayor & CEO are members under the constitution. Council may wish to appoint an alternate delegate.

<u>NSW Country Mayors Association – 14214E</u>	
Purpose: The NSW Country Mayors Association is a group that comprises Mayors and General Managers, or their representatives, from country areas of NSW under its constitution. Note: The Mayor & CEO are members under the constitution. Council may wish to appoint an alternate delegate	
Current Council Members	2025/2026 Council Members
Clr White - Mayor Deputy Mayor (alternate delegate) CEO	Mayor Clr (alternate delegate) CEO

- k)

<u>NSW Public Libraries Association – 4442E</u>	
Purpose: The New South Wales Public Libraries Association (NSWPLA) is the peak body for public libraries in New South Wales. The organisation advocates for the public library cause, provides relevant information to stakeholders, fosters cooperation and collaboration, and strengthens the public library network.	
Current Council Members	2025/2026 Council Members
Clr Proudfoot Library Services Manager	Clr Library Services Manager

- l)

<u>Rural Fire Service Shoalhaven District Liaison Committee – 2122E</u>	
Purpose: The Liaison Committee will: - Monitor and periodically review the performance of this Rural Fire District Service Agreement by the Council and the RFS; - Review the following documents prepared by the District Manager prior to submission to and consideration by the Council: - The annual budget and business plan; and - The quarterly financial and performance reports	
Current Council Members	2025/2026 Council Members
Clr Clancy Clr Johnston	Clr Clr CEO (or nominee)

- m)

<u>Shoalhaven Bush Fire Management Committee – 2820E</u>
Purpose: Under the Rural Fires Regulation 2002 – Part 3, At the request of the Bush Fire Co-ordinating Committee: - Assist the Bush Fire Co-ordinating Committee in the performance of its functions under Section 48 of the Act; - Assist the Bush Fire Co-ordinating Committee in the performance of its functions under Sections 60(2) and 63(4) of the Act; - Draw to the attention of the following in regard to any matter it considers relevant to the protection of land, life, property or the environment in that area from the impact of bush fires: - The Bush fire Co-ordinating Committee; or - A public authority exercising its functions in the Bush Fire Management Committee's area. Note: The Committee has no power to conduct or take part in firefighting or fire

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prevention operations authorised by the Act, this regulation or any other Act or statutory instrument.	
Current Council Members	2025/2026 Council Members
Clr Clancy Clr Johnston	Clr Clr (Alternate) CEO (or nominee – Manager Works & Services) as an observer

n)

Shoalhaven Local Transport Forum – 1491E	
The Shoalhaven Local Transport Forum is a technical review forum, not a committee of Council under the Local Government Act 1993. The Forum provides advice, technical review, and coordination of works and events. It does not vote, issue approvals, or make decisions. The Local Transport Forum is convened by Council. Council's role is that of both proponent and decision-maker. Council is the representative for all community interests (residents, businesses, etc.) and responsible for all road users – including public transport – and road safety. There are three further mandatory invitees to every meeting of the Local Transport Forum: • Transport for NSW • NSW Police Force • Local State Members of Parliament It is also mandatory to invite the operator of any public passenger service likely to be affected by a proposal to carry out traffic control work to any meeting where that proposal is being reviewed. The full guide to the delegation to Council's for the regulation of traffic can be viewed at the TfNSW Website	
Current Council Members	2025/2026 Council Members
Informal – Clr White Informal – Clr Wilkins CONVENOR/CHAIRPERSON - As appointed by the Director City Services	Informal – Clr Informal – Clr CONVENOR/CHAIRPERSON - As appointed by the Director City Services

o)

South Coast Co-operative Library Services – 3934E	
Purpose: To provide control and manage libraries or library services within the areas of the Member Councils upon the terms and subject to the conditions specified in the agreement Note: The member Councils are Shoalhaven City Council and Kiama Municipal Council. In accordance with the South Coast Cooperative Libraries Agreement the committee must meet at least once a year (for an AGM) and the membership must consist of a Councillor, Director responsible for Library Services and a Library Manager from each participating Council.	
Current Council Members	2025/2026 Council Members
Clr Proudfoot	Clr Director City Development Manager - Library Services

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p)

South Coast Correctional Centre Community Consultative Committee – 4043E	
Purpose: - To assist in the development and maintenance of a positive relationship with the local community - To provide a forum for local community consultation and comment on correctional programs and procedures - To facilitate the involvement of the local community in correctional centres programs - To provide a mechanism to identify appropriate programs in which the correctional centre can participate and assist in the local community - To assist in the establishment of worthwhile community partnerships	
Current Council Members	2025/2026 Council Members
Clr Clancy Clr Boyd	Clr Clr Director City Services

q)

South Coast Arts Board of Directors – 4043E	
Purpose: South Coast Arts (SCA) is a regional arts organisation servicing the creative communities of Shellharbour, Kiama and the Shoalhaven. We provide advocacy, professional services and resources for our diverse artists and communities to support creative development. - Provide resources and advice on arts funding and creative development - Encourage participation in arts and culture - Initiate and develop quality programs in collaboration with our partners Facilitate projects and programs that support artists Create social connectedness and well being	
Current Council Members	2025/2026 Council Members
Clr Wilkins Appropriate staff member as support person and proxy	Clr Appropriate staff member as support person and proxy

r)

South East Australian Transport Strategy Inc – 3678E	
Purpose: To improve the transport network to enhance economic development within the region. Note: Council is entitled to one voting delegate but may also nominate alternative delegates (Councillors &/or staff).	
Current Council Members	2025/2026 Council Members
Clr White Clr Krikstolaitis (Alternate delegate)	Clr Clr (Alternate delegate) Clr (Alternate delegate)

s)

South East Regional Weeds Committee – 52451E
Purpose: The purpose of the RWC is to provide ‘tenure neutral’ strategic planning and coordination of weed management activities at the regional level. These activities play

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an integral part in an overall state weed management framework.

The RWC is a local community advisory group under the provisions of Section 33 of the *Local Land Services Act 2013*.

The RWC is established to:

- Support implementation of the weeds components and underlining principles of the NSW Biosecurity Strategy, NSW Biosecurity Act and the NSW Invasive Species Plan 2015-2023;
- Provide advice to the Board regarding delivery weed functions for the Local Land Services (LLS) consistent with the Local Strategic Plan;
- To develop innovative and effective regional weed management strategic plans that consider risks, include all land tenure, and major stakeholders in the landscape; and
- Provide a forum for the community and stakeholders in decision making, and develop communication education and awareness programs based on local and/or regional priority weeds and issues.

Current Council Members	2025/2026 Council Members
Biosecurity Coordinator (Erin Fardy)	Biosecurity Coordinator (Erin Fardy)

t) Southern Regional Planning Panel

Note: The SRPP is made up of five members. Three of these are independent experts appointed by the Minister for Planning. The other two are Council representatives. The council appointed members can either be councillors, community members or a combination of both. If Council decides to appoint community representative(s) a formal expression of interest will need to be held.

Section 4.4 of the Sydney and Regional Planning Panel Operational [Procedures](#) states that two council members are appointed by each council. **At least one council member must have expertise in one or more of the following areas:**

- *planning,*
- *architecture,*
- *heritage, the environment,*
- *urban design,*
- *land economics,*
- *traffic and transport,*
- *law,*
- *engineering*
- *tourism.*

In confirming your nominations Council must indicate which member is an expert and in which field.

To reduce the opportunity to improperly influence panel members councils should consider appointing a minimum of 4 alternate members to enable regular rotation.

When appointing its nominees to a panel, council should require a statutory declaration to be signed by proposed nominees stating that they are not property developers or real estate agents, as required by section [2.13 of the Act](#).

Council determines the sitting fee, previous representatives received remuneration of \$400.00 per meeting is paid to the Council and Community Representatives.

<u>Southern Regional Planning Panel – 39782E</u>	
Meetings per year: As required	
Purpose: To determine regionally significant development applications	
Current Council Members	2025/2026 Council Members
Clr Casmiri	Clr (insert name) – member

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Clr Wilkins	(insert name) – member (insert name) – alternate (insert name) – alternate (insert name) – alternate (insert name) – alternate
Other requirements: The Procedures advise that Council should also arrange probity checks. These checks should include, at a minimum: a. public register of real estate agents check b. bankruptcy record check c. National Police check (ACIC).	

u) RECOMMENDED FOR REMOVAL

Southern Water Services Pty Ltd – 4043E	
Purpose: To operate in a commercial way under the Companies Act on a similar basis to any other trading Company.	
Note: Southern Water Services is a Council owned company formed in 1998 with permission from the Minister of the day. Its constitution states that the Company was formed to “ <i>undertake the provision of water, sewerage and related services</i> ”. It currently has no relationship with Shoalhaven Water operations or staff.	
Council appointed the CEO in November 2022 (MIN22.898), as the Board Director of Southern Water Services Pty Ltd, in line with the Company’s obligations in relation to the Australian Securities and Investment Commission (ASIC). Previously the position of Director was filled by nominated Councillors. This change was implemented as ASIC introduced the requirement that from 30 November 2022 that a director needed to have a registered director ID.	
Southern Water Services has been non-operational for 9 years, with no director fees being paid since 30 June 2016. The entity cannot be used for any purpose other than that which Ministerial approval was obtained. As its current purpose is no longer aligned with Council’s strategic objectives it is proposed the company ceases to operate and the process to wind up the company commences.	
Current Directors	2025/2026 Directors
CEO Chief Financial Officer (Katie Buckman) – Secretary	CEO Director- City Performance (Katie Buckman) – Secretary

v)

Ulladulla Harbour User Group – 4043E	
Purpose: To assist Transport for NSW (Maritime Infrastructure Delivery Office – MIDO) to resolve operational matters and identify emerging issues in relation to operation and maintenance of coastal infrastructure including Ulladulla Harbour.	
Current Council Members	2025/2026 Council Members
Commercial Services Manager	Commercial Services Manager

Internal Consultations

The report has been updated based on staff consultation for the relevant external bodies.

External Consultations

The report has been updated based on any new information received from the external bodies.

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Community Consultations

Not required.

Policy Implications

Should the Council make any amendments where relevant it will be updated in the relevant policies and procedures.

Financial Implications

Costs for attendance of Councillors and or staff will apply when attending these external meetings.

Risk Implications

List provided is to allow the Council's involvement with external bodies to benefit the organisation. Should Council not participate this may impact on the Council's involvement on key decision making and or understanding of key matters as they arise.

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CL25.305 LGNSW Annual Conference 2025 - Motions

HPERM Ref: D25/410027

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

Purpose:

This report outlines motions proposed to be submitted for the LGNSW Annual Conference 2025 for endorsement by Council.

Summary and Key Points for Consideration:

LGNSW has called for the submission of motions. Councils are encouraged to formulate motions submitted in terms of the current policy statements and be mindful to demonstrate that the issue concerns, or is likely to concern, a substantial number of local governments in NSW.

Councils are also encouraged to submit motions online as early as possible before Tuesday 30 September 2025 to allow assessment of the motions and distribution of the Business Paper before the Conference. Under LGNSW Rules, the latest date motions can be accepted for inclusion in the Business Paper is 12 midnight (AEDT) on Sunday 26 October 2025.

The motions in this report were broadly proposed during the Councillor Briefing held on 14 August 2025 and are provided for the endorsement of the Council.

Recommendation

That Council endorse the motions outlined within the report for submission as the Council's contribution to the Business Paper of the LGNSW Annual Conference 2025.

Options

1. As recommended.

Implications: The Council's motions will be submitted for inclusion in the Business Paper of the 2025 LGNSW Annual Conference.

2. That Council does not accept one or all of motions as outlined in the report and proposes alternatives.

Implications: Motions will need to be worded and endorsed by the Council

Background and Supplementary information

At the Ordinary Meeting held on 22 July 2025 Council considered a report with respect to the LGNSW Annual Conference to be held between 23-25 November 2025 (CL25.220) and resolved (MIN25.340): *That: 1. Council confirms two of the voting delegates at the 2025 LGNSW Annual Conference to be held from 23 to 25 November 2025 will be the Mayor and the Deputy Mayor.*

2. *Council determines the other three (3) Councillors to attend the conference as Council's voting delegates as follows:*
 - a. *Clr Norris*

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- b. Cllr Clancy
 - c. Cllr Krikstolaitis
3. A Councillor Briefing be held in August 2025 for the Council to formulate motions for submission to the conference.

The Briefing resolved to be held in part 3 of the above resolution occurred on 14 August 2025. The motions proposed following that briefing are listed below for Councils consideration and endorsement.

Motions for Submission

MOTION 1:

Remove Councils' financial co-contribution to meet Coastal Management Programs (CMP) project requirements.

Motion:

That LGNSW requests the NSW State Government to remove the requirement for co-contributions from Council when applying for funding from DCCEEW's Coast & Estuary Grant Program to allow implementation of high priority actions under certified Coastal Management Programs.

Note from Council:

A key challenge for Council in the implementation of CMPs following certification is the ability to fund high priority actions. It is acknowledged that Department of Climate Change, Energy, the Environment and Water (DCCEEW) contribute financially by offering grant funding through the Coast & Estuaries Program, however, the 2:1 grant funding can be restrictive for a majority of regional coastal councils due to the large amount of investment that is needed for large projects. This results in high priority actions not progressing due to Councils' financial position. There are many risks associated with this for all levels of government and the community, if high priority actions are unable to be progressed due to Council's financial constraints.

MOTION 2:

Improvements to the Regional NSW Rail Network

Motion:

That Local Government NSW calls on the NSW Government to investigate and prioritise the following rail network upgrades to Regional NSW:

1. *Development of an independent high-speed rail network across New South Wales to enhance connectivity between regional and metropolitan areas with a focus on broader accessibility and reduced travel times.*
2. *Extend the duplication and electrification of railways outside of the Sydney Metropolitan Area to cater for freight and commuters, with a focus on increased services and improved network resilience to reduce transfers and travel times.*
3. *Expand the Opal network more broadly throughout Regional NSW to simplify ticketing, improve access, and facilitate greater sharing of public transport data to improve infrastructure planning.*

Note from Council:

The development of a high-speed rail network in New South Wales represents a transformative opportunity for the state's transport infrastructure. High-speed rail has the potential to revolutionize travel by significantly improving access and reducing travel times between major cities and regional centres, fostering tourism and economic growth, and enhancing connectivity across NSW. To maximize the benefits of high-speed rail, it is crucial

that it is developed as an independent network. Integrating it with the existing rail infrastructure will impact efficiency and speed. A dedicated high-speed rail network will ensure that the system operates at its full potential, providing a stable and effective transport solution for New South Wales.

Residents, commuters, and visitors in regional areas on the fringe of the Sydney Metropolitan Area are required to choose between private travel on congested roads, or deal with the current infrequent and unreliable rail services. With increasing growth in regional areas, this problem will escalate rapidly, placing more pressure on roads and freight. A modernised railway system with dual lines, double-deck electric trains, and increased service frequency is fundamentally necessary to accommodate the growing regional transport needs. These upgrades are vital to make the rail network an attractive option for a greater number of users. Shorter term solutions such as additional passing loops, proactive maintenance, digital enhancements (including expanding Opal more broadly into regional areas), commuter parking improvements, and other projects that enhance integration of the network for active transport, are also required.

As regional areas experience increasing population growth and tourism influx, the need for an enhanced and integrated rail network becomes even more pressing. Regional areas on the fringe of the Sydney Metropolitan Area are becoming increasingly “within reach” for day trips and employment opportunities, however this is hindered by the current network which has failed to match the growing demands of commuters and freight. The alignment of management, infrastructure, and services will improve user experience and facilitate a single point of contact for the entirety of a journey.

MOTION 3:

Greater Recognition of Cost Shifting

Motion:

That Local Government NSW calls on the Australian and State Government to restore the taxation revenue of Federal Assistance Grants to a full 2% and that this adjustment occurs over a five-year period.

Note from Council:

Over the past 40 years successive governments have reduced the percentage of taxation revenue being paid in favour of a CPI amount. Meanwhile the State and Federal governments have forced councils to assume greater responsibility for infrastructure, services and regulatory functions without providing sufficient supporting funding.

Increasing the taxation revenue to 2%, would help address the financial stress currently faced by Local Governments ensuring they can continue to provide vital services to their communities. This is because these Grants are untied, meaning that Local Governments can use this funding to address local issues and priorities.

MOTION 4:

Funding of Assets and Infrastructure

Motion:

That Local Government NSW

- 1. recognises the concerns held by councils regarding proper management of assets and infrastructure, highlighted as the third leading risk faced by councils as per the 7th JLT Public Sector Risk report;*
- 2. acknowledges that the current levels of base rate income and specific grants received by councils are insufficient to meet minimum asset renewal and infrastructure needs; and*

3. *calls on Federal and State government to substantially increase discretionary funding for assets and infrastructure by raising the Federal Assistance grant, or other similar means as a matter of priority.*

Note from Council:

The JLT Public Sector Risk Survey Report 2025 has been released, and financial sustainability continues to be the number one risk, with managing assets and infrastructure at number three.

The basic renewal and infrastructure needs of Shoalhaven Council are currently not able to be met with the existing mix of Council's rate base, and the mainly specific grant proceeds Council receives. The impact of materials and wages costs continuing to rise in the construction sector places further pressure on both budgets, and the ability to retain key staff to complete necessary discretionary works. Additional discretionary funding in this space from Federal and State government is required to help Council meet minimum asset renewal and infrastructure needs.

MOTION 5:**Funding support to transition to FOGO****Motion:**

That LGNSW requests the NSW Environmental Protection Agency increase the amount of financial support available for Councils to implement weekly food and garden (FOGO) collection services. The cost of complying with the new FOGO collection mandate will result in a significant increase in Domestic Waste Charge paid by households. Revenue collected from the Waste Levy is approaching \$1 billion per year and State Treasury could divert more of these funds towards waste related initiatives such as FOGO collections.

Note from Council:

The cost for Shoalhaven City Council to comply with the household FOGO collection mandate (Protection of the Environment Legislation Amendment (FOGO Recycling) Act 2025) is estimated to be approximately \$100 million over the first 10 years of collections. Currently available funding from the EPA via the Go FOGO grant program is limited to \$50 per household in single unit dwellings i.e. approximately \$3 million for Shoalhaven City Council.

MOTION 6:**Betterment funding incorporation into Disaster Recovery Grants****Motion:**

That Local Government NSW requests the Australian Government consider incorporating Betterment funding into Natural Disaster Relief Funding to improve the resilience of Council's essential assets and to better service our communities during extreme weather events.

Note from Council:

The Shoalhaven has experienced six declared natural disasters within the past three years, significantly impacting the resilience of Council-owned assets. The increased frequency and severity of these flood and storm events have compromised the durability of Council assets, resulting in repeated damage, community isolation and costly repairs. Council has needed to co-contribute to the Natural Disaster Relief Funding to restore assets in a more resilient state that reduces the risk of repeated damage. However, current financial constraints mean Council is unable to contribute sufficiently to ensure long-term resilience of our assets. The incorporation of Betterment funding into Disaster Recovery Grants would ensure that our assets are repaired to a more durable standard to better serve our community.

MOTION 7:**Mandatory Heritage Guidance and Funding for War Memorials****Motion:**

That LGNSW lobby the NSW Government to:

- 1. Make heritage guidance binding by amending relevant legislation so that councils must implement minimum standards for the maintenance and conservation of heritage assets, including war memorials, cenotaphs, and monuments.*
- 2. Establish a Quality Management System (QMS) within Heritage NSW, as recommended by the NSW Audit Office, to ensure consistent oversight, regular audits, and transparent reporting on heritage asset condition.*
- 3. Increase and simplify funding mechanisms, including raising caps under the Community War Memorials Fund, allowing broader eligibility, and creating a dedicated regional stream.*
- 4. Enable councils to plan and budget with certainty by clearly defining maintenance obligations, ensuring this work is incorporated into long-term financial planning.*
- 5. Strengthen collaboration with Defence and veteran organisations to support the maintenance and conservation of war memorials as a shared national responsibility.*

Note from Council:

The current heritage framework treats State guidance as optional, resulting in inconsistent protection and maintenance of heritage assets. This lack of enforceability places memorials and other important items at risk, particularly in regional NSW where resources are limited. The NSW Audit Office (2023) found major deficiencies in oversight, data quality, and owner engagement for State heritage assets.

Clear, mandatory standards and stronger funding mechanisms would allow councils to include this work in budgets, partner effectively with Defence and veteran organisations, and safeguard these significant community landmarks for future generations.

Internal Consultations

Consultation occurred with Councillors at the 14 August 2025 briefing, which was held to formulate Motions to the 2025 LGNSW Conference. Following this briefing Councillors proposed the motions they wished to submit to the 2025 Conference. Councillor Clancy has drafted Motion 6 outlined in this report and Council staff with the relevant expertise have helped draft the other motions which are submitted for Councils consideration in this report.

External Consultations

No external consultation was required as part of this report.

Community Consultations

No community consultation was required as part of this report.

Policy and Statutory Implications

Council is called upon to submit motions that relate to strategic local government issues which affect members state-wide and introduce new or emerging policy issues. The motions resolved to be submitted will represent the policy issues which are important to Shoalhaven City Council and likely affect a number of other NSW Councils.

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Financial Implications

There are no financial implications associated with this report.

Risk Implications

There is no perceived risk implications associated with this report.

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CL25.306 Investment Report - August 2025

HPERM Ref: D25/390250

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 4.66% per annum for the month of August 2025, outperforming the benchmark Aus Bond Bank Bill Index (3.84%p.a.) by 82 basis points (0.82%).

Recommendation

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

Options

1. The report of the record of Investments for the period to 31 August 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 September 2025.

Implications: Nil

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

Implications: Nil

Background and Supplementary information

Investment Portfolio

Council's investment balance as of 31 August 2025 was \$257.46 million and consisted of the following types of investments.

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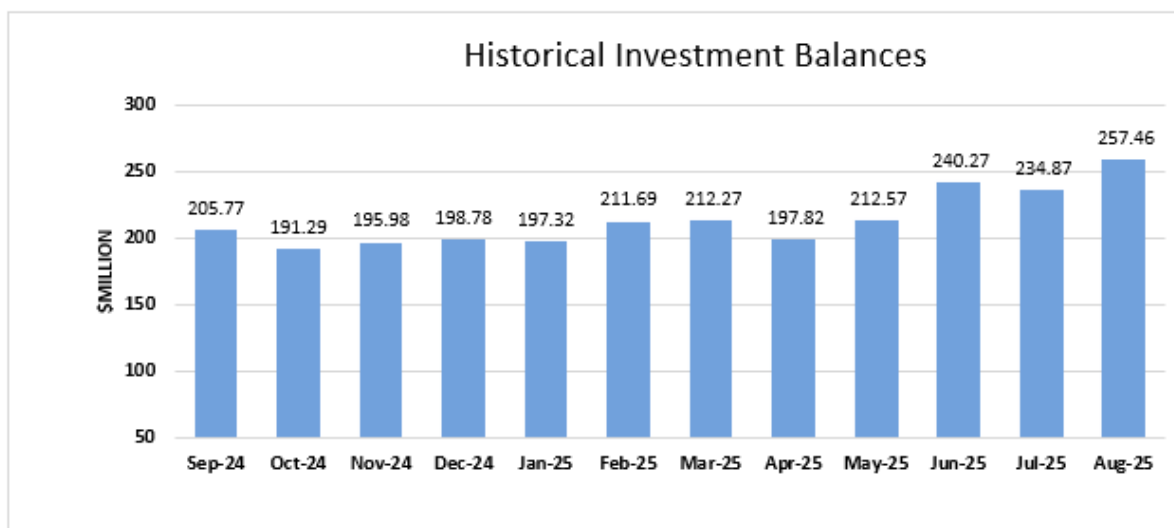
Investment type	Invested (\$)
Cash	51,913,723
Term Deposits	164,000,000
Floating rate notes	39,550,000
Bonds	2,000,000
Total	257,463,723

The details of each investment held by Council on 31 August 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 increase in the investment portfolio for the month of August is predominantly due to receipts from the first quarterly rates instalment which was due on 31 August. Additionally, the following grant monies were received:

- \$3.6M Tripartite Advance payment of Disaster Recovery from Transport for NSW
- \$1.3M the first instalment of the block grant funds - road projects from Transport for NSW
- \$1.95M - Financial Assistance Grant from the NSW Local Government Grants Commission



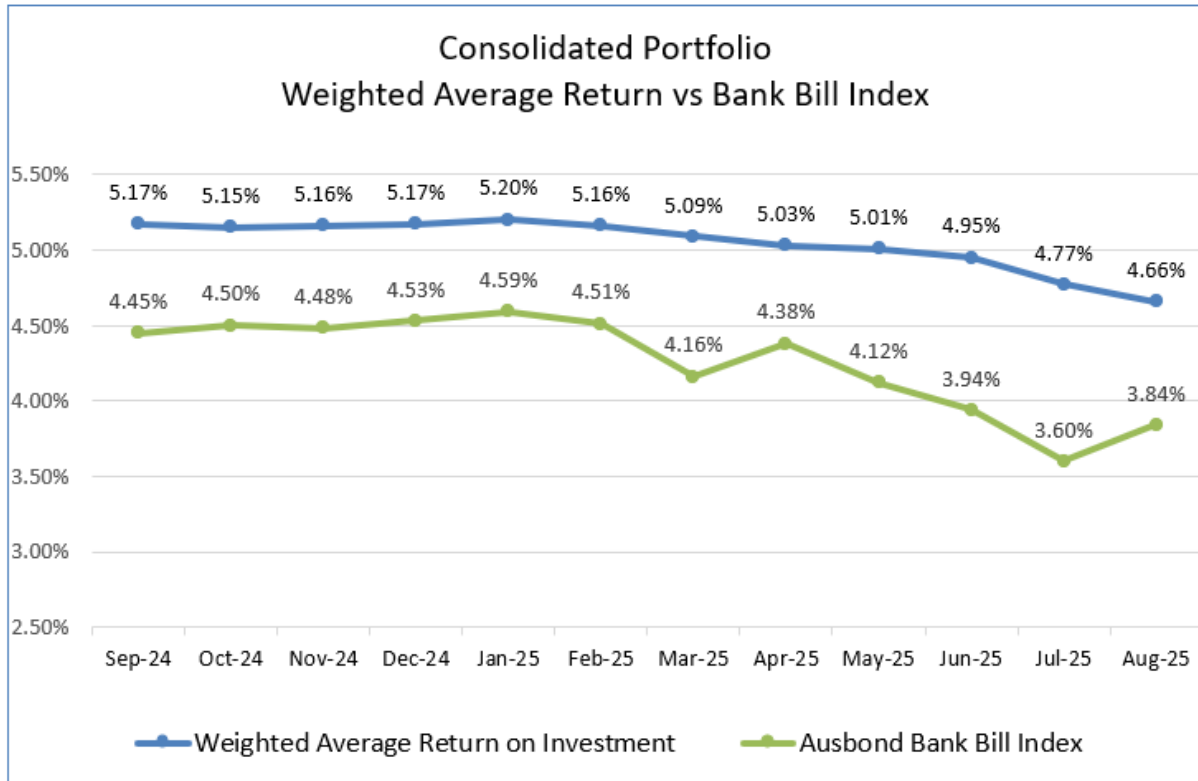
Portfolio Return

For the month of August, the total investment returns were a positive 4.66% p.a. outperforming Aus Bond Bank Bill Index (3.84%) by 82 basis points.

Investments

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

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Investment Interest Earned – August 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 August 2025.

Table 1 - Interest Earned for the Month of August 2025

Fund	Monthly Budget \$	Actual Earned \$	Difference \$
General	454,713	534,612	79,899
Water	175,045	201,575	26,530
Sewer	113,691	140,226	26,535
Total	743,449	876,413	132,964

The interest earned for the month of August, was \$876,413 compared to the monthly budget of \$743,449.

Investment Interest Earned - Year to Date

Table 2 below, demonstrates how the actual amount of interest earned year to date has performed against the 2025/26 budget.

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

Fund	Total Annual Budget \$	Actual YTD \$	% Achieved
General	5,353,884	1,057,989	20%
Water	2,061,012	398,914	20%
Sewer	1,338,624	277,505	21%
Total	8,753,520	1,734,408	20%

The interest earned in the general fund of \$1,057,989 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 \$285,657 and Domestic Waste Management reserves is \$179,858 to the end of August 2025. This leaves \$592,474 which is unrestricted.

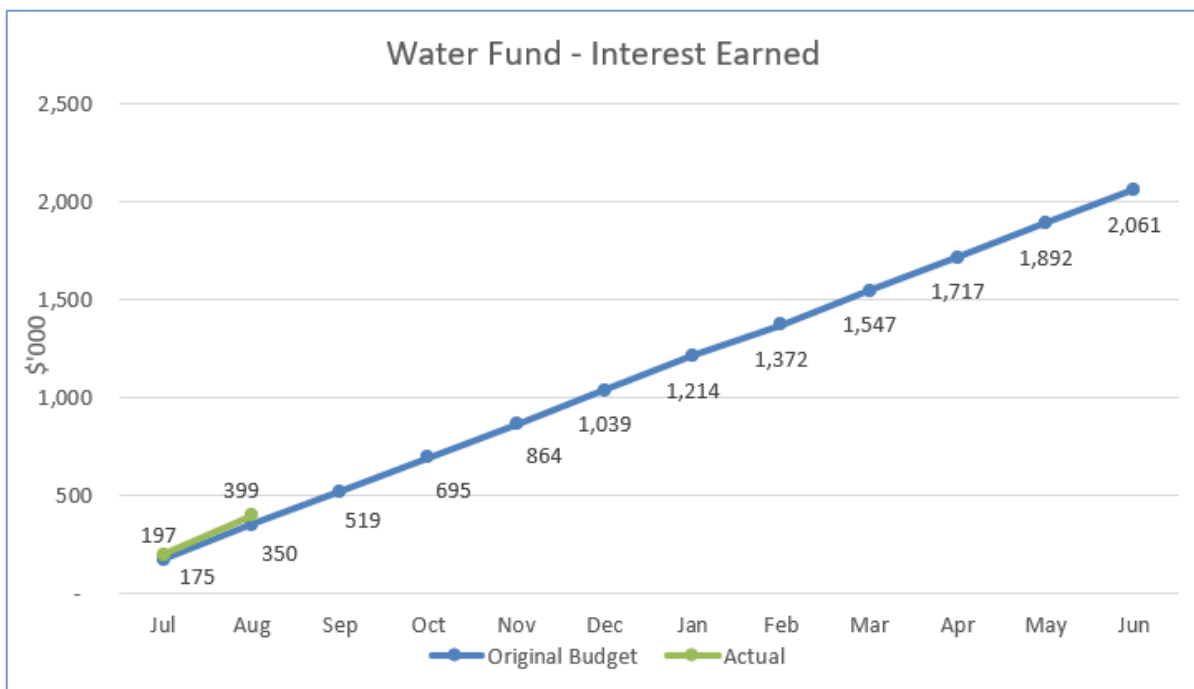
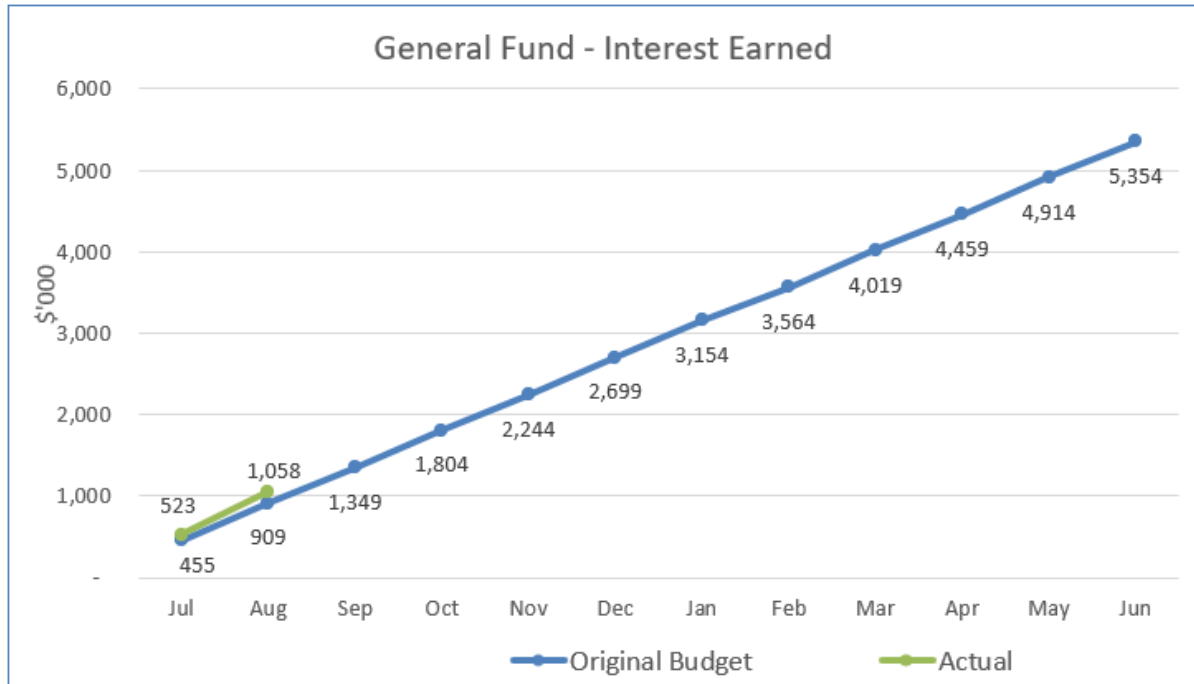
All returns on investments above budget on externally restricted Funds must be allocated to those Funds in accordance with legislation. Externally restricted surplus funds will be allocated to the respective external reserve to help fund future capital works included in the long-term financial plan. 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 August) was \$1,734,408 which is 20% of the current full year total annual budget.

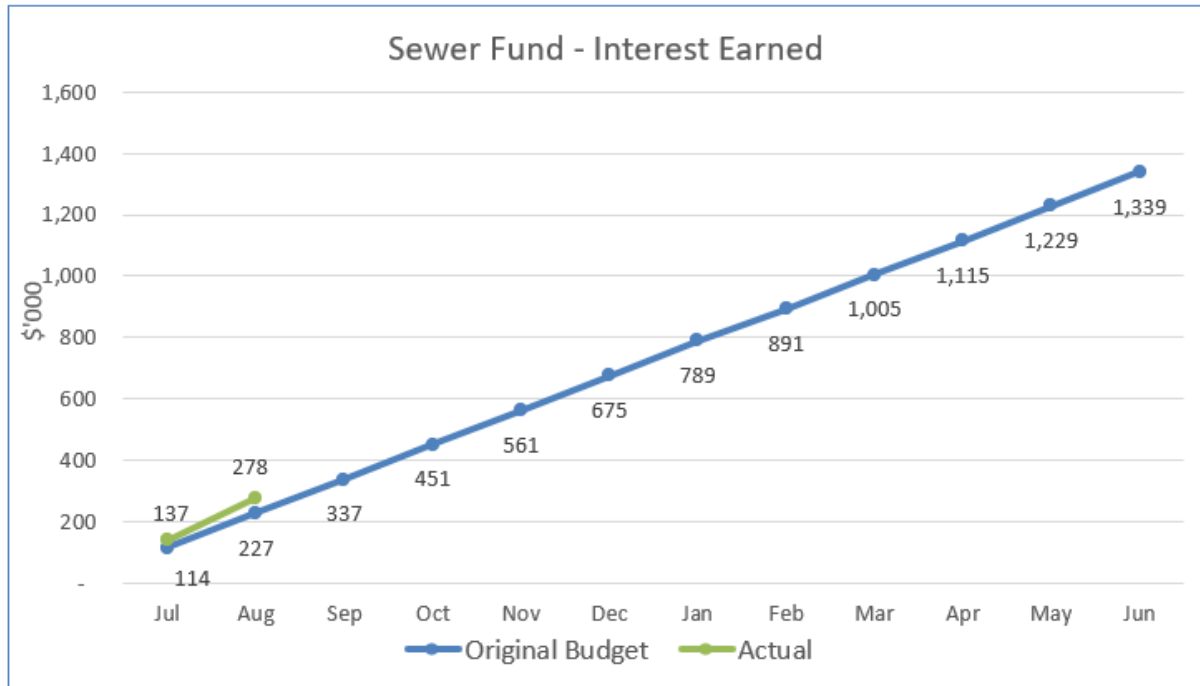
Graph 2 (3 separate graphs) below, illustrates the cumulative interest earned for the year for each fund (General, Water and Sewer) against budget:

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



CL25.306



Internal Consultations

Not applicable.

External Consultations

Council's investment advisor, Arlo Advisory Pty Ltd.

Community Consultations

Not applicable.

Policy Implications

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

Financial Implications

Council earned favourable returns compared to budget for August. The market continues to price in additional interest rate cuts over the next few months and if delivered, this should see interest rates on term deposits drop further.

Risk Implications

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

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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: 15 September 2025

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CL25.307 Ongoing Register of Pecuniary Interest Returns - August 2025

HPERM Ref: D25/357997

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 August 2025 to 31 August 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	Edwin Vaca	4 August 2025	8 August 2025
CEO	Brian Barrett	1 August 2025	18 August 2025

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 August 2025 to 31 August 2025 be received for information.

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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.

Allegations of failure of a designated officer or Councillor to complete a return within the required timeframe or include relevant information in a return may amount to a breach of Part 4 of the Code of Conduct. Such allegations are to be referred to the Office of Local Government for investigation in accordance with the Procedures for the Code of Conduct.

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CL25.308 Proposed Road Closure - Illfracombe Avenue (Banksia Street), Vincentia

HPERM Ref: D25/341301

Department: Buildings & Property Services
Approver: Kevin Norwood, Acting Director - City Services

Attachments: 1. Report to Ordinary Meeting 15 April 2025 - Proposed Road Closure - Illfracombe Avenue (Banksia Street), Vincentia [↓](#)

Purpose:

The purpose of this report is to provide Council with a recommendation regarding the proposed road closure of Illfracombe Avenue (Banksia Street), Vincentia.

On 8 April 2024 [MIN24.179](#) Council resolved to:

Close approximately 2,162sqm, subject to final survey, of unformed road reserve known as Banksia Street, Vincentia – Banksia Road Closure (D24/123291) by notice published in the Government Gazette;

- a) *Create a right of carriageway over the closed road maintaining access for the adjacent neighbours of the closed road at Banksia Street, Vincentia.*
- b) *Sell the closed road at Banksia Street, Vincentia for not less than the market value as determined by an independent valuer through a competitive sales process.*

At the Ordinary Meeting of Council of 11 March 2025, Notice of Motion – Road Closure Banksia Street, Vincentia ([CL25.70](#)) requested an update on the progress of the road closure proposal.

A report was subsequently prepared for the Council Meeting of 15 April 2025 ([CL25.121](#)) recommending that Council receive the report for information and a future report be provided to Council at the completion of the road closure assessment.

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.
- Submissions for Notifiable Authorities and the Public were received and have been reviewed.
- Council resolution is required for the closure of a public road by gazette notice under section 377 of the *Local Government Act 1993*, as well as for the sale of land. It is noted that Council has previously resolved to close the subject road reserve by gazette notice at the meeting of 8 April 2024 (MIN24.179).

Recommendation

That Council;

1. Rescind resolution MIN24.179 - Part 7 of 8 April 2024.
2. Proceed to close part of the identified section of Banksia Street, Vincentia (approximately 1900m²) by notice in the Government Gazette, retaining an approximately 4m-wide public road reserve along the southern edge of the unformed

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road reserve.

3. 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 15 DP 24997 and Lot 18 DP 522657.
4. Consent to the grant of easement(s) over the land as required and in accordance with Endeavour Energy requirements.
5. Classify the closed section of road as Operational land following public notice of the proposed classification under the Local Government Act 1993.
6. Fund utility infrastructure works from the Industrial Land reserve until the sale proceeds are received.
7. Sell the closed section of road at Banksia Street, Vincentia for not less than the market value as determined by an independent valuer through a competitive sales process.
8. 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.

Options

1. Resolve as recommended.

Implications: The identified section of Illfracombe Avenue (Banksia Street) is closed by gazette notice and Council proceeds to sell the closed road. Public access from Elizabeth Drive to Illfracombe Ave is retained by the 4m-wide public road reserve along the southern edge of the unformed road reserve and a right of carriageway over the closed road (northern edge) maintains access for adjacent neighbours. An easement for overhead powerlines is granted as required by Endeavour Energy. Income received from the sale will contribute to Council's land sales strategy.

However, financial risks remain, including the need for upfront funding, potential costs due to latent site conditions, and the possibility of legal challenges in the Land & Environment Court, which could result in delays and additional expenses.

2. Not proceed as recommended.

Implications: If Council does not proceed as recommended and retains the land as public road reserve, the land remains in Council ownership and will not generate the anticipated revenue contribution to Council's land sales strategy. This option requires the formal rescission of MIN24.179 (Part 7) and may reduce reputational risk associated with community opposition to the road closure, which has attracted significant public interest.

Council would avoid financial risks associated with upfront funding, potential costs due to latent site conditions, and the possibility of legal challenges in the Land & Environment Court, which could result in delays and additional expenses.

Background and Supplementary information

The subject area of road proposed for closure is shown in Figure 1 being Council public road reserve by way of Government Gazette No.81 of 20 July 1923.

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Figure 1 – Proposed road closure area



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.*

Preliminary details about notifiable authority requirements were presented in the 15 April 2025 Council report on the proposed road closure (Attachment 1). Feedback from these authorities has since been received and is included in the External Consultations section. A summary of the public notification process was also provided at the meeting, and public submissions are now detailed in the Community Consultation section of the report.

Internal Consultations

Internal stakeholder consultation has been undertaken with respect to the proposed road closure.

Advice received has indicated the need to manage current road stormwater drainage flows off Elizabeth Drive onto the unformed road reserve proposed for closure. Stormwater design solutions have been undertaken, and it is proposed to construct new underground stormwater connection to convey flows to the western side of Elizabeth Drive and integrate with existing stormwater infrastructure. The drainage infrastructure works will be required to be undertaken and funded by Council with the current road closure process.

Advice from Shoalhaven Water regarding utilities requirements (water and sewer) is included in the External Consultations section of the report.

External Consultations

The requirements of notifiable authorities to the proposed road closure have been obtained as required under section 38B of the *Roads Act 1993*.

The unformed road reserve proposed for closure contains overhead powerlines and a pole-mounted substation. To protect this infrastructure, Endeavour Energy has requested the creation of a 9-metre-wide easement. Alternatively, retaining a portion of the road reserve to

safeguard the overhead powerline asset may be considered instead of establishing an easement.

The road reserve proposed for closure contains a sewer rising main and a manhole (see Figure 2). Shoalhaven Water has advised that this sewer infrastructure must be relocated and retained within publicly owned land. Additionally, the removal of the redundant asbestos main located adjacent to the sewer rising main is required (refer to Figure 2).

Figure 2 – Existing sewer rising main (red) and redundant asbestos cement main (pink)



The sewer rising main can potentially be relocated along the southern boundary of the unformed road reserve proposed for closure directly adjoining No.20 Elizabeth Drive and then continuing north along Elizabeth Drive joining the existing sewer main within the road reserve (refer Figure 3). As proponent of the road closure proposal, Council will be required to fund these works.

Figure 3 – Indicative location of relocated sewer rising main (blue)

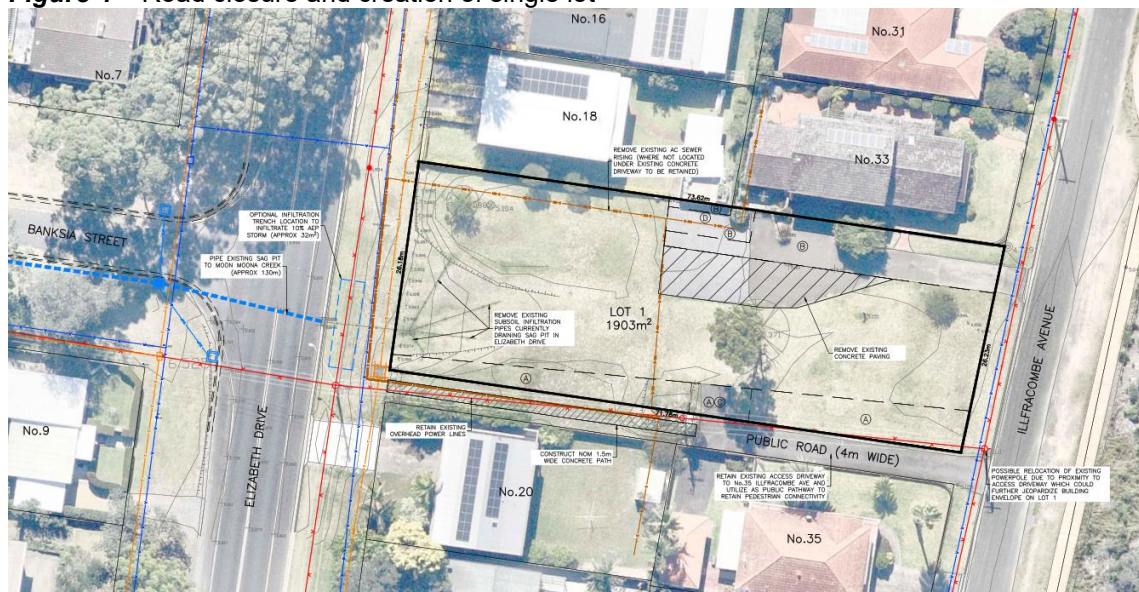


Site Appraisal

In consultation with Council's Asset Program Planning Team, consultants Footprint Sustainable Engineering were engaged to assess design options and review utility service/infrastructure requirements of notifiable authorities, in relation to the road closure gazettal. Road closure and creation of a single lot (refer Figure 4) will require the following infrastructure works:

- Retain an approximately 4m-wide public road reserve along the southern edge of the unformed road reserve to provide a pedestrian link between Elizabeth Drive and Illfracombe Avenue and maintain access to No. 35 Illfracombe Avenue.
- Relocate the sewer rising main within the retained 4m-wide public road reserve.
- Establish new water and sewer network connections.
- Retain existing access driveway infrastructure on the northern side of the unformed road reserve, servicing No. 18 Elizabeth Drive and No. 33 Illfracombe Avenue, within a 6m-wide right of way. Any driveway construction outside this 6m corridor is to be removed as part of the road closure works.
- Create a new easement over the southern portion of the unformed road reserve to protect Endeavour Energy's overhead electricity infrastructure.
- Resulting in the creation of one residential lot with an area of 1,903m².

Figure 4 – Road closure and creation of single lot



The road closure outcome illustrated reflects the scope of works Council, as the proponent under the Roads Act 1993, is required to undertake following consultation and notification.

Footprint Sustainable Engineering prepared three additional future subdivision and development scenarios, proposing two, three and six-lot configurations. However, these options involved significantly higher utility infrastructure costs and, as such, have not been included for further consideration in this report.

Community Consultations

A total of 25 public submissions were received in response to the public notification of the proposed road closure, conducted under the Roads Act 1993 during December 2024 and January 2025. A summary of the submissions from public notification process was included

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in the report to Council on this matter dated 15 April 2025. The April 15 Council report is included as an attachment to this report.

Concern / Issue raised
Public access removed Unformed road serves as public access route for pedestrians
Loss of green / open space and recreation Unformed road serves as open space perceived to be public reserve for purpose of recreation
Impact on broader public use and enjoyment (e.g. Husky Triathlon) Unformed road reserve used for various events including Husky Triathlon as first aid and water station
Utilities / infrastructure on land including stormwater drainage Critical water, sewer and electricity infrastructure on land and drainage issues
Collateral impact on traffic and parking congestion on Illfracombe Ave Unformed road serves as public access route for pedestrians. Closing this space will result in greater parking congestion on Illfracombe Avenue
Emergency services access / evacuation route Unformed road serves as access route emergency vehicles and evacuation point
Access for adjoining residence Unformed road currently used by adjoining residences for private property access and road required for their access
Environmental / wildlife concerns Unformed road serves as wildlife corridor and supports vegetation
Loss of view corridor Unformed road provides open space and beach / ocean views for surrounding properties
Other comments The following individual comments were raised in submissions and are individually listed below as they were one-off or infrequently raised matters: - Insufficient notification - Impact on streetscape - Use of funds for closed road - Lack of community consultation - Climate change and coastal erosion risk - Future development height limitation - Part of suburb masterplan - Infrastructure inadequate to support new development

Comments

Public pedestrian access removed

The most frequently raised concern in the public submissions was the potential loss of public access between Illfracombe Avenue and Elizabeth Drive. Should Council resolve to proceed with the road closure and gazettal, public pedestrian access between Illfracombe Avenue and Elizabeth Drive will be retained, as outlined in the External Consultations section of this report.

Loss of green/open space and recreation

The subject land is currently dedicated as road reserve. If the road is formally closed via gazette notice, the visual continuity of the land as part of an open space corridor will be

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lost. However, it is important to note that the designated purpose of a road reserve is to support the movement of people—whether on foot or by vehicle—and not to function as open space or recreational land.

Impact on broader public use and enjoyment (e.g. Huskisson Triathlon)

Should Council resolve to proceed with the road closure via gazette notice, the land will no longer be available for use in connection with events such as the Huskisson Triathlon. This change may affect event logistics and community engagement associated with such activities.

Utilities/infrastructure on land including stormwater drainage

The assessment undertaken as part of this road closure proposal has appropriately addressed stormwater drainage, services, and utility requirements. These matters have been considered in consultation with relevant authorities and stakeholders. Further details are provided in the External Consultations section of this report.

Collateral impact on traffic and parking congestion on Illfracombe Avenue

Concerns raised in public submissions regarding potential collateral impacts on traffic and parking along Illfracombe Avenue—should the public no longer have the option to park along Elizabeth Drive and access the beachfront via the unformed road reserve—have been appropriately considered. These matters are addressed in the response provided under the section titled Public Pedestrian Access Removed.

Emergency services access/evacuation route

No objections to the proposed road closure were received during the internal or external consultation period. As such, this matter is not considered a relevant issue impacting the progression of the proposal.

Access for adjoining residences

If Council resolves to proceed with the road closure via gazette notice, formal rights of way will be established to ensure continued access for the adjoining private properties at No. 18 Elizabeth Drive and Nos. 33 & 35 Illfracombe Avenue. While Council is not obligated to preserve access rights over unformed road reserve following closure, a review of the access arrangements for these properties supports the formalisation of rights of carriageway to maintain ongoing access. Details regarding the proposed right of carriageway provisions under the various options are outlined in the External Consultations section of this report.

Environmental/wildlife concerns

No objections were received from internal or external referrals during the notification period in relation to this specific concern. Accordingly, it is not considered a substantive reason, in isolation, to retain the unformed road reserve.

Loss of view corridor

Concerns regarding potential loss of views resulting from future development on the land have been considered. Under Section 38A of the Roads Act 1993, Council may proceed with the closure of a public road where it is determined that the road is not reasonably required for public use—either now or in the future—not essential for continuity of the existing road network, and where alternative public roads can provide lawful and reasonably practicable vehicular access to affected land.

As outlined in the External Consultations section of this report, potential development outcomes have been explored. Should Council resolve to close the road, a partial view corridor would be retained through the preservation of public access along the southern side of the road reserve, as well as the adjoining area required to be retained as an easement for overhead electricity infrastructure.

Lack of community consultation (Council resolution to close the road)

On 8 April 2024, Council resolved ([MIN24.179](#)) to close the section of road by gazette notice and proceed with the sale of the land through a competitive sale process. In accordance with the Roads Act 1993, public notification is required prior to completing a road closure by gazette notice. This notification was undertaken following Council's 2024 resolution. However, due to other organisational priorities, commencement of the formal statutory road closure process was deferred until later in 2024.

Public notification inadequate

The public notification process for the proposed road closure was conducted in accordance with Section 38B of the Roads Act 1993. To allow for broader community input, the notification period was extended to 31 January 2025, resulting in a total duration of 44 days—exceeding the statutory minimum requirement of 28 days. During this period, Council received 25 individual public submissions. Responses were also received from Notifiable Authorities, with a summary provided in the External Consultations section of this report. The notification process is considered satisfactory and compliant with all statutory requirements.

Impact on streetscape

If the road is closed via gazette notice, the existing streetscape will be altered through the introduction of new development and built form, changing the visual character of the area.

Use of funds for closed road

Any financial return generated from the closure and sale of the road, in accordance with Council's current land sales strategy, will contribute to Council's broader financial sustainability objectives. Further detail on the anticipated financial outcomes and their alignment with Council's strategic goals is provided in the Financial Implications section of this report.

Climate change and coastal erosion risk

No comments were received from internal stakeholder consultation in relation to this matter, and it is therefore not considered a substantive reason to retain the unformed road reserve. Should the road closure be gazetted, any future development of the land will be consistent with the existing pattern and location of development within the surrounding locality.

Future development height limitation

If Council supports the road closure by gazette notice, future development will be required to comply with Shoalhaven LEP2014 and DCP2014.

Part of suburb masterplan

Notwithstanding the original subdivision layout, Council is able to consider the closure of any public road under the Roads Act where the road is not reasonably required as a road for public use (whether for present or future needs), the road is not required to provide continuity for an existing road network, and 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.

Infrastructure inadequate to support new development

If the road closure is completed and Council proceeds with the sale of the land, future development may result in the construction of up to six dwellings on a land parcel of approximately 1,900 m². This scale of development is considered appropriate and consistent with the capacity of existing infrastructure in the area.

Policy and Statutory Implications

Council is assessing 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

Footprint Sustainable Engineering undertook a preliminary feasibility assessment of subdivision and development options associated with the proposed road closure. As outlined in the External Consultations section of this report, the estimated infrastructure and utility/service costs—subject to final design and tendering—are in the range of \$375,000 (excl. GST) to \$410,000 (excl. GST).

Council will be required to undertake these infrastructure and utility works to enable completion of the road closure. A new budget allocation will be necessary to fund the works, which will also catalyse the future sale of the land. The costs incurred for infrastructure and utility installations are expected to be recouped through proceeds from land sales.

The sale of this land is included as part of the land sale program in the 2025/26 DPOP and budget. If Council decides not to close this road and therefore chooses not to prepare the land for sale, a negative budget adjustment at the September Quarterly Budget Review will be required to the value of approximately \$2.1M.

If Council decides to close this road, and prepare the land for sale, a negative budget adjustment of \$375k-410k will be required for the utility/service costs. These costs will ultimately be met from the sale of proceeds, however, can be, in the interim, borrowed from the Industrial Land reserve until the sale proceeds are received.

Council has an obligation to the principal of no cash deficit budgeting. Given the proceeds of sale of land in Council's 2025/26 budget are planned to either increase unrestricted cash, or increase a specific internal restriction, and no specific expenditure in 2025/26 is contingent on the sale of this parcel of land, the decision taken by Council on this matter will impact the 2025/26 budget position as indicated above, but will not impact our obligation to the principal of no cash deficit budgeting.

A competitive open sale process will be used to establish the final price. Preliminary advice suggests the land could be worth approximately \$2.5 million following road closure.

The anticipated net return to Council from road closure and sale of land (subject to final design and tendering and formal valuation advice at the time of open market sale process) is anticipated to be in the order of \$2.1M.

Risk Implications

Council's interests have been considered through the process. If Council resolves to adopt the recommendation of this report, an identified potential future land sale will remain in Council's Land Sales Strategy.

The report outlines an alternative option to complete the road closure and gazettal, as previously resolved by Council on 8 April 2024 (MIN24.179). If finalised, the closure may be subject to appeal in the Land and Environment Court. The Court can either affirm or set aside the closure. If set aside, the road will remain in use for public road purposes.

The recommendation to close the unformed road reserve by gazette notice carries some risk to Council, including costs associated with necessary infrastructure and utility works. The final sale price of the land will depend on market conditions at the time of sale, which may affect Council's financial return, as outlined in the Financial Implications section of the report.

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Risk Implications associated with this decision are as follows.

Reputational Considerations

Community Sentiment:	The proposed road closure has attracted significant public interest. Not proceeding may reduce reputational risk associated with community opposition.
Governance Transparency:	Reversal of a prior resolution may raise concerns about Council's consistency in decision-making and strategic planning.

Financial and Legal Risks

Upfront Funding:	Proceeding with the closure would require initial funding without guaranteed returns.
Site Latent Conditions:	Potential for unforeseen site conditions that could increase project costs.
Legal Exposure:	If the closure is challenged in the Land & Environment Court, Council may face delays, legal costs, and reputational scrutiny.

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CL25.121 Report Back on Proposed Road Closure - Illfracombe Avenue (Banksia Street), Vincentia

HPERM Ref: D25/115808

Department: Buildings & Property Services
Approver: Kevin Norwood, Acting Director - City Services

Purpose:

The purpose of this report is to provide Council with an update on the proposed road closure of Illfracombe Ave (Banksia Street), Vincentia following the resolution of Council on 11 March 2025 ([MIN25.99](#)).

That a report on the proposed closure of Banksia Street Vincentia be presented on the first regular Ordinary meeting in April 2025.

The proposed road closure was previously reported to Council on 8 April 2024 ([MIN24.179](#)). Council resolved to:

Close approximately 2,162sqm, subject to final survey, of unformed road reserve known as Banksia Street, Vincentia, shown in red on Attachment 3 – Banksia Road Closure (D24/123291) by notice published in the Government Gazette;

- a) Create a right of carriageway over the closed road maintaining access for the adjacent neighbours of the closed road at Banksia Street, Vincentia.*
- b) Sell the closed road at Banksia Street, Vincentia 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.
- Public submissions were received and are being reviewed.
- Council is awaiting a final assessment from the Notifiable Authorities for the land parcel and cannot progress until such time as they are received.

In relation to a council public road, the term "notifiable authority" under the Roads Act 1993 refers to several key entities. This includes network operators defined under the Electricity Supply Act 1995 and the Gas Supply Act 1996, which manage transmission and distribution systems or pipelines in the area. It also includes the Secretary of the Department of Planning and Environment, the Secretary of the Department of Industry, Transport for NSW, Sydney Metro, the State Transit Authority, and the Commissioners of Fire and Rescue NSW and the NSW Rural Fire Service. Additionally, any other individuals or groups specified by regulation may also be considered notifiable authorities.

- 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 the Council resolution on 8 April 2024 ([MIN24.179](#)) to close the road by gazette notice and sell the land, this report provides information to Councillors arising from the statutory road closure process.

Recommendation

That Council receive the report regarding the proposed road closure of Illfracombe Ave

(Banksia Street), Vincentia for information, with a future report to be provided to Council upon receipt of the final assessment from the Notifiable Authorities.

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 a future report.

Background and Supplementary information

The subject area of road proposed for closure is shown in Figure 1 being Council public road reserve by way of Government Gazette No.81 of 20 July 1923.

Figure 1 – Proposed road closure area



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.*

Based on the above, Council can consider closure of the subject unformed road reserve together with provisions for continuity of access to adjoining private property having consideration to section 38A of the Roads Act 1993.

Provision of a right of carriageway

Council's resolution of 8 April 2024 made provision for the creation of rights of carriageway over the unformed road reserve, to maintain private access for adjacent private property owners on Elizabeth Drive and Illfracombe Avenue respectively. A right of carriageway would be required on both sides of the road reserve.

Southern Access (No.35 Illfracombe Ave)

The current constructed driveway width benefitting No.35 Illfracombe Avenue is approximately 3.5m wide and viable, leaving approximately 5.5m for continued public access, to meet the requirements of Endeavour Energy and will enable continued private property access to No.35 Illfracombe Avenue.

The preferred outcome is to retain the minimum 9m width as public road reserve shown indicatively on Figure 2 in orange, negating the need for an easement.

Northern Access (No.33 Illfracombe Ave and No.18 Elizabeth Drive)

The current constructed driveways occupy a substantial part of the unformed road reserve – an area approximately 120m² directly servicing No.18 Elizabeth Drive, and approximately 200m² adjoining No.33 Illfracombe Avenue.

Future right of carriageway provision servicing the two privately owned properties would include provision for a 3m-3.5m wide corridor, being contemporary right of carriageway width in residential subdivisions generally. Future right of carriageway location is shown indicatively on Figure 2 in green.

Figure 2 – Indicative future right of carriageway - north side of subject land



An alternate solution to the proposed right of carriageway location shown in Figure 2 in green is to create the legal right of carriageway with future access from Elizabeth Drive only. Whether the future right of carriageway is from Illfracombe Avenue or Elizabeth Drive, new driveway construction would be required as can be seen on Figure 2.

Another option to retain a 3.5m strip as public road reserve (the recommended outcome on the southern side of the subject land) has been considered but ultimately, the principal objective is provision for continued access to the adjoining private properties, and separation of vehicles from public (non-vehicle) access would be a desirable outcome.

The proposed retention of a minimum 9m wide public road reserve (southern boundary of the subject land) together with a recommended 3m-3.5m wide right of carriageway provision

(part of northern boundary of the subject land), would result in a newly created residential lot of approximately 17.5m width (maximum), subject to continuing investigations into stormwater drainage requirements and potential sewer line relocation within the site. A 17.5m wide allotment results in 42% of the current site frontage/width being retained as non-developed land and used for the continuing purposes of; public access, utility infrastructure provision and vehicle access corridor benefitting directly adjoining property (that is, current uses occurring on the site).

In the event the final drainage and sewer utility investigations require more than a 9m wide public road corridor along the southern boundary, an increased site frontage/width will be retained as non-developed land.

Public submissions

A total of 25 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 is provided below.

Concern / Issue raised	Number of times raised
Public access removed Unformed road serves as public access route for pedestrians	19
Loss of green / open space and recreation Unformed road serves as open space perceived to be public reserve for purpose of recreation.	19
Impact on broader public use and enjoyment (e.g. Husky Triathlon) Unformed road reserve used for various events including Husky Triathlon as first aid and water station.	16
Utilities / infrastructure on land including stormwater drainage Critical water, sewer and electricity infrastructure on land and drainage issues	13
Collateral impact on traffic and parking congestion on Ilfracombe Ave Unformed road serves as public access route for pedestrians. Closing this space will result in greater parking congestion on Ilfracombe Ave	11
Emergency services access / evacuation route Unformed road serves as access route emergency vehicles and evacuation point	7
Access for adjoining residence Unformed road currently used by adjoining residences for private property access and road required for their access.	7
Environmental / wildlife concerns Unformed road serves as wildlife corridor and supports vegetation.	7
Loss of view corridor Unformed road provides open space and beach / ocean views for surrounding properties	6
Other comments The following individual comments were raised in submissions and are individually listed below as they were one-off or infrequently raised matters: - Insufficient notification - Impact on streetscape - Use of funds for closed road - Lack of community consultation - Climate change and coastal erosion risk - Future development height limitation	

- | |
|--|
| <ul style="list-style-type: none"> - Part of suburb masterplan
Infrastructure inadequate to support new development |
|--|

Loss of public access between Illfracombe Avenue and Elizabeth Drive was the most frequently raised concern in the public submissions with road closure notification. Retention of a minimum 9m wide public road reserve along the southern boundary of the subject land will overcome community concerns over loss of access and additionally, will overcome other concerns expressed in submissions of potential collateral traffic and parking impact along Illfracombe Avenue, by drivers no longer having the option of parking along Elizabeth Drive and utilising the unformed road reserve for direct access the beachfront.

Loss of access to directly adjoining residences was also raised as an issue of concern in the public submissions.

Comments raised in public submissions also cited the unformed road has an open space function, both directly and indirectly. The unformed road reserve currently has a road function under the Roads Act. Although it might be considered as a green or open space corridor, Council is obliged to use the land under the status being public road which may or may not include road and access construction consistent with its primary purpose.

Internal Consultations

Ongoing consultation is taking place with internal stakeholders to address certain requirements in relation to the proposed road closure. These consultations are ongoing and when resolved will inform the final road closure outcome. The consultation includes but is not limited to further assessment of road stormwater drainage, and infrastructure assets within the unformed road reserve.

Both stormwater drainage and potential sewer utility re-location are undergoing preliminary concept design and cost estimate (feasibility). The stormwater drainage concept will inform the management of future stormwater and whether part of the subject land is required to accommodate projected stormwater management. The current sewer infrastructure within the site does not preclude future development on the subject land, if the road is closed. Additional investigation is being undertaken to assess the merits of sewer line relocation within the site and future development footprint/building envelope.

External Consultations

The Roads Act provides notification requirements for a road closure proposal. Submissions were received from Notifiable Authorities. Pursuant to Section 38D of the *Roads Act 1993*, in the case where a Notifiable Authority has formally objected to the closing of a road, Council cannot close the road by gazette notice until the objection is withdrawn by the authority or set aside by the Land and Environment Court under section 38F of the Roads Act.

At the time of writing this report it has been established that Endeavour Energy require an easement for overhead electricity, minimum 9m wide, along the southern boundary of the unformed road reserve, or equivalent section retained as public road reserve. Figure 3 shows the extent of the 9m wide corridor (orange) within the current road reserve.

Figure 3 – Area required by Endeavour Energy for easement for electricity



Endeavour Energy has confirmed that the creation of an easement or retained section of public road reserve would satisfy their concerns and objection to the road closure withdrawn.

Community Consultations

A total of 25 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 are shown in the body 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.

If the road closure is gazetted, Council will need to resolve to classify the land as Operational land, in order to satisfy MIN24.179 and sale of the land.

Financial Implications

At this stage it is not possible to provide complete financial implications as further investigation is taking place with stormwater drainage and utility infrastructure location. 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 ultimately determine the land value through competitive open sale process.

Costs incurred in the road closure process will be met through proceeds from land sale.

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 are being considered through the process and there is minimal risk associated with the proposed road closure and sale.

CL25.309 Renewed Lease to Cambewarra Pony Club - Lot 43 DP 778333, 566 Illaroo Road, Bangalee

HPERM Ref: D25/348472

Department: Building & Property Services
Approver: Kevin Norwood, Acting Director - City Services

Purpose:

The purpose of this report is to present the outcomes of negotiations between Council and Cambewarra Pony Club, in response to [MIN25.66](#), in association with Council's consideration and approval of a new five-year lease to Cambewarra Pony Club for continued use and occupation of the facility located at Lot 43 DP 778333, known as 566 Illaroo Road, Bangalee.

Summary and Key Points for Consideration:

Council staff have progressed negotiations with Cambewarra Pony Club in response to MIN25.66. These discussions have focused on the terms of a proposed renewed lease, including responsibilities for outgoings and maintenance.

The land is classified as Council owned Operational land, and Council can enter the proposed new five-year lease.

Recommendation

That Council;

1. Enter a renewed five-year lease with Cambewarra Pony Club (ABN 70 806 297 818) over Council Operational land known as Lot 43 DP 778333, 566 Illaroo Road, Bangalee.
2. Establish a commencement rental of \$613 (plus GST) per annum, with annual rent increases in line with the Consumer Price Index (All Groups Sydney).
3. Lessee to be responsible for operating costs of the leased premises totalling \$1,161 (excluding GST) per annum, which includes building insurance, water and sewer services and fire compliance costs.
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 or Delegate to sign any documentation necessary to give effect to this resolution.

Options

1. Resolve as recommended.

Implications: Approval of the proposed lease will formalise Cambewarra Pony Club's continued use of the facility located at 566 Illaroo Road, Bangalee. Under the lease terms, Council will receive the statutory minimum rent and recover a portion of the facility's operating costs—specifically for building insurance, water usage, sewer services, and fire safety testing.

The lease will grant the Pony Club primary use of the premises; however, it will also allow for broader community benefit by enabling other community groups to sub-licence or hire the facility, subject to Council approval.

CL25.309

2. Resolve to enter new lease excluding provision for payment of building insurance premium.

Implications: Approval of the lease will formalise Cambewarra Pony Club's ongoing use of the facility. Under the terms of the lease, Council will receive the statutory minimum rent of \$613 and an annual contribution of \$345 towards operating costs, covering water usage, sewer services, and fire safety testing. The building insurance premium of \$816 per annum will not be included in the lessee's financial obligations.

The lease will grant the Pony Club primary use of the premises; however, it will also allow for broader community benefit by enabling other community groups to sub-licence or hire the facility, subject to Council approval.

3. Resolve not to enter the lease with Cambewarra Pony Club

Implications: Cambewarra Pony Club would not have the benefit of a lease agreement for the use of the clubhouse and grounds. The land was originally dedicated to Council for the purpose of providing permanent grounds for Cambewarra Pony Club. In the absence of a lease, Council would retain full responsibility for ongoing maintenance and associated costs resulting in increased operational expenditure.

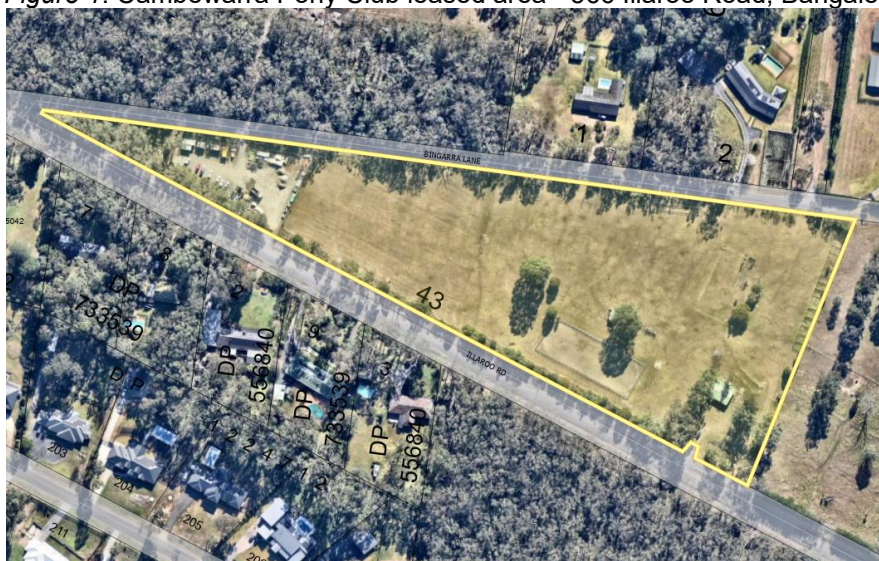
4. Adopt an alternative recommendation, as determined by the Council.

Implications: Unknown. The Council would need to provide further direction to the CEO in relation to the lease with Cambewarra Pony Club.

Background and Supplementary information

The property located at Lot 43 DP 778333, known as 566 Illaroo Road, Bangalee, is Council-owned Operational land (see Figure 1). It was dedicated to Council in 1988 for the purpose of establishing permanent grounds for Cambewarra Pony Club ('the Club'), which has been in occupation of the site since 1989.

Figure 1: Cambewarra Pony Club leased area - 566 Illaroo Road, Bangalee



The lease to the Club expired on 23 December 2023 and they have continued occupation under hold-over terms. The Club provides a valuable recreational facility for senior and junior riding members, coaches, and the broader community through equestrian events such as gymkhanas.

Following the COVID-19 pandemic, the Club experienced a decline in membership and financial hardship, impacting its ability to meet rental and maintenance obligations. A donation program previously offsetting land rates ceased in 2019 without notice to the Club, resulting in accumulated charges. Council approved a write-off of rates and waste services from 2020 to 2025 due to the Club's demonstrated financial hardship.

Council has been progressing lease renewal negotiations with the Club from 2024.

On 25 February 2025, Council resolved (MIN25.66):

That Council:

1. *Resolves to apply the minimum statutory annual rental amount for the duration of the terms of its lease with the Cambewarra Pony Club.*
2. *Direct the Acting CEO (or delegate) to enter into negotiations with the Pony Club executive around various provisions of the lease including, but not limited to, rates; waste services; and, effluent pump-out arrangements, and that staff report the outcomes/options arising from negotiations to Council.*
3. *The Pony Club retain the ability to sub-lease and/or rent the property for use by others to assist the Clubs ongoing viability.*
4. *Waive rates of approximately \$3,200 per annum, for the term of the lease.*

In accordance with the resolution, Council staff undertook negotiations with the Club to establish the terms of a new lease agreement. The proposed terms of the initial lease offer are outlined below:

Lessee	Cambewarra Pony Club Inc ABN: 70 806 297 818 Address: PO Box 168, Cambewarra NSW 2540 Email: cambewarrapc@gmail.com
Lessor	Shoalhaven City Council Administration Building 42 Bridge Road, Nowra, NSW, 2541 Tel: 02 4429 3111 Email Council@shoalhaven.nsw.gov.au
Premises	The building, improvements and curtilage on Lot 43 DP 778333 at 566 Illaroo Road, Bangalee.
Term	Five (5) Years
Commencement Date	01 July 2025
Termination Date	30 June 2030
Option	Not applicable
Rent	Minimum statutory rent of \$613.00 plus GST per annum, payable <i>annually</i> in advance
Rent Review	Annually to CPI
Percentage of Operating Costs (outgoings)	100% of water usage, sewer services, building insurance, and fire safety equipment.
Permitted Use	Pony Club activities and ancillary uses for use of the Club and for hire.

CL25.309

Public Risk Insurance	Twenty million dollars (\$20,000,000.00)
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Operating Costs (Outgoings)

The lessee supports the new lease proposal but objects to paying the building insurance premium of \$816 per year, which was not included in previous leases. As the lessee cannot afford this cost, an alternative option (Option 2) has been presented for Council's consideration.

As the owner of the facility, Council maintains insurance coverage for the building and seeks to recover the associated yearly premium from tenants occupying these buildings. This approach is consistent with Council's *Occupation of Council owned or Managed Land Policy (POL22/98)*, which requires that tenure agreements do not impose an unreasonable burden on general revenue. It ensures cost neutrality and supports reasonable management of public assets.

Under the proposed lease, the lessee will not be on-charged for rates and waste services, currently \$2,855 p.a. This is consistent with POL22/98 and MIN25.66. The lessee will be required to pay 100% of the other applicable operating costs (outgoings) totalling \$1,161 p.a.

Rent

Under POL22/98, rental payments are determined using the rental assessment framework (RAF), which calculates rental subsidies based on the market value. However, in accordance with MIN25.66, the Club has been offered a lease equivalent to the statutory minimum amount of (currently) \$613.00 plus GST per annum, with yearly CPI increases. As such, the RAF does not apply in this instance. Under the proposed lease, the lessee will be required to pay the statutory minimum rental amount.

Internal Consultations

Consultation was undertaken with relevant stakeholders.

External Consultations

Negotiations have been ongoing with the Cambewarra Pony Club as the existing lessee. No further external consultation is required for this matter, as the proposed lease relates to a continuation of occupancy with the current lessee.

Community Consultations

No community consultation was undertaken as the land is classified as Operational Land which has no statutory requirement to advertise a proposed lease.

Policy and Statutory Implications

Council Policy POL22/98 is relevant to the proposed lease and has been considered for this matter.

The land is classified as Operational land meaning the provisions of the *Local Government Act 1993* (community land) and the grant of a lease or licence under section 46 is not relevant for this lease proposal.

Financial Implications

The proposed lease provides for the statutory minimum rental amount of (currently) \$613.00 (plus GST) per annum, with annual CPI increases.

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The lessee will also be responsible for operating costs (outgoings) totalling \$1,161 (excluding GST) per annum, covering building insurance, water usage, sewer services, and fire safety compliance.

In accordance with MIN25.66, the proposed lease excludes recovery of land rates and waste services, totalling approximately \$2,855 per annum, which will be absorbed by Council as an operational expense.

Risk Implications

It is standard practice for Council to formalise interests in land through lease agreements. Council's interests have been considered, and there is minimal risk associated with entering into the recommended new lease agreement.

The waiver of certain outgoings may impact Council's ability to negotiate lease outcomes with other community groups ongoing. This could also establish a precedent inconsistent with POL22/98 potentially impacting equity and consistency in future leasing decisions.

CL25.310 Proposed Lease Renewals - Berry Community Activities Centre Inc. - 10 & 12 Prince Alfred Street, Berry

HPERM Ref: D25/364716

Department: Buildings & Property Services
Approver: Kevin Norwood, Acting Director - City Services

Purpose:

The purpose of this report is to seek Council's approval for the renewal of two leases to the Berry Community Activities Centre Inc. for a term of two years—covering Lot 1 DP 572830, 10 Alfred Street, Berry, and part Lot 2 DP 572830, 12 Alfred Street, Berry.

Summary and Key Points for Consideration:

- The properties are classified as Community Land and are owned by Council, which has the authority to enter into the proposed lease renewals.
- A Council resolution is required to approve the leases, as the proposed annual rental amounts for each exceed \$5,000.

Recommendation

That Council:

1. Enter into two separate two-year lease agreements with Berry Community Activities Centre Inc. (ABN 62 049 658 389) for the premises located at Lot 1 DP 572830, 10 Alfred Street, Berry, and part Lot 2 DP 572830, 12 Alfred Street, Berry.
2. Establish new lease rental amounts as follows:
 - a. \$6,338 per annum (excluding GST) for No. 10 Prince Alfred Street, Berry, with annual adjustments in accordance with the Consumer Price Index (All Groups Sydney); and
 - b. \$7,080 per annum (excluding GST) for part of No. 12 Prince Alfred Street, Berry, with annual adjustments in accordance with the Consumer Price Index (All Groups Sydney).
3. Establish the lessee's responsibility for all operating costs (outgoings) associated with the leased premises, including building insurance, water and sewer rates, and fire compliance. The estimated annual cost is \$1,644 (excluding GST) for No. 10 Prince Alfred Street, and \$688 (excluding GST) for No. 12 Prince Alfred Street.
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 or Delegate to sign any documentation necessary to give effect to this resolution.

Options

1. Resolve as recommended.

Implications: Council will receive improved rental income, and the lessee will be able to continue their services to the community.

CL25.310

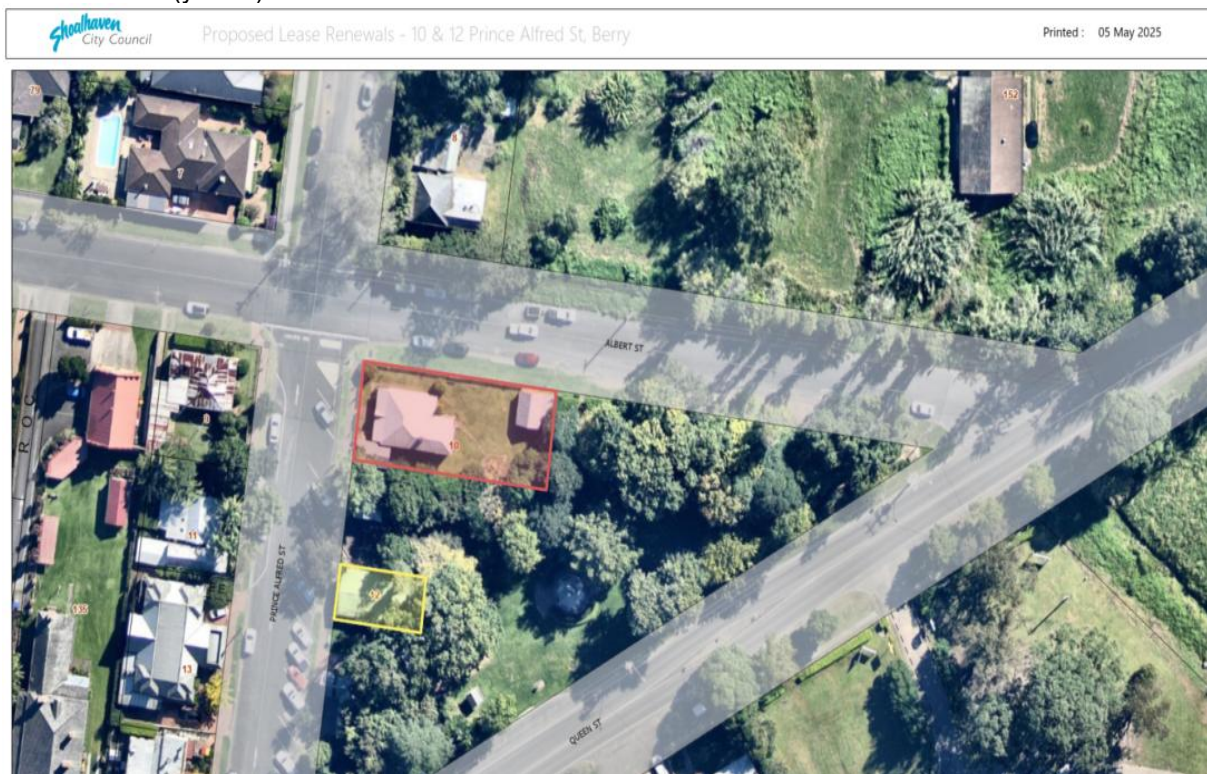
2. Seek potential new lessee/s via Expression of Interest (EOI) process for occupation of the premises.

Implications: The lessee has occupied both premises for approximately 15 years and with the proposed renewed two-year lease term, there is no certainty that the EOI process will result in an improved outcome for Council.

Background and Supplementary information

Berry Community Activities Centre Inc. (BCAC) has occupied 'Muir House' at 10 and 12 Prince Alfred Street, Berry since 2010. The premises are used for the display and sale of artworks and crafts, as well as for hosting workshops and classes that benefit the local community (refer to Figure 1).

Figure 1 - Leased areas 'Muir House' 10 Prince Alfred Street (red) & 12 Prince Alfred Street, Berry (yellow).



BCAC also collaborates with other community organisations, including the Berry Men's Shed and the Berry Spinners and Weavers, to support sales at local markets. Operated entirely by volunteers, the group contributes annually to a wide range of organisations and services across the Shoalhaven through donations.

The documentation provided by BCAC to Council as part of the lease renewal process has been considered.

Internal Consultations

Internal stakeholder consultation was undertaken, and no concerns were raised to the proposed renewed lease although a recommendation was made to proceed with only two-year lease terms at this time.

CL25.310

External Consultations

No external consultation was required for this proposal, as Council is negotiating revised lease terms directly with the existing lessee.

Community Consultations

In accordance with Section 47 of the Local Government Act 1993, Council publicly advertised the proposed new leases. No submissions, comments, or objections were received in response to the notification.

Policy and Statutory Implications

The proposed lease is in accordance with Council's Occupation of Council Owned or Managed Land Policy ([POL22/98](#)).

The land is classified as Community land under the *Local Government Act 1993*. The relevant plan of management assigns a General Community Use categorisation to the land. The proposed use under new leases is consistent with both the land categorisation and the plan of management. Under the *Local Government Act 1993*, the use of the land is consistent with section 46(4) of the Act and renewed leases can be issued.

Financial Implications

The lessee submitted a Proposal to Occupy Council Property to enable Council to determine the applicable rental subsidy for renewed leases using the Rental Assessment Framework (RAF).

In accordance with Council Policy POL22/98, a market rental valuation was obtained and a rental subsidy calculation completed. A subsidy of 70% was applied to the renewed leases, resulting in the following annual rental amounts:

- No. 10 Prince Alfred Street, Berry:
\$6,338 per annum (excluding GST), plus estimated outgoings of \$1,644 per annum (excluding GST)
- Part No. 12 Prince Alfred Street, Berry:
\$7,080 per annum (excluding GST), plus estimated outgoings of \$688 per annum (excluding GST)

The lessee is also responsible for the costs of new lease preparation in accordance with POL22/98. The lessee has been advised of proposed renewed lease terms and has agreed to enter the new leases.

Risk Implications

Council's interests have been considered and there is minimal risk associated with the recommended renewed leases.

CL25.311 Proposed Lease Renewals - 210 Kerry Street, Sanctuary Point & 16 Celia Parade, Shoalhaven Heads - Illawarra Area Child Care Ltd

HPERM Ref: D25/354244

Department: Buildings & Property Services

Approver: Kevin Norwood, Acting Director - City Services

Purpose

The purpose of this report is for Council to consider approving two renewed five-year leases to Illawarra Area Child Care Ltd for properties located at:

- 208–212 Kerry Street, Sanctuary Point (Lots 952–954 DP 27857),
- 16 Celia Parade, Shoalhaven Heads (Part Lot 42 DP 14490).

Summary and Key Points for Consideration

- The properties are owned by Council being operational land and community land respectively, and Council can enter the proposed five-year leases.
- Council resolution is required to determine the proposed leases on the basis the respective new annual rent amounts exceed \$5,000 per annum.

Recommendation

That Council:

1. Enter five-year leases with Illawarra Area Child Care Ltd (ABN 87 002 974 076) over two Council owned properties known as Lots 952-954 DP27857, 208-212 Kerry Street, Sanctuary Point, and part Lot 42 DP14490, 16 Celia Parade, Shoalhaven Heads.
2. Establish commencement gross rental amounts of;
 - a. \$19,966 (excluding GST) per annum with annual step-up rent increases of \$12,000 (excluding GST) for the term of the lease at **No. 208-212 Kerry Street, Sanctuary Point**, and;
 - b. \$17,444 (excluding GST) per annum with annual step-up rent increases of \$7,000 (excluding GST) for the term of the lease at **No.16 Celia Parade, Shoalhaven Heads**.
3. 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 or Delegate to sign any documentation necessary to give effect to this resolution.

Options

1. Resolve as recommended.

Implications: Illawarra Area Child Care Ltd will be able to continue their services to the community using the premises at the two locations as preschool and childcare centre.

CL25.311

2. Seek opportunity for new tenancy.

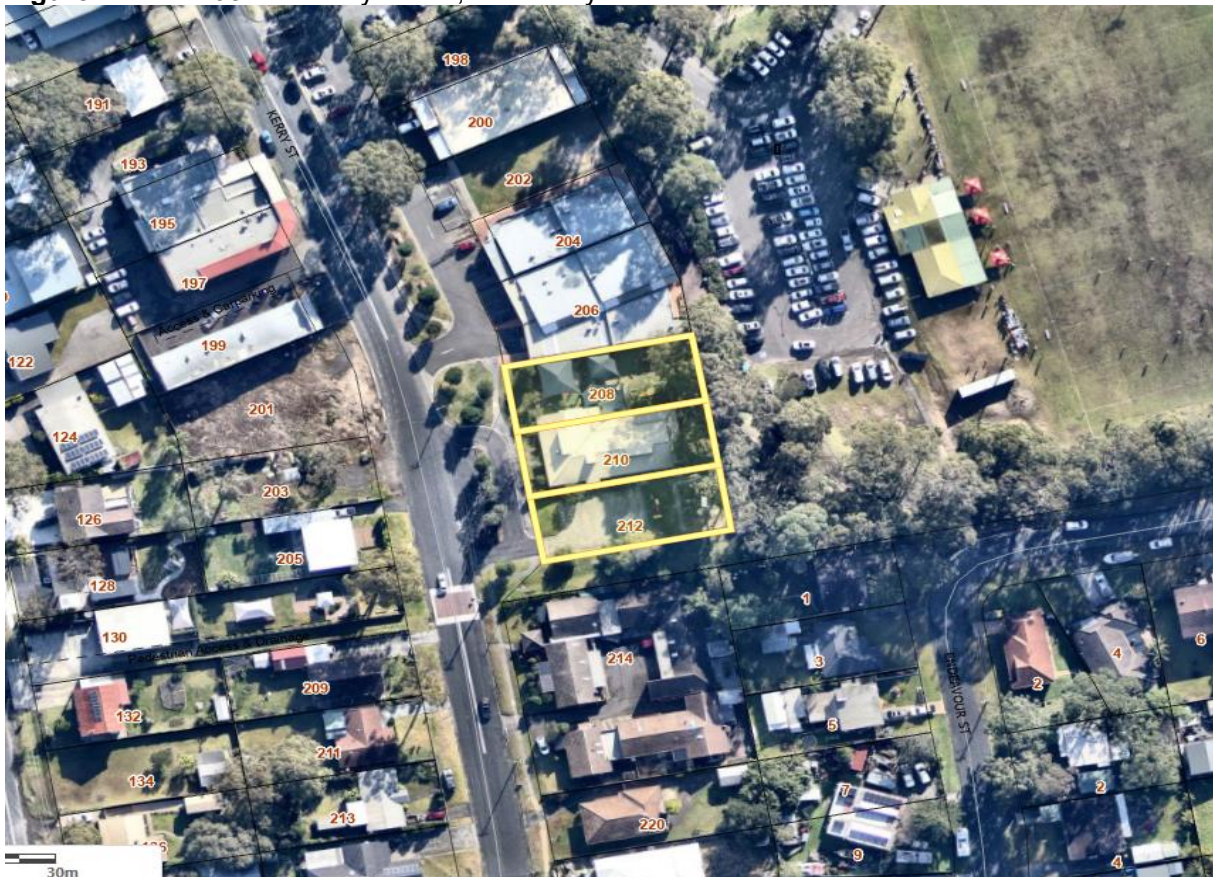
Implications: If Illawarra Area Child Care Ltd do not secure the premises under renewed leases, they will need alternate locations. Council will need to advertise the properties for potential leasing opportunity through Expression of Interest.

Background and Supplementary information

No.208-212 Kerry Street, Sanctuary Point

The property comprises three individual lots and is classified as Council-owned operational land (refer Figure 1).

Figure 1 – No. 208-212 Kerry Street, Sanctuary Point



CL25.311

16 Celia Parade, Shoalhaven Heads

This property is designated as Council-owned community land (see Figure 2). The site includes the preschool premises with North Shoalhaven Meals on Wheels located at the rear of the building. The lot also accommodates the Shoalhaven Heads Men's Shed, public playground, and the Shoalhaven Heads Botanical Gardens.

Figure 2 - No.16 Celia Parade, Shoalhaven Heads (leased premises coloured yellow)



Illawarra Area Child Care Ltd (IACC) has been delivering education and care services across the Illawarra and Shoalhaven regions for over 34 years. In 1998, IACC established ECTARC, a Registered Training Organisation that has provided early childhood training and professional development nationally for more than 25 years.

Internal Consultations

Internal stakeholder consultation was undertaken, and no concerns were raised on the condition that the proposed lease on community land at Shoalhaven Heads is a maximum term of five years. This lease term is recommended.

External Consultations

No external consultation was required for this proposal as Council is re-negotiating with the existing lessee for new terms.

Community Consultations

The proposed lease at 16 Celia Parade, Shoalhaven Heads located on community land was advertised as required under section 47 of the *Local Government Act 1993*. No submissions were received.

The proposed lease at 208-212 Kerry Street, Sanctuary Point is located on land classified as operational land and there is no statutory requirement for lease advertising under the *Local Government Act 1993*.

Policy Implications

The proposed lease is in accordance with Council's Occupation of Council Owned or Managed Land Policy ([POL22/98](#)).

The properties are individually classified as operational land and community land and the statutory requirements for the consideration of a lease under the *Local Government Act 1993* have been undertaken.

CL25.311

Financial Implications

The lessee submitted a Proposal to Occupy Council Property to enable Council to determine the applicable rental subsidy for a renewed lease using the Rental Assessment Framework (RAF).

A market rent assessment was conducted in accordance with POL22/98, and a rental subsidy calculation was completed. Using the RAF calculator, a rental subsidy of 18% was determined for the new lease proposals resulting in subsidised rental amounts included in Table 1 below.

Due to significant increases in the proposed rental under the new lease term, Council engaged in discussions with the lessee to explore feasible rental arrangements. The lessee advised that federal government regulations cap childcare service fee increases, limiting their ability to raise revenue to meet the proposed rental amount determined by the RAF assessment. These regulations were introduced to offset the impact of mandated wage increases for childcare staff, ensuring affordability for families and preventing centres from passing on the full cost burden.

To balance Council's objective of achieving appropriate rental return with the lessee's regulatory constraints, a stepped rental arrangement was negotiated. This structure incorporates annual rent increases over the lease term, easing the financial impact on the lessee while progressively aligning with the assessed market rent.

The agreed rental structure is based on a gross lease, inclusive of outgoings such as building insurance, which would otherwise be charged separately. The lessee remains responsible for garbage collection and utility usage costs, which are excluded from the gross lease.

Table 1 outlines the recommended new rent arrangement in comparison to:

- The current lease rental
- The RAF-assessed subsidised market rent

Table 1: Rent Breakdown

Site	Current Lease Rental (p.a.)	Market Valuation (p.a.)	Calculated RAF Subsidy	RAF Subsidy Rent (p.a.)	Negotiated Rent Outcome (p.a.)
208-212 Kerry Street, Sanctuary Point	\$7,965.77	\$137,800	18%	\$112,093.40	\$19,966 + annual \$12,000 rent increase Year 5 rent amount \$67,966
16 Celia Parade, Shoalhaven Heads	\$10,443.75	\$70,000	18%	\$57,274.00	\$17,444 + annual \$7,000 rent increase Year 5 rent amount \$45,444

Accordingly, the proposed new lease rental is:

- No. 208-212 Kerry Street, Sanctuary Point
\$19,966 p.a. + GST with annual increases of \$12,000
- No.16 Celia Parade, Shoalhaven Heads
\$17,444 p.a. + GST with annual increases of \$7,000

CL25.311

The lessee will also be responsible for the cost of preparing the new leases, in accordance with POL22/98.

Consultation has been undertaken, and the lessee has agreed to the proposed new gross rental terms.

Risk Implications

Council's interests have been considered and there is minimal risk associated with the recommended renewed leases.

CL25.311

CL25.312 Materials Recovery Facility Update

HPERM Ref: D25/410005

Department: Waste Services

Approver: Kevin Norwood, Acting Director - City Services

Purpose:

Council is currently constructing a Materials Recovery Facility (MRF) at the West Nowra Recycling and Waste Facility. This report provides a progress update and seeks approval to transition the facility from the commissioning phase to full operational status.

Summary and Key Points for Consideration:

- Council has utilised contractor Materials Recovery Facilities (MRF) since the 1990s to process commingled recyclables collected from the kerbsides of households and participating businesses in the Shoalhaven.
- Council resolved on 11 August 2020 to construct a MRF at West Nowra focussed on obtaining high purity sorted products to maximise market opportunities for the products. ([MIN20.559](#))
- The building construction phase of the MRF project is largely complete and the installation of processing equipment is well underway. Commissioning is due by the end of 2025. The construction project budget is \$37,150,000.
- The MRF shall source commingled recyclables from across the Illawarra and Shoalhaven with a processing rate of 15 tonnes per hour and expected annual capacity of up to 25,000 tonnes.

Recommendation

That Council

1. Proceed with the commissioning and operation of the Materials Recovery Facility (MRF).
2. Initiate recruitment of suitably qualified personnel to support the effective operation of the MRF.
3. Implement a robust monitoring framework, ensuring that staff closely oversee operational performance and financial viability against clearly defined Key Performance Indicators (KPIs).
4. Receive a comprehensive performance report from staff after two years of operation, detailing the outcomes, challenges, and financial sustainability of the MRF.

Options

1. As recommended.

Implications: Enables staff recruitment to take place to enable training programs to be prepared and delivered during the MRF commissioning phase. Ensures new contracts can be negotiated with other Councils for supply of commingled recyclable materials to the MRF. Providing other LGAs with the confidence and certainty of Council's commitment.

CL25.312

2. That Council adopts an alternate resolution.

Implications: Any delay to transitioning from commissioning to operations would result in additional expenditure for dealing with recyclable materials due to the higher cost of processing and transport at alternative locations. Delays in the recruitment and training of staff would impact on the performance testing phase agreed with the equipment supplier. Delays with negotiating agreements for processing other parties commingled recyclable materials would result in lost revenue. It will also reduce confidence in other LGAs on Council's ability to manage the MRF.

Background and Supplementary information

On 11 March 2025 Council resolved as part of [MIN25.110](#) to *Appoint an independent consultant to undertake financial, future operations and risk reviews of the future operation of the Materials Recovery Facility as a priority.*

Council tendered the work to suitably qualified consultants to provide a report and evaluate risk and financial outcomes for future operations, and to provide advice on the suitability, operating risks and validate financial implications of suitable operating models.

MRA Consulting Group (MRA) were contracted to carry out the study. MRA have met with both the Councillors and members of the Finance Review Panel.

In September, MRA completed a financial model outlining the operational framework and projected performance of the MRF. The findings were presented to two members of the Financial Review Panel, followed by a confidential Councillor briefing to facilitate further discussion and review.

MRA's risk assessment concluded that in-house operation of the MRF has moderate financial and operational risks but aligns well with regulatory goals. The alternatives of outsourcing or divestment carry high legal, procurement, and financial risks.

MRA made the following recommendations about next steps:

- Finish the construction & installation
- Undertake commissioning
- Commence recruitment and staff training
- Capture new tonnes from "Other Councils" as a priority
- Define strict KPIs and reporting
- Conduct a detailed review in 2 years and report back to Council.

Part two of [MIN25.110](#) was to *Engage an experienced commercial contract lawyer to review and advise on Council's position regarding potential future contract liabilities as a priority.*

A review of contract liabilities has been carried out by Maddocks (a leading Australian law firm). Maddocks have been involved in concluding the Adjudication Application involving the administrators for Project Coordination (Project Coordination were contracted to deliver the building and entered administration 2024). No liabilities related to this contract remain.

Maddocks were also involved in the review of a claim from the MRF processing equipment supplier - Australian Bale Press (ABP). Additional costs were incurred by ABP due to the building not being available for them to install the equipment in by the agreed date. Their claim has been subject to review by MI Engineers and Maddocks. A confidential deed of agreement has been negotiated and signed by both parties. The costs associated with the deed of agreement can be accommodated within the current approved project budget.

The project has progressed well against budget and programme. The installation of processing equipment is almost complete and final fit and commissioning expected to start by the end of 2025.

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Image 1 – MRF Equipment Installation



Internal Consultations

The Audit, Risk and Improvement Committee (ARIC) are regularly updated on the MRF project and conducted a site visit on 20 August 2025.

The finance and technical services teams are involved in the work outlined in the report and are represented on the Project's Control Group.

External Consultations

A review of the operating model for the MRF was carried out by MRA Consulting Group – a company focused on consultancy work for the waste and recycling industry in Australia.

The contractual liabilities were reviewed by Maddocks who have a strong reputation in advising on such matters.

Community Consultations

Not applicable due to the commercially sensitive information.

Policy and Statutory Implications

There are no identified policy or statutory implications associated with this report.

Financial Implications

In September, MRA completed a financial model outlining the operational framework and projected performance of the MRF. The findings were presented to two members of the Financial Review Panel, followed by a confidential Councillor briefing to facilitate further discussion and review.

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MRA's risk assessment concluded that in-house operation of the MRF has moderate financial and operational risks but aligns well with regulatory goals. The alternatives of outsourcing or divestment carry high legal, procurement, and financial risks.

Two members of the Financial Review Panel provided verbal feedback stating a more conservative view of the financial model, and request strict ongoing financial review, KPI's and ongoing reporting of MRF operation be implemented.

Two members of the Financial Review Panel consider that Council is now in the position where it must proceed given the level of financial commitment provided to date.

Risk Implications

A detailed risk assessment has been undertaken by MRA and Council. The operation of the MRF inhouse provides Council with the least risk implications compared to all other options.

Not proceeding with the MRF project is not considered a viable option due to the significant financial and reputational risks this would pose to Council. Substantial capital investment has already been committed, and commissioning the facility remains the only practical pathway for Council to realise a return on that investment.

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CL25.313 Financial & Practical Feasibility of increasing internal delivery of Traffic Control Services

HPERM Ref: D25/251200

Department: Works & Services

Approver: Kevin Norwood, Acting Director - City Services

Purpose:

To provide a report in accordance with Council Resolution [MIN25.9](#) which outlines the findings of the financial and practical feasibility of establishing an appropriately trained, licensed, and fully equipped traffic control business unit, or the integration of traffic management skill sets within appropriate current job roles, with that feasibility study.

Summary and Key Points for Consideration

The Feasibility Study with reviews and consultations is now complete.

- Council has existing traffic control capabilities with personnel, equipment and training integrated into existing job roles.
- An increase in Councils traffic management capacity would require an increase in resources for traffic control planning and management.
- Costs for delivery of traffic control services are similar using internal or contracted resources.
- The use of Council staff for Traffic Control Services primarily results in savings due to a reduction in the volume of work and materials used, rather than because Council staff deliver the service at a lower cost.

Recommendation

That Council:

1. Does not establish an appropriately trained, licensed, and fully equipped traffic control business unit and
2. Utilises the existing skill sets within appropriate current job roles to minimise the engagement of traffic control organisations.

Options

1. As recommended.

Implications: Maintains the status quo of Council's maintenance operations. Given the comparable costs and increased flexibility offered by external providers, continuing to outsource traffic control services on an as-needed basis will provide a more practical and financially responsible approach.

2. That Council adopts an alternate resolution.

Implications: The adoption of any alternate resolution will increase the number of staff within Council and limit the efficiency of Council's maintenance operations.

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Background

On 21 January 2025 Council resolved MIN25.9:

1. *That the Council direct the Acting Chief Executive Officer to prepare a report to Council, which includes a study into the financial and practical feasibility of establishing an appropriately trained, licensed and fully equipped traffic control business unit, or the integration of traffic management skill sets within appropriate current job roles, with that feasibility study including:*
 - a) *Case studies of minor Council projects showing high level costing/expenditure, indicating the amount that is paid for traffic control services.*
 - b) *What support such a business unit, or integrated traffic management skill sets, could provide Council for projects and initiatives that require the services of Traffic Controllers including road repair and renewal, erecting or repairing roadside fences, clearing roadside drains, and maintaining roundabouts and roadside vegetation; and*
 - c) *Consideration of a fee-for-service function to external agencies or businesses that require Traffic Control services while conducting their business.*
2. *That a progress report be provided to Council on the findings in May 2025.*

A progress report was presented to Council at its Ordinary Meeting on 27 May 2025 (see [CL25.171](#)), fulfilling the second part of the resolution. This report seeks to address the remainder of the resolution.

Supplementary information

Council's responsibilities in traffic management are governed by both legislation and industry standards. Under the NSW Work Health and Safety Act 2011, Council is required to provide a safe workplace, which includes ensuring safe conditions for staff working near traffic. The Act also outlines minimum qualifications for Traffic Control personnel. Additionally, the NSW Roads Act 1993 requires Council to maintain safe public access on roads.

These obligations are supported by technical guidance from Austroads and Transport for NSW, including the Traffic Control at Work Sites (TCAWS) manual. This documentation provides recommended safety practices. Council's internal procedures determine how these requirements and guidelines are implemented in day-to-day operations.

In New South Wales, anyone performing traffic control on or near public roads must hold a valid Traffic Control Work Training (TCWT) card issued by SafeWork NSW. This requires completing accredited training through a registered provider. There are three main qualifications: Traffic Controller (TCR) for directing traffic, Implement Traffic Control Plans (IMP) for setting up traffic control devices, and Prepare a Work Zone Traffic Management Plan (PWZ) for designing and modifying traffic plans. These qualifications ensure compliance with safety standards outlined in the Traffic Control at Work Sites (TCAWS) manual and relevant legislation.

Council's traffic management practices are governed by its internal Procedure P34 – Traffic Management Procedure (PRD22/129). This procedure references industry standards and make recommendations such as using external traffic control contractors for works in areas with speed limits above 50 km/h, ensuring high-risk environments are managed by experienced professionals.

To further improve Council's traffic control practices, Council has engaged an independent Traffic Control Specialist to review and update its processes and documentation. The aim is to align Council's approach with industry best practice, ensure staff are well-supported and equipped, and improve safety and efficiency. It is expected that this review will lead to operational improvements and cost savings, even without major structural changes.

Many of Council's outdoor staff already hold Traffic Controller (TC) and Implement Traffic Control Plans (IMP) qualifications. Supervisors are required to hold Prepare a Work Zone Traffic Management Plan (PWZ), and engineering staff are encouraged to hold one or more of these certifications. As a result, traffic control qualifications are already well embedded across Council's outdoor workforce.

Currently, Council supplements its workforce by engaging external traffic control providers on an as-needed basis. These contractors support crews, enabling them to work safely and efficiently, and help increase overall productivity by allowing internal staff to focus on core tasks.

One of the key advantages of using external traffic control is the flexibility it offers. It allows Council to scale resources based on demand, with costs drawn from a flexible budget that can be redirected when traffic control is not required. In contrast, increasing internal staffing introduces fixed costs that cannot be easily reallocated to higher-priority needs. While both internal and external traffic control can increase crew capacity, the flexibility of external arrangements makes them more adaptable and financially efficient.

Case studies of minor Council projects showing high level costing/expenditure, indicating the amount that is paid for traffic control services.

Traffic control typically involves crews of two to three trained personnel, supported by a vehicle, signage, and planning documentation. For the purpose of this case study, a standard three-person crew has been used to compare the daily costs of internal versus external traffic control services.

Table 1: Typical Cost of Council-Staffed Traffic Control Crew (per day)

Council TC Team for a Day	Cost
Council Labour (including on-costs) x 3	\$1,220
Council Ute x 1	\$70
On Costs / Overheads	
Preparation and inspection of signs & equipment (1 hr)	\$60
Preparation and approval of Traffic Guidance Scheme (0.5 hr)	\$50
Supervision & management ($\frac{1}{5}$ of a supervisor)	\$110
Grand Total (per day)	\$1,510

Table 2: Typical Cost of Contracted Traffic Control Crew (per day)

Contracted Traffic Control Services	Cost
Three person contracted traffic control crew	\$1,430
Supervision & management ($\frac{1}{5}$ of a Council supervisor)	\$220
Grand Total (per day)	\$1,650

The contracted service includes preparation and approval of the Traffic Guidance Scheme, signage setup and inspection, and transport to and from the site.

This comparison shows that the cost difference between internal and external traffic control is minimal - approximately 8%. Given that internal staffing costs can vary depending on position and availability, the overall cost of internal versus external traffic control is considered comparable.

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What support such a business unit, or integrated traffic management skill sets, could provide Council for projects and initiatives that require the services of Traffic Controllers including road repair and renewal, erecting or repairing roadside fences, clearing roadside drains, and maintaining roundabouts and roadside vegetation

To be financially viable, a dedicated internal traffic control unit would need to consistently deliver prompt and reliable services that generate sustained demand from Council's various business units. While this model offers potential benefits such as improved coordination and internal responsiveness, these are outweighed by several significant risks and limitations.

Key Benefits

1. Improved service alignment with internal operations.
2. Direct control over scheduling and deployment, potentially reducing delays in reactive works.
3. Opportunity for internal skill development and workforce diversification.
4. Mitigate the risk associated with the typical minimum four-hour call-out fee associated with external traffic controllers.

Key Risks and Limitations

1. Workforce Constraints - Council's staffing model is limited by recruitment processes and workforce caps. Commercial providers, by contrast, operate with greater flexibility and surge capacity due to their predominantly casual workforce.
2. Underutilisation and Fixed Costs - Fixed costs are incurred regardless of utilisation. If the unit is not consistently engaged, the financial efficiency is reduced. Redeployment of staff during downtime is not always feasible, and funds could be better allocated to higher-priority, non-staff-related needs.
3. Limited Revenue Opportunities - Fee-for-service delivery to external parties is unlikely to offset costs due to limited crew availability and strong competition in a mature traffic control market.
4. High Capital Investment - Establishing the unit would require significant upfront investment. For example:
 - Per crew setup: ~\$45,000–\$50,000 (vehicle, signage, equipment, PPE, etc.)
 - Example scenario: 4 crews + 1 coordinator = ~\$250,000 initial capital cost.
5. Increased HR and Administrative Burden - Additional staffing would increase HR workload for recruitment, training, introducing further financial and operational risks.
6. No Clear Financial Advantage - Current cost comparisons (see Tables 1 and 2) show that internal and external traffic control services are comparable in cost, with external providers offering greater flexibility and lower risk.

While a dedicated internal traffic control unit may offer operational benefits, the financial risks—including high capital investment, ongoing costs, staffing constraints, and limited revenue potential—significantly outweigh the advantages. Given the comparable cost of external providers and their greater flexibility, maintaining outsourced traffic control on an as needed basis remains the more practical and financially responsible approach for Council.

Consideration of a fee-for-service function to external agencies or businesses that require traffic control services while conducting their business

The idea of offering traffic control services to external agencies or businesses on a fee-for-service basis may appear to present a revenue opportunity, several factors suggest that this approach is not viable. These include:

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- **Primary Purpose of Council's Traffic Control Capabilities** - Council's traffic control resources should primarily support its own operational needs. Shaping these capabilities around external demand risks compromising internal service delivery. Of note however, where traffic control is provided for private purposes, existing mechanisms already allow for cost recovery.
- **Limited and Unreliable External Demand** - External demand for traffic control services is likely to be inconsistent and influenced by the same environmental factors that affect Council operations—such as weather. When Council activities are paused due to adverse conditions, external works are often similarly affected, reducing potential demand.
- **Conflict of Interest Risks** - Providing traffic control services to external parties introduces potential conflicts of interest, particularly where Council also plays a regulatory or oversight role. Examples include:
 - Public complaints about traffic control at private developments where Council is the service provider.
 - Contractor disputes attributing delays in roadworks to Council-managed traffic control.
 - Perceived bias, where Council both determines traffic control requirements and profits from delivering those services—potentially incentivising excessive controls.

These scenarios could undermine public trust and expose Council to reputational and governance risks.

- **Limited Financial Benefit** - While Council may choose to support community events or not-for-profit activities with traffic control services, these are typically provided at cost and offer minimal financial return. Extending this model to commercial entities is unlikely to generate meaningful revenue and may divert resources from core operations.

Council's traffic control resources should remain focused on supporting internal operational needs. Offering fee-for-service traffic control to external agencies presents limited financial benefit and introduces significant risks, including conflict of interest, reputational damage, and unreliable demand. Existing cost recovery mechanisms are sufficient for private works, and any expansion beyond this scope should be approached with caution and only in exceptional circumstances.

Internal Consultations

Operational staff directly involved in the planning and supervision of traffic control services in support of road maintenance activities have been consulted in the preparation of this report.

Council WHS team have also been consulted on current council policy and industry standards.

External Consultations

Works and Services Safety staff have consulted with Wollongong City Council and Shellharbour City Council to assess potential improvements and identify insights that could inform Shoalhaven City Councils approach to temporary traffic management.

Community Consultations

No community consultation was required or conducted to inform this report.

Policy and Statutory Implications

Council's responsibilities in relation to temporary traffic management are primarily defined by two key pieces of legislation:

- NSW Work Health and Safety Act 2011, which requires Council to manage roads as safe workplaces for its employees.
- NSW Roads Act 1993, which obliges Council to maintain safe public access and passage.

Together, these legislative requirements underpin Council's duty to ensure that traffic control arrangements are both safe and compliant, balancing the needs of workers and the public.

Financial Implications

The establishment of a traffic management unit, depending on its size, will incur significant capital investment in the order of ~\$45,000–\$50,000 per crew.

The daily cost of an internal crew would be comparable to that incurred by an external crew, however an internal unit results in fixed costs that cannot be reallocated. This is the primary financial risk associated with the establishment of a traffic management unit.

Risk Implications

The primary risk associated with both internal and external traffic control is ensuring correct implementation to maintain, as far as reasonably practicable, the safety of Council staff working on or near roadways. This risk is managed through procedures and staff competency. Council is currently reviewing its traffic management practices to ensure we are meeting our obligations and continuously improving in this area.

In terms of competency, there is a notable risk that over-reliance on external providers—or the establishment of a standalone internal traffic control unit—may lead to a gradual decline in traffic management skills among general works crews. This can result in increased dependency on specialised units and a reduced awareness of the hazards associated with working in live traffic environments. Such complacency poses a significant safety risk.

Conversely, when existing internal resources are actively engaged in traffic control as part of their broader duties, they tend to demonstrate greater ownership of the process and a heightened awareness of associated risks. From a WHS perspective, this integrated approach contributes to risk reduction.

Financially, while the costs of internal and external traffic control are broadly comparable, the key difference lies in flexibility. External providers offer variable costs that can be scaled according to need, whereas an internal unit may carry fixed costs that limit the ability to redirect resources to higher-priority tasks or materials. This financial risk is effectively mitigated through the use of external services.

CL25.314 Establishment of Land Use Planning & Development Advisory Committee

HPERM Ref: D25/380810

Department: Business Assurance & Risk

Approver: Brian Barrett, CEO

Attachments: 1. DRAFT Terms of Reference - Land Use Planning & Development Advisory Committee [↓](#)

Purpose:

To consider a Draft Terms of Reference for the establishment of a Land Use Planning & Development Advisory Committee.

Summary and Key Points for Consideration:

Council resolved (MIN25.305) to receive a further report from the Acting CEO with respect to a Terms of Reference for a Planning and Development Committee.

Staff prepared a Draft Terms of Reference which was presented to Councillors at a Councillor workshop on 24 July 2025.

The Draft Terms of Reference provided at **Attachment 1** to this report reflects the outcomes of the workshop and outlines the following arrangements for the proposed Committee:

- Advisory in nature and will make recommendations directly to the Council.
- Provides for oversight of Council's land use and development strategies and related policies to ensure the best outcome for the ratepayers and residents of Shoalhaven, with the role including the following:
 - general oversight of council-initiated matters in the areas of land use planning and development
 - The receipt and consideration of reports on the activities and outcomes of other committees and groups in the Shoalhaven working in the strategic land use planning and development space
 - Provision of advice to Council on resourcing levels related to development application processing.
- Expands on and replaces Council's current Strategic Planning Working Party, retaining a membership of all Councillors, each who have voting capacity.
- Allows where required the opportunity for external expert advice to be provided to the Committee
- Includes features to address risks to the Councillors and Council in the strategic planning and development space and within legislative requirements

It is proposed that the meetings be held once every two months (Bi- Monthly) on a Tuesday alternate to Ordinary Meetings commencing at 5.30pm (Note: This would be adjusted should the Council meeting schedule change).

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Recommendation

That Council

1. Establish the Land Use Planning & Development Advisory Committee by the adoption of the Draft Terms of Reference provided as Attachment 1 to this report.
2. Appoint Councillors to the fulfill the following roles on the Committee
 - a. Chairperson
 - b. Deputy Chairperson
3. Commence meetings of the Advisory Committee in November 2025
4. Disband the current Strategic Planning Working Party which is being replaced by the Land Use Planning & Development Advisory Committee.

Options

1. As recommended

Implications: The Committee will be established in accordance with the Terms of Reference with the Chairperson and Deputy Chairperson selected ready for meetings to commence. The arrangements will also be in alignment with the provisions of the 2025 Model Code of Meeting Practice.

2. Establish the Committee with amendments made to the Terms of Reference.

Implications: As indicated in the Councillor Workshop and this report, there are aspects of the Committee which are designed in a manner to support the activation of the Committee in the context of legislative requirements, (such as the mandatory provisions of the Model Code of Meeting Practice) and risk. Depending on what aspects of the Committee are proposed to be changed/adjusted/added, it may be important for Council to receive specific advice on the amendment/s prior to adoption of the Terms of Reference.

3. Not proceed with the Committee

Implications: Matters of Land Use Planning & Development may be brought for consideration either via the existing Strategic Planning Working Party or directly to Ordinary Meetings of the Council, whichever is more appropriate in the circumstance.

Background and Supplementary information

On 17 June 2025, Council considered a report “CL25.197 Notice of Motion – Planning and Development Committee”. Council resolved (MIN25.305) as follows:

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

Following the resolution key staff including the CEO and Senior Leadership Team Members collaborated on the drafting of a Terms of Reference document based on that proposed by Councillors, with particular emphasis on commentary, discussion and consensus indicated by Councillors during the Ordinary Meeting on 17 June 2025.

In drafting the terms of reference consideration was given to the proceedings of the Councillor workshop on 24 July 2025, the legislative framework, the role of Councillors, and relevant risks that may arise for the Council and Councillors in the operation of a Committee of this nature. This process focussed on strategic decision making on land use planning and

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development in the Shoalhaven and creating an appropriate and practical forum to facilitate discussion with and between councillors which addresses land use framework matters at the strategic and prioritisation level whilst mitigating the risks to Councillors and Council from perceived intervention in individual matters or reactive intervention in specific applications.

Further adjustments have been made to reflect the 2025 Model Code of Meeting Practice requirements which were released on 29 August 2025. Council will shortly receive a detailed report addressing the requirements of the new Model and a Draft Code of Meeting Practice for Shoalhaven City Council.

Some other key points captured in the Draft Terms of Reference are:

- Provisions are included with respect to the invitation, where appropriate of external experts to provide advice to the Committee via presentation. Measures are included to ensure related records are held and facilitate deliberations following advice or receipt rather than including advisors.
- In accordance with the 2025 Model Code of Meeting Practice (to be presented to Council at the next Ordinary meeting) the proposed meetings of the Committee will be required to be open to the public and webcast. Committee Agenda will be publicly available on the Council website, and the minutes of the Meetings will be published and form part of the Ordinary Meeting agenda.
- The proposed adjusted name for the Committee reflects the role and purpose which is focussed on land use planning and development rather than the wider range of strategic planning documentation and processes which apply across a wide range of Council operations and operate within separate approval frameworks.

Internal Consultations

Relevant staff from within the CEO Office, City Performance and City Development Directorates were involved in the drafting of the Terms of Reference.

Councillors received a Councillor Workshop in which the Draft Terms of Reference was discussed with Councillors and received support from those in attendance.

External Consultations

No external consultation has occurred with respect to the establishment of the Committee, which is proposed to be an internal committee of the Council.

Community Consultations

No Community consultation has occurred with respect to the establishment of the Committee, which is proposed to be an internal committee of the Council.

Policy and Statutory Implications

The activities and operation of the Committee must operate effectively and within the relevant provisions of the Local Government Act, 1993, the Environmental Planning and Assessment Act, 1979 (EP&A Act) and related statutory guidance and frameworks.

Council's Code of Meeting Practice applies to committees of council and all council officials are obliged to follow the obligations outlined in the Code of Conduct whilst acting in their official capacity.

Financial Implications

The Committee is not proposed to have any financial delegations; however, it will inform the elected Council's decision making on policy and direction in strategic land use planning & development space.

No budget has been set specifically for the operations, work or support of this Committee and it will operate within set operational budgets, including the usual staff costs related to the administration of a Committee and Strategic Planning Work Program and related activities. Any additional project related expenditure will be required to be determined by the Council.

Risk Implications

Key risks for Council and Councillors in Strategic Land Use Planning space are as follows:

1. Conflicts of Interest

A failure to declare and adequately manage conflict of interests in accordance with the Code of Conduct.

2. Improper Influence

Improper Influence and lobbying by developers or other organisations or individuals seeking favourable outcomes. Risks also arise from private meetings or communications which are not recorded and decision making to benefit associates or donors.

3. Misuse of Public Land

Decisions about public land (e.g. reclassification, leasing, or sale) must follow strict procedures:

- Public consultation is required
- Plans of management must be in place
- Decisions must align with the Local Government Act 1993
- Improper handling of public land can result in legal challenges or reputational damage.

4. Lack of Expertise in the planning processes and principles required for sound decision making.

5. Natural Hazard Risks

Consideration must be given to environmental risks like flooding when making land use decisions. Ignoring these risks can lead to unsafe developments and liability issues for the Council.

Land Use Planning & Development Advisory Committee – Terms of Reference

Adoption Date:	
Amendment Date:	
Minute Number:	
Review Date:	
Directorate:	City Development
Record Number:	POL25/91

CL25.314 - Attachment 1

Planning & Development Committee – Terms of Reference

1. Purpose

The purpose of the Committee is to provide oversight of Council's Land Use Planning and Development Strategies and related policies to ensure the best outcome for the ratepayers and residents of Shoalhaven

2. Interpretation

For the purpose of this document:

Member means a member of the Committee

Council means Shoalhaven City Council

Chairperson / Chair means the chairpersons of the Committee

Elected members means the elected Councillors of Shoalhaven City Council

CSP means the Shoalhaven City Council Community Strategic Plan

DPOP means the Shoalhaven City Council Delivery Program Operational Plan

LEP means the Shoalhaven Local Environmental Plan 2014

PP means a Planning Proposal – amending the LEP is done so via the preparation of a PP

DCP means the Shoalhaven Development Control Plan 2014

CP means the Shoalhaven Contributions Plan 2019

VPA means a Voluntary Planning Agreement

WKA means a Works in Kind Agreement

LSPS means the Shoalhaven Local Strategic Planning Statement

3. Status of the Committee

The Committee provides non-binding advice to Council for consideration.

4. Role

1. The general oversight of the following council-initiated matters in the areas of land use planning and development but not restricted to the.
 - a. Preparation and maintenance of Strategic Plans & Policy, including but not limited to:
 - i. Strategies related to land use planning (e.g. LSPS)
 - ii. Local Environmental Plan 2014 (LEP)
 - iii. Shoalhaven Development Control Plan 2014 (DCP)

Planning & Development Committee – Terms of Reference

- iv. Shoalhaven Contributions Plan 2019 (CP)
- b. Oversight of Guidelines and associated processes applied by the Council in regard to
 - i. Planning Proposals (PP's)
 - ii. Work in Kind Agreements (WIKAs)
 - iii. Voluntary Planning Agreements (VPA's)
2. Consider the Strategic Planning Framework and provide advice to Council with respect to relevant strategic planning projects, including:
 - a. The need for additional projects.
 - b. Priorities to be given to projects.
 - c. Other matters of strategic planning interest.
3. Receive and consider reports from the CEO with respect to activities and outcomes of the following bodies:
 - a. Affordable Housing Action Taskforce
 - b. Internal Development Contributions Advisory Group
 - c. Shoalhaven Development Industry Reference Group
 - d. Nowra Riverfront Activation Taskforce (NRAT)
4. Provide advice to Council on resourcing related to Development Application processing for consideration for during the preparation of the Shoalhaven Delivery Plan and Operational Plan and Workforce Plan.

5. Key strategy, plan and other linkages

The purpose of this Committee is linked to actions within the Council's Strategies, Plans and other documentation listed

Document	Priority, Objective, Action etc.	Link
Integrated Planning and Reporting Framework, consisting of the <i>Community Strategic Plan 2035</i> and <i>Delivery Plan and Operational Plan 2025-26</i>	Priority 2.2 - Liveable Neighbourhoods and Sustainable Development Strategy 2.2.1 - Facilitate sustainable development that considers current and future needs of our community and environment (and subsequent Actions) Priority 3.1 - Economic Opportunity and Diversity Strategy 3.1.2 - Work with business, government, and other partners to build a diverse local economy which provides employment opportunities for all (and subsequent Actions) Strategy 3.3.1 - Develop and implement plans which will enable a variety of affordable and appropriately	Shoalhaven 2035 Community Strategic Plan Delivery Program & Operational Plan

Planning & Development Committee – Terms of Reference

	serviced housing options in the City (and subsequent Actions) Priority 4.3 - Effective collaboration and engagement Strategy 4.3.2 - Provide opportunities for the community to have genuine engagement on Council planning and decision making (and subsequent Actions)	
Local Strategic Planning Statement – <i>Shoalhaven 2040</i>	<i>Shoalhaven 2040</i> identifies Shoalhaven's land use planning challenges and opportunities and sets out related policy positions and the work Council needs to do to identify and meet the communities' needs. The document sets out current work, required collaboration activity, and actions under the following Planning Priorities: 1. Providing homes to meet all needs and lifestyles 2. Delivering infrastructure 3. Providing jobs close to home 4. Nowra City Centre 5. Ulladulla Town Centre 6. Strengthening commercial centres 7. Promoting a responsible visitor economy 8. Supporting agriculture and aquaculture 9. Industrial and defence related opportunities 10. Protecting the environment 11. Adapting to natural hazards through building resilience 12. Managing resources 13. Protecting and enhancing neighbourhoods 14. Heritage items and places 15. Scenic and cultural landscapes 16. Promoting events and public art	Shoalhaven 2040

6. Delegations

This Committee is an Advisory Committee and may consider and make recommendations to Council on all matters within the role outlined above. These recommendations may be submitted via the minutes of each meeting to Council for consideration.

Substantial issues and recommendations (possibly including expenditure) related to the purpose of the Committee will at times be reported directly to Council by a separate report from CEO (Director – City Development), to comply with identified procedural or governance requirements or for reasons of expediency.

Planning & Development Committee – Terms of Reference

The Committee does not have the power to incur expenditure (directly or indirectly), or the power to bind Council.

The Committee may invite relevant experts in the areas of land use planning and development (including government experts) to provide presentations to the Committee on matters related to their role as follows:

- i) Invitations will be issued to experts to make presentation following endorsement of the Committee during meeting proceedings, or out of session with the agreement of the Chairperson and the CEO.
- ii) Presentations will form part of the initial proceedings of Committee meetings when required.
- iii) Copies of any documentation or presentation provided to the Committee during proceedings will be retained as official records of the Council.
- iv) At the completion of their presentation an expert may be requested by Councillors or Staff in attendance to answer questions with respect to their presentation. At the conclusion of any questions the expert will be required to leave the meeting prior to further discussions by the Committee.
- v) Confidentiality disclosures may be required to be completed by external parties who provide information or presentation to the Committee, subject to the confidential nature of the issue being considered under Section 10(A) (2) of the Local Government Act.

7. Membership

Councillor Representatives

The Committee will comprise of the Mayor, together with all Councillors as voting members.

Council Officers

Relevant Council officers will attend meetings to provide specialist professional advice in land use development and planning and administrative support. Council officers do not have voting rights.

Government Agencies, Community Organisations and Service Providers

The Committee may invite relevant experts in the planning and development industry to attend and provide specialist advice as outlined in Part 6 above. Any external parties invited do not have voting rights.

Chair and Deputy Chair

Council will appoint one (1) Councillor to be the Chair of the Committee and a Deputy Chair to fulfill the role if the appointed chair is absent.

In the absence of both the appointed Chair and Deputy Chair at a particular meeting, the members shall elect a Chair for that meeting.

Planning & Development Committee – Terms of Reference

Terms of Office

The term of the Chair and Deputy Chair and voting members will be one (1) year which will be reviewed annually in September.

Elected members continue as members of the Committee until the next ordinary election of the Mayor, or the next general election of Council, or until the Committee is disbanded or arrangement amended by Council resolution

8. Committee Meetings**Agenda**

Agenda will be distributed 7 days prior to the date of the meeting and published on the Council website.

Reports or queries about the meeting arrangements should be forwarded to the meeting secretariat (Governance)

Quorum

Five (5) Councillors . No proxy votes are permitted. If a quorum is not present within 30 minutes of the scheduled commencement time, the meeting lapses.

Voting

It is expected that the Committee, and any working group, will develop recommendations by consensus, however voting will be recorded. If voting is required, a majority shall prevail with the Chair having a casting vote in the case of a tied vote.

In accordance with the requirements of the 2025 Model Code of Meeting Practice, where the committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.

Meeting Schedule

In general, meetings should be held once every two months (bi-monthly) on a Tuesday alternative to an Ordinary Meeting, generally commencing at 5:30pm. Meetings may also be scheduled as required, in consultation with the Chair.

Meetings will be conducted in person in the Council Chambers (Nowra Administrative Centre).

The meetings of the Committee will be open to the public and will be webcast in accordance with the 2025 Model Code of Meeting Practice.

Minutes

Movers and Seconders, and full division of votes will be recorded in the Minutes with respect to business considered during Meetings.

The Committee shall provide advice to the Council for consideration. Minutes of the Meetings of the Committee will be included as a report in the Agenda of Ordinary Meetings of the Council for consideration of recommendations for resolution. The resolutions of Council will be published in the Minutes of the Ordinary Council Meetings.

Planning & Development Committee – Terms of Reference

Confidentiality And Privacy

Business before the Committee which is considered to be confidential in accordance with Section 10(A) (2) of the Local Government Act, 1993 may be considered in closed session. Proceedings in closed session will be closed to the public and not webcast. Information and documentation pertaining to the Committee, other than the minutes of proceedings will be considered confidential and not to be made publicly available without the express permission of the CEO or when required under legislation.

Members who may have access to confidential or personal information retained by Council are required to maintain the security of such confidential or personal information and therefore shall not use or remove any information unless the member is authorised to do so.

Communication, Media and Public Comment

In relation to the communication functions of Committee, the following apply:

- Members of the Committee are not permitted to speak to the media as Council representatives of the Committee unless approved by the Chairperson.
- Where approval has been given by the Chairperson, views and opinions expressed are those of the Committee and not of Shoalhaven City Council.
- Where endorsement is required from Shoalhaven City Council, approval must be sought through the formal processes.
- The Chair of the Committee is the preferred point of contact for communication between members and Council staff.
- Council will endeavour to utilise the Chair as the primary point of contact to communicate with Committee members.

9. Council Staff Responsibility

The Committee's contact within Council is the Director- City Development. The City Development Directorate is considered to be responsible for the provision of expertise to the Council on Land Use Planning and Development and will provide information, reports and guidance to the Committee.

The Governance Team is responsible for administrative support functions of the committee such as collating and distributing the agenda, minutes and notation of apologies.

Guiding Principles

It is expected that members will carry out their functions as members of the Community responsibly

Members will endeavour to:

- Treat each other and those who interact with the Committee with respect and dignity.
- Recognise and respect diverse opinions.
- Give each other the space to speak.
- Listen with open minds.
- Work constructively within the group, including identifying issues and potential recommendations.
- Represent the interests of the community they support.

Planning & Development Committee – Terms of Reference

- Attend scheduled meetings and inform the Governance Team in advance should they be unable to attend

10. Code of Conduct

All members of the Committee are required to observe the provisions of Council's Code of Conduct and any other policy or requirement applicable to the proper functioning of the Committee.

A meeting where conduct not in accordance with these requirements may be adjourned or closed without notice and a breach of the Code of Conduct may lead to a member being expelled from the Committee.

In accordance with the Code of Conduct, members will individually be responsible for declaration of any Conflict of Interests they have with respect to business considered by the Committee.

11. Document Control

These Terms of Reference are reviewed at the commencement of each term of Council or as required. Amendments to these Terms of Reference are to be reported to Council for approval. A version history (footnote on front page) is included if amendments have been approved.

12. Other Relevant Documents List

Code Of Conduct

Code of Meeting Practice

CSP

Terms Of Reference Template

CL25.315 Establish Project-Specific Coastal Management Program and Floodplain Risk Management Focus Groups on an as-needs basis

HPERM Ref: D25/387455

Department: Environmental Services

Approver: Gordon Clark, Acting Director - City Development

Purpose:

To determine the future structure of Council's floodplain risk management and coastal management program advisory committees to improve project delivery, improve community engagement, and reduce resourcing requirements for these advisory committees.

Summary and Key Points for Consideration:

Council regularly struggles to reach quorum at planned advisory committee meetings resulting in significant delays in project delivery and the ability to adopt critical strategic plans, programs, and policies in a timely manner.

To improve the efficiency of project delivery and reduce resource requirements relating to the floodplain risk management and coastal management program related committees run by Council, it is recommended that Council's current Coastal Management Program Advisory and Floodplain Risk Management Committees which cover large geographic regions be disestablished and project-specific focus groups established on an as-needs basis at the commencement of a new project. This is consistent with Council's adopted Community Engagement Strategy 2025-2029.

Recommendation

That Council disestablish the Coastal Management Program Advisory and Floodplain Risk Management Committees and establish project-specific focus groups, including relevant Terms of Reference(s), on an 'as-needs' basis at the commencement of a new project starting from 1 April 2026.

Options

1. Disestablish the Coastal Management Program (CMP) Advisory and Floodplain Risk Management (FRM) Committees and establish project-specific focus groups, including relevant Terms of Reference(s), on an as-needs basis at the commencement of future projects.

Implications: Establishing project-specific focus groups will ensure that the members are interested, invested/focussed and can effectively contribute to the project being delivered which covers their community. This will improve the efficiency of Council's project delivery which will also ultimately benefit Shoalhaven communities.

2. Continue with resolution [MIN24.647](#) to combine the CMP Advisory and FRM Committees by geography (Northern/Central/Southern).

Implications: This reduces the existing number of committees from six to three, but it would retain a greater geographic area and broader objective for each committee,

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potentially resulting in committee members not being invested/interested in all projects delivered by the relevant committee. Combining coastal management program and floodplain risk management projects in one committee could further increase the risk of quorums not being reached for planned meetings. Additionally, existing committee members have often expressed that they feel their current roles on the committees are ineffective and not actually adding value to projects.

3. Pursue an alternative option.

Implications: Will depend on the nature of the option.

Background and Supplementary information

Council has three (3) Coastal Management Program (CMP) Advisory Committees and three (3) Floodplain Risk Management (FRM) Committees, divided by geography: Northern, Central, and Southern.

The memberships for the CMP advisory committees lapsed in August 2025. No Expression of Interest (EOI) was issued to fill the vacant memberships given that the three Committees involvement in a large body of work, the development of four (4) CMPs, had ended. Similarly, the memberships for the Southern FRM Committee will lapse in September 2025, and there are also no plans to issue an EOI.

Council resolved on 26 November 2024 ([MIN24.647](#)) to combine the CMP Advisory and FRM Committees by geography (Northern/Central/Southern), reducing the number of committees from six to three. The new committees would form as soon as a new Terms of Reference (ToR) for the combined committees has been established and adopted by Council.

Council further resolved on 29 July 2025 ([MIN25.357](#)) to temporarily extend the membership of the Northern and Central Floodplain Risk Management Committees by six months (to 31 March 2026) to see the completion of the Lower Shoalhaven River Floodplain Risk Management Study and Plan and St Georges Basin Floodplain Risk Management Study and Plan through before disestablishing the committees. A new ToR for the combined committees is to be developed in parallel to this six-month extension.

It is noted that there are no future planned meetings for the Southern FRM Committee or any of the CMP Advisory Committees at the time of writing this report.

Council has struggled to reach quorum for planned FRM and CMP committee meetings. This significantly reduce the efficiency of Council's ability to progress and implement critical strategic floodplain risk management and coastal management recommendations in a timely manner. This can have flow-on effects on Council's ability to meet grant milestone requirements which can have budgetary impacts, failure to meet community expectations, and result in an inefficient use of Council resources during a time when funding and resources are heavily restricted.

A Southern FRM Committee meeting was scheduled for 14 May 2025, but was cancelled due to the Mayor's (who is the Chairperson) unfortunate leave of absence at this time.

Another meeting was scheduled for 4 June 2025, but was also cancelled as it was not able to reach quorum. As a result, an email meeting was held where voting committee members were asked to review the [Agenda](#) and reply by email whether they were in favour of or against each of the items by 11 June 2022. Two votes were received, where three is required, and the meeting lapsed without reaching a quorum ([Minutes](#)).

The Willinga Lake Floodplain Risk Management Study and Plan and the Clyde River Floodplain Risk Management Study and Plan are being reported to Council recommending adoption of these studies relating to floodplain risk management in these two study areas

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into the future. Both studies were completed in March 2025, but their outcomes have not been able to be implemented into Council's processes and ongoing strategic work due to the challenges of successfully hold a committee meeting to obtain endorsement for adoption by Council.

Similarly, a Northern FRM Committee meeting was scheduled for 1 July 2025. This meeting was cancelled due to an ongoing severe weather event making roads unsafe to travel on for attendees of the meeting and it was subsequently rescheduled for the 30 July 2025. This meeting, however, was again rescheduled to the 11 August 2025 as the chair was unavailable.

On the day of the 11 August 2025, Council staff received confirmation that a quorum for the meeting would not be reached and the meeting would not be able to proceed. The purpose of the meeting was primarily to seek the committee's endorsement to commence public exhibition and community consultation of the Draft Broughton Creek Flood Study, which was completed in June 2025. To minimise disruption to the finalisation of the Broughton Creek Flood Study, it was decided to proceed with the 11 August 2025 meeting, but as an email meeting instead. The email meeting concluded on the 15 August 2025 at 4:30pm and reached a quorum.

To improve efficient use of Council resources, facilitate active participation by members, and to ensure projects requiring community involvement can be finalised in a timely manner, it is proposed to disestablish all CMP Advisory and FRM Committees and establish project-specific focus groups on an as-needs basis, including individual ToR(s). The benefits of this approach are:

- At the commencement of a project, an Expression of Interest (EOI) would go out to community members in the relevant project area, ensuring community members are interested and engaged in the relevant project.
- This approach would reduce the risk of meetings not reaching quorum, as the committee has a focused objective (site and purpose) rather than overseeing a broader topic over a greater geographic area (which is currently the case).
- This approach is in line with Council's recently adopted Community Engagement Strategy 2025-2029.
- Existing committee members have raised frustration that meetings are not held frequently enough as meetings are held on an as-needs basis and there may not always be an ongoing project in the relevant geographic area. A project-specific focus group would both be targeted and focused, ensuring an efficient use of both Council staff and community members' time.
- It is likely to increase community participation, engagement, and ultimately the project outcomes, where community members can focus their involvement on one project at a time and a project they have interest in.
- The project specific focus group would have a sunset clause at the completion and adoption of the investigation to avoid continuing longer than required.

Internal Consultations

The Floodplain Management Unit and Coastal Management Unit within the City Development directorate consulted with the Governance Unit when preparing this report.

External Consultations

Consultation has been undertaken with the NSW Department of Climate Change, Energy, the Environment and Water (DCCEE) regarding the most suitable advisory committee

structure. DCCEEW have advised that project-specific groups are recommended to improve community engagement, and this structure is consistent with the NSW Coastal Management Manual (2022) and NSW Flood Risk Management Manual (2023).

Community Consultations

No community consultation has been undertaken as part of preparing this report as it relates to Council's internal processes. It is, however, proposed that at the commencement of a new project requiring a project specific focus group, an Expression of Interest will go out to the relevant communities to seek interested members on the focus group.

Policy and Statutory Implications

If adopted, the existing ToR for the CMP Advisory and FRM Committees will be rescinded and a new ToR established for each project-specific focus group needed.

Financial Implications

If adopted, the recommendation of this report will have an indirect positive financial implication as it will reduce Council's resource requirements to run advisory committee meetings.

Project specific focus groups will help to achieve a quorum at future meetings. This assists Council to complete grant funded CMP and FRM investigations within allocated grant funding timeframes and facilitate more timely payment of grant funding following the completion of key project milestones.

Risk Implications

Establishing project-specific focus groups is likely to improve community involvement in relevant projects, thereby improving the outcomes of projects to the benefit of Shoalhaven communities.

If the recommendations are adopted this will reduce the risk of not reaching quorum at planned meetings, improving the time of delivering and implementing strategic projects, plans, and programs.

CL25.316 Options - Establishing a Neighbourhood Safer Place (NSP) at Callala Bay - Sealark Pty Ltd

HPERM Ref: D25/261617

Department: Strategic Planning

Approver: Gordon Clark, Strategic Planning Manager

Attachments: 1. Callala Bay Urban Release Area - Sealark Pty Ltd - NSP options report (under separate cover) [↗](#)

Purpose:

This report:

- Provides an update on investigations by Sealark Pty Ltd (Sealark) to establish a Neighbourhood Safer Place (NSP) at Callala Bay, as required by the NSW Rural Fire Service (RFS) in relation to the zoned Callala Bay Urban Release Area (URA).
- Seeks 'in-principle' support for the Callala Bay Community Centre and the community reserve at the Callala Bay sailing club / boat ramp area to be included in a future application by Sealark to the RFS to designate one or both of these as NSP's.

Summary and Key Points for Consideration:

Sealark's land at Callala Bay, Wollumboola and Kinghorne was rezoned by the NSW Government in October 2022.

The residential-zoned land is now mapped in the Shoalhaven Local Environmental Plan (LEP) 2014 as an Urban Release Area (URA). This means that Part 6 of the LEP must be satisfied before the URA is subdivided for housing. As part of this, arrangements must be in place to provide essential local infrastructure, which in this case, includes a Neighbourhood Safer Place (NSP) for Callala Bay.

An NSP is a building or an open space that may provide for improved protection of human life during the onset and passage of a bush fire.

Sealark engaged Ecological Australia (ELA) to assist it with the process of identifying options for an NSP in Callala Bay. In consultation with the RFS, ELA ruled out the option of providing an NSP within the URA based on the RFS's criteria for open-space NSPs.

ELA's work identified three potential NSP sites in the existing Callala Bay township:

- the Callala Bay Community Centre,
- the sailing club/boat ramp and
- the Anglican Church located beside the Community Centre.

It may be desirable for all, or a combination of these, to be designated as NSPs.

Sealark has offered to fund the necessary works to deliver the NSP, but at this point has not committed to meet costs associated with maintaining NSP status into the future.

Recommendation

That Council

1. Receive the proponent's report on Neighbourhood Safer Place (NSP) options in Callala Bay for information.

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2. Agree 'in-principle' to the inclusion of the Callala Bay Community Centre and the sailing club / boat ramp area in a future application by Sealark Pty Ltd to designate one or both of these as NSPs, subject to arrangements being put in place before the Callala Bay Urban Release Area is developed to ensure Sealark Pty Ltd meets all costs associated with establishing and maintaining the NSP(s).

Options

1. Provide 'in-principle' support for the two Council sites to be included in Sealark Pty Ltd's NSP application to the RFS.

Implications: This is the initial step toward establishing one or both as an NSP within the existing township. Given that an NSP is 'essential infrastructure' for the URA, it is appropriate that any costs associated with establishing and maintaining an NSP on Council land/buildings be met by Sealark.

2. Not provide 'in-principle' support for the two Council sites to be included in Sealark's NSP application to the RFS

Implications: This would limit the options available to Sealark to establish an NSP in Callala Bay, unless this is something that Council wishes to pursue and is willing to fund.

Background and Supplementary information

Why is Sealark investigating NSP options at Callala Bay?

The NSW Government rezoned the land on the western edge of Callala Bay to residential in October 2022, as part of the broader Halloran Trust Planning Proposal (PP) for the Callala Bay, Wollumboola and Kinghorne localities.

At the same time, the residential zoned land was also added to the Urban Release Area (URA) map overlay in the Shoalhaven LEP 2014 (see **Figure 1**), meaning that Part 6 of the LEP must be satisfied before the land can be subdivided for housing.

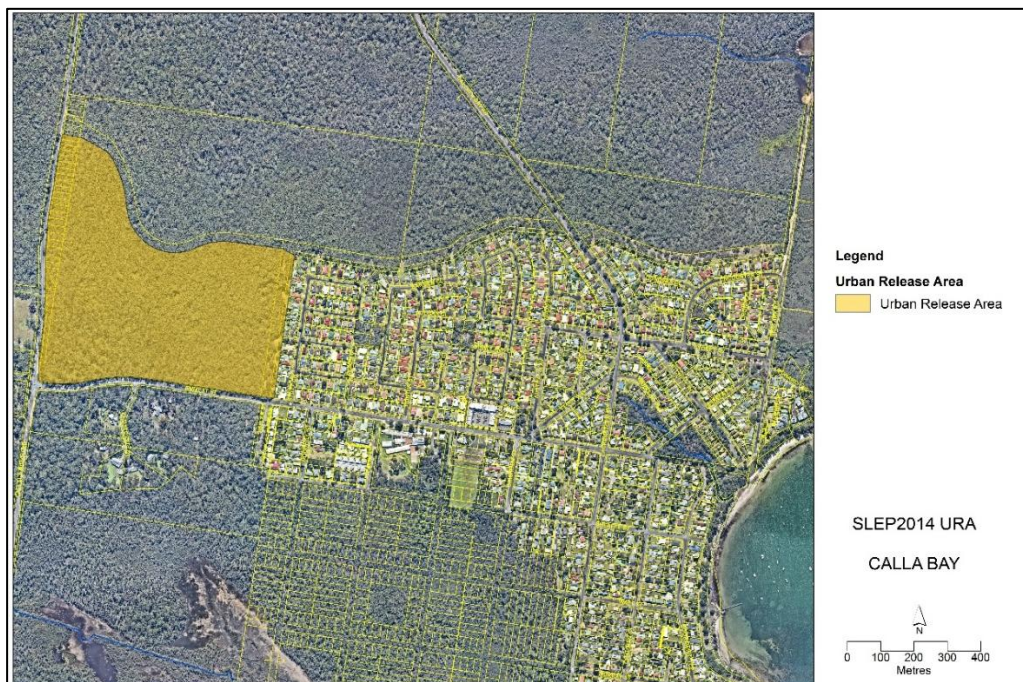


Figure 1 – Callala Bay Urban Release Area (Shoalhaven LEP 2014) overlaid on aerial photo

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Clause 6.2 of the LEP requires “... *that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.*”

The RFS did not object to the rezoning on the proviso that the future subdivision of the land complies with Planning for Bush Fire Protection 2019, and that the following matters are adequately addressed before the land is developed (per Part 6 of the LEP):

- Commitment to establish an NSP in Callala Bay
- Treatment of the bushland interface along the northern edge of the township.

This report relates to the NSP requirement (first point). Details on the treatment of the northern interface (second point) would be addressed as part of the development control plan (DCP) and/or development application processes.

What is an NSP and how are they selected?

The RFS's [Neighbourhood Safer Places Guideline](#), describes NSPs as follows:

An NSP is a building or a space within the community that has been designated as such by the Commissioner of the Rural Fire Service. It provides for improved protection of human life during the onset and passage of a bush fire. It is a location where people facing an immediate threat to their personal safety or property can gather and seek shelter from the impact of a bush fire.

NSPs are not to be confused with Fire Refuges, Recovery Centres, Assembly Areas, Evacuation Centres or Informal Places of Shelter.

NSP proposals are assessed by the RFS in consultation with the land owners/ operators and community stakeholders, following the process and criteria outlined in the RFS's [NSP Guideline](#).

Proponent's draft NSP options report

A draft report was received from Ecological Australia (ELA) on behalf of Sealark - see **Attachment 1** (under separate cover). It evaluates six potential NSP sites in the existing Callala Bay township: the Callala Bay Community Centre, Callala Bay Public School, Anglican Church, commercial centre/carpark area, Callala Bay Progress Hall and the sailing club/boat ramp.

Of the above six options, three were found to be potentially suitable: the Callala Bay Community Centre, the sailing club/boat ramp and the Anglican Church located beside the Community Centre.

The current version of ELA's report on the NSP options for Callala Bay, shows changes made in response to feedback provided to ELA by Council staff, which is outlined under 'External Consultations'.

Internal Consultations

The following Council staff have provided input to this matter since discussions were initiated by Sealark in 2022:

- Bushfire mitigation officers
- Local Emergency Management Officer (LEMO)
- Biodiversity assessment team
- City Services – asset custodians
- Open space and recreation planning (OSRP)

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External Consultations

Council staff met with Sealark, ELA, and RFS representatives on several occasions since early 2022 and provided input into the NSP site selection process (at Sealark's request). Two rounds of feedback was provided by, as summarised below:

- A resolution of Council would be required to provide the requested 'in-principle' support (the purpose of this report).
- Any costs associated with the NSP approval process must be met by Sealark.
- Sealark would be responsible for any necessary environmental assessments/approvals and/or meet the costs associated with this.
- The nature and cost of any building upgrades, landscaping etc needs to be clarified.
- Establishment and maintenance costs should be met by Sealark.
- If/when the details are settled, a Voluntary Planning Agreement (VPA) between the proponent and Council will potentially be required to facilitate the delivery of the agreed outcomes.

Community Consultations

It is understood that the RFS consults with the relevant community stakeholders when considering NSP applications.

Policy and Statutory Implications

Council's high-level strategy for provision of community infrastructure (including halls) is the [Community Infrastructure Strategic Plan](#) (CISP). The CISP is currently being reviewed by the Open Space & Recreation Planning team.

The CISP currently recommends the Callala Bay Community Centre be maintained as a "community hub for the area". Preliminary recommendations from the current CISP Review are to maintain the Callala Bay Community Centre and to upgrade the facility according to final CISP recommendations endorsed by Council (anticipated mid-2026).

The CISP will potentially need to be updated at the appropriate point to reflect the outcomes of this matter.

Financial Implications

Sealark has agreed to fund costs associated with establishing the NSP(s) – see Appendix F (p 35) in **Attachment 1**. These are understood to be relatively minor, e.g. closing a weep hole and replacing nylon flyscreens with metal screens (Community Centre), signposting and minor landscaping.

This is likely to require a Voluntary Planning Agreement (VPA) between the landowner/developer and Council – see Council's [Planning Agreement Policy](#) for further information.

This report recommends that Council's 'in-principle' support be provided at this point on the basis that the developer funds establishment and future maintenance costs, so that the use of Council land and/or buildings as an NSP would be cost-neutral to Council and the broader community. This would likely be achieved by including an agreed calculation of maintenance costs over a given period in the VPA.

Risk Implications

Limited provided that Sealark commit to meet associated costs.

There is a broader risk associated with community resistance to the development of the URA.

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CL25.317 Willinga Lake Flood Study and Floodplain Risk Management Study and Plan

HPERM Ref: D25/288882

Department: Environmental Services

Approver: Lindsay Usher, Acting Director - City Development

Purpose:

To provide Council with an update on the outcomes of the draft Willinga Lake Flood Study and Willinga Lake Floodplain Risk Management Study and Plan public exhibition and community consultation. Then seek Council's adoption of the *Willinga Lake Flood Study (Worley, 2025)* and *Willinga Lake Floodplain Risk Management Study and Plan (Worley, 2025)*.

Summary and Key Points for Consideration:

Council has completed the Willinga Lake Flood Study and Willinga Lake Floodplain Risk Management Study and Plan.

These studies document the flood behaviour and risk within the Willinga Lake catchment, and local catchments along Bawley Point Road and Murramarang Road.

A broad range of flood risk mitigation measures has been investigated. Practical, feasible and suitable measures have been recommended for adoption in the Willinga Lake Floodplain Risk Management Plan for implementation into the future.

Recommendation

That Council adopt the *Willinga Lake Flood Study (Worley, 2025)* and *Willinga Lake Floodplain Risk Management Study and Plan (Worley, 2025)* for management of flood risk into the future within the Clyde River catchment.

Options

1. That Council adopts the *Willinga Lake Flood Study (Worley, 2025)* and *Willinga Lake Floodplain Risk Management Study and Plan (Worley, 2025)*) for management of flood risk into the future within the Clyde River catchment.

Implications: Adopting the above studies to manage flood risk within the Willinga Lake catchment is supported by the local community and in accordance with the NSW Flood Prone Land Policy and Flood Risk Management Manual. Adopting these studies would see Council fulfil its obligations to manage flood risk within the Shoalhaven Local Government Area in accordance with the above Policy.

2. Council could choose to not adopt the above studies to manage flood risk within the Willinga Lake catchment.

Implications: This option could incur costs on Council given the Willinga Lake Flood Study and Floodplain Risk Management Study and Plan project has been completed and there are no remaining grant funds available for further work on this project. By not endorsing the studies, Council may not meet its obligations under the NSW Flood Prone Land Policy by not implementing best available flood information to inform strategic land-

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use and flood risk management decisions on flood liable land. This could jeopardise Council's exemption from liability for decisions made within the Willinga Lake catchment relating to flood liable land under section 7.33 of the Local Government Act 1993.

Background and Supplementary information

Council received grant funding from the Australian Government's Preparing Australian Communities Program to undertake the Willinga Lake Flood Study and Floodplain Risk Management Study and Plan to investigate the flood risk within the catchment.

The Bawley Point and Kioloa villages are all accessed by Bawley Point Road which is occasionally inundated when water levels are elevated in Willinga Lake. The nature of the flood risk in the Willinga Lake Catchment is mainly from potential isolation to more than 1,000 properties, businesses, including three large caravan parks. Few properties are at risk from direct flood inundation.

The flood risk to these communities is expected to be exacerbated by predicted climate change impacts, both in terms of frequency and magnitude. The Studies recommend management measures to reduce the flood risk within this catchment and include infrastructure upgrades and emergency management procedures.

This project was undertaken in accordance with the NSW Flood Prone Land Policy, the *NSW Flood Risk Management Manual (2023)* and in close collaboration with the NSW State Emergency Service (SES), the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW), and other agencies and stakeholders as required.

Council engaged a consultant, Worley, (previously Advisian), to assist with the preparation of the Willinga Lake Flood Study and Floodplain Risk Management Study and Plan. This study will improve Council's understanding of flood behaviour and impacts on the community and better inform management of flood risk in the study area.

Community consultation was undertaken at the commencement of the project from 24 July to 25 August 2023. The formal public exhibition and community consultation was held over a 28-day period from 28 January to 24 February 2025. A detailed overview of this is provided under the Community Consultation section of this report.

The following amendments have been made to the final project deliverables following the public exhibition period:

Willinga Lake Flood Study (Worley, 2025)

- Updated to final revision.
- Updated referencing for cover image and Figure 2-1.

Willinga Lake Floodplain Risk Management Study and Plan (Worley, 2025)

- Updated to final revision.
- Updated referencing for cover image.
- Section 5.5 Public Exhibition. This section was updated to summarise the outcomes of the public exhibition period.
- Some amendments were made to the wording for recommended planning measure PM.2.
- Some amendments to emergency response measure ER.3 to remove the flood warning signage from the private road within Willinga Park. This reduced the number of locations with recommended flood warning signage from 10 to 9.
- Recommended measure FM.1, an interim Entrance Management Policy. The priority has been changed to high and timeframe to short i.e. less than 5 years.

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- New Section 8.5 Shelter in Place Guideline for Flash Flooding added. This considers the suitability of shelter in place in the Willinga Lake catchment in accordance with the final Shelter in Place Guideline which was released at the same time as the public exhibition.

Willinga Lake Map Compendium (Worley, 2025)

- Updated to final revision.
- Updated referencing for cover image.
- Updated Acknowledgements which had an outdated reference to DPE rather than DCCEEW.
- Figure 9-1. Removed Forster Road flood depth marker location as this is on a private road within Willinga Park.
- No changes made to any flood mapping.

The final Willinga Lake Flood Study, Willinga Lake Floodplain Risk Management Study and Plan, and Willinga Lake Map Compendium can be viewed at the following link: <https://flooddata.ses.nsw.gov.au/flood-projects/willinga-lake-flood-study-and-floodplain-risk-management-study-plan-2025>

Council has attempted to seek the endorsement from the Southern Floodplain Risk Management Committee (SFRMC) for Council adoption of the above studies on three occasions without being able to reach quorum.

A SFRMC meeting was scheduled for 14 May 2025, but this got cancelled due to the Mayor's unfortunate leave of absence at this time. Mayor White is the chairperson for the SFRMC.

Another meeting was scheduled for 4 June 2025, but it got cancelled as the meeting did not reach quorum. As a result, an email meeting was held where voting committee members were asked to review the [Agenda](#) and reply by email whether they were in favour of or against each of the items by 11 June 2022. Two votes were received, where three is required, hence the meeting lapsed without reaching a quorum ([Minutes](#)).

To avoid further delays in adopting the completed studies, Council's adoption is therefore directly sought without a prior endorsement by the SFRMC. This is considered appropriate as the local community is in favour of the adoption of these studies.

Internal Consultations

No formal consultation has occurred, but relevant internal stakeholders has been consulted on an as needs basis throughout the project.

External Consultations

The Floodplain Management Unit has worked closely with the NSW SES and NSW DCCEEW to deliver this project.

Community Consultations

Public Exhibition and Community Consultation

The first round of community consultation was undertaken from 24 July to 25 August 2023. A project Get Involved website was published by Council to inform the community about this project. The website has been developed to provide the community with detailed information about the study and to gather information. The website has been updated during the duration of the project to provide relevant information at each stage of the study.

Council received endorsement from the SFRMC in December 2024 to undertake public exhibition and community consultation of the draft Willinga Lake Flood Study and Willinga Lake Floodplain Risk Management Study and Plan.

The aim of the public exhibition and community consultation phase was for Council to seek feedback from the community regarding the draft *Willinga Lake Flood Study* (Worley, 2025) and mitigation measures included in the draft *Willinga Lake Floodplain Risk Management Plan* (Worley, 2025) with these comments then considered prior to finalisation of the Flood Study and Floodplain Risk Management Study and Plan.

The public exhibition and community consultation was held over a 28-day period from 28 January to 24 February 2025. The following community consultation was undertaken:

- Media release to inform the community of the public exhibition and community consultation period.
- Notification of the public exhibition and community consultation period in the In Your Neighbourhood Community Newsletter and on Council social media pages.
- Notification of Community Consultative Bodies (CCBs) and community groups of the public exhibition and community consultation period.
- Mail out to property owners within the study area. This letter provided a link to the project Get Involved webpage. Eighty eight (88) letters were sent out to flood affected properties.
- Get Involved webpage, including the following:
 - *A Summary Report of the Willinga Lake Flood Study and Floodplain Risk Management Study & Plan* (Worley, 2025).
 - *Willinga Lake Flood Study* (Worley, 2025) draft report.
 - *Willinga Lake Floodplain Risk Management Study and Plan* (Worley, 2025) draft report.
 - *Willinga Lake Map Compendium* (Worley, 2025) draft report.
 - A Video Presentation that discusses the Flood Study and Floodplain Risk Management Study and Plan development and key outcomes.
 - Link to an online Community Survey.
 - NSW State Emergency Service (NSW SES) FloodSafe brochure.
- Hard copies of the Flood Study, Floodplain Risk Management Study and Plan and Map Compendium reports were made available at Council (Ulladulla and Nowra) for viewing.
- General enquiries via phone calls throughout the community consultation period.
- A community drop-in session was held on Tuesday 11 February 2025 at the Bawley Point RFS (Thrush Street) attended by Council staff, DCCEE staff, local SES volunteers and consultants from Worley working on this project.

A number of online surveys were completed by the community in addition to attendance from Bawley Point residents at the drop-in session at the Bawley Point RFS.

Feedback from Public Exhibition

The online survey during the public exhibition period asked for feedback on the draft Willinga Lake Flood Study and whether each flood mitigation measure included in the draft Willinga Lake Floodplain Risk Management Plan were either strongly supported, supported, neutral, opposed or strongly opposed. This community feedback was used to identify the level of community support for the flood mitigation measures included in the draft Willinga Lake Floodplain Risk Management Plan.

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No feedback was provided on the draft Willinga Lake Flood Study or Map Compendium.

Feedback on the flood mitigation measures included in the draft Willinga Lake Floodplain Risk Management Plan is summarised in Section 5.5 of the Willinga Lake Floodplain Risk Management Plan report. The key outcomes are summarised below.

The Get Involved webpage received 139 visitors, 18 responses to the survey, 18 downloads of the Summary Report, 12 downloads of Volume 2: Floodplain Risk Management Study and Plan, 9 downloads of Volume 3: Flood Mapping Compendium, 8 downloads of Volume 1: Flood Study Report, and 9 views of the video.

Community responses as to whether they support or oppose the specific flood risk management measures recommended in the draft Floodplain Risk Management Plan report are summarised in Figure 1 below.

While the public exhibition survey identified minor opposition to some measures recommended in the draft Willinga Lake Floodplain Risk Management Plan, at least 72% of respondents (and as many as 94%) were supportive of each measure. On this basis, no changes have been made to the flood mitigation measures included in the Willinga Lake Floodplain Risk Management Study and Plan report. However, further consultation should be undertaken as the implementation of each measure progresses to gain an understanding of attitudes across a broader section of the community and the reasons for any opposition.

It should also be noted that Bawley Point Road is a Council asset that, regardless of the flood-related upgrades recommended in the Floodplain Risk Management Study & Plan, will be required to adapt to future climate change including sea level rise, associated impacts on entrance berm level, and other flow on impacts such as subgrade saturation which would reduce the structural integrity of the road and lead to higher maintenance and rejuvenation costs over time. Accordingly, it is expected that the eventual upgrade of Bawley Point Road adjacent to Willinga Lake is inevitable.

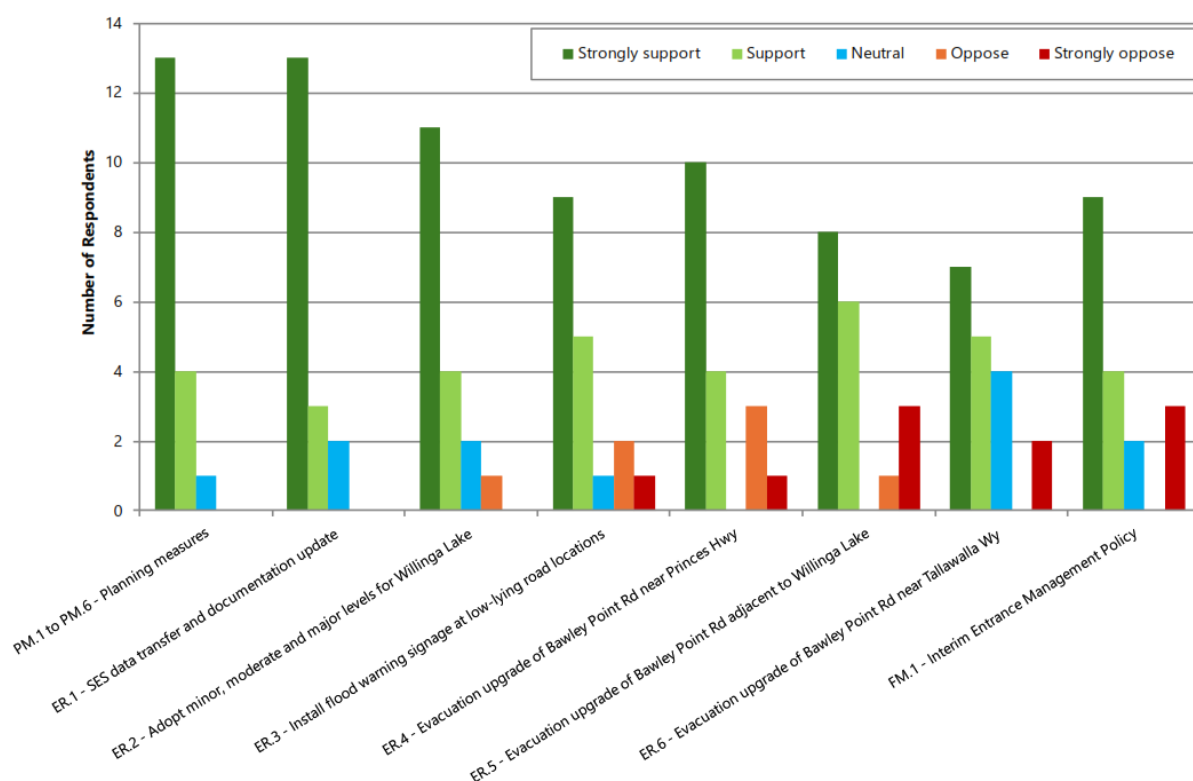


Figure 1. Community feedback on support for recommended flood risk management measures

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The reasoning for each negative response is not known, however inferring from limited additional comments received through the survey and discussions at the drop-in session themes include the following:

- A preference for the Willinga Lake entrance to operate in a natural state.
- A low level of concern regarding flooding due to limited historical occurrence within their lived experience.
- Environmental concerns.
- Concerns regarding costs to Council.
- Concerns that improved road access may facilitate further development.

Policy and Statutory Implications

Following adoption of the Willinga Lake Flood Study and Floodplain Risk Management Study and Plan deliverables, the outcomes from this investigation will be used as follows:

- Final Willinga Lake Flood Study and Floodplain Risk Management Study and Plan reports and Map Compendium will be made available on Council's website. The mapping will be made available on Council's online flood mapping.
- This data will be available via flood certificate requests and be included in Section 10.7 planning certificates for the Willinga Lake catchment.
- This information will be used to assess proposed development on flood prone land in accordance with the Shoalhaven LEP 2014 and DCP Chapters G9 and G10.

All flood information completed in the Willinga Lake Flood Study and Floodplain Risk Management Study and Plan investigation will be provided to the NSW SES.

This ensures that Council satisfies its obligations from the *NSW Flood Prone Land Policy (2023)* and the *NSW Flood Risk Management Manual (2023)*.

The final Willinga Lake Floodplain Risk Management Plan includes the following flood risk management measures for adoption.

Table 1: Summary of recommended floodplain risk management measures

Management Scenario	ID	Name	Priority
Planning Measures	PM.1	Update LEP Clauses 5.9 and 5.9A	Medium
	PM.2	Updated LEP Land Zoning to limit residential subdivision	Medium
	PM.3	Develop Site-Specific Flood Related Development Controls for Willinga Lake catchment	High
	PM.4	Adopt Flood Planning Area (FPA) and Flood Planning Level (FPL) mapping	High
	PM.5	Adopt Combined Flood Hazard/Hydraulic Category mapping	High
	PM.6	Adopt Flood Planning Constraint Categories (FPCCs)	High
Emergency Response Measures	ER.1	SES Data Transfer and Documentation Update	High
	ER.2	Adopt Minor, Moderate and Major Levels for Willinga Lake Gauge	High
	ER.3	Install Flood Warning Signage	Medium

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	ER.4	Flood Evacuation Route Upgrade - Bawley Point Road near Princes Highway (BPR-1)	Medium
	ER.5	Flood Evacuation Route Upgrade - Bawley Point Road adjacent to Willinga Lake	Medium
	ER.6	Flood Evacuation Route Upgrade - Bawley Point Road near Tallawalla Way (BPR-2)	Low
Flood Modification Measures	FM.1	Entrance Management	High

Financial Implications

The Willinga Lake Flood Study and Willinga Lake Floodplain Risk Management Study and Plan is fully funded by the Australian Government's Preparing Australian Communities Program – Local Stream.

The Willinga Lake Flood Study and Willinga Lake Floodplain Risk Management Study and Plan investigation has been completed, and the grant acquitted.

Risk Implications

By completing and adopting these studies, Council meets its obligations under the NSW Flood Prone Land Policy to manage flood risk within the Willinga Lake catchment. The completed studies present best available flood information that should be implemented to inform strategic land-use and flood risk management decisions on flood liable land within the study area. Should Council choose not to adopt these studies, it may jeopardise Council's exemption from liability for decisions made within the Willinga Lake catchment relating to flood liable land under section 7.33 of the Local Government Act 1993.

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CL25.318 Clyde River Flood Study and Floodplain Risk Management Study and Plan

HPERM Ref: D25/288899

Department: Environmental Services

Approver: Lindsay Usher, Acting Director - City Development

Purpose:

To provide Council with an update on the outcomes of the draft Clyde River Flood Study and Clyde River Floodplain Risk Management Study and Plan public exhibition and community consultation. Then seek Council's adoption of the *Clyde River Flood Study (Rhelm, 2025)*, *Clyde River Floodplain Risk Management Study (Rhelm, 2025)* and *Clyde River Floodplain Risk Management Plan (Rhelm, 2025)*.

Summary and Key Points for Consideration:

Council has completed the Clyde River Flood Study and Clyde River Floodplain Risk Management Study and Plan.

These studies document the flood behaviour and risk within the Clyde River catchment.

A broad range of flood risk mitigation measures have been investigated. Practical, feasible and suitable measures have been recommended for adoption in the Clyde River Floodplain Risk Management Plan for implementation into the future.

Recommendation

That Council adopt the *Clyde River Flood Study (Rhelm, 2025)*, *Clyde River Floodplain Risk Management Study (Rhelm, 2025)* and *Clyde River Floodplain Risk Management Plan (Rhelm, 2025)* for management of flood risk into the future within the Clyde River catchment.

Options

1. That Council adopts the *Clyde River Flood Study (Rhelm, 2025)*, *Clyde River Floodplain Risk Management Study (Rhelm, 2025)* and *Clyde River Floodplain Risk Management Plan (Rhelm, 2025)* for management of flood risk into the future within the Clyde River catchment.

Implications: Adopting the above studies to manage flood risk within the Clyde River catchment is supported by the local community and in accordance with the NSW Flood Prone Land Policy and Flood Risk Management Manual. Adopting these studies would see Council fulfil its obligations to manage flood risk within the Shoalhaven Local Government Area in accordance with the above Policy.

2. Council could choose to not adopt the above studies to manage flood risk within the Clyde River catchment.

Implications: This option could incur costs on Council given the Clyde River Flood Study and Floodplain Risk Management Study and Plan project has been completed and there are no remaining funds available for further work on this project. By not adopting these studies, Council may not meet its obligations under the NSW Flood Prone Land Policy by not implementing best available flood information to inform strategic land-use and flood risk management decisions on flood liable land. This could jeopardise Council's

exemption from liability for decisions made within the Clyde River catchment relating to flood liable land under section 7.33 of the Local Government Act 1993.

Background and Supplementary information

Council received grant funding from the Australian Government's Preparing Australian Communities Program to undertake the Clyde River Flood Study and Floodplain Risk Management Study and Plan to investigate the flood risk within the catchment.

The primary study area is the 50km reach of the Clyde River from upstream of the Yadboro River confluence through the localities of Yadboro, Mogood, Morton, Brooman and Currowan to the southern boundary of the Shoalhaven City Council LGA at the confluence with the Currowan River.

This stretch of the Clyde River comprises large areas of land owned by the NSW National Parks and Wildlife Service (NPWS) and State Forests of NSW, but also with private land tenures along the river length. The focus of the flood study is predominantly privately owned land and public roads but investigating the full 50km length is necessary to better understand flow times and discharge relationships between different waterway crossings over the Clyde River. The catchment includes properties that quickly, and for an extended period, become isolated due to inundation of existing low-level waterway crossings.

This project was undertaken in accordance with the NSW Flood Prone Land Policy, the *NSW Flood Risk Management Manual (2023)* and in close collaboration with the NSW State Emergency Service (SES), the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW), and other agencies and stakeholders as required.

Council engaged a consultant, Rhelm, to assist with the preparation of the Clyde River Flood Study and Floodplain Risk Management Study and Plan. This study will improve Council's understanding of flood behaviour and impacts on the community and better inform management of flood risk in the study area.

Community consultation was undertaken at the commencement of the project from 24 July to 25 August 2023. Public exhibition and community consultation of the draft studies was held over a 28-day period from 28 January to 24 February 2025. More details are provided below under the Community Consultation section of this report.

The following amendments have been made to the final project deliverables following the public exhibition period:

Clyde River Flood Study (Rhelm, 2025)

- Updated to final revision.
- Section 2.9, Historical Flooding Data. Additional paragraph added noting some historic flood information made available to Council during the public exhibition period.
- Section 3.4, Public Exhibition. This section was updated to summarise the outcomes of the public exhibition period.
- Section 9, Tidal Influence. Additional paragraph added regarding some photos received of Shallow Crossing tidal inundation during the public exhibition period.
- Appendix B, Community Survey. The online survey questions from the public exhibition have been included in Appendix B.

Clyde River Floodplain Risk Management Study (Rhelm, 2025)

- Updated to final revision.
- Section 2.4, Public Exhibition. This section was updated to summarise the outcomes of the public exhibition period.

- New Section 5.4, Shelter in Place Guideline for Flash Flooding added. This considers the suitability of shelter in place in the Clyde River catchment in accordance with the final Shelter in Place Guideline which was released at the same time as the public exhibition.

Clyde River Floodplain Risk Management Plan (Rhelm, 2025)

- Updated to final revision.
- No changes were made to the flood risk management measures included in the Plan as these were all supported or strongly supported by the community based on feedback from the public exhibition period.

Clyde River Map Compendium (Rhelm, 2025)

- Updated to final revision.
- No changes have been made to any flood maps.

The final Clyde River Flood Study, Clyde River Floodplain Risk Management Study, Clyde River Floodplain Risk Management Plan, and Clyde River Map Compendium can be viewed at the following link: <https://flooodata.ses.nsw.gov.au/flood-projects/clyde-flood-study-and-floodplain-risk-management-study>

Council has attempted to seek the endorsement from the Southern Floodplain Risk Management Committee (SFRMC) for Council adoption of the above studies on three occasions without being able to reach quorum.

A SFRMC meeting was scheduled for 14 May 2025, but this got cancelled due to the Mayor's unfortunate leave of absence at this time. Mayor White is the chairperson for the SFRMC.

Another meeting was scheduled for 4 June 2025, but it got cancelled as the meeting would not be able to reach quorum. As a result, an email meeting was held where voting committee members were asked to review the [Agenda](#) and reply by email whether they were in favour of or against each of the items by 11 June 2022. Two votes were received, where three is required, hence the meeting lapsed without reaching a quorum ([Minutes](#)).

To avoid further delays in adopting the completed studies, Council's adoption is therefore directly sought without a prior endorsement by the SFRMC. This is considered appropriate as the local community is in favour of the adoption of these studies.

Internal Consultations

No formal consultation has occurred, but relevant internal stakeholders have been consulted on an as needs basis throughout the project.

External Consultations

The Floodplain Management Unit has worked closely with the NSW SES and NSW DCCEEW to deliver this project.

Community Consultations

Public Exhibition and Community Consultation

The first round of community consultation was undertaken from 24 July to 25 August 2023. A project Get Involved website was published by Council to inform the community about this project. The website has been developed to provide the community with detailed information about the study and to gather information. The website has been updated during the duration of the project to provide relevant information at each stage of the study.

Council received endorsement from the SFRMC in December 2024 to undertake public exhibition and community consultation of the draft Clyde River Flood Study and Clyde River Floodplain Risk Management Study and Plan.

The aim of the public exhibition and community consultation phase was for Council to seek feedback from the community regarding the draft *Clyde River Flood Study* (Rhelm, 2025) and mitigation measures included in the draft *Clyde River Floodplain Risk Management Plan* (Rhelm, 2025) such that comments could be considered prior to finalisation of the Flood Study and Floodplain Risk Management Study & Plan.

The public exhibition and community consultation was held over a 28-day period from 28 January to 24 February 2025. The following community consultation was undertaken:

- Media release to inform the community of the public exhibition and community consultation period.
- Notification of the public exhibition and community consultation period in the In Your Neighbourhood Community Newsletter and on Council social media pages.
- Notification of Community Consultative Bodies (CCBs) and community groups of the public exhibition and community consultation period.
- Mail out to property owners within the study area. This letter provided a link to the project Get Involved webpage. Forty nine (49) letters were sent.
- The Get Involved webpage, included the following information:
 - *A Summary Report of the Clyde River Flood Study and Floodplain Risk Management Study & Plan* (Rhelm, 2025).
 - *Clyde River Flood Study* (Rhelm, 2025) draft report.
 - *Clyde River Floodplain Risk Management Study* (Rhelm, 2025) draft report.
 - *Clyde River Floodplain Risk Management Plan* (Rhelm, 2025) draft report.
 - *Clyde River Map Compendium* (Rhelm, 2025) draft report.
 - A Video Presentation that discusses the Flood Study and Floodplain Risk Management Study & Plan development and key outcomes.
 - Link to an online Community Survey.
 - NSW State Emergency Service (NSW SES) FloodSafe brochure.
- Hard copies of the Flood Study, Floodplain Risk Management Study, Floodplain Risk Management Plan and Map Compendium reports were made available at Council (Ulladulla and Nowra) for viewing.
- General enquiries via phone calls and community members visiting the Nowra Administration Building throughout the community consultation period.
- A community drop-in session was held on Wednesday 12 February 2025 at the Ulladulla Civic Centre attended by Council staff, DCCEE staff, local SES volunteers and consultants from Rhelm working on this project.

A number of online surveys were completed by the community and a small number of Clyde River catchment residents attended the drop-in session at the Ulladulla Civic Centre.

Feedback from Public Exhibition

The online survey during the public exhibition period asked for any feedback on the draft Clyde River Flood Study and whether each flood mitigation measure included in the draft Clyde River Floodplain Risk Management Plan were either strongly supported, supported, neutral, opposed or strongly opposed. This community feedback was used to identify the

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level of community support for the flood mitigation measures included in the draft Clyde River Floodplain Risk Management Plan.

No feedback was provided on the draft Clyde River Flood Study or Map Compendium.

All flood mitigation measures included in the draft Clyde River Floodplain Risk Management Plan were either supported or strongly supported in the completed surveys and by drop-in session attendees.

Policy and Statutory Implications

Following adoption of the Clyde River Flood Study and Floodplain Risk Management Study & Plan deliverables, the outcomes from this investigation will be used as follows:

- Final Clyde River Flood Study and Floodplain Risk Management Study & Plan reports and Map Compendium will be made available on Council's website. The mapping will be made available on Council's online flood mapping.
- This data will be available via flood certificate requests and be included in Section 10.7 planning certificates for the Clyde River catchment.
- This information will be used to assess proposed development on flood prone land in accordance with the Shoalhaven LEP 2014 and DCP Chapters G9 and G10.

All flood information completed in the Clyde River Flood Study and Floodplain Risk Management Study & Plan investigation will be provided to the NSW SES. This information ensures that Council satisfies its obligations from the *NSW Flood Prone Land Policy (2023)* and the *NSW Flood Risk Management Manual (2023)*.

The final Clyde River Floodplain Risk Management Plan includes the following flood risk management measures for adoption.

Table 1: Summary of recommended floodplain risk management measures

Management Scenario	ID	Name	Priority
Emergency Response Management Measures	EM1	Data handover to SES	High
	EM2	Update of Emergency response documentation	High
	EM3	Installation of additional gauges	High
	EM4	Flood education	High
	EM5	Campground education campaign	Medium
	EM6	Flood depth markers	Medium
	EM8	Online reporting of road closures	Medium
	EM14	Improve Immunity of Flood Crossings	Low
Property Management Measures	FP1	Planning and Development Controls	High
	FP4	Voluntary house purchase	Low
	FP5	Voluntary house relocation	Low
	FP6	Post flood data collection	Medium

Financial Implications

The Clyde River Flood Study and Clyde River Floodplain Risk Management Study & Plan was fully funded by the Australian Government's Preparing Australian Communities Program – Local Stream.

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The Clyde River Flood Study and Clyde River Floodplain Risk Management Study and Plan investigation has been completed, and the grant has been acquitted.

Risk Implications

By completing and adopting these studies, Council meets its obligations under the NSW Flood Prone Land Policy to manage flood risk within the Clyde River catchment. The completed studies present best available flood information that should be implemented to inform strategic land-use and flood risk management decisions on flood liable land within the study area. Should Council choose not to adopt these studies, it may jeopardise Council's exemption from liability for decisions made within the Clyde River catchment relating to flood liable land under section 7.33 of the Local Government Act 1993.

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CL25.319 Development Control Plan Finalisation - Moss Vale Road North Urban Release Area

HPERM Ref: D25/340094

Department: Strategic Planning

Approver: Gordon Clark, Acting Director - City Development

Attachments:

1. Draft Development Controls (under separate cover) [⇒](#)
2. Summary of Adjustments to draft Development Controls (under separate cover) [⇒](#)
3. Alternative Development Controls Requested by Moss Vale North Owners Group (under separate cover) [⇒](#)
4. Review and Consideration of Community Submissions and Feedback (under separate cover) [⇒](#)

Purpose

This report seeks Council's adoption of a set of settled development controls (as a new chapter in the City-wide Development Control Plan) to guide the development and release of the Moss Vale Road North Urban Release Area (URA) at Badagarang.

The report also provides an update on the related work necessary to facilitate the delivery of the release area, the required local infrastructure and as such the actual 'release' of the URA for development.

Summary and Key Points for Consideration:

Development Control Plan (DCP) level controls for the URA need to be finalised to enable and guide its development. These controls will, amongst other things, help guide the design of subdivisions, set the street network, influence types of dwellings, protect the environment and manage the risks from flooding and bushfire.

Council publicly exhibited draft development controls in late 2024. These draft controls were contained in a proposed new chapter for addition to the Shoalhaven Development Control Plan 2014. Submissions were received in response to the exhibition from community members, NSW Government Agencies, landowners, and the Moss Vale North Owners Group (a group of owners and developers holding a significant interest in most of the URA). An internal review of the draft development controls was also completed.

Since the exhibition of draft development controls, staff have worked collaboratively with the Moss Vale North Owners Group to adjust the draft development controls. Staff have also consulted a range of NSW Government Agencies to ensure the draft development controls meet their requirements. This work has resulted in the updated draft development controls provided as **Attachment 1**. A summary of the adjustments to the previously exhibited draft development controls is provided as **Attachment 2**.

The Moss Vale North Owners Group continue to seek additional adjustments to certain draft development controls beyond those settled through the collaborative process. These are outlined later in this report and provided as an alternative option for Council to consider in its adoption of the development controls. This report identifies the requested adjustments, relevant considerations, and provides an alternative set of development controls as **Attachment 3**.

A local infrastructure contribution framework still needs to be settled and agreed to deliver the infrastructure to support the URA and its future communities. This framework could take

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different forms, such as a Development Contributions Plan or Voluntary Planning Agreements offered by developers. An important consideration for any framework is the NSW Government's cap for development contributions plans of \$30,000 per dwelling as it is anticipated the local infrastructure for this URA will most likely exceed this cap.

It is important that both the DCP provisions and local infrastructure contribution framework are in place to ensure the coordinated delivery of the URA before development applications are considered/determined. As more work is needed to confirm the infrastructure and identify a funding mechanism(s), this report recommends the 'in-principle' adoption of the DCP provisions with a deferred commencement of 1 April 2026 (6-months). A future report will detail the recommended approach to settle a local infrastructure contributions framework for the URA. Council's consideration of this foreshadowed/proposed report provides the opportunity to bring forward the commencement of the development controls if an infrastructure framework is settled sooner.

Recommendation

That Council:

1. Adopt 'in principle' the draft development controls provided as **Attachment 1**; and
2. Add them as a new chapter to the City-wide *Shoalhaven Development Control Plan 2014*, and set a commencement date of 1 April 2026.

Options

1. As recommended.

Implications: This would secure the adoption of a set of contemporary development controls to guide the delivery of the URA. The recommendation considers and responds to the feedback received on the draft development controls and the continued collaboration with key landholders/developers.

The development controls will guide the development of the URA and facilitate a supply of new homes in northern Shoalhaven. The 'in-principle' adoption of the development controls allows Council to consider applications for development consent while work continues on the local infrastructure contributions framework. The deferred commencement of the development controls allows for coordinated work on a local infrastructure contributions framework for the release area.

Completing this work is a high priority project confirmed by Council's earlier decisions. It also contributes to achieving Council's established land use planning commitments.

2. Adopt one, two, or all three of the alternative development controls requested by the Moss Vale North Owners group and provided in **Attachment 3**. These include alternative outcomes sought for:
 - a. The road network (reduced number of roundabouts),
 - b. Revegetation of riparian corridors (removal of revegetation standards from the development control plan), and
 - c. Bushfire asset protection zones (establishment on private and public land).

Implications: The recommendation results in the adoption of some alternative development controls for the URA. In summary, the alternatives will:

- a. Require the installation and maintenance of alternative traffic calming measures across the URA to help manage vehicle speeds given a reduction in the recommended number of roundabouts.

- b. Defer the planning of riparian revegetation outcomes to individual development applications, potentially delaying the issue of development consents due to additional assessment considerations. Inconsistent outcomes may also be delivered and result across the URA.
 - c. Require increased future Council resourcing of compliance monitoring and enforcement activities to establish and maintain restrictions on many private properties to ensure continued integrity of bushfire asset protection zones.
3. An alternative resolution.

Implications: The implications would depend on the nature and direction of any resolution.

For example, a decision setting out an alternative approach to settle the planning documents may further delay delivery of the URA and continue to impact on Council's resources and other priority land use planning work. Resolving not to proceed would effectively halt the planning and delivery of the URA. Current planning controls would continue to apply, along with the requirement for development controls and arrangements for local infrastructure to be in place prior to any subdivision and development activity. This would mean Council could not approve any subdivision or development proposals.

Background and Supplementary information

The local planning documents needed to enable the actual 'release' and guide delivery of the URA are:

- Zones and planning controls, set in the Local Environment Plan – in place, zoning adjustments completed in late 2023.
- Development controls, contained in a new chapter in the City-wide DCP.
- A local infrastructure contributions framework which identifies the infrastructure needed to enable development and support the future communities. The framework also secures the funding and delivery of the local infrastructure.

Draft DCP controls were most recently publicly exhibited in late 2024. These controls support the settled LEP provisions and address a range of matters, including:

- Key desired development outcomes and an indicative layout plan.
- Potential/desired staging.
- Aboriginal cultural heritage.
- Managing bushfire, flood risk, and stormwater management.
- Managing natural resources, riparian corridors, and other environmental values.
- Open space and landscaping.
- The street network.
- Detailed development controls for the village centre and residential development.

A proposed local infrastructure contributions framework paper was exhibited alongside the draft DCP controls. This framework attempted to identify, design, and cost the full range of infrastructure required by the release area, which includes:

- Roads, intersections, and bridges connecting all development stages of the URA with the existing and future road network and provide a flood evacuation route.

- Drainage infrastructure to manage water quality and the flow and volume of water from the URA.
- Open space, parks and playgrounds, and other community facilities to meet the needs of new residents. This includes the upgrades of existing regional and district facilities.

The framework also examined a range of potential options to secure the funding and delivery of local infrastructure.

The adjustments to the draft DCP controls will require a refinement of the infrastructure list, types, design, and cost analysis identified in the exhibited framework. For example, different road widths and reductions in the planned number of roundabouts could provide savings. The infrastructure framework continues to be worked on and outcomes/options will be presented for Council's consideration in a future subsequent report.

Draft Development Controls

Since the exhibition of the draft DCP controls, staff have worked with the Moss Vale North Owners Group to attempt to collaboratively adjust the draft controls. Activities included:

- Establishment of a working group with the Owners Group. This involved the City Development Director, Strategic Planning Manager, and other key staff (as required) and was supported by a governance framework and terms of reference.
- Monthly Oversight Meetings from March to August (6) at which key matters were discussed.
- Technical workshops (4) to discuss a range of detailed matters in the development controls and technical details of the road network (including intersections and bridges).
- Information exchanges on a range of matters.

The Owners Group were also provided two opportunities to brief elected Council (March & August 2025) and part of broader briefings on this matter.

The working group initially identified 38 matters across a range of topics where the Council staff recommendation and Owner Group's request differed. These topics included:

- Dwelling yield and subdivision layout,
- Protection and restoration of riparian corridors and environmental corridors.
- Managing the risks associated with flooding and bushfire.
- Design of the road network, including road widths and intersections, and
- Development staging.

These 38 matters have been potentially reduced to 3 through the potential adjustment of development controls, reconfirming the advice of certain Government agencies; and deferral of a limited number of matters to the local infrastructure contributions framework (such as the design and location of drainage infrastructure). The overall aim of resolving these matters was to, where appropriate, increase the area of land generally available for residential development and reduce the local infrastructure delivery cost.

The potential adjustments have had a significant focus on the road network with the deletion of some lengths of road, roundabouts and bridges and the reduction in width of some roads and bridges. Other potential adjustments increase flexibility in subdivision and dwelling design, access requirements, and locating pedestrian paths in adjacent natural areas and open space.

The NSW Rural Fire Service (RFS) was consulted on the provision of asset protection zones on public and private property. The NSW Department of Climate Change, Energy, the Environment and Water was consulted on the protection and restoration of riparian corridors given their prior involvement in the adjusted LEP controls.

The remaining three matters include:

1. A further reduction in the number of recommended roundabouts and replacement with priority intersections.
2. Deferring the detail of the revegetation of riparian corridors to the preparation of individual development applications.
3. Provision of part of required Asset Protection Zones on private properties.

Relevant considerations for each of these matters are outlined below and comparison of two sets of alternative development controls for each of them is provided as **Attachment 3**.

Further Reduction in Recommended Roundabouts

The original planned outcome for the URA included 31 roundabouts. This outcome was identified and justified in an earlier engineering assessment Council commissioned from traffic consultants. The outcome is also consistent with relevant Austroads Guides (Austroads is the association of transport agencies assisting in the delivery of transport infrastructure ([link to information](#))). The outcome was designed to manage through traffic in the URA, noting its location between two major roads (Moss Vale Road and the Princes Highway) and deliver a self-enforcing speed environment. Also relevant is the longer term northerly extension of the URA at some point (identified in the endorsed Nowra-Bomaderry Structure Plan).

Roundabouts are the preferred means of slowing traffic and managing traffic conflicts and generally considered safer than traditional intersections. Austroads guidance identifies:

“Roundabouts are widely used in Australia and New Zealand and are regarded as a primary safe system treatment. They simplify decision making for road users, encourage appropriate behaviours (motorists have an expectation that slowing down or stopping is required on any approach), reduce points of conflict, virtually guarantee low interaction speeds through geometric design, and avoid 90-degree impact angles. When road users make an error, they are much less likely to be seriously injured in the resulting collision.”

The road network recommended by the draft DCP controls has undergone several adjustments, including:

- Reducing the originally planned number of roundabouts on the Collector Road network from 31 to 15, replacing them with priority intersections (an intersection where the rules of priority are established by means of traffic signs),
- Deferred delivery of the central island of 3 roundabouts, helping to temporarily reduce infrastructure costs, and
- Removal of the requirement for roundabouts from local streets to provide developers with flexibility when selecting intersection treatments.

The Owners Group is requesting the replacement of a further 8 (of the remaining 15) roundabouts with priority intersections to reduce the cost of infrastructure and make more land available for residential development. An alternative scheme of traffic calming measures will be required to support the reduced number of roundabouts. Although a scheme has not yet been designed, it will have installation costs and maintenance obligations for Council moving forward.

Revegetation of Riparian Corridors

Restored riparian corridors have been a long-standing expectation arising from the eventual development of this URA. The benefits and values of restored riparian corridors as part of development of this nature are recognised by peak development industry bodies, such as the Urban Development Institute of Australia, and are a common feature of many contemporary new residential release areas.

The draft DCP controls were originally designed to deliver a framework which secures these outcomes up front and early. This framework includes a requirement for a Vegetation Management Plan (VMP) and guidance setting out revegetation principles, vegetation species specific to the area, and a 5-year maintenance period. The aim of the framework is to provide certainty on what is required at each subdivision stage. The draft DCP controls are supported by relevant Government Agencies for a range of reasons but principally because of the upfront certainty and the streamlined approval process which follows.

The Water Licencing & Approvals Team at the NSW Department of Climate Change, Energy, the Environment and Water advised as follows:

“The desired outcome for the riparian corridors is that the vegetation buffers/riparian corridor criteria indicated by the guidelines/DCP are achieved and that any rehabilitation work is implemented as land is developed in adjoining stages.”

The Conservation Programs, Heritage & Regulation Team at the NSW Department of Climate Change, Energy, the Environment and Water also advised as follows:

“Resolving the riparian controls and expectations for future riparian corridor management at strategic planning stage, as per the current draft DCP means that expectations for riparian management (including future vegetation management plans accompanying development applications) are well understood upfront. Future integrated development approvals under the Water Management Act that comply with the current draft DCP will be streamlined, removing the need for detailed site-by-site negotiations and reducing development assessment timeframes.”

The Owners Group have requested both reduced restoration outcomes to decrease development costs and the deferral of restoration details to individual development applications and concurrent approval processes for works in or near watercourses, known as controlled activity approvals. The guidelines supporting the subsequent approvals are not as detailed as the draft DCP controls. While they require the preparation of VMP, they do not set specific outcomes and only include a 2-year maintenance period.

Provision of Bushfire Asset Protection Zones on Private Properties

The draft DCP controls seek to secure bushfire asset protection zones on public land using perimeter roads. This is considered a better risk management solution than providing asset protection zones entirely or partly on private property. This approach ensures Council is the sole owner and maintenance entity and the zones are made up of mostly “hard” infrastructure – roads and paths. Maintenance requirements are limited to the relatively cheap exercise of mowing a wider grassed verge than standard.

The draft DCP controls already provide opportunities to deliver smaller Asset Protection Zones at the development application stage by allowing “short-fire run modelling”. Importantly, smaller Asset Protection Zones increase the land available for residential development.

The Owners Group alternative outcome is to establish Inner Protection Areas, or the last 4-5 metres of Asset Protection Zones on the many hundreds of private properties planned to be located adjacent to vegetated riparian corridors. The suggested aims of this are to reduce Council’s maintenance costs and make additional land available as residential lots, noting that it does not increase the area available for development.

Private landscaping in Asset Protection Zones was identified as a “weak link” in reviews of the 2019-2020 bushfires, allowing fire to spread to a property and then from property to property along a street (noting potential building separation as little as 0.9m). These examples were exacerbated where the occupiers had chosen to evacuate instead of stay and protect properties.

The alternative outcome will also require Council to ultimately resource the establishment, monitoring, and enforcement of property title restrictions on hundreds of lots to ensure the privately owned components of Asset Protection Zones are appropriately maintained.

Internal Consultations

Council’s Strategic Planning Team collaborated with the following other teams within Council to prepare the potential final draft DCP controls and review the Moss Vale North Owner Group’s requests:

- Strategic Transport Planner: Road and shared user path networks.
- Technical Services: Bushfire asset protection zones.
- Environmental Services: Managing flood risk, natural areas, and drainage.
- Open Space and Recreation: Provision of open space.
- Development Services: Review of development controls.

In this regard, a Project Control Group of staff from the above teams continues to work on the planning and delivery of the URA, coordinate the delivery of infrastructure, and assist with potential applications for Council’s development consent.

External Consultations

The following NSW Government Agencies were consulted on the draft development controls:

- Rural Fire Service
- Department of Climate Change, Energy, the Environment, and Water.
 - Water Licencing and Approvals
 - Conservation Programs, Heritage & Regulation
- Department of Planning, Housing, and Infrastructure
- Transport for NSW.

Community Consultations

Council publicly exhibited the draft DCP controls from 26 August to 23 September 2024. Council received fourteen (14) submissions from community members raising the following matters:

1. Objections to the delivery of the release area.
2. Funding and delivering local infrastructure.
3. Roads and community infrastructure.
4. Sustainable development.
5. Dwelling diversity.
6. Acquisition and dedication of riparian corridors.

7. Managing flood risk.
8. Managing existing properties within the release area.
9. Notification of future development proposals.

These submissions are summarised in **Attachment 4 Review and Consideration of Submissions and Feedback**. This document considers the feedback received and recommends the adjustment of the draft development controls. These adjustments have been incorporated into the draft development controls.

Policy and Statutory Implications

The delivery of the URA will create a substantial supply of new homes, helping Council meet the NSW Government's Housing Targets.

The NSW Government's *Illawarra-Shoalhaven Regional Plan 2041* identifies the Nowra-Bomaderry Release Areas, which includes this URA, as being regionally significant. The Plan sets a strategy to support ongoing supply of housing in appropriate locations, such as the release area. Progressing the local planning documents for the release area is consistent with this plan.

Progressing the local planning documents for the release area will implement priorities identified in Council's Community Strategic Plan, including Priorities 2.2 *Liveable Neighbourhoods and Sustainable Development*, and 3.3 *Housing for All*.

Council's Local Strategic Planning Statement (*Shoalhaven 2040*) confirms the importance of preparing the local planning documents for the release area in *Planning Priority 1: Providing homes to meet all needs and lifestyles*. Finalising the planning documents in a timely manner is a high priority project and current focus for Council's Strategic Planning Team.

Financial Implications

Council has expended considerable staff resources and funds to date to get the local planning documents to this point in the planning process and continues to do so. Available funds and resources are now allocated to the work preparing the local infrastructure contributions framework. There are no funds allocated for further work on the draft development controls.

Setting and coordinating an appropriate local infrastructure framework for the URA is essential to help secure the funding and coordinate the delivery of essential infrastructure. This removes the risk of Council having to fund the delivery of local infrastructure from its budget. Other funding and infrastructure delivery initiatives will be pursued to either fund the infrastructure or help facilitate its prompt delivery. These include Federal and State Government infrastructure funding initiatives that continue to emerge and agreements with owners/developers.

The alternative outcome proposed for the establishment of Asset Protection Zones on private property will require resources to establish, monitor, and enforce property title restrictions on hundreds of lots to ensure the privately owned components of the Asset Protection Zones are appropriately maintained.

Risk Implications

The NSW Government's Housing Delivery Authority now provides a streamlined State Significant Development pathway for housing proposals. Developers can submit an Expression of Interest to the Authority for major housing developments worth over \$30m. If a nomination occurs and is accepted by the Authority, it could ultimately remove or reduce

Council's involvement in planning and managing the development and infrastructure outcomes for the release area.

The NSW Government is publishing Council League Tables in support of its 5-year Housing targets. This presents a reputational risk for Council if planning for the URA is delayed and impacts on Council meeting its target.

The ownership of land within the URA continues to change and evolve. This brings with it a range of additional expectations and considerations.

CL25.320 Refund Application - Development Application Fees Paid - 170 Riversdale Road, Illaroo (Bundanon Trust)

HPERM Ref: D25/346953

Department: Development Services

Approver: Katie Buckman, Director - City Performance

Attachments:

1. Application Payment Advice and Fees Paid 1 of 2 (under separate cover) [⇒](#)
2. Application Payment Advice and Fees Paid 2 of 2 (under separate cover) [⇒](#)
3. Submitted Information - Details, Charity Registration and Balance Sheets (under separate cover) [⇒](#)

Purpose:

Enable consideration of a request for the refund of development application fees paid for Modification Application No. DS23/1250 under Council Policy POL23/6 – Refund of Development Application Fees and Other Fees for Charitable Organisations and Community Groups.

Recommendation

That:

1. Council support the refund of application fees paid in the amount of \$11,873.19 as part of Modification Application No. DS23/1250 in accordance with Council Policy POL23/6 – Refund of Development Application Fees and Other Fees for Charitable Organisations and Community Groups.
2. The sum of \$11,873.19 is unbudgeted in the current financial year and will be sourced from the General Fund.

Options

1. Support the recommendation

Implications: The fees paid to Council as part of the application lodgement would be refunded to the applicant in accordance with the terms of the Policy. This is however unbudgeted for and will need to be sourced from the General Fund.

2. Not support the recommendation

Implications: The fees paid to Council as part of the application lodgement would not be refunded to the applicant. Reasons must be given as to why the applicant was ineligible for a refund in accordance with the terms of the Policy.

3. Provide an alternative recommendation

Implications: This would depend on the nature of the alternative recommendation.

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Background and Supplementary information

Nature of the approval in which a refund has been sought

Modification Application No. DS23/1250 to Development Consent DA19/1134 was approved for the following purpose on 29 February 2024:

Construction of a gallery building and a creative learning centre (bridge building) comprising tourist and visitor accommodation (32 rooms), workshop, dining room space, café, catering kitchen and associated infrastructure

S4.55(2)

Application fees which were paid

Fees of \$11,247.69 were paid on 4 August 2023 (refer excerpts in Figure 1 below and full extract at **Attachment A**), and \$625.50 on 30 September (refer excerpts at Figure 2 below and full extract at **Attachment B**).

The total application fees paid equate to \$11,873.19 and reflects the amount of the refund being sought by the applicant.

Particulars	Qty	Amount	GST	Total
S96(2) - Estimated cost of Development more than \$10,000,000 + additional fee per\$1,000 (or part of \$1,000) by which the estimated cost exceeds \$10,000,000	1	\$5,943.00	\$0.00	\$5,943.00
S96(2) - Estimated cost of Development more than \$10,000,000 - per \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$10,000,000	19647	\$5,304.69	\$0.00	\$5,304.69

Payment received for MICR: 21070568

Name: Bundanon Trust

Address:

ContactNumber:

Email:

Council Reference: Q115054

Receipt Date: 4 August 2023

Amount Received: **\$11,247.69**

Receipt Number:

Receipt Source:

MICR Balance: **\$0.00**

Figure 1: Extract of payment invoice

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Particulars	Qty	Amount	GST	Total
Advertised in press	1	\$393.00	\$0.00	\$393.00
Advertised by letter in accordance with Council's Community Consultation Policy	1	\$232.50	\$0.00	\$232.50

Payment received for MICR: 21088553

Name:

Address:

Contact Number:

Email:

Council Reference: DS23/1250

Receipt Date: 30 September 2023

Amount Received: **\$625.50**

Receipt Number:

Receipt Source:

MICR Balance: **\$0.00**

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Figure 2: Extract of payment invoice

Application of Council's Policy POL23/6 – Refund of Development Application Fees and Other Fees for Charitable Organisations and Community Groups

Any refund request must be considered strictly in accordance with the terms set out under Council's Policy POL23/6 – Refund of Development Application Fees and Other Fees for Charitable Organisations and Community Groups.

Section 2.3 of the Policy provides the following:

Applicants/ organisations who meet the exemption criteria in clause 2.1 are required to pay upfront any amount above the fee refund threshold set in clause 2.2. The applicant/ organisation can apply for reimbursement of the amount paid and Council will consider this request on merit in accordance with clause 2.4.

Applicants/ organisations who do not meet the exemption criteria must pay the scheduled fees upon lodgement of an application.

The applicant has paid the application fees up front and has now sought a refund in accordance with the terms of Section 2.3. The applicant has provided advice that they meet the required exemption criteria set out in Section 2.1 of the Policy. This is further explored in the Report below.

Section 2.4 of the Policy provides the following:

If a reimbursement of the fees is sought, a written request outlining the grounds for reimbursement must be submitted. Refer to 2.1.

The matter will then be referred to a meeting of Council. Any donations by way of whole or partial reimbursement determined by the Council will be paid out of the City Development budget or a source identified in Council's resolution.

Accordingly, the refund of fees request has been presented to Council for consideration and determination.

Consideration of whether the applicant meets the POL23/6 Section 2.1 Exemption Criteria

The exemption criteria is described as follows:

(a) *The applicant is a non-profit organisation, such as:*

- *a registered charity and evidence of registration as a charity has been provided to Council; or*
- *a local community or sporting group; or*
- *a Council project of a “community” nature.*

Council Staff Comment: the applicant has provided suitable evidence of their status as a charitable organisation (**Attachment 3**). The nature of the information submitted includes a formal letter from the Department of Fair Trading recognising Bundanon Trust as a charity.

(b) *The application does not involve any ongoing commercial or business type venture such as a nursing home, childcare centre, educational establishment, registered club* or subdivision of land etc, whether or not they meet the exemption criteria in clause 2.1(a).*

**Club includes any subsidiary, associated group or organisation, including an arm of the club ‘Trading As’ and holding a Club Licence under the relevant legislation.*

Council Staff Comment: It is clear from the balance sheet and information provided by Bundanon Trust that the operation is being conducted in such a way that can sustain the development on the site and enables it to continue to function in such a way that can provide benefit to the local community with those funds being reinvested into the development.

(c) *To support a fee refund request the following information must be provided:*

- *Evidence of being one of the organisations referred to in (a) above. In this regard, the organisation must provide current, verifiable written proof that the organisation is either registered with the Australian Taxation office (ATO) as a charitable / non-profit organisation or, alternatively, is registered with the Office of Fair Trading under either Associations Incorporation 1981 or Corporations Act 2001.*
- *Balance sheets.*
- *An explanation of how any refunded fees will be returned and benefit the local Shoalhaven community.*

Council Staff Comment: In accordance with **Attachment 3**, the applicant has provided balance sheets from the 2023/2024 financial year providing that there is not an ongoing business type venture being conducted.

The balance sheets also reflect that the Bundanon Trust are investing any funds raised back into the community, with advice having been provided that the funds are reinvested in the following means:

- Hosting of thousands of school children from across the region and Australia by providing unique creative learning opportunities.
- Provision of residential and day learning programs.
- Provision of free and subsidised visits for economically disadvantaged schools, schools with high First Nations involvements, and those that cater for students with special needs.
- Provision of opportunities for wider community groups to experience the learning opportunities as well providing social engagement.

Conclusion

The request is consistent with the provisions of POL23/6 and the requested refund can be considered/supported.

Internal Consultations

Not applicable – no internal consultations required to be carried out.

External Consultations

Not applicable – no external consultations required to be carried out.

Community Consultations

Not applicable – refund of application fees is not required to be notified or exhibited externally in accordance with the Community Engagement Strategy

Policy and Statutory Implications

Council's Policy POL23/6 – Refund of Development Application Fees and Other Fees for Charitable Organisations and Community Groups enables this request to be considered. .

Financial Implications

Financial implications include the refund of Modification Application fees paid to Council in the amount of \$11,873.19 back to the applicant. In accordance with POL23/6, the funds are required to be reimbursed out of either City Development's budget or a source to be identified in Council's resolution.

Given that the sum is unbudgeted in the current financial year and will be a significant impact on the Development Services budget, it is proposed that the refund be sourced from Council's General Fund.

Risk Implications

A decision which reflects the terms of Council's Policy is considered to have minimal risk and would reflect Council's established procedures.

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CL25.321 Policy Reviews - Metered Standpipe and Bulk Water Filling Station & Non-Urban Water Supply Connection Policy

HPERM Ref: D25/362773

Department: Water Business Services

Approver: Andrew McVey, Director - Shoalhaven Water

Attachments: 1. Metered Standpipe and Bulk Water Filling Station Policy (under separate cover) [⇒](#)
2. Non-Urban Water Supply Connection Policy (under separate cover) [⇒](#)

Purpose:

The review of all Public and Local Approval Policies has been the practice of each newly elected Council. This report will propose that Council consider and reaffirm the attached Policies.

Summary and Key Points for Consideration:

The attached policies have been reviewed and updated with minor edits in wording, definitions and legislation references. The changes proposed do not change the original policy intention.

Recommendation

That Council reaffirm the Metered Standpipe and Bulk Water Filling Station & Non-Urban Water Supply Connection Policies with minor changes and additions.

Options

1. Adopt the recommendation as written.

Implications: Minor changes will assist for currency and clarity. There are no significant changes proposed.

2. Not adopt the recommendation.

Implications: Council can request further detail, seek further community input or make other changes.

Background and Supplementary information

Metered Standpipe and Bulk Water Filling Station policy

The policy attached has been marked up with the proposed changes for consideration and adoption by Council and a summary of the changes to the policy are as follows:

- Section 3, Addition of new definition “Backflow prevention”
- Section 4.1.2, under Usage of standpipe is subject to a Hire Agreement – Addition explaining the application process, new statement defining the requirement for

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backflow prevention. Removal of reference to Public Health requirements, as this is not required by Shoalhaven Water to approve a hire agreement.

- Section 4.1.2, under Penalties, costs, and termination of agreement - wording changed to make penalties and costs more explicit.
- Section 4.1.2, under Standpipes currently in use, removed due to no longer being applicable.
- Section 4.1.3, under Access requirements – Bulk Water Carter supplying potable water – removal of reference to Public Health requirements as this is not required by Shoalhaven Water to approve a hire agreement.
- Section 5, added Related Legislation, Policies, and Procedures.
- Section 6, added risk assessment
- Section 8, added ownership and approval information

In addition to the items outlined above, minor wording/grammatical changes have been made to improve clarity and ensure the flow of information is easy to follow. All edits have been tracked in the policy document and marked for review.

Non-Urban Water Connection Policy

Amendments proposed in this policy are as follows:

- Changes to Section 2.1 policy statement, so it is uniform with the policy statement of Non-Urban Wastewater Connection Policy
- In Section 4.1.1, changed General Manager to Director Shoalhaven Water
- In Section 4.1.2.1, referred that applications to be actioned to Development & Regulatory Team
- In Section 4.1.2.2, in example 1 and 2 all numbers changed to reflect the Financial year 2025/26 fees where applicable
- Section 5, all related legislation, policies, and procedures have been added to the policy
- Section 6 is the risk assessment which is a requirement
- Section 7 is deleted

In addition to the items outlined above, minor wording/grammatical changes have been made to improve clarity and ensure the flow of information is easy to follow. All edits have been tracked in the policy document and marked for review.

Internal Consultations

Key staff within Shoalhaven Water have been consulted and provided feedback on the proposed changes. No formal internal consultation across Council was conducted as the application of the policy is the responsibility of Shoalhaven Water.

External Consultations

No external consultation has been conducted as part of the review of this policy as no significant changes have been proposed in the review of this existing policy.

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Community Consultations

No community consultation has been conducted as part of the review of this policy as no significant change has been proposed.

Policy and Statutory Implications

Policies included in this report proposed for reaffirmation. The nature of the changes is considered minor and therefore have no implications or deviation from the intent of the existing approved policies.

Financial Implications

No financial implications have been identified from the proposed changes.

Risk Implications

As no significant changes have been proposed, there is no change to the current risk implications of this policy.

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CL25.322 Easement Acquisition - Part Lot 7 DP 1158088, 31 John Purcell Way, Nowra

HPERM Ref: D25/393875

Department: Water Asset Planning & Development
Approver: Andrew McVey, Director - Shoalhaven Water

Purpose:

The purpose of this report is for Council to consider the proposed acquisition of an easement for drainage of sewage over part Lot 7 DP 1158088, 31 John Purcell Way Nowra, by agreement, under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

Summary and Key Points for Consideration:

- Acquisition of an easement under the Land Acquisition (Just Terms Compensation) Act 1991 can occur with consent of owners, by agreement or by compulsory acquisition depending on consultation outcome with the current landowner/registered proprietor.
- Acquisition by agreement has been achieved.
- Council resolution is required to acquire an easement and approve the agreed compensation.

Recommendation

That Council

1. Under the Land Acquisition (Just Terms Compensation) Act 1991 acquire an easement for drainage of sewage approximately 281m² (subject to final survey) shown on Figure 1 over part Lot 7 DP 1158088, 31 John Purcell Way Nowra.
2. Agrees to pay compensation of \$9,000 plus GST (if applicable) and the reasonable legal and valuation costs (disturbance costs) associated with the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.
3. Endorse funding for this acquisition from Shoalhaven Water's Sewer Fund.
4. Delegate authority to the Chief Executive Officer to adjust the compensation in accordance with the area of the easement determined by final survey plan.
5. Authorise the common seal of the Council of the City of Shoalhaven be affixed to any documentation required to be sealed and delegates authority to the Chief Executive Officer to sign any documentation necessary to give effect to this resolution.

Options

1. Resolve as recommended

Implications: The acquisition of the easement is required to formalise Council's ownership and entitlement, providing the legal capacity for access, operation and maintenance.

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2. Not adopt the recommendation

Implications: Council will have no legal ownership or entitlement hindering future access, operation, repair and maintenance of critical infrastructure.

Background and Supplementary information

Shoalhaven Water is upgrading the existing surcharge main between Hillcrest Avenue and Carrington Park Drive, Nowra. This upgrade will improve sewer system performance and address downstream capacity constraints and support future growth within the catchment.

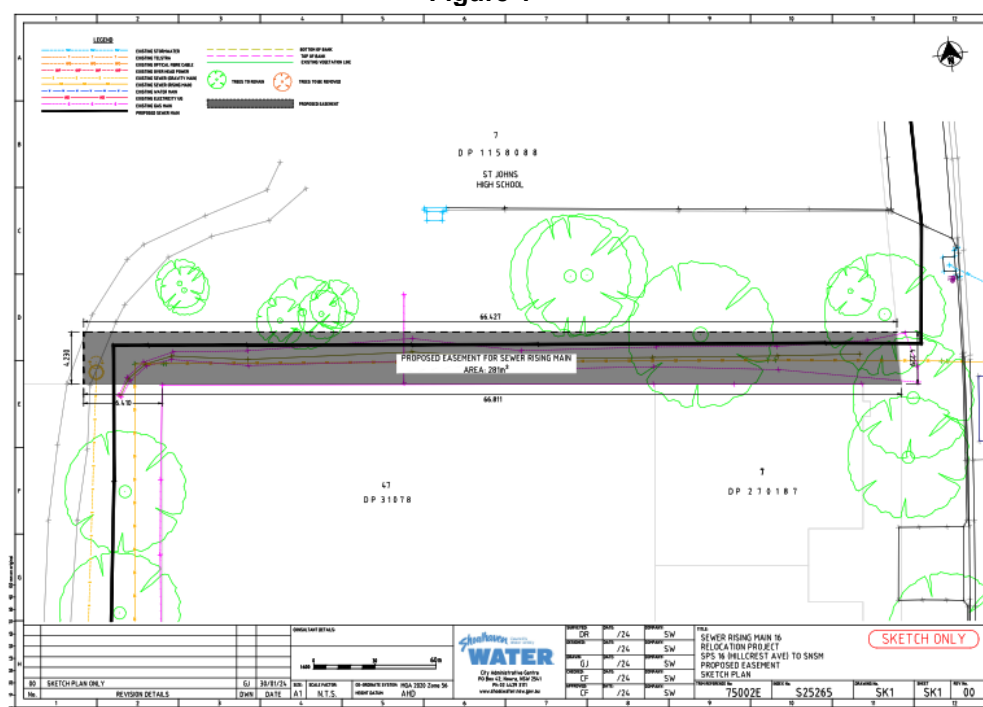
This proposal seeks to redirect sewage flow from an over-capacity gravity sewer main via a new sewer rising main, discharging into a new gravity main currently under construction.

These works will reduce the risk of overflows and avoid the need for a complex and costly upgrade of the existing gravity main.

All works will be undertaken in accordance with the internally prepared and approved Review of Environmental Factors (REF), ensuring environmental considerations are appropriately managed throughout the project.

Figure 1 illustrates the proposed easement (shaded grey) to be acquired, subject to final survey.

Figure 1



Internal Consultations

Consultation has taken place within Shoalhaven Water.

External Consultations

Negotiations with the landowners has been undertaken in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

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Community Consultations

Community consultation is not required for operational purposes such as an easement acquisition.

Policy and Statutory Implications

The acquisition of the easement will be undertaken in accordance with Council's Acquisition of Land by Shoalhaven City Council, POL22/120.

Financial Implications

A valuation was undertaken on behalf of Council by Walsh & Monaghan Valuers Pty Ltd, who assessed compensation for the proposed easement acquisition at \$9,000.00. An offer of \$9,000.00 plus GST (if applicable) was subsequently made to the landowner and accepted. The landowner was satisfied with Council's valuation report and chose not to obtain an independent valuation.

All cost associated with the acquisition including compensation, valuation and legal expenses, will be funded through Shoalhaven Water's Sewer Fund.

Risk Implications

Easement acquisition is necessary to ensure Council's legal rights to access, repair and maintain essential public infrastructure.

Council interests have been considered and there is minimal risk associated with the proposed acquisition.

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CL25.323 Responsible Entity Risk Management Program - Annual Report - Security of Critical Infrastructure Act 2018 (SOCI Act)

HPERM Ref: D25/384052

Department: Water Operations & Maintenance
Directorate: Shoalhaven Water

Attachments:

1. Annual Report - Responsible Entity Risk Management Program (Confidential - under separate cover)
2. Australian Signals Directorate (ASD) - Essential Eight Information (Confidential - under separate cover)
3. Cyber Security Progress Report 2025 - Shoalhaven Water (Confidential - under separate cover)

Purpose:

Under the *Security of Critical Infrastructure Act 2018* (SOCI Act) Responsible Entities must submit an Annual Report relating to its RMP to the relevant Regulator within 90 days of the end of the relevant Australian financial year.

Summary and Key Points for Consideration:

Part 2A of the SOCI Act requires Responsible Entities for critical infrastructure assets to have and comply with a Risk Management Program (RMP). Responsible Entities must submit an Annual Report relating to its RMP to the relevant Regulator within 90 days of the end of the relevant Australian financial year. The Annual Report must be approved by the Entity's board, council or other governing body, and must be submitted prior to 30th September 2025.

Recommendation

That Council approve the submission of the Risk Management Program Annual Report to the Regulator, in order to ensure Council complies with the SOCI Act within the required submittal time of 90 days from end of financial year (30th September 2025).

Options

1. Choose to delay or not approve this report (not recommended).

Implications: Non-compliance with the SOCI Act can result in legal proceedings, significant penalties and reputational damage. Failing to comply can expose responsible entities to cyber security incidents with major impacts on their organisation and national security.

Background and Supplementary information

The Risk Management Program Annual Report must be approved by the Entity's board, council or other governing body, and must be submitted prior to 30 September 2025.

The SOCI Act outlines the legal obligations you have if you own, operate, or have direct interests in critical infrastructure assets. The SOCI Act also outlines how the government can support you if an incident occurs that impacts your critical infrastructure asset.

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The SOCI Act applies to 11 sectors including Communications, Water and Sewerage and is defined as those physical facilities, supply chains, information technologies and communication networks, which if destroyed, degraded or rendered unavailable for an extended period, would significantly impact the social or economic wellbeing of the nation, or affect Australia's ability to conduct national defence and ensure national security.

Internal Consultations

Shoalhaven Water, Information Services & Risk Management teams have collaborated to prepare the Responsible Entity Risk Management Program Annual Report.

External Consultations

No external consultations have occurred as part of this report.

Community Consultations

No community consultations have occurred as part of this report.

Policy and Statutory Implications

No policy implications.

Financial Implications

Non-compliance with SOCI Act can result in legal proceedings and, or significant penalties. Operational disruption can result in damage or exposure of essential infrastructure, with costly response and remediation actions.

Risk Implications

Non-compliance with SOCI Act can expose Council to operational disruption and reputational damage, Government intervention, regulatory penalties and enforcement actions, legal proceedings and associated costs

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CL25.324 Tenders - Sewer Construction Packages – South Nowra, Nowra and Worrigeer

HPERM Ref: D25/375300

Department: Water Asset Planning & Development

Approver: Andrew McVey, Director - Shoalhaven Water

Purpose:

To inform Council of the tender process for the Sewer Construction Packages – South Nowra, Nowra and Worrigeer projects.

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 Sewer Construction Packages – South Nowra, Nowra and Worrigeer projects.

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 Descriptions

The Sewer Construction Packages, consists of 4 separate sewer projects located in South Nowra, Nowra and Worrigeer, with specific project details summarised below, and further represented in [Figure 1](#).

Separable Portion 1 - Worrigeer Road Urban Release Area (URA) Sewer Rising Main (SRM)

Worrigeer Road URA SRM, entailing the construction of new dedicated wastewater infrastructure to service and support the release of new housing (Worrigeer Links Urban

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Release Area - circa 134 lots) south-east of the existing Worrigee residential population. The works include circa 2.4km of new dual SRMs along Worrigee Road, Worrigee.

Separable Portion 2 - Sewer Rising Main (SRM) 16

Sewer Pump Station (SPS) 16 Sewer Rising Main (SRM), entailing the construction of a new sewer rising main diverting flows away from existing SPS 2 at Lyrebird Park to the South Nowra Surcharge Main which is currently undergoing major upgrades for improved system hydraulic capacity and reliability; whilst further supporting the continued expansion of the Hillcrest Avenue medium density housing precinct, being an additional circa 167 new dwellings.

Work includes the installation of approx. 1560m of new sewer rising main through Nowra connecting SPS16 off Hillcrest Avenue to SMH11 off Carrington Park Drive.

Separable Portion 3 South Nowra Surcharge Main (SNSM) Packages 1 & 3

Forming part of the overall major upgrades to the SNSM, Package 1 & 3 works entail the installation of circa 130m of gravity main and circa 600m of sewer rising main along Old Southern Road Nowra/South Nowra. The works will allow the intended future separation of the existing shared sewer rising mains, and thus overcome existing hydraulic capacity issues in that component of the network.

Separable Portion 4 South Nowra Surcharge Main (SNSM) Package 4

Forming part of the overall major upgrades to the SNSM, Package 4 works entail the installation of circa 1.1km of sewer rising main between Old Southern Road and Worrigee Road Worrigee, facilitating the diversion of flows from SPS28 to SPS24 and thus allowing the intended future decommissioning of SPS28.

1. Figure 1 Sewer Construction Packages – South Nowra, Nowra and Worrigee



Legend:

- Separable Portion 1: Worrigee Road URA SRM
- Separable Portion 2: SRM 16
- Separable Portion 3: SNSM SRM Packages 1 & 3
- Separable Portion 4: SNSM SRM Package 4

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Tendering

Council called tenders for the Sewer Construction Packages – South Nowra, Nowra and Worrigeer projects on 1 July 2025 which closed at 10:00 am on 7 August 2025. 10 tenders were received at the time of closing. Tenders were received from the following:

Tenderer	Location
Civil and Civic Group Pty Ltd	Deakin ACT 2600
Ferrycarrig Construction Pty Ltd	Sydney NSW 2000
Hisway Pty Ltd	North Parramatta NSW 2151
Ironbuilt Infrastructure Pty Ltd	Wollongong NSW 2500
Jirgens Civil Pty Ltd	Nowra NSW 2541
Jonishan Pty Ltd	Norwest NSW 2153
Killard Infrastructure Pty Ltd	Parramatta NSW 2150
Southern Infrastructure HDD Pty Ltd	Termeil NSW 2539
Trazilbat Pty Ltd	Sydney NSW 2000
Whyte Civil Pty Ltd	Campbelltown NSW 2560

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

Internal Consultations

Councils Procurement Team has been consulted during the procurement process providing oversight and guidance relating to the financial limitations, delegations, and statutory provision for the procurement of the works.

Internal design by Shoalhaven Water's Projects and Design Unit was utilised in the design and documentation of Separable Portions 1 and 2.

Consultation with impacted Council Asset Custodians has also been undertaken to coordinate planned works.

Consultation with Councils Property Officer to assist with progressing with land matters.

Review of Environmental Factors documents for Separable Portions 1 and 2 undertaken by Councils internal Environmental Officers.

External Consultations

External design by Stantec Pty Limited was utilised to design documentation and Review of Environmental Factors for Separable Portions 3 and 4; as part of their overall engagement by Council for the design of the South Nowra Surcharge Main major upgrades.

As part of the project, Council has also engaged Walsh and Monaghan Pty Limited (Valuers), Kells Lawyers Pty Limited (Legal Representation) and Allen Price Pty Limited (Registered Survey) to progress the proposed sewer main easement acquisition over part land owned by the Trustees of the Roman Catholic Church for the Diocese of Wollongong (St John the Evangelist, Nowra).

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Community Consultations

Community and stakeholder engagement prior to, and during construction is proposed with a dedicated project webpage now established under Council's Major Projects & Works portal: <https://www.shoalhaven.nsw.gov.au/Council/Projects-and-works/Major-projects/South-Nowra-Surcharge-Main-Major-Upgrades>

Key stakeholders along the alignments including (but not necessarily limited to) residents, educational facilities (St John the Evangelist School, Shoalhaven High School) and sporting clubs (Park Road Netball User Group); receiving initial project notification letters.

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*.

Financial Implications:

Sufficient funds have been allocated in the Sewer Fund for the Sewer Construction Packages – South Nowra, Nowra and Worrigeer project budgets for the 2025-26 financial year. 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.

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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.