

Ordinary Meeting

Meeting Date: Tuesday, 28 October, 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

Clr Peter Wilkins - Deputy Mayor

Clr Selena Clancy - Assist. Deputy Mayor

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.

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<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 Audio-Visual Attendance**
- 6. Confirmation of Minutes**
 - Ordinary Meeting - 14 October 2025
- 7. Declaration of Interests**
- 8. Presentation of Petitions**
- 9. Mayoral Minute**
- 10. Deputations and Presentations**
- 11. Notices of Motion / Questions on Notice**

Notices of Motion / Questions on Notice

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- 12. Call Over of the Business Paper**
- 13. A Committee of the Whole (if necessary)**
- 14. Committee Reports**

Nil

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Reports

- CCL25.28 Tenders - Waste Transportation Services - Hook Lift Bins Negotiation Outcomes

Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

- CCL25.29 Tenders - Landfill Cell Liner and Leachate Collection System Construction – Cell 3H – West Nowra Recycling and Waste Facility, Mundamia.

Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

CL25.369 Notice of Motion - Release Advice for Councillors

HPERM Ref: D25/462153

Submitted by: Cllr Jemma Tribe

Purpose / Summary

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

Recommendation

That Council requests the CEO to release the advice the Mayor has obtained in regard to what Councillors can and cannot say about the OLG's investigation into the CEO recruitment process at Shoalhaven City Council.

Background

At the October 14 Ordinary Meeting, Cllr Proudfoot raised a carefully worded Notice of Motion: CL25.358 Notice of Motion - Office of Local Government (OLG) Investigation - Appointment of New CEO, with 7 key points that he sought governance advice on for the wording of.

During the debate, the Mayor made reference to advice received about what could and couldn't be said about the matter, which restricted what Councillors were able to debate on the night.

It would be very helpful if this advice could be released publicly so everyone understands what is and isn't appropriate to discuss during the OLG's active investigation around the CEO recruitment process at Shoalhaven City Council.

Note by the Director – City Performance

Prior to the Council Meeting held on 14 October 2025, the Mayor requested advice from the Business Assurance and Risk Manager with respect to what information regarding the CEO recruitment process should be considered in closed session in accordance with Section 10A(2)(a) of the Local Government Act.

The Mayor was provided the following procedural advice:

"Section 10A2 of the Local Government Act provides for information relating to personnel matters concerning particular individuals other than Councillors being considered in closed session. If councillors find themselves in a position where they need to discuss aspects of this matter which are not contained in the wording of the notice of motion on the agenda, such as personnel related matters, including candidate related information, deliberations of the recruitment panel or council deliberation in previous closed session debate, I recommend that Council move to discuss the matter in closed session."

This advice was referred to by the Mayor during the meeting.

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CL25.370 Notice of Motion - Ulladulla Christmas Wonderland Spectacular

HPERM Ref: D25/462469

Submitted by: Cllr Jemma Tribe
Cllr Bob Proudfoot
Cllr Gillian Boyd

Purpose / Summary

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

Recommendation

That Council resolves to commit the residual funds from the Community Wellbeing Grant Program to offset the costs of hiring the Civic Centre for the Ulladulla Christmas Wonderland Spectacular, enabling it to go ahead in a larger space, and, to thank the volunteers involved for spreading hope and joy in our community at Christmas time.

Background

The Ulladulla Christmas Wonderland Spectacular is a magnificent Christmas display - the only one of its kind in the southern Shoalhaven and organised by a committed bunch of community volunteers.

Last year they saw over 6000 people visit the awe-inspiring display in the room they hired at the Ulladulla Civic Centre and they've outgrown that room with 8-10,000 people expected this year.

The committee has heard the community feedback loud and clear with thousands of people telling them via post event feedback that they need a bigger room this year!

They have finally secured a larger space within the Ulladulla Civic Centre and have purchased an additional \$10,000 worth of decorations/infrastructure to accommodate the room.

Given that increase in expenses they are requesting Council support them with a room hire waiver of \$2500 meaning they pay \$2500 instead of \$5000.

It is important to note that the event is free for the community and any donations that are offered, go to a local charity.

It is also important to acknowledge the Coordinator Kathleen Basile, her husband Joe and her team of 25 volunteers who have obtained sponsorship and funding from local clubs and businesses and the Member for South Coast, Liza Butler to supplement personal contributions. The team is partnering with Milton Ulladulla Lions to operate their barbecue and Rotary to deliver the annual Carols by Candlelight. They have worked tirelessly on this project all year.

Note by the CEO

An application for fee support was submitted on behalf of the Ulladulla Christmas Wonderland Spectacular in March 2025. An assessment against Council's Fee Waivers and

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Subsidies Policy (POL22/77) was conducted and it was determined that the application did not meet the requirements for a fee waiver. Staff notified the applicant of this outcome.

Subsequently a booking for the Ulladulla Christmas Wonderland Spectacular was made on 10 September 2025. If Council's advertised fees and charges were applied to the booking, the cost of the booking (classified as a Community - Regular hire) would total \$7,555. The booking is quoted at \$4,454, representing a discount of \$3,101.

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CL25.371 Sanctuary Point Library - Site Investigations

HPERM Ref: D25/380825

Department: Technical Services

Approver: Kevin Norwood, Acting Director - City Services

Attachments:

1. Site Investigations (under separate cover) ➡
2. Locational Matrix (under separate cover) ➡
3. State Library of NSW - Supporting Letter (under separate cover) ➡

Purpose:

The purpose of this report is to present the outcomes of investigations undertaken to identify a suitable alternative location for the delivery of a new library in Sanctuary Point, in accordance with [MIN25.175](#).

The report outlines the assessment methodology, provides a summary of findings and recommends a suitable site for further feasibility investigations.

Summary and Key Points for Consideration:

History

Investigations related to the delivery of a new library to service the Bay & Basin region have been ongoing since 2018. To date, four scopes of work have been investigated at three locations.

Site Investigations

- Council determined to abandon the most recent previous iteration of this project, as outlined in a Feasibility Study presented at the Ordinary Council Meeting held on 15 April 2025. Accordingly, a structured site investigation process was undertaken, assessing eight potential locations against relevant planning, strategic, and locational criteria.
- For completeness, and to provide the Council with a full suite of relevant information relating to suitable subject sites for a new library in Sanctuary Point, the corner of Kerry Street and Paradise Beach Road was included in assessments outlined in this report.
- The State Library of NSW was invited to review investigations documented in this report and has endorsed the methodology and findings presented here.

Recommendations

- The corner of Kerry Street and Paradise Beach Road scored highest across all criteria and remains the most suitable location for a new library in Sanctuary Point; however, it has been discounted from the recommendation outlined in this report in accordance with the Council's previous resolution (ref. [MIN25.175](#)).
- 34 Paradise Beach Road is therefore recommended as a suitable site for further investigation, based on a combined community services and library model. It is anticipated this model may provide opportunities to accommodate community services (such as early childhood education) and library services (subject to consultation with lessees and stakeholders, including BCR Communities and Illawarra Area Child Care).

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Next Steps

- If the recommendation outlined in this report is endorsed by Council, a new feasibility study can be commissioned to further assess the viability of delivering a new library at 34 Paradise Beach Road, including design options and cost estimates. The outcomes of these investigations would be presented to the Council for consideration at a future Ordinary Council Meeting (subject to funding). The option of engaging Public Works to provide project management services for the development and potential delivery of the project would be investigated.

Financial Implications

- There are insufficient funds available in the 2025/26 Delivery Program Operational Plan & Budget and the Long Term Financial Plan to enable further progression of feasibility investigations related to this matter. The project is therefore considered to be 100% dependent on external funding sources.
- It will therefore be necessary to commence negotiations with the Department of Infrastructure, Transport, Regional Development, Communications and the Arts in relation to the amount of \$7.5M allocated under the Priority Community Infrastructure Program (PCIP). Negotiations are required to ensure planning and design costs are accounted for in the associated deed.
- Additionally, to minimise Council's liability, it is recommended that \$450K earmarked for internal fit out costs (secured under the Public Library Infrastructure Grant, administered by the State Library of New South Wales) be returned. It is understood Shoalhaven City Council would remain eligible to reapply for funding under this program through a future round – without penalty – once a related capital works project has reached a suitable level of maturity.

Recommendation

That Council:

1. Receive the **Sanctuary Point Library – Site Investigations** report, noting the assessment methodology, findings presented, and subject matter expert review undertaken by the State Library of New South Wales.
2. Endorse **34 Paradise Beach Road** (Lot 2 DP 805351) as the preferred location for delivery of a new library in Sanctuary Point (subject to further investigation and stakeholder consultation).
3. Direct the CEO (Director – City Services or delegate) to:
 - a. Commence negotiations with the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to revise the scope of the Priority Community Infrastructure Program (PCIP) grant to include all planning and design costs for a new capital works project;
 - b. Engage with the State Library of New South Wales to return funding earmarked for internal fit out costs under the Public Library Infrastructure Grant and express Council's in-principle interest in reapplying for funding under this program in future.
 - c. Investigate delivery model options, should funding be identified, to progress the project through its development and delivery phases including delivery by Public Works.

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Background and Supplementary information

History

At the Ordinary Council Meeting held on 15 April 2025, Council considered the *Sanctuary Point Library – Update Report 3 (Feasibility Study & Cost Estimates)* ([ref. CL25.114](#)). The purpose of that report was to present the outcomes of a completed Feasibility Study, including architectural concept designs, cost estimates, and site selection analysis for a rescoped library project based on the Warilla Library precedent.

The report confirmed that the corner of Kerry Street and Paradise Beach Road was a suitable location for a new library and could be delivered within the approved project budget (at that time).

Council resolved to abandon the project and investigate alternative sites for a new library in Sanctuary Point ([ref. MIN25.175](#)). This report outlines the work undertaken in accordance with MIN25.175.

Site Investigations (Methodology)

Site investigations were undertaken to identify suitable alternative locations for a new library in Sanctuary Point and followed a structured, multi-criteria assessment process.

The methodology utilised was designed to ensure alignment with best-practice library planning principles, statutory planning requirements, and strategic community infrastructure needs. More information about this methodology is presented below.

Preliminary Assessment

Following consultation with councillors and relevant internal stakeholders, a total of eight sites were identified for investigation within the study area. Each site was assessed for general suitability and assessed against relevant opportunities and constraints.

Common opportunities included proximity to community infrastructure and potential for co-location with supporting activities, while recurring constraints included flood and bushfire risk, limited parking availability, and land tenure.

State Library of New South Wales Guidelines

Each site was reviewed against the State Library of New South Wales's guideline, titled: *People Places: A Guide for Planning Public Library Buildings*, and associated locational matrix, which includes the following criterion:

- Main street or shopping centre location;
- Highly visible location;
- Ground floor and street frontage;
- High levels of personal and property safety;
- Fully accessible;
- Proximity to local schools / education facilities;
- Potential for outdoor space;
- Priority pedestrian access;
- Walk to public transport;
- Convenient and safe parking;
- Accessible for all vehicles;
- Future expansion;

- Co-location opportunities.

Statutory Planning (Permissibility)

Each site was assessed for permissibility under relevant statutory planning instruments, including zoning, overlays, and applicable State Environmental Planning Policies (SEPPs). Consideration was given to whether library development was permitted with consent and whether any constraints (e.g. heritage, coastal, or environmental overlays) would impact feasibility.

Strategic Alignment

An assessment of community needs undertaken in conjunction with the review of Shoalhaven City Council's *Community Infrastructure Strategic Plan* (CISP) has identified that the Sanctuary Point community is currently subject to an under-provision of library services AND community buildings. This gap in community infrastructure provision highlights the need for new facilities in this area that can support a broader range of community services beyond traditional library functions.

Composite Scoring and Site Ranking

Each site was assessed across multiple categories to produce a total score out of 26, allowing for comparative analysis. Categories included: locational matrix score; planning permissibility; strategic alignment; flood/bushfire risk; vegetation removal; land tenure/occupancy; and parking availability.

External Subject Matter Expert Review

Site investigations undertaken by the Technical Services department were provided to the State Library of New South Wales for subject matter expert review prior to finalising the recommendation outlined in this report. The State Library endorsed the methodology and broadly supported conclusions drawn from the assessment.

Overview of Sites

The following sites were included in the investigations and subject to the methodology detailed above:

1. Clifton Park
2. Francis Ryan Reserve
3. Existing Sanctuary Point Library
4. Existing Sanctuary Point Library (Additional Lots)
5. 210 Kerry Street
6. Wool Lane Sporting Complex
7. 34 Paradise Beach Road
8. Corner of Kerry Street / Paradise Beach Road

Results

An overview of the results of site investigations described in this report is presented below in Table 1.

Table 1: Summary of Site Investigations.

Ref.	Site	Summary of Assessment	Overall Score (Max 26)
1	Clifton Park	Flood and bushfire prone, poor access, distant from commercial centre. NOT SUPPORTED	14

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Ref.	Site	Summary of Assessment	Overall Score (Max 26)
2	<i>Francis Ryan Reserve</i>	Proximity to activity centre but constrained by existing sports infrastructure and planning limitations. NOT SUPPORTED	20
3	<i>Existing Sanctuary Point Library</i>	Well located but constrained by land tenure and limited expansion potential. NOT SUPPORTED	17
4	<i>Existing Library (Additional Lots)</i>	Potential for expansion but involves land acquisition risks and tenure constraints. NOT SUPPORTED	21
5	<i>210 Kerry Street</i>	Prominent location but subject to small parcel size and lease complications. NOT SUPPORTED	19
6	<i>Wool Lane Sporting Complex</i>	Remote, flood/bushfire prone, lacks key locational features. NOT SUPPORTED	17
7	<i>34 Paradise Beach Road</i>	Well located, adjacent to commercial centre and school, potential for co-location and expansion. SUPPORTED	22
8	<i>Corner of Kerry Street / Paradise Beach Road</i>	Highest scoring across all criteria. Strong alignment with State Library guidelines, excellent visibility, access, and planning feasibility. SUPPORTED	26

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Further details on the investigation findings and individual site evaluations are provided in **Attachments 1 and 2**.

Findings (Recommendation)

Site

Based on the investigations documented in this report, the corner of Kerry Street / Paradise Beach Road is the most suitable location for a new library in Sanctuary Point from a planning and strategic perspective. Council's previous resolution to abandon this site necessitates the identification of a suitable alternative location.

Accordingly, **34 Paradise Beach Road** (Lot 2 DP 805351) is recommended as a suitable site for further investigation. This site enjoys strong locational advantages, potential for co-location with community services currently housed at this location (subject to further stakeholder consultation).

This finding is supported by the State Library of New South Wales.

Model

34 Paradise Beach Road is currently leased by BCR Communities, who actively deliver community services from this location. Given this existing use, and the strategic importance of the site, it is recommended that, if this location is pursued, the proposed library should be designed to function as a community hub, rather than as a standalone library.

This approach would allow a new community facility developed at this location to accommodate a wider range of services, including meeting spaces, youth programs, and social support functions, in addition to core library operations. This expanded scope is likely to have implications for the required gross floor area and may necessitate the inclusion of a second storey to meet spatial and functional requirements.

To better understand the practical implications of this recommendation, it is proposed that a feasibility study be undertaken. This study would assess the site's capacity to accommodate a multi-purpose facility, explore design options, and provide cost estimates to inform future planning and funding decisions.

Proposed Way Forward

Grant Negotiations

It is recommended that negotiations commence with relevant grant funding bodies to align funding arrangements with a revised scope and delivery timeline.

The Priority Community Infrastructure Program (PCIP) grant, administered by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts is valued at \$7.5 million, and remains a critical funding source for the project. The funding envelope for this grant expires on 30 June 2027, and current arrangements are primarily structured around construction milestones.

Council should seek to renegotiate the terms of the agreement to allow for the inclusion of planning and design costs, including feasibility studies, concept development, and site establishment. This will ensure early-stage project planning and design activities (including feasibility investigations) can be funded by this grant.

It will be necessary to engage with the State Library of New South Wales regarding the Public Library Infrastructure Grant (PLIG), valued at \$450,000. This grant is specifically allocated for internal fit out, which cannot be delivered until construction is substantially complete.

Given the current status (low-level maturity) of the project, it is recommended this funding be returned - unless Council resolves to revert to the previous proposal at the corner of Kerry Street and Paradise Beach Road, where feasibility and concept design work has already been completed.

Stakeholder Consultation

If Council adopts the recommendation outlined in this report, it will be necessary to commence consultation with directly affected stakeholders (ref. External Consultation and Community Consultation chapters below).

Feasibility Study

If Council supports the recommendation outlined in this report, a suitably qualified consultant (Architect) would be engaged to undertake a feasibility study. This study will include further site assessments, conceptual design options, and cost estimates, with the objective of delivering a project that aligns with the approved budget and funding envelope. The outcomes of the feasibility study will inform future decisions regarding project scope, funding strategy, and delivery timelines.

Alternatively, if Council resolves to revert to the previous site at the corner of Kerry Street and Paradise Beach Road, the project can progress directly to detailed design, subject to confirmation of suitable funding arrangements and development consent requirements.

Under both scenarios, it would be necessary for the Council to consider a Capital Expenditure Review, prepared in accordance with the Office of Local Government's *Capital Expenditure Guidelines*. It is anticipated a Capital Expenditure Review would be reported to

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Council for consideration at a future Ordinary Council Meeting, upon receipt of development consent (prior to commencement of construction).

Should funding be identified to proceed with the project, the option of engaging Public Works to provide project management services for the development and potential delivery of the project would be investigated.

Internal Consultations

Work associated with the contents of this report is being led by City Services (Technical Services), coordinated with Library Services, the Chief Financial Officer, and Strategic Planning team.

External Consultations

State Library of New South Wales

Ongoing coordination has been maintained with the State Library of New South Wales in relation to this matter; primarily focused on the administration of grant funding under the Public Library Infrastructure Grant (PLIG), valued at **\$450K**.

As part of this process, an extension of time was sought from the State Library to allow for the completion of site investigations documented in this report.

Following completion of the site investigations, a draft report was provided to the State Library for external subject matter expert review (ref. Attachment 3).

The State Library confirmed that the methodology utilised to determine the recommendation outlined in this report was appropriate and noted that the locational matrix assessment was consistent with the recommended weightings outlined in *People Places: A Guide for Planning Public Library Buildings*. The State Library also acknowledged the inclusion of locally relevant criteria such as flood and bushfire risk, vegetation removal, and land tenure, and expressed support for the findings and conclusions presented in the report.

The State Library identified the corner of Kerry Street and Paradise Beach Road as the most suitable location for a new library in Sanctuary Point - and noted that 34 Paradise Beach Road may be suitable for further consideration, albeit with some limitations. All other sites were discounted by the State Library.

As the project progresses, further coordination will be required with the State Library to determine the future of the funding allocated to this project under the PLIG. Given that the grant is specifically allocated for library fit out, which cannot be delivered until construction is substantially complete, Council will need to either:

- Return the funding, if the project proceeds at an alternative site and is unable to meet the original delivery timeline; or
- Seek confirmation of continued eligibility, if Council resolves to revert to the original proposal at the Corner of Kerry Street location, where feasibility and design work has already been completed.

The State Library has indicated its willingness to continue working with Council as plans for the new Sanctuary Point Library are refined.

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Department of Infrastructure, Transport, Regional Development, Communications and the Arts

Regular coordination has been undertaken with the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, which administers \$7.5M allocated to this project under the Priority Community Infrastructure Program (PCIP).

Ongoing updates have been provided to the Department regarding the status of the project, including the completion of feasibility investigations, and the Council's resolution to abandon the corner of Kerry Street and Paradise Beach Road as the subject site for this project.

The current PCIP funding agreement is structured around construction milestones, with the funding envelope set to expire on 30 June 2027. Given the revised direction of the project and the need to undertake further feasibility work, it is recommended that Council renegotiate the scope of the grant to allow for the inclusion of planning and design costs. This would enable the use of PCIP funds to support early-stage project activities such as site assessments, concept design, cost estimation (quantity surveys), technical investigations, development assessment, and detailed design – all of which are critical to progressing the project toward construction readiness (ie. 'shovel-ready' status, suitable for delivery under future external funding arrangements – ie. grants).

Future coordination with the Department will be required to formalise these changes, including updates to milestone reporting and confirmation of eligibility for staged delivery.

Building Connected Resourceful Communities (BCR Communities)

BCR Communities currently lease part of the council-owned building at 34 Paradise Beach Road, where they deliver a range of community services including youth programs, hireable spaces, and social support.

It is recommended that consultation commence with BCR Communities to explore opportunities for co-location and integration of their services within the proposed facility. The future building would be designed to function as a community hub, incorporating both library services and broader community uses. This approach will require further investigation through a feasibility study, including consideration of gross floor area requirements and the potential need for a second storey.

BCR Communities currently hold a lease agreement, which is due to expire in November 2025. Negotiations have commenced to renew this lease agreement.

Illawarra Area Child Care

Illawarra Area Child Care Inc. also lease part of the council-owned building at 34 Paradise Beach Road, operating a childcare centre from the site. Negotiations are due to commence soon to renew this lease agreement.

It is recommended that consultation commence with Illawarra Area Child Care to discuss the future of their operations at 34 Paradise Beach Road.

Department of Education: School Infrastructure NSW

School Infrastructure NSW is the agency responsible for delivery of new school infrastructure in New South Wales and was contacted in relation to site investigations documented in this report.

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Sanctuary Point Public Preschool

It is understood plans are substantially progressed for delivery of a new public preschool at the Sanctuary Point Public School. It is understood a builder and architect has been appointed to this project, which is currently in 'design' phase.

School Infrastructure NSW has confirmed the new preschool project will not adversely affect the continued provision of library services at the existing Sanctuary Point Library (46 Paradise Beach Rd, Lot 7 DP 805351).

Lot 7 DP 805351 is owned by the Department of Education and leased to Shoalhaven City Council under a historical tenure arrangement. It is anticipated library services would continue to be provided here until a new library is delivered.

Further information about the Sanctuary Point Public Preschool project is available [HERE](#).

Community Consultations

Direct community engagement has not been undertaken in relation to the contents of this report. It is foreshadowed that further community engagement activities will be necessary, and undertaken, as project maturity develops.

Policy and Statutory Implications

Refer to the Financial Implications chapter below for further information regarding application of Part 7 (Division 7.1) of the *Environmental Planning and Assessment Act 1979* (NSW) and the *Shoalhaven Contributions Plan 2019*.

Financial Implications

The financial implications of progressing the Sanctuary Point Library project are dependent on the site selected and the scope of work required to advance the project to detailed design and delivery.

Cost Estimate (Feasibility Study)

If Council adopts the recommendation outlined in this report, a new feasibility study will be required. Based on the anticipated scope (including: site assessments; conceptual design; and cost estimation), the cost of this study is expected to be approximately: **\$250,000**.

There are currently no identified funds in the DPOP to progress with this project.

It is foreshadowed costs associated with a new feasibility study would be funded by the Priority Community Infrastructure Program (ref. External Consultation chapter above).

S7.11 Funds

It is proposed that a portion of the costs associated with the delivery of the new Sanctuary Point Library may be funded through Section 7.11 developer contributions, in accordance with [Part 7 \(Development contributions\)](#) of the *Environmental Planning and Assessment Act 1979* (NSW) and the [Shoalhaven Contributions Plan 2019](#) (ref. [03CFAC0007](#)).

The balance of project costs (not funded by Section 7.11 developer contributions) would need to be sourced from Council or other funding mechanisms, in line with the apportionment methodology outlined in the *Contributions Plan*.

The *Contributions Plan* is currently under review. The quantum of section 7.11 funds available to this project is therefore subject to change and can be confirmed upon adoption of a revised Contributions Plan.

Risk Implications

Risk assessments of key components of the project have been undertaken in accordance with Shoalhaven City Council's enterprise Risk Management Policy.

The recommendation outlined in this report is considered to mitigate risk – particularly financial – to Shoalhaven City Council, whilst identifying a pathway for further investigations. If endorsed (as proposed), project risks would be considered to be within acceptable ranges.

CL25.372 Draft Code of Meeting Practice 2025 - Public Exhibition & Draft Public Forum Policy

HPERM Ref: D25/439694

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

Attachments:

1. Draft Code of Meeting Practice - for Exhibition (under separate cover) [⇒](#)
2. 2025 Model Code of Meeting Practice for Local Councils in NSW (under separate cover) [⇒](#)
3. Draft Public Forum Policy (under separate cover) [⇒](#)

Purpose:

To provide a Draft Code of Meeting Practice for endorsement for public exhibition, in accordance with Section 361 of the *Local Government Act 1993*, following the release of the 2025 Model Code of Meeting Practice (Model Code) by the Office of Local Government (OLG). This report also presents a Draft Public Forum Policy (draft Policy) to be placed on public exhibition concurrent to the Draft Code of Meeting Practice.

Summary and Key Points for Consideration:

The OLG released the updated Model Code via Circular No. 25-20 on 29 August 2025, requiring all councils to adopt a revised Code incorporating the mandatory provisions by 31 December 2025. If Council has not adopted the revised Code by 1 January 2026, the existing Code will continue to apply, except where any provisions conflict with the Model Code. This may lead to confusion during meetings, particularly where inconsistencies arise between the current and model codes.

The attached draft revised Code reflects updates in governance processes, councillor responsibilities, and community access to decision-making. The key changes are summarised in the body of this report.

The Draft Public Forum Policy provides the framework for managing public participation (referred to as 'Deputations' in our current documentation) in Council's public forums. It is noted that the OLG is expected to release best practice notes for managing Public Forums. As these notes are not yet available but expected shortly, Council may wish to defer public exhibition of the draft Public Forum Policy until the guidance is available and can be incorporated as appropriate.

Recommendation

That:

1. In accordance with Section 361 of the *Local Government Act*, the Draft Code of Meeting Practice be placed on public exhibition in order to facilitate community consultation and invite feedback on the proposed changes.
2. The Draft Public Forum Policy, which supports the implementation of the Draft Code of Meeting Practice, be placed on public exhibition concurrently.
3. A further report be submitted to Council following the conclusion of the public exhibition period, summarising any submissions received, and any further advice received from the Office of Local Government, presenting a final Draft Code of Meeting Practice and Draft Public Forum Policy for consideration and adoption.

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Background and Supplementary information

The Office of Local Government (OLG) released the Model Code **[Attachment 2]** via Circular No. 25-20 on 29 August 2025, following a period of sector-wide consultation commencing late last year. The Model Code prescribes updated mandatory provisions that all councils must adopt by 31 December 2025, in accordance with Part 2, Division 1 of the *Local Government Act 1993*. If a compliant Code is not adopted by that date, the Model Code will apply by default from 1 January 2026, overriding any inconsistent provisions in Council's existing Code.

The Model Code aims to promote transparency, consistency, and community confidence in council decision-making. It includes both mandatory provisions, which must be adopted, and non-mandatory provisions, which councils may choose to adopt or modify to suit local circumstances.

A Councillor Briefing was held on 28 September 2025 to outline the key changes introduced in the 2025 Model Code of Meeting Practice. The briefing provided an overview of the mandatory and non-mandatory provisions, with a focus on the implications for Council's current Code and options for inclusion in the revised Draft Code.

The briefing outlined the scope of the changes introduced in the Model Code and supported the development of the Draft revised Code for Council's consideration, which incorporates all mandatory provisions and proposes the retention or enhancement of selected non-mandatory provisions and local practices of this Council.

Summary of Key Changes in the Model Code

Meeting Procedures and Governance

- The Mayor may now call an extraordinary meeting without requiring signatures from two councillors (Clause 3.3).
- Councillors must submit apologies and request leave of absence for meetings they cannot attend; councils must act reasonably and provide reasons if leave is not granted (Part 5).
- Councillors must stand when the Mayor enters the Chamber, where physically able (Clause 7.1).
- Councillors must address the Mayor or Deputy Mayor using formal titles (e.g. Mr Mayor, Madam Mayor) (Clauses 7.2–7.3).
- Councillors may now speak to a motion to alter the order of business, as can the Mayor (Clause 8.3).
- The Mayor may submit any matter for consideration via Mayoral Minute, removing previous limitations (Clause 9.7).

Transparency and Public Access

- Pre-meeting briefings are no longer permitted; any information provided prior to meetings must be publicly available and must not involve discussion (Clause 3.31).
- Councillors may request information from the CEO about meeting matters, provided it is also publicly available and non-discursive (Clause 3.32).
- Public Forums may be held for the purposes of hearing oral submissions on items of business to be considered. These forums should not form part of the formal Council meetings but should instead be held at a separate time prior to the commencement of those meetings.
- Councils must livestream public forums, though they retain discretion over whether and how forums are held (Clauses 4.1–4.3).

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- Livestreaming of council and committee meetings (where all members are councillors) is now mandatory, with recordings retained for at least 12 months or the remainder of the council term (Clauses 5.35–5.38).

Councillor Conduct and Meeting Management

- Councillors are prohibited from asking Questions with Notice that constitute an Act of Disorder, expanding the previous restriction (Clause 3.13).
- The Model Code introduces clearer provisions for Points of Order and Acts of Disorder, including powers for the Chairperson to manage conduct and expel councillors under certain conditions (Part 15).
- Discriminatory behaviour is now explicitly defined as disorderly conduct, empowering the Chair to act on gestures or behaviour, not just verbal comments.
- The Model Code has removed the requirement for business papers to have statement reminding councillors of their oath or affirmation of office.

Operational and Administrative Provisions

- The note allowing the CEO to report on Notices of Motion involving strategic, financial, or policy matters has been removed.
- Councils may determine dress standards for councillors attending meetings (Clause 5.2).
- Attendance via audio-visual link is restricted to ill-health, medical reasons, or unforeseen caring responsibilities, with written application and council resolution required (Clauses 5.18–5.27).
- Urgent business may be considered without prior notice if all councillors are present and agree; if not all are present, the Chair must also rule the matter urgent (Clauses 3.27 / 9.1–9.6).
- Councils must decide whether to authorise the Chairperson to exercise expulsion powers at the time of adopting the Code and at the start of each term (Clause 5.34).

Planning and Decision-Making

- Councils must receive a staff report before making final planning decisions.
- Councils must provide reasons when planning decisions differ from staff recommendations (Clauses 11.8).

Public Forums

The Model Code enables councils to hold public forums prior to meetings and to determine the rules under which they are conducted. The Office of Local Government has clarified that public forums should not form part of the formal Council meetings but should instead be held at a separate time prior to their commencement.

In light of this, Council has developed a standalone Draft Public Forum Policy **[Attachment 3]** to clearly articulate the procedures for managing public participation outside the formal meeting structure. This approach ensures operational flexibility and allows for more detailed guidance than that which resides within the Code itself. The policy outlines the conditions under which oral submissions may be heard and provides for written submissions to be distributed to Councillors in advance of Ordinary and Extraordinary Meetings.

The OLG has indicated that further guidance and resources will be issued shortly to assist Councils with implementation of Public Forums.

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Classification of provisions in the draft revised Code

To make it easy to distinguish between what must be adopted, what can be considered, and what is being retained, a colour-coding scheme has been applied to the draft revised Code **[Attachment 1]** as per the table below.

Colour	Meaning
Black	Mandatory provisions from the Model Code (including council set parameters such as timeframes, marked in “ bold ” font)
Red	Non-mandatory provisions from the Model Code
Blue	Council’s current non-mandatory provisions that it wishes to retain (including any proposed amendments marked in “ bold ” font)
Green	New non-mandatory provisions proposed to be introduced by Council to support the implementation of mandatory provisions in the Model Code

Proposed monthly Council meeting schedule

A proposed monthly schedule has been developed (see below) to provide structured and transparent timeframes for Councillor engagement, public participation, and administrative processes associated with Council meetings which reflect the new requirements.

It is proposed that this schedule will be presented for formal adoption by Council at the conclusion of the Code of Meeting Practice exhibition period (pending submissions received) for commencement in January 2026.

Week	Mon	Tues	Wed	Thu	Fri
1					
2	5.30pm Deadline for Councillors to submit Notices of Motion for the next meeting (15 days before meeting)			Agenda provided to Councillors and published on Website (12 days ahead of Meeting)	
3	Applications for Deputations Close at 3pm	Public Forum 5.30 pm			
4		Ordinary Meeting from 5.30pm			Minutes published on Website

This revised meeting structure supports improved governance and community engagement by allowing Councillors more time to consider public submissions presented at the dedicated Public Forum, in accordance with the Office of Local Government’s directive that such forums are not to form part of formal Council meetings.

The extended lead time for business paper distribution ensures Councillors are better prepared for deliberation, while the public benefits from a clearer schedule and additional time to submit written contributions. Overall, this approach promotes more informed decision-making, transparency, and meaningful participation in the Council process.

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Both Public Forums and Ordinary Meetings will be webcast in accordance with the requirements.

Timeframe for adoption of the Code of Meeting Practice

The timeframe for the adoption of the Code of Meeting Practice is as follows:

Date	Action
28 October 2025	Report to Council seeking endorsement for public exhibition
31 October 2025 - 12 December 2025	Public exhibition of draft Code and community comment (Required 42 days)
16 December 2025	Report to Council following exhibition – Adoption of Code and finalisation of Schedule of Meetings and other administrative arrangements.

Risk Implications

Reputational risk – delay in adopting the revised Code, or lack of transparency during public exhibition leading to reduced trust in council governance.

Compliance risk – failure to follow the statutory process for adoption, including public exhibition in accordance with Section 361 of the *Local Government Act 1993*.

Legal risk – misinterpretation or inconsistent application of new provisions (e.g. Acts of Disorder, expulsion powers, planning decision requirements) may expose Council to procedural challenges, disputes or complaints.

Operational risk – lack of guidance or training may result in inconsistent application of rules around meeting behaviour, planning decisions, or procedural changes. Further, extra workload for staff to support the changes, e.g. publishing pre-meeting and confidential information, or responding to councillor requests), potentially stretching resources, may impact service delivery.

Internal Consultations

Internal consultation has occurred with the Executive Leadership Team and during the Councillor briefing referred to in the report. The Governance team has reviewed the 2025 Model Code of Meeting Practice and assessed its implications against our current Code. This report and attachments outline the mandatory provisions, identify areas of alignment and divergence with the existing Code, and discusses option for inclusions in the Draft Code

External Consultations

The OLG released the 2025 Model Code of Meeting Practice via Circular No 25-20 on 29 August 2025, following extensive sector-wide consultation. Council is required, under Section 361 of the *Local Government Act 1993*, to publicly exhibit the Draft Code and invite community submissions prior to adoption. Council staff have participated in engagement sessions held by the OLG relating to the proposed changes. No other external organisations have been consulted at this stage.

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Community Consultations

Before adopting a new Code of Meeting Practice, under section 361 of the *Local Government Act 1993*, Councils are required to exhibit a draft of the Code of Meeting Practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code.

Policy and Statutory Implications

The adoption of a revised Code of Meeting Practice is required under Part 2, Division 1 of the *Local Government Act 1993*. Section 361 of the Act requires councils to publicly exhibit a draft Code and invite community submissions prior to adoption. The 2025 Model Code introduces new mandatory provisions that must be adopted by 31 December 2025.

If Council has not adopted the revised Code by 1 January 2026, the existing Code will remain in effect, except where its provisions conflict with those of the Model Code. Such inconsistencies may result in confusion during meetings, particularly where procedural differences between the two codes arise.

Financial Implications

There are no direct financial implications associated with the adoption of the revised Code of Meeting Practice. The process of placing the Draft Code on public exhibition and subsequently adopting a final version is part of Council's standard governance and legislative compliance functions. The potential for financial implications lies with the implementation of the Code and is related to risk implications.

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CL25.373 Investment Report - September 2025

HPERM Ref: D25/441346

Department: Finance

Approver: Katie Buckman, Director - City Performance

Attachments: 1. Monthly Investment Review (under separate cover) [⇒](#)
2. Statement of Investments as at 30 September 2025 (under separate cover) [⇒](#)

Purpose:

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

Summary and Key Points for Consideration:

Council's total Investment Portfolio returned 4.59% per annum for the month of September 2025, outperforming the benchmark Aus Bond Bank Bill Index (3.62%p.a.) by 97 basis points (0.97%).

Recommendation

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

Background and Supplementary information

Investment Portfolio

Council's investment balance as of 30 September 2025 was \$265 million and consisted of the following types of investments.

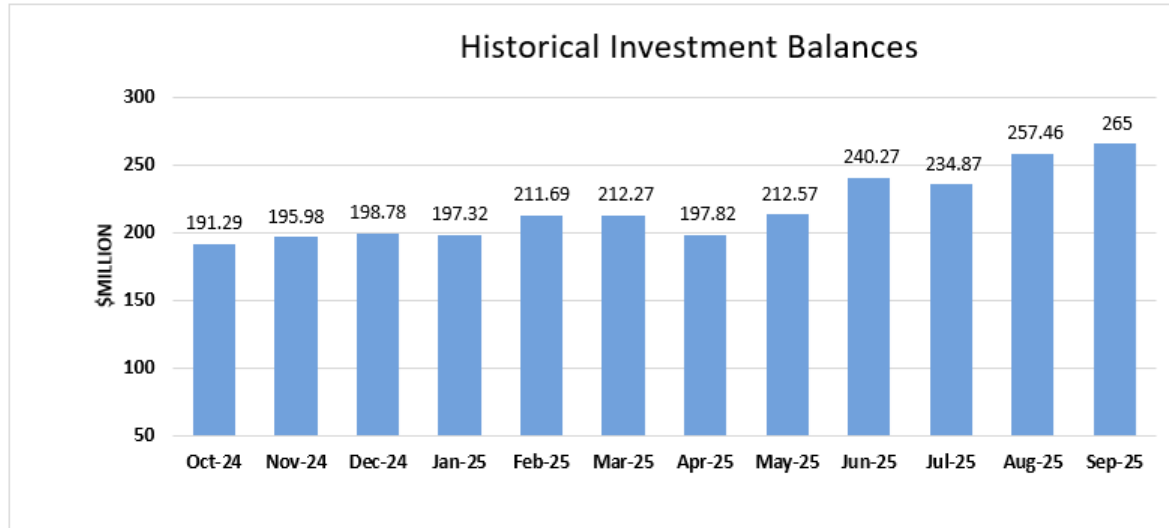
Investment type	Invested (\$)
Cash	51,451,004
Term Deposits	172,000,000
Floating rate notes	39,550,000
Bonds	2,000,000
Total	265,001,004

The details of each investment held by Council on 30 September 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.

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The major movements in the investment portfolio for the month of September are predominantly due to receipts from the first quarterly rates instalment as well as the second and third instalments of Tripartite Advance payments from TfNSW totalling \$2.79M.

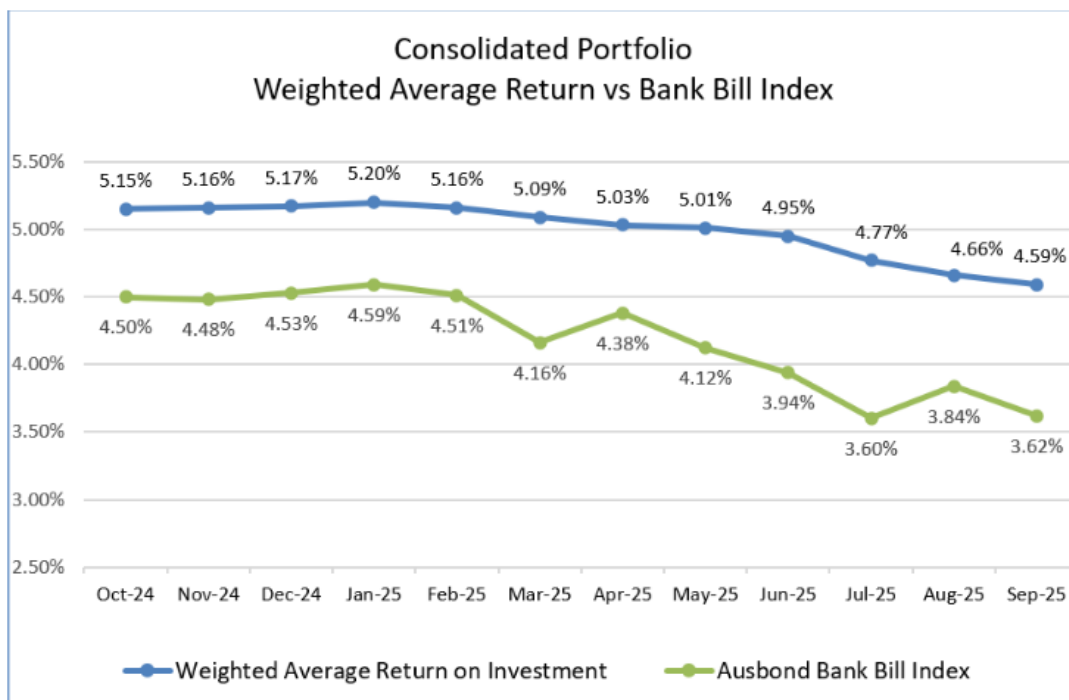


Portfolio Return

For the month of September, the total investment returns were a positive 4.59% p.a. outperforming Aus Bond Bank Bill Index (3.62%) by 97 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 – September 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 September 2025.

Table 1 - Interest Earned for the Month of September 2025

Fund	Monthly Budget \$	Actual Earned \$	Difference \$
General	440,045	557,845	117,800
Water	169,398	210,335	40,937
Sewer	110,024	146,320	36,296
Total	719,467	914,500	195,033

The interest earned for the month of September, was \$914,500 compared to the monthly budget of \$719,467.

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	1,615,834	30%
Water	2,061,012	609,249	30%
Sewer	1,338,624	423,825	32%
Total	8,753,520	2,648,908	30%

The interest earned in the general fund of \$1,615,834 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 \$436,275 and Domestic Waste Management reserves is \$274,692 to the end of September 2025. This leaves \$904,867 which is unrestricted.

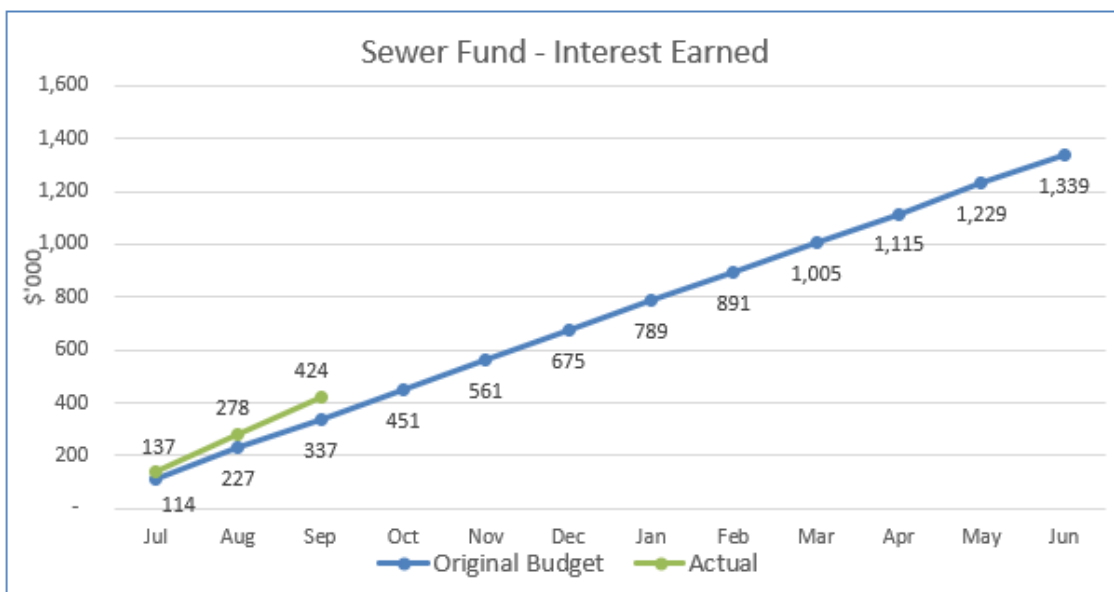
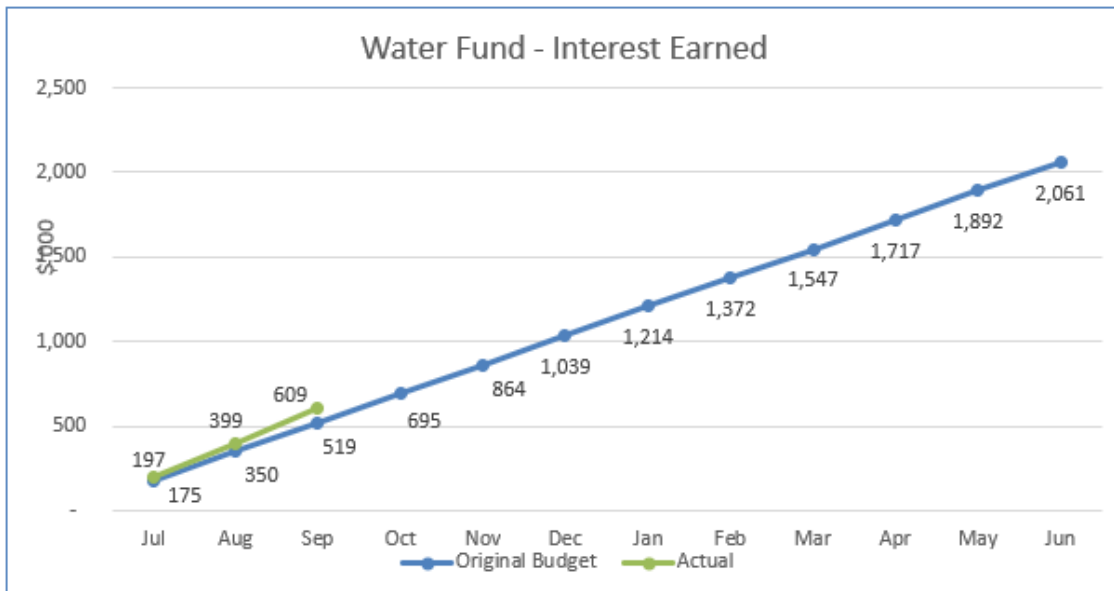
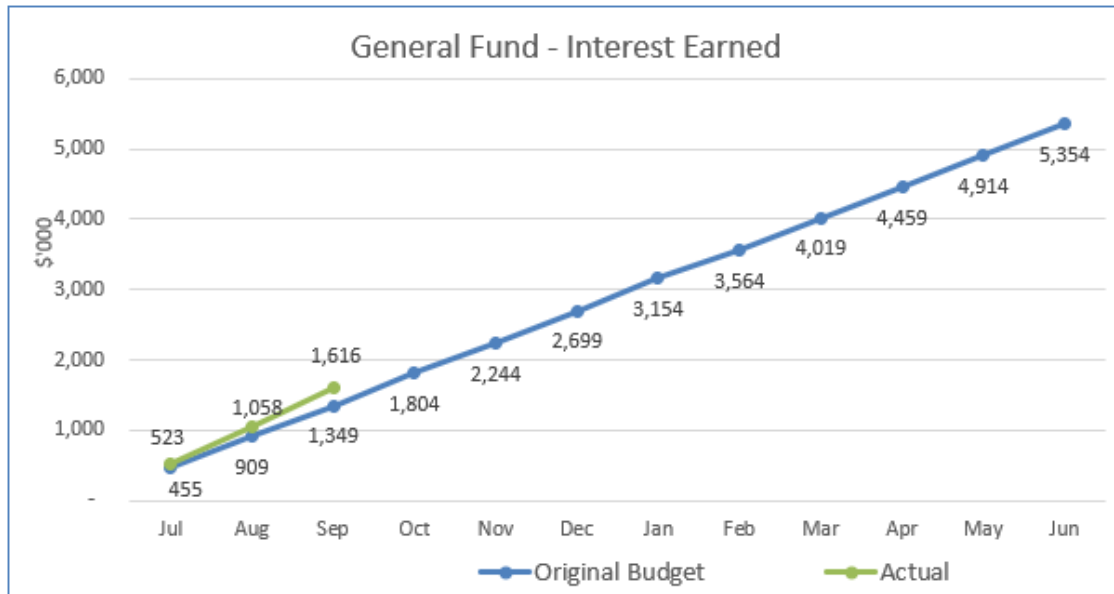
All returns on investments above budget on externally restricted Funds must be allocated to those Funds in accordance with legislation. Externally restricted surplus funds will be allocated to the respective external reserve to help fund future capital works included in the long-term financial plan. 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 September) was \$2,648,908 which is 30% 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.



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Risk Implications

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

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

Financial markets are now only factoring on additional rate cut by early to mid 2026, pushing back on two additional rate cuts after the latest monthly inflation reading came up higher than anticipated.

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 POL23/2.



Mathew Badcock

Date: 14 October 2025

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CL25.374 Low Cost Loan Initiative - Round 3 - Proposed Variation Request - Boongaree

HPERM Ref: D25/385868

Department: Technical Services

Approver: Kevin Norwood, Acting Director - City Services

Purpose:

The purpose of this report is to provide the Council with updated information about loan arrangements for Round 3 of the Low Cost Loan Initiative Scheme related to Boongaree and to request the Council's endorsement to proceed with a Variation Request to remove progression of certain stages of work at Boongaree from this loan.

A Variation Request is required to give effect to the Council's previous decisions to pause certain capital works projects at Boongaree until Council's financial position improves.

Summary and Key Points for Consideration:

Loan Agreement

In May 2021, Shoalhaven City Council (under delegated authority provided in [MIN21.332](#)) entered into a loan agreement with New South Wales Treasury Corporation (TCorp) under Round 3 of the Low Cost Loan Initiative (LCLI) Scheme for a range of projects, including Boongaree.

The associated Loan Agreement (Agreement) was structured across 3 'facilities' (loans). This matter relates to Facility (loan) 1. A key component of the LCLI Scheme is a 50% discount on interest.

Four other projects are included within the scope of Loan 1, including Shoalhaven Community and Recreation Precinct – Croquet (courts and clubhouse), which is included in the LCLI Scheme Administrator's reference for this project (ref. LCLI3000014), and it is therefore accounted for in the financial reporting documented in this report.

A full overview of facilities (loans) related to this matter is provided in [CL21.94 2020/21 Council Borrowings - Loan Agreement and Required Changes to the Investment Policy](#).

Financial Sustainability Initiatives

At the Ordinary Council Meeting held on 25 March 2024, Council resolved to place certain capital works projects at Boongaree on pause until Shoalhaven City Council's financial position improves (ref. [MIN24.149](#)). This decision was taken alongside related decisions to place a range of capital works projects on hold, as part of efforts to improve Shoalhaven City Council's financial position following receipt of the *Financial Sustainability Review* report (dated: November 2023) prepared by AEC Group Ltd.

At the Extraordinary Council Meeting held on 19 June 2025, Council endorsed a Delivery Program Operational Plan & Budget (DPOP) for the 2025/26 financial year that broadly reflects the decision to pause capital works projects at Boongaree (ref. [MIN25.324](#)).

Proposed Variation Request

The Agreement related to this matter requires projects to be delivered by: **30 June 2025**.

Refer to the Background Information chapter of this report for more information about the scope-of-works at Boongaree, stages delivered in-full and works yet to be delivered.

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It is yet to be determined if / when remaining stages of work at Boongaree may be delivered. It is anticipated this will be clarified as part of the Council's future consideration of a revised Long Term Financial Plan.

It is therefore necessary to progress a Variation Request to bring the loan Agreement into line with Council's related decisions to pause capital works projects at Boongaree AND delivery deadlines currently set out in the Agreement.

It is proposed that a Variation Request be structured to descope (remove) all future expenditure related to stages of work not yet delivered from the scope of Loan 1.

Outcome

If approved, unspent loan funds will be repaid. This will enable acquittal of the Agreement to be finalised (as it relates to Boongaree and SCaRP – Croquet, ref. LCLI3000014). For more information, please refer to the Financial Implications chapter of this report.

Recommendation

That Council authorise the CEO (Director – City Services or delegate) to:

1. Prepare and submit a Variation Request to the Low Cost Loan Initiative (LCLI) Scheme to remove all future expenditure related to stages of work not yet delivered at Boongaree from the Agreement related to LCLI – Round 3 – Loan 1 (ref. LCLI3000014), and;
2. Process and finalise acquittal of the revised (descoped) Agreement, including the return of unspent loan funds and/or repayment of any interest subsidies as required by the LCLI Administrator.

Background and Supplementary information

Loan Agreement

Shoalhaven City Council has an agreement in place with New South Wales Treasury Corporation (TCorp) under Round 3 of the Low Coast Loan Initiative (LCLI) Scheme for a range of projects, including Boongaree (ref. MIN. [MIN21.332](#)).

The Loan Agreement (Agreement) was structured across 3 'facilities' (loans). This report has been prepared in relation to Loan 1, with respect to Boongaree.

Four other projects are included within the scope of Loan 1, including Shoalhaven Community and Recreation Precinct – Croquet (courts and clubhouse) (herein SCaRP – Croquet).

SCaRP – Croquet is included in the LCLI Scheme Administrator's reference for this project (ref. LCLI3000014) and is therefore accounted for in the financial reporting documented in this report.

An overview of the status of sub-projects pertaining to LCLI3000014 is provided in Table 1 below.

Table 1 – Overview of Status (sub-projects, by stage)

Stage	Description	Status	Construction Completed
Stage 1	Learn-to-Ride; Play Space; Amenities; Parking	Construction completed	January 2022

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Stage	Description	Status	Construction Completed
Stage 2	Pump Track	Construction completed	December 2022
Stage 3	Skate Park	Construction completed	December 2022
Stage 4 a	Netball Courts	Construction completed	December 2022
Stage 4 b	Aboriginal Reconciliation Garden	Preliminary concept design completed; paused	
Stage 5	Western (Junior) Sporting Fields; Parking	Detail design completed; paused	
Stage 6	Fenced Dog Off-Leash Exercise Area	Concept design completed; coordination with stakeholders ongoing	
Stage 7	Eastern (Senior) Sporting Fields	Detail design completed; paused	
SCaRP – Croquet	Croquet Courts & Clubhouse	Construction completed	August 2023

Financial Sustainability Initiatives

Council has taken steps to improve its financial position by placing a range of projects on pause, including certain capital works projects at Boongaree (ref. [MIN24.149](#)). More recently, Council determined to reflect this position in the Delivery Program Operational Plan & Budget for the 2025/26 financial year.

The delivery of future stages of work at Boongaree remains on pause.

Proposed Variation Request (descope)

The deadline for delivery of all works subject to Loan 1 is: **30 June 2026**.

It is therefore necessary to process a Variation Request, for consideration by the LCLI Administrator, to bring the terms of Loan 1 into line with the current project status. To this end, it is foreshadowed that a Variation Request be submitted for removal of all future expenditure related to stages of work not yet delivered from the scope of Loan 1. If approved, this would enable acquittal of Loan 1 to be progressed and finalised.

Outcome

Unspent funds (in the amount of **3,708,440**) AND related subsidies on interest (if applicable) will be repaid to TCorp.

Boongaree Stages 4b, 5, 6 and 7 would not progress further until an alternative funding source is determined, either through future General Fund allocation or external sources such as grants or community-led funding.

For more information, please refer to the Financial Implications chapter of this report.

Internal Consultations

Consultation has been undertaken with the Finance department, Chief Financial Officer, enterprise Project Management Office, and Project Sponsor in relation to the recommendation outlined in this report.

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External Consultations

Representatives of the LCLI Administrator were consulted directly in relation to the preparation of this report and recommendation proposed herein.

Community Consultations

Direct community engagement was not undertaken in relation to the contents of this report.

The matter is being progressed in response to governance provided by the elected Council and advice of the LCLI Administrator.

Policy and Statutory Implications

Procurement of finance (loans) for the purposes of delivering community infrastructure, including at Boongaree, was undertaken in accordance with Shoalhaven City Council's *Investment Policy* (ref. [POL23/2](#)) as amended by the Council at the ordinary council meeting held on 25 May 2021 (ref. [MIN21.332](#)).

There are no further policy or statutory implications directly related to the contents of this report.

Financial Implications

The following details pertaining to Loan 1 are presented in Tables 2 – 6 below:

- Table 2: Loan Amount (Principal) (LCLI3000014 – Loan 1)
- Table 3: Overview of Expenditure to Date (Boongaree, all funding sources)
- Table 4: Expenditure to Date (SCaRP – Croquet, all funding sources)
- Table 5: Loan Funds Expended (on Projects Subject to LCLI3000014 – Loan 1)
- Table 6: Loan Reserve Balances (on Projects Subject to LCLI3000014 – Loan 1)

Table 2 – Loan Amount (Principal) (LCLI3000014 – Loan 1)

Project	Amount (\$) (Principal)	Interest (\$)	Possible Subsidy on Interest (\$)	Subsidy on Interest – CLAIMED (\$)	Subsidy on Interest – YET TO BE CLAIMED (\$)
Boongaree (Stage 2 – 5)	9,000,000			246,648	
SCaRP – Croquet	2,532,500			69,404	
TOTAL	11,532,500	1,133,523	566,761	316,053	(250,708)

Table 3 – Overview of Expenditure to Date (Boongaree, all funding sources)

Stage	Description	Expenditure (\$)
Stage 1	Learn-to-Ride; Play Space; Amenities; Parking	6,165,204

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Stage	Description	Expenditure (\$)
Stage 2 & 3	Pump Track & Skate Park	2,676,571
Stage 4a	Netball Courts	1,311,716
Stage 4b	Aboriginal Reconciliation Garden	39,295
Stage 5 & 7	Western (Junior) Sporting Fields; Parking & Eastern (Senior) Sporting Fields	499,575
Stage 6	Fenced Dog Off-Leash Exercise Area	8,662
	TOTAL	10,701,025

Table 4 – Expenditure to Date (SCaRP – Croquet, all funding sources)

Description	Amount (\$)
SCaRP – Croquet	1,924,837

Table 5 – Loan Funds Expended (on Projects Subject to LCLI3000014 – Loan 1)

Project	Amount (\$)
Boongaree	5,948,265
SCaRP – Croquet	1,875,795
TOTAL	7,824,060

Table 6 – Loan Reserve Balances (on Projects Subject to LCLI3000014 – Loan 1)

Project	Amount (\$)
Boongaree	3,051,735
SCaRP – Croquet	656,705
TOTAL	3,708,440

Savings on Interest

The balance of the original \$9m loan for Boongaree that is still outstanding exceeds the unspent funds (\$3,708,440) immediately available to be repaid to Treasury Corp.

The early repayment of a portion of a fixed interest loan is often subject to an economic adjustment which is also often referred to as a break fee. Given the rate of interest charged on this loan is well below the current market rate, any early repayment will not give rise to an unfavourable economic adjustment and will save council from some future interest charges.

The savings will be calculated by Treasury Corp closer to the date of payment.

Risk Implications

The recommendation (as proposed) is considered to retain financial risks associated with this matter within acceptable ranges.

CL25.374

CL25.375 Appointment of Crown Land Manager - Arthur Jones Reserve - Part Lot 7025 DP 1069174, Lake Conjola

HPERM Ref: D25/386975

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

Purpose:

The purpose of this report is to seek Council's consideration to be appointed as Crown Land Manager of part Lot 7025 DP 1069174 (R87396), located at Lake Conjola and known as the Arthur Jones Reserve.

Summary and Key Points for Consideration:

Council currently manages and maintains the facilities at the Arthur Jones Reserve, Lake Conjola, which include a community building, two tennis courts, and amenities block. Crown Lands has formally requested that Council be appointed as Crown Land Manager for this reserve.

Under Section 3.3 of the *Crown Land Management Act 2016*, the Minister has the authority to appoint Crown Land Managers via written instrument. When appointed, Council will be required to manage the land as if it were community land under the *Local Government Act 1993*, in accordance with Section 3.22 of the *Crown Land Management Act 2016*.

Council must resolve to accept the Crown Land Manager appointment under Section 377 of the *Local Government Act 1993*.

Recommendation

That Council:

1. Accept the appointment as Crown Land Manager for Part Lot 7025 DP 1069174 (R87396) known as Arthur Jones Reserve, Lake Conjola, in accordance with Section 3.3 of the *Crown Land Management Act 2016*.
2. 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.

Background and Supplementary information

Council has recently supported the Conjola Community Association to apply through the *Club Grants Category 3 (Infrastructure: Sports and Recreation)* funding stream to deliver a basketball court at Arthur Jones Reserve. The application process required a letter supported by the landowner for eligibility. Arthur Jones Reserve is Crown Land managed by Council as devolved land (care, control and management), meaning Council is not authorised to issue landowner consent directly to support the grant. Approval for the grant application was therefore sought from Crown Lands.

Crown Lands provided conditional landowner consent, stating that Council must be formally appointed as Crown Land Manager prior to the commencement of any works. The grant

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application was submitted on this basis, and subsequent work has been undertaken to understand the implications of Council accepting Crown Land Manager status.

Council has historically managed Arthur Jones Reserve under the care, control and management provisions, which is enabled under section 48 of the *Local Government Act 1993*. This has included oversight of existing infrastructure including:

- two synthetic grass tennis courts
- amenities building
- community building available for bookings and hire
- picnic tables
- carpark

Given Council's longstanding involvement in the management of the reserve, the proposed appointment as Crown Land Manager is expected to be primarily administrative in nature, with minimal financial or risk implications. The change will streamline future approval processes for improvements on the site and will not result in any change to day-to-day maintenance or operational responsibilities.

In accordance with Section 3.22 of the *Crown Land Management Act 2016*, Council is required to manage the land as if it were community land under the *Local Government Act 1993*. This includes incorporating the reserve into a future Plan of Management and categorising the land appropriately. The proposed categorisation of **General Community Use** has been applied to the reserve.

It is noted that the adjoining caravan park and improvements, known as SeaChange Parks Lake Conjola, encroaches into Arthur Jones Reserve. Crown Lands has confirmed that the lease for this area is held directly between the Crown and the caravan park proprietors. Should the lease be terminated or cancelled, Crown Lands will either seek expressions of interest for future use or invoke clauses to return the land to a natural state. Importantly, there is no additional responsibility or risk to Council in its proposed role as Crown Land Manager for Arthur Jones Reserve. Arthur Jones Reserve is shown on Figure 1 below.

Figure 1 – Arthur Jones Reserve, Lake Conjola



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Risk Implications

There is minimal risk to Council in accepting the appointment as Crown Land Manager. Council already manages and maintains the site and its associated assets and therefore, the appointment is considered an administrative process.

Internal Consultations

Internal consultation has been undertaken with relevant stakeholders, and no objections have been received.

External Consultations

Consultation has been undertaken with Crown Lands as landowner of the subject reserve.

Community Consultations

Community consultation is not required for the appointment of Council as Crown Land Manager. If Council becomes Crown Land Manager, the reserve will need to be included in a Plan of Management in the future. The Plan of Management process will include the normal community consultation. However, Council currently manages the site for the community for public recreation purposes and the change to Crown Land Manager status will not result in loss of enjoyment of the land by the public.

Policy and Statutory Implications

In accordance with Section 3.22 of the *Crown Land Management Act 2016*, Council is required to manage the land as if it were community land under the *Local Government Act 1993*. A future plan of management will include Arthur Jones Reserve in accordance with the *Crown Land Management Act 2016*.

Crown reserves devolved to a Council for care control and management under section 48 of the *Local Government Act 1993* generally can only be maintained in accordance with the gazetted reserve purpose (in this case public reserve) and for public safety, with only minor improvements permitted. As Council has limited land manager power with this category of Crown land, it is necessary to obtain the consent of Crown Lands as landowner for the intended undertaking of any improvements to the reserve.

Crown reserves managed by Council as the Crown Land Manager provides greater opportunities for future enhancements to the reserve for the benefit of the community, consistent with an adopted plan of management. Arthur Jones Reserve at Lake Conjola is appropriate to be managed by Council as Crown Land Manager and will be consistent with other public reserves in the LGA already managed as Council managed Crown land.

Financial Implications

The appointment of Council as Crown Land Manager by the Minister is considered an administrative process. There are no direct financial implications for Council accepting this appointment.

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CL25.376 Tenders - Waste Transportation Services - Hook Lift Bins

HPERM Ref: D25/427781

Department: Waste Services

Approver: Kevin Norwood, Acting Director - City Services

Purpose

To inform Council of the tender process for Waste Transportation Services – Hook Lift Bins.

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

In accordance with Section 178 of the Local Government (General) Regulation 2021, Council is required to consider the recommendation of the negotiation - Waste Transportation Services – Hook Lift Bins.

- Council advertised the tender for Waste Transportation Services – Hook Lift Bins. At the Council Ordinary Meeting on 12 August 2025, Council accepted the recommendation that it should decline to accept any of the tenders and resolved to negotiate with any persons. Council requested that “staff report back on the financial implications to Council for determination prior to entering into any agreement”.
- The recommended outcome of the negotiations is to award the Waste Transportation Services – Hook Lift Bins Contract for a period of 21 months. Engagement is based on a schedule of rates for each bin lift, and therefore the total cost of engagement is indicative only and based on an estimation of the maximum extent of the services that will be required.
- Waste Services will use capacity of existing vehicles in the Council fleet to reduce reliance on Contractors. Modelling of costs indicates this will provide savings relative to the contractor rates and improvements in service delivery are also anticipated.

Recommendation

That Council, in closed session, consider a separate confidential report (in accordance with Section 10A(2)(d)(i) of the *Local Government Act, 1993*) to consider acceptance of the Tender - Waste Transportation Services – Hook Lift Bins under Section 178 of the *Local Government (General) Regulation 2021*.

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Background and Supplementary information

Project Description

The operations of the Waste Services department include the transportation of waste, recyclables and other materials contained in Council owned hook lift bins, from and between Council's ten waste and recycling facilities. Council owns hook lift vehicles to carry out onsite movements and some transfers from smaller sites, however it has historically contracted out the services required to transfer a large portion of the waste stream to West Nowra.

Tendering

At the Council Ordinary Meeting on 12 August 2025, Council accepted the recommendation that it should decline to accept any of the tenders and resolved to negotiate with any persons.

The tender evaluation team determined that the most favourable outcome would be achieved by appointing a contractor for 21 months.

Details relating the negotiation are contained in the confidential report.

Risk Implications

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

Internal Consultations

The Waste Services department has personnel experienced with hook lift vehicles, bins and operations. The Procurement team has been consulted in its provision of oversight of the evaluation team.

External Consultations

Not applicable as the Waste Services department has suitable knowledge and experience in hook lift vehicle operations.

Community Consultations

Not applicable as the outcomes of the required services will be the same as those currently occurring.

Policy Implications

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

Financial Implications

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

CL25.377 Tenders - Landfill Cell Liner and Leachate Collection System Construction - Cell 3H - West Nowra Recycling and Waste Facility, Mundamia.

HPERM Ref: D25/452220

Department: Technical Services

Approver: Kevin Norwood, Acting Director - City Services

Purpose:

To inform Council of the tender process for the Landfill Cell Liner and Leachate Collection System Construction – Cell 3H – West Nowra Recycling and Waste Facility, Mundamia.

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:

In accordance with Section 178 of the Local Government (General) Regulation 2021, Council is required to consider the recommendation of the tender for the Landfill Cell Liner and Leachate Collection System Construction – Cell 3H – West Nowra Recycling and Waste Facility, Mundamia.

- Council called tenders for Landfill Cell Liner and Leachate Collection System Construction - Cell 3H – West Nowra Recycling and Waste Facility on 11 September 2025 which closed at 10:00 am on 8 October 2025.
- The project is funded by Council Waste Reserve.

Recommendation

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

Background and Supplementary information

Project Description

The project is for the construction of Landfill Cell 3H at the West Nowra Recycling and Waste Depot. This new cell is an essential addition to the existing land fill infrastructure, providing additional capacity to manage the increasing waste generated by the Shoalhaven Local Government Area.

The project scope includes supply and installation of geosynthetic clay liner (GCL), HDPE geomembrane, protection geotextile, and Drainage geocomposite. It also includes the supply and installation of drainage system, including collection pipe, drainage layer and suction pipes.

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Tendering

Council called tenders for Landfill Cell Liner and Leachate Collection System Construction-Cell 3H – West Nowra Recycling and Waste Facility on 11 September 2025 which closed at 10:00 am on 8 October 2025. 4 tenders were received at the time of closing. Tenders were received from the following:

Tenderer	Location
Eco Line Solution Pty Ltd	Crows Nest NSW 1585
Ironbuilt Infrastructure Pty Ltd	Unanderra NSW 2526
The Civil Experts Pty Ltd T/A TCE Contracting	Homebush NSW 2140
Unicivil (NSW) Pty Ltd	Fairy Meadow NSW 2518

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

Risk Implications

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

Internal Consultations

Waste Services team have been involved in identifying the need for the Landfill Cell - 3H and engaged a design consultant to prepare the detailed design, cost estimate and report used to go out for the tender. The Project Delivery team have been involved in the tender and evaluation process.

External Consultations

A design consultant was engaged to design the Landfill Cell – 3H. The design was done in accordance NSW EPA Environmental Guidelines: Solid Waste Landfill 2016. The NSW Environmental Protection Authority (EPA) will be giving licence for Council to use the new Landfill Cell 3H when constructed.

Community Consultations

Nil. Not required for this project.

Policy Implications

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

Financial Implications

Sufficient funds have been allocated in the Landfill Cell Liner and Leachate Collection System Construction – Cell 3H – West Nowra Recycling and Waste Facility, Mundamia budget for FY25-26. Funding is available to cover the tender amount including other project costs.

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CL25.378 Adoption - Shoalhaven River Entrance Management Policy

HPERM Ref: D25/417554

Department: Environmental Services

Approver: Judy Clark, Acting Director City Development

Attachments:

1. Report - Adoption of the Shoalhaven River Entrance Management Policy - Ordinary Meeting 26 August 2025 (under separate cover) ➡
2. Shoalhaven River EMP (under separate cover) ➡

Purpose:

To seek Council's final adoption of the Shoalhaven River Entrance Management Policy (2025).

Summary and Key Points for Consideration:

Council completed a review of the entrance management arrangements for the Shoalhaven River at Shoalhaven Heads.

The Shoalhaven River Entrance Management Policy (EMP) takes into consideration a range of relevant environmental factors and includes the outcome of an evidence-based technical review of the planned opening levels and associated entrance management options to inform the entrance management procedures. The EMP was completed following a 13-week public exhibition period for the draft EMP.

Council on 26 August 2025 considered a report recommending adoption of the Shoalhaven River EMP (2025) - see [CL25.273](#) and **Attachment 1**. It was resolved to defer the matter given the receipt of email correspondence from the Member for South Coast, Liza Butler prior to the meeting. However, on review, the information received does not relate to the EMP and as a result Council can proceed to consider the adoption of the Shoalhaven River EMP (2025) based on the available information.

The adoption of the EMP will allow Council to proceed to obtain a licence from NSW Crown Lands and a Threatened Species Permit to undertake entrance management in accordance with the updated EMP.

The updated EMP includes significantly improved entrance management measures to assist in the reduction of flood risk at Shoalhaven Heads and other communities in the Lower Shoalhaven River floodplain. Its adoption meets Council's obligations under the NSW Flood Prone Land Policy to help manage flood risk in the Lower Shoalhaven River floodplain.

Recommendation

That Council:

1. Adopt the Shoalhaven River Entrance Management Policy (EMP).
2. Submit the EMP and supporting Review of Environmental Factors (REF) to NSW Crown Lands to obtain the necessary NSW Crown Lands licence.
3. Prepare a Shoalhaven River Entrance Management Fact Sheet to summarise the key entrance management information for the community.

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Background and Supplementary information

The report to Council on 26 August 2025 recommended that Council adopt the completed *Shoalhaven River EMP (2025)* following the 13-week public exhibition period for the draft EMP. **Attachment 1** is a copy of this earlier report, outlining all relevant background and supplementary information.

Just prior to the meeting, the Member for South Coast, Liza Butler MP provided advice to all Councillors via email regarding the Lower Shoalhaven River Coastal Management Program (CMP). As a result of the information provided, Council resolved to defer items [CL25.272](#) and [CL25.273](#) to the next ordinary meeting ([MIN25.420](#)).

The Shoalhaven River EMP has been decoupled from, and is separate to, the CMP. There is no information in the advice from the Member for South Coast that relates to any components of the EMP. As such, Council can proceed to consider the adoption of the Shoalhaven River EMP (2025) based on the available information.

In the advice it was stated that dredging is included in the “flood management plan”. Council’s currently adopted *Lower Shoalhaven River Floodplain Risk Management Study and Plan – Climate Change Assessment (2011)* is based on investigations undertaken as part of a floodplain risk management study in 2008. This study investigated dredging as a flood risk management measure and found that it is not an effective measure as it only provides marginal flood reduction benefits, is not economically viable or sustainable and would raise significant environmental concerns. As such, dredging was not recommended for inclusion in the Floodplain Risk Management Plan adopted in 2011.

Council is currently developing a Lower Shoalhaven Floodplain Risk Management Study and Plan (FRMSP) which will identify contemporary flood risk mitigation measures for the catchment, including Shoalhaven Heads.

A dredging option is being investigated in the Lower Shoalhaven River FRMSP and would only be put forward as a mitigation measure in the Lower Shoalhaven River Floodplain Risk Management Plan if it provides flood benefit and is deemed appropriate.

The outcome of this investigation will be made public when the draft FRMSP has been completed and is placed on public exhibition. For a flood risk mitigation measure to be included in a Floodplain Risk Management Plan, it needs to be demonstrated that the measure is able to significantly reduce flood risk, and that the cost benefit assessment is positive – based on financial, environmental and social factors.

The Lower Shoalhaven River CMP does refer to the Lower Shoalhaven River FRMSP under development and indicates that the EMP will be further considered as part of this process. The Lower Shoalhaven River FRMSP refers to investigations undertaken as part of the Lower Shoalhaven River CMP. Thus, the documents do ‘speak’ to each other, despite generally having different objectives.

Internal Consultations

Consultation has been undertaken with the relevant operational staff at Council throughout Stages 1- 5 of the EMP and REF development.

Extensive consultation has been undertaken between Council’s Floodplain Management and Coastal Management Units as part of the Lower Shoalhaven River FRMSP, Lower Shoalhaven River CMP, and Shoalhaven River EMP to ensure these documents are consistent and apply appropriate cross-referencing.

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External Consultations

Throughout all stages of the EMP and REF development, external consultation was carried out with a range of representatives from key NSW State Government agencies. These included:

- NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)
- NSW Department of Primary Industries and Regional Development (DPIRD) – Fisheries
- NSW Department of Planning, Housing and Infrastructure (DPHI) – Crown Lands and Planning
- National Parks and Wildlife Service (NPWS)
- NSW State Emergency Service (SES)

Council engaged with these entities throughout the development of the EMP and REF to ensure that the relevant legislation is appropriately complied with. These agencies have all provided ‘in-principle’ support of Council’s EMP.

Community Consultations

The draft Shoalhaven River EMP and Review of Environmental Factors (REF) were publicly exhibited for 13 weeks from 24 February to 26 May 2025.

During this exhibition period an additional petition was undertaken by Shoalhaven Heads Estuary Taskforce (SHET) on behalf of the Shoalhaven Heads community and this was tabled at Council on 27 May 2025.

The outcomes from the public exhibition and community consultation process and how the EMP compares against the petition feedback is summarised in **Attachment 1**.

Policy and Statutory Implications

The Shoalhaven River EMP has been developed in accordance with all relevant State and Federal Government legislation. This includes the NSW Flood Prone Land Policy and Flood Risk Management Manual (2023). Entrance management as a flood risk mitigation measure is also supported by the draft Lower Shoalhaven River CMP and hence the Coastal Management Act (2016).

The REF has been developed in line with the legislative requirements of the Environmental Planning and Assessment Act 1979 (EP&A Act). It also considers the relevant provisions of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), and other relevant NSW environmental legislation and environmental planning instruments.

Following adoption of the EMP (2025) and obtaining the necessary NSW Crown Lands licence, the existing *Shoalhaven River Entrance Management Plan for Flood Mitigation (2006)* will be superseded.

Financial Implications

The Shoalhaven River EMP and REF has been prepared by Council with funding assistance received from NSW DCCEEW through a Coast and Estuaries Grant (Lower Shoalhaven River CMP) and Floodplain Management Grant (Lower Shoalhaven River Floodplain Risk Management Study & Plan). This grant funding has provided a two-thirds contribution from the NSW State Government for the completion of the EMP and REF.

Following adoption of the EMP and receipt of a NSW Crown Lands licence, Council will undertake entrance management actions as required utilising existing entrance management operational budgets.

Risk Implications

The *Lower Shoalhaven River Floodplain Risk Management Plan (2011)* includes a mitigation measure to implement Council's Shoalhaven River Entrance Management Plan for Flood Mitigation to ensure that the optimal flood mitigation benefit is achieved through management of the Shoalhaven River entrance at Shoalhaven Heads in an ecologically sustainable manner.

By adopting the updated *Shoalhaven River EMP (2025)*, Council meets its obligations under the NSW Flood Prone Land Policy to manage flood risk within the Shoalhaven River catchment.

Should Council choose not to adopt and implement the updated EMP, it may jeopardise Council's exemption from liability for decisions made within the Lower Shoalhaven River catchment relating to flood liable land under section 733 of the Local Government Act 1993.

Section 733 of the Local Government Act 1993 provides local councils and statutory bodies representing the Crown, and their employees, with a limited legal indemnity for certain advice given that relates to the likelihood of flooding or the extent of flooding. The Act also provides that a council that acts in accordance with the Manual relating to the management of flood liable land is taken to have acted in good faith in relation to advice given, or things done or not done, relating to the likelihood of flooding or the extent of flooding.

Broader flood investigations and associated investigations of potential flood mitigation measures are being investigated as part of the Lower Shoalhaven River FRMSP which is under development.

CL25.379 Adoption of the Lower Shoalhaven River Coastal Management Program

HPERM Ref: D25/423909

Department: Environmental Services

Approver: Judy Clark, Acting Director City Development

Attachments: 1. Lower Shoalhaven River Coastal Management Program (CMP) - Combined Letters of Support (under separate cover) [↗](#)

Purpose:

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

Summary and Key Points for Consideration:

The Lower Shoalhaven River CMP has been developed in accordance with the legislative requirements and framework developed under the *Coastal Management Act 2016* (NSW). The development of the CMP has followed the required staged process and has involved the consideration of historical studies, completion of additional technical studies, and extensive consultation with the community and key stakeholders. The CMP comprises a program of integrated management actions responding to identified risks and opportunities that are to be implemented over a 10-year management timeframe under several overarching strategies. There are 58 management actions to be delivered through the implementation stage of the CMP.

A Business Plan has been developed that outlines the key components of the funding strategy for the CMP to implement the management actions, including the cost of proposed actions, proposed cost-sharing arrangements, and other potential funding mechanisms. Delivery of the CMP is estimated to cost \$24.45 million (2024 dollars) over 10 years, with approximately \$8 million of this funding proposed to be coming from Council.

Following the completion of the public exhibition of the CMP, 4 November 2024 to 10 February 2025, the CMP was finalised and presented to the Northern Coastal Management Program Advisory Committee to gain their support and endorsement before the CMP was presented to Council to request their adoption. Following endorsement from the Northern Coastal Management Program Advisory Committee, a report was presented to Council for adoption of the CMP at the Ordinary Council meeting on 10 June 2025. Due to time constraints at this meeting, this agenda item was deferred to the Ordinary Meeting on 17 June 2025. At the 17 June 2025 meeting, it was resolved, as per MIN25.317, 'that Council defer the report for further public briefing on the Lower Shoalhaven River Coastal Management Program (CMP)'.

This briefing was held on 14 August 2025, and an ordinary report went to the meeting of the 26 August 2025 recommending Council to adopt the Lower Shoalhaven River CMP. The matter was deferred due to information provided in the email correspondence from the Member for South Coast, Ms Liza Butler MP on the afternoon of the meeting.

A key topic of discussion is whether the removal of mangroves can be included in the CMP. The NSW Coastal Management framework does not support this activity as an action in the CMP. However, as recommended in this report, Council can apply for a Fisheries Permit to remove mangrove seedlings at Shoalhaven Heads, which will be assessed by the NSW

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State Government. Council has submitted an application for a 5-year permit remove mangrove seedlings which it is currently under review.

This report is now being presented to Council in response to the resolution of 26 August 2025 ([MIN25.420](#)) and to present to Council the final CMP for adoption. Following this, the CMP will be submitted to the relevant NSW Minister for certification at which time Council can then gazette the CMP and then commence Stage 5 – Implementation.

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

Recommendation

That Council

1. Adopt the Lower Shoalhaven River Coastal Management Program (CMP) and the CMP be submitted to the relevant NSW Government Minister for certification.
2. Note the resourcing requirements encompassed by the plan and its actions (Stage 5 implementation), with capital and operational allocations to be determined via budget processes, and the reliance on grant funding for delivery.
3. Note that the Northern CMP Advisory Committee have requested that Council consider, through the implementation of the Lower Shoalhaven River CMP, additional sites for water testing where available resources and funding can be identified.
4. Note that an application for a 5-year Fisheries Permit to remove mangrove seedlings at Shoalhaven Heads is currently with NSW Fisheries for determination.

Background and Supplementary information

Background and supplementary information are as per the report presented to Council at the Ordinary Meeting on 17 June 2025 (agenda item [CL25.193](#)). At this meeting, as per MIN25.317, it was resolved:

That Council:

1. Defer the report for a further public briefing on the draft Lower Shoalhaven River Coastal Management Program (CMP) to address:
 - a. potential amendments to the draft CMP including:
 - i. Removal of living shoreline from 1-3 year implementation program.
 - ii. Increasing the boat ramp infrastructure allocation to reflect river-wide need.
 - iii. Substantive Berry's Canal solutions beyond consultative workshops.
 - iv. Addressing the water quality monitoring gaps as requested by the Advisory Committee.
 - v. Integration with the Floodplain Risk Management Study as the community has requested.
 - vi. Embedding the mangrove removal permit requirements.
 - vii. Addressing the sewage infrastructure and overflow pollution concerns.

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- viii. Enabling dredging for channel management and flood mitigation.
- b. The resourcing and implementation of the draft CMP be reviewed if it were to be adopted.

This resolution was carried unanimously by Council.

In response, an open Council briefing was held on 14 August 2025. Following this, a report was prepared for the Ordinary Meeting held 26 August 2025 in which responses to the requested amendments outlined in the resolution from 17 June 2025 were addressed (refer [CL25.272](#)).

On the afternoon of the meeting, an email from Ms Liza Butler MP was sent to all Councillors regarding key items of concern in relation to the Lower Shoalhaven River Coastal Management Program (CMP). As a result Council resolved to defer item [CL25.272](#) to a future ordinary meeting ([MIN25.420](#)). This resolution stated that a future meeting was required where *'Council will consider a further report with respect to the Lower Shoalhaven River Coastal Management Program ... in light of the information provided in email correspondence from Liza Butler MP, Member for South Coast dated 26 August 2025'*.

This report has been prepared in response to this resolution and to present the final Lower Shoalhaven River CMP to Council for adoption. Following adoption, the CMP is required to be submitted to the relevant NSW Minister for certification before Council can gazette the CMP and commence Stage 5 – Implementation.

In response to the email from Ms Liza Butler MP, the following information can be provided.

Email Item	Response
i. Clarification on whether the removal of mangroves can be included in the CMP or whether there is specific legislation preventing this.	As per the report to Council on 26 August 2025, this specific action has not been included in the CMP as the CMP process does not support it. Hence, this action does not fit within the <i>Coastal Management Act (2016)</i> and the supporting coastal management framework. The need for managed mangrove removal will be considered through existing regulatory processes, but removal for amenity alone is not supported under current environmental guidelines (policy and legislation). Further reasoning as to why the mangrove removal is not included as a management action in the CMP is explained in the final draft CMP on page 48 of the main document. There is over a page of text/figures detailing why this action is not included in the CMP. To summarise this information: The removal of mangroves at Shoalhaven Heads Beach was assessed as a management option (CS_03) in Stage 3 of the CMP development process. Mangroves provide multiple benefits to the local Shoalhaven Heads area and the broader estuary including assisting with stabilising the shoreline, reducing erosion, filtering pollutants, enhancing water quality, sequestering carbon, providing habitat and food for fish and wildlife, and supporting biodiversity. These benefits are also valued by both residents and visitors, contributing to the appeal of the location as a tourist destination and the associated economic benefits. Removing mangroves would reduce these benefits and potentially increase the vulnerability of the estuary to climate change and sea level rise, which will put increasing pressure on intertidal estuarine ecosystems. The option to remove mangroves at Shoalhaven Heads Beach was not recommended for inclusion in the CMP as it did not score well in

	the Multi-Criteria Assessment (MCA) which assesses all actions in the CMP (legislative requirement). When the MCA was applied to this option, it scored well for only one criterion being that it supports some social values associated with foreshore recreation. It scored neutral or negative for all other criteria. As such, on balance, it does not support the objectives of the CMP (which are based on the Objects of the <i>Coastal Management Act (2016)</i>), nor does it sufficiently mitigate any of the key risks/threats from coastal hazards. Therefore, mangrove removal was not considered appropriate for inclusion in the CMP. A Response to Submissions Document (RTS) was prepared as a community engagement tool after the completion of the Stage 4 Public Exhibition period for the CMP and has been publicly available since March 2025. In the RTS Document that was prepared as a legislative requirement to support the final CMP, it is noted that, ‘the need for managed mangrove removal will be considered through existing regulatory processes, but removal for amenity alone is not supported under current environmental guidelines’. The CMP states that, ‘should the need arise, Council can apply for a Fisheries Permit for this activity through other strategic plans and operational mechanisms’.
ii. CMP Development and Certification	Once Council has adopted the CMP it can be submitted to the Minister seeking certification. When the CMP is submitted, DCCEEW will assess the CMP against the statutory requirements under the Coastal Management Act and the Mandatory Requirements under Part A of the Coastal Management Manual. This assessment will be provided to the Minister to inform their decision on whether to certify the CMP. Council staff have been regularly consulting with DCCEEW since 2021 to ensure the current draft CMP meets the checklist requirements and is suitable for certification. The CMP was prepared under a NSW Coastal and Estuary Grant awarded in 2021. DCCEEW staff have been on the project management team and present at regular meetings with the consultant Rhelm who followed the process set out in the Coastal Management Manual to prepare the CMP.
iii. Dredging and FRMSP	Council is developing a Lower Shoalhaven Floodplain Risk Management Study and Plan (FRMSP) which will identify flood risk mitigation measures for the catchment, including Shoalhaven Heads. This FRMSP is currently under development. A dredging option is being investigated in the Lower Shoalhaven River FRMSP and would only be put forward as a mitigation measure in the Lower Shoalhaven River FRMSP if it provides flood benefit and deemed appropriate. The outcome of this investigation will be made public when the draft FRMSP has been completed and is placed on public exhibition. For a flood risk mitigation measure to be included in a Floodplain Risk Management Plan it needs be demonstrated that the measure is able to significantly reduce flood risk, and that the overall assessment, based on financial, environmental and social factors, is positive.

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	The Lower Shoalhaven River CMP does refer to the Lower Shoalhaven River FRMSP under development and indicates that the entrance management policy will be further considered as part of this process. The Lower Shoalhaven River FRMSP refers to investigations undertaken as part of the Lower Shoalhaven River CMP. Hence, the documents do ‘speak’ to each other, although generally having different objectives. Options in the CMP were assessed against the same set of criteria to ensure a fair and transparent process. The Stage 3 CMP report shows the multi-stepped process with criteria related to feasibility, viability and acceptability. Several dredging options were considered in the assessment but either did not meet criteria or scored poorly and therefore were not carried forward into the Stage 4 – CMP Business Plan. Council also completed a detailed dredging feasibility assessment for the navigation channel at Shoalhaven Heads (Advisian 2023) which concluded that the channel was suitable for navigation under most conditions and that dredging was not required. This has been reflected in the CMP. Monitoring of boat ramp approaches and navigational channels, and maintenance dredging if required are included as part of the boat ramp facility upgrade and asset management program action in the CMP.
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Internal Consultations

Internal Consultations are as per the report presented to Council at the Ordinary Meeting on 17 June 2025 (agenda item [CL25.193](#)).

Additionally, extensive consultation has been undertaken between Council’s Floodplain Management and Coastal Management Units as part of the Lower Shoalhaven River FRMSP, Lower Shoalhaven River CMP, and Shoalhaven River EMP to ensure these documents are consistent and apply appropriate cross-referencing.

External Consultations

External Consultations are as per the report presented to Council at the Ordinary Meeting on 17 June 2025 (agenda item [CL25.193](#)) with some additional information provided below.

The CMP was prepared under a NSW Coastal and Estuary Grant awarded in 2021. DCCEE staff have been on the project management team and present at regular meetings with the consultant Rhelm who followed the process set out in the Coastal Management Manual to prepare the CMP. DCCEE have consequently been consulted throughout the entire CMP development and have provided a letter of support for the CMP.

As reported on 26 August 2025, several management actions within the CMP identified external entities as a ‘Lead Agency’ in the action implementation. Council engaged with these agencies throughout the entire development process of the CMP to ensure that the relevant legislation under each of their jurisdictional boundaries is appropriately complied with.

Following the completion of the CMP Public Exhibition Period, Council sought letters of support from the relevant NSW State Government agencies listed as either a ‘Partner’ or a ‘Lead Agency’ within the CMP in the implementation of the management actions. These letters are required for submission of the CMP for certification by the relevant NSW Minister.

To date, all agencies have expressed support for the CMP and Council has formally received letters of support from:

- The Department of Climate Change, Energy, the Environment and Water
- The Department of Planning, Housing and Infrastructure
- The Department of Primary Industries & Regional Development
- Local Land Services
- State Emergency Services
- NSW National Parks & Wildlife Service
- Transport for NSW

Refer to Attachment 1.

As such, the CMP can be considered ready for certification submission.

Community Consultations

Community Consultations are as per the report presented to Council at the Ordinary Meeting on 17 June 2025 (agenda item [CL25.193](#)).

As per MIN25.317, it was resolved at the Ordinary Meeting on 17 June 2025, that Council would 'defer the report for a further public briefing on the draft Lower Shoalhaven River Coastal Management Program (CMP)'. The public briefing was held on 14 August 2025.

Policy and Statutory Implications

Policy and Statutory Implications are as per the report presented to Council at the Ordinary Meeting on 17 June 2025 (agenda item [CL25.193](#)).

Financial Implications

Financial Implications are as per the report presented to Council at the Ordinary Meeting on 17 June 2025 (agenda item [CL25.193](#)). This project has been funded by the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Coast and Estuary Grants Program with a one third contribution by Council, and the grant has been fully acquitted.

Risk Implications

Risk Implications are as per the report presented to Council at the Ordinary Meeting on 17 June 2025 (agenda item [CL25.193](#)).

As the CMP was not adopted on 26 August 2025, Council missed the opportunity to submit grant applications to implement CMP management actions through the NSW Coastal and Estuary Grants Program. This grants program opens annually and requires a CMP to be submitted for certification for Council's to be eligible to apply for funding. The most recent round of applications closed on Thursday, 4 September 2025. Further delay represents a risk that any grant applications to implement actions from the Lower Shoalhaven River CMP are further delayed, risking the delivery of actions in a timely manner to mitigate identified risks. Many of these actions have strong community support. For example, Council received correspondence from a group of Orient Point residents prior to the 26 August 2025, which indicated their support and encouraged adoption of the CMP so that high priority works in their area could proceed. The next round of grant funding is expected to open in August or

September 2026. If the CMP has been adopted by Council and certified by the State Government by this time, Council will be eligible to apply for funding to deliver actions outlined in the CMP.

Management actions included within the CMP reflect issues that have been assessed as being high risk either in the present day or under future planning horizons. Council's development of the CMP and the relevant management actions have been guided by decisions made in 'good faith' as established under Section 733 of the Local Government Act 1993 to suitably address and mitigate identified risks and hazards. The CMP has incorporated the statutory objectives for the management of the coastal zone as reflected in the *Coastal Management Act 2016* (NSW), and other supporting legislation and guidance as part of the NSW Coastal Management Framework. Subsequently, failure to implement the CMP in line with this statutory guidance may expose Council to liability by failing to act with reasonable care and due diligence to proactively manage potential risks identified within the CMP. This may hinder defences available to Council under Section 733 of the Local Government Act 1993 and Section 43A(3) of the Civil Liability Act 2002.

CL25.380 Review of Policy - Food Premises

HPERM Ref: D25/373109

Department: Environmental Services

Approver: Judy Clark, Acting Director City Development

Attachments: 1. Draft Food Premises Policy (under separate cover) [⇒](#)

Purpose:

The review of all Council's public and local approval policies has been the practice of each newly elected Council.

This report proposes the rescinding of the Food Premises Policy, which is currently a responsibility of Council's Environmental Services Team.

Summary and Key Points for Consideration:

Council's Food Premises Policy has historically been applied concurrently with the following food regulations and standards:

- Food Act 2003 (NSW)
- Food Regulation 2025 (NSW)
- Chapter 3 of the Australia/New Zealand Food Standards Code
- AS 4674-2004 Design, construction and fit-out of food premises
- AS 1668.2-2024 The use of ventilation and air conditioning in buildings

These regulations and standards supersede the ongoing need for the policy.

The purpose of the policy was to ensure the initial design and construction of food premises was of a satisfactory standard prior to their first occupation. This outcome can be similarly achieved by applying the aforementioned regulations and standards.

The policy is not linked to ongoing data and performance reporting.

Recommendation

That Council rescind and delete the Food Premises Policy which is superseded by relevant food legislation and Australian Standards.

Background and Supplementary information

The Food Premises Policy in its current form is an outdated document that was adopted from the Australian Institute of Environmental Health's guideline for fitting out food premises back in the 1980's. The policy is now redundant as more recent standards are of greater relevance for both applicants setting up new, or fitting out existing food premises or for Council officers undertaking development assessments.

The standards are now captured or covered by:

- Australian Standard AS4674-2004 – Construction and Fit-out of Food Premises

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- Australian Standard AS1668.2-2024 – The use of Ventilation and Air Conditioning in Buildings,
- Chapter 3 of the Food Standards Code Australia/New Zealand – Standard 3.2.3 – Food Premises and Equipment.

Therefore there is no longer a need for Council to have a separate set of standards.

Internal Consultations

Consultation has been undertaken with internal stakeholders within the City Development Group (Environmental Health Officers, Planners) responsible for overseeing and assessing Development Applications relevant to the construction and fit-out of food premises.

It is acknowledged that conditions of development consents will need to be updated to reflect this change.

External Consultations

Not applicable.

Community Consultations

Not Applicable.

Policy and Statutory Implications

It is recommended that Food Premises Policy (POL24/118) be rescinded. There are no other Council Policy implications.

Financial Implications

Rescinding this policy will not result in any financial implications.

Risk Implications

The risk of retaining Food Premises Policy (POL24/118) is that at any time, legislation and standards referenced in the policy get updated that these changes are not amended until the policy is reviewed.

CL25.380

CL25.381 Review of Policy - Bushcare / Parkcare Policy and Terms of Reference - Natural Area Volunteers Group

HPERM Ref: D25/398816

Department: Environmental Services

Approver: Judy Clark, Acting Director City Development

Attachments:

1. Bushcare / Parkcare Policy (under separate cover) ➡
2. Natural Area Volunteers Group - Terms of Reference (under separate cover) ➡

Purpose:

The *Bushcare/Parkcare Policy* and *Natural Area Volunteers Group – Terms of Reference* are presented to Council for consideration/adoption.

The review of Council's public and local approval policies has been the practice of each newly elected Council. The consideration and reaffirmation of the attached Policy is recommended.

Summary and Key Points for Consideration:

The attached policy documents have been reviewed and updated with minor edits in wording, definitions and legislation references that do not change the original policy intention. The revised policies will ensure that Council maintains an appropriate level of governance of Bushcare and Parkcare volunteer programs

Recommendation

That Council:

1. Reaffirm the Bushcare/ParkCare Policy with minor changes and additions.
2. Adopt the revised Natural Area Volunteers Group - Terms of Reference

Background and Supplementary information

The Bushcare and Parkcare programs have been operated by Council for around two decades. Over that time, volunteers have contributed an enormous amount of effort to the maintenance and improvement of Natural Areas and parks.

The Bushcare/Parkcare Policy was first adopted by Council in August 2009.

A Bushcare Representative Group was established in 2011 following a resolution of Council in December 2010 (MIN10.1461).

Bushcare/Parkcare Policy

There was a major review of the Bushcare/Parkcare Policy completed in 2018 after substantial consultation with Bushcare and Parkcare groups, the Bushcare Representative Group and Councillors. This policy was last updated in September 2022.

The current review proposes the following minor changes:

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- Additional reference to relevant legislation and Coastal Management programs
- Improved definitions of Bushcare and Parkcare
- Improved definition of Bushcare Group Action Plans
- Updates on department names across Council
- The policy now includes new or renamed sections (Objectives, Definitions, Roles and Responsibilities, Related Legislation, Policies or Procedures, Risk Assessment, Data and Reporting, Ownership and Approval) and
- Minor wording and grammar.

Natural Area Volunteers Group Terms of Reference

In September 2019, the Bushcare Representative Group was renamed to the Natural Areas Volunteer Group (MIN19.674) to reflect the volunteer groups working across a variety of environments, such as bushland and dune systems.

Following the recommendation from the then Bushcare Representative Group (BR19.1) and Council (MIN19.588), Terms of Reference were developed for the renamed Natural Area Volunteers Group.

These have now been revised to incorporate the following changes, primarily to align with an updated corporate template:

- Additional definitions were included in section 2 'Interpretation'
- Inclusion of links to the Bushcare/Parkcare Policy and Procedures documents
- Inclusion of new required section 'Key strategy, Plan and Other Linkages'
- Additional wording under 'Terms of Office'
- Inclusion of new required section 'Council Staff Responsibility'
- Inclusion of required section 'Other Relevant Documents List'

In addition to the items outlined above, minor wording/grammatical changes have been made to improve clarity.

Risk Implications

As no significant changes have been proposed, there is no change to the current risk implications relating to the Policy and Terms of Reference.

Internal Consultations

Key staff within City Development and City Services directorates have been consulted and provided feedback on the proposed changes.

External Consultations

The draft policy was presented to the Natural Area Volunteers Group on 18 August 2025 and was recommended for adoption (Item NA25.3).

Community Consultations

Community representatives provide the majority of membership of the Natural Area Volunteers Group who were consulted as described above.

Policy and Statutory Implications

The Policy and Terms of reference included in this report proposed for reaffirmation. The nature of the changes are 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.

CL25.381

CL25.382 Inclusion & Access Advisory Committee Terms of Reference Review Recommendations

HPERM Ref: D25/192433

Department: Cultural & Community Services

Approver: Judy Clark, Acting Director City Development

Attachments:

1. Terms of Reference Draft - January 2025 - Inclusion and Access Advisory Committee - Track Changes (under separate cover) [⇒](#)
2. Terms of Reference Draft - January 2025 - Inclusion and Access Advisory Committee - Changes Accepted (under separate cover) [⇒](#)

Purpose:

The purpose of this report is to provide Council with proposed amendments to the Inclusion & Access Advisory Committee (IAAC) Terms of Reference (TOR) POL24/104 for adoption.

Summary and Key Points for Consideration:

Public Council policies including TOR are to be reviewed every four years within the term of a new Council or when required.

Recommendation

That Council:

1. Accept the proposed amendments for the IAAC TOR following consultation with the Committee.
2. Accept that following implementation of any organisational restructure, the Terms of Reference (TOR) will be updated to accurately reflect the revised structure and staff roles.

Background and Supplementary information

Shoalhaven City Council Section 355 Advisory Committees have been established to provide community with a platform to provide advice on Council's plans and strategies. The IAAC is one such committee and is overseen by the City Development directorate. As part of the requirement that Council policies are reviewed every four years within the term of a new Council, this TOR is being reviewed and updated.

The proposed changes to the IAAC TOR align with updates previously endorsed by the Executive Leadership Team (ELT) to provide consistency and best practice across all advisory committees. Additionally, factors such as staff resourcing, current budget constraints and the performance of the committee over recent years have influenced the proposed changes. Refer **Attachment 2**. The proposed changes were presented to members of an IAAC meeting on 24 February 2025 for feedback. The report incorporates staff recommendations while giving due consideration to feedback provided by the committee.

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Risk Implications

Council recognises the importance of maintaining good relationships and upholding core organisational values in all interactions with members of our Section 355 Committees. Council will tolerate appropriate and effective interventions to improve the functioning of these Committees.

Significant Changes to the TOR

The key updates to the current TOR have been modified and are outlined below for clarity and ease of review:

- **6. Membership - Chair and Deputy Chair** adjusted to:

'The Chair will comprise of one Councillor to be appointed to the role of Chairperson and Community member as Co-Chair for 12 months with an option to renew for another 12 months. The Chair will provide a mentoring role to the Co-Chair for the duration of their term. Both positions will be nominated at the beginning of the meeting of the first sitting of the Inclusion and Access Advisory Committee for the term of the current Council and in the absence of the nominated Chair, a member with voting rights may be elected as interim Chair for that meeting.'

Members present at the 24 February 2025 meeting provided feedback on the role of Chair and Co-Chair, relating specifically to the need for the Chair to take on a mentoring role and that the positions be appointed for a minimum of 12 months. Staff were in agreement with regards to these proposed changes.

- **7. Committee Meetings - Meeting Schedule:** adjusted to:

'There will be a minimum of one meeting per year. The Chairperson may call an additional meeting in consultation with the Manager Culture and Community Services or the Director of City Development.' The Chairperson may also call additional informal meetings / workshops to provide members with ample time to discuss matters of access and inclusion in greater depth.

Members present at the 24 February 2025 meeting considered this proposed change at length and suggesting revising the meeting schedule to include two formal meetings per year, complemented by two additional informal workshops (optional). Concerns were raised relating to whether inclusion and accessibility issues could be adequately addressed if there were only two meetings per year. However, the rationale for staff proposing one formal meeting per year is to avoid low meeting attendance that results in postponed meetings, not reaching quorum and inefficient use of members' time, all of which has occurred regularly over recent years.

- **9. Code of Conduct** clause to include Council's Code of Meeting Practice statement and states:

'As per Councils Code of Meeting Practice, speakers addressing the meeting do not have absolute privilege with respect to comments they make, opinions they express or material presented, and need to be aware that they may be held personally liable for defamatory statements or statements contrary to any legal obligations.'

Members present at the 24 February 2025 meeting agreed with the proposed inclusion of the Meeting Practice statement.

- **11. Sunset Clause** has been introduced and states:

'The committee may be disbanded within one year of the election of a new Council, or earlier at the direction of Council.'

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Members present at the 24 February 2025 suggested that the Sunset Clause be removed as they were concerned that this could result in the disestablishment of the committee. However, staff were advised by ELT to consider the need for a Sunset Clause to align with other 355 committees as part of the review process and as such, the recommendation is that it remain.

These proposed amendments bring the TOR in line with other Council policies and best practice. The following documents are attached to this report for Councillors to review:

1. Terms of Reference Draft - January 2025 - Inclusion and Access Advisory Committee - Track Changes.
2. Terms of Reference Draft - January 2025 - Inclusion and Access Advisory Committee - Changes Accepted.

Internal Consultations

The Governance Team provided guidance on proposed changes to this TOR to ensure consistency and best practice with other 355 Committee TORs. Members of the Community Connections Team met to discuss the need for possible changes in the context of committee performance, staffing resources and the current financial climate of Council. Staff then took the proposed changes to the IAAC for feedback at the 24 February 2025 meeting.

External Consultations

Members of the Inclusion and Access Advisory Committee were consulted regarding the proposed amendments to the TOR at the abovementioned meeting. The rationale for each proposed change was explained to members, with staff answering questions and providing additional information or explanations where necessary. Each proposed change was discussed until members came to an agreement on the feedback they wanted to provide.

Community Consultations

Members of the Inclusion and Access Advisory Committee are community members and as mentioned above, were consulted at the first meeting of the committee.

Policy and Statutory Implications

The only Council policy relevant for this report is the IAAC TOR.

Financial Implications

There are no funds or resources outside of staff time required to propose TOR amendments for the IAAC.

CL25.382

CL25.383 Youth Advisory Committee Terms of Reference Review - 2025

HPERM Ref: D25/385087

Department: Cultural & Community Services

Approver: Judy Clark, Acting Director City Development

Attachments:

1. Youth Advisory Committee Terms of Reference Review - Tracked Changes (under separate cover) [⇒](#)
2. Youth Advisory Committee Terms of Reference Review - Clean Version (under separate cover) [⇒](#)

Purpose:

The purpose of this report is to provide Council with proposed amendments to the Youth Advisory Committee (YAC) Terms of Reference (TOR) POL24/122 for approval.

Summary and Key Points for Consideration:

Public Council policies including TOR are to be reviewed every four years within the term of the current Council or when required.

Recommendation

That Council:

1. Receive the draft Youth Advisory Committee Terms of Reference and accept the proposed amendments.
2. Accept that following implementation of any organisational restructure, the Terms of Reference (TOR) will be updated to accurately reflect the revised structure and staff roles.

Background and Supplementary information

Shoalhaven City Council Section 355 Advisory Committees have been established to provide community with a platform to provide advice on Council's plans and strategies. The YAC is one such committee and is overseen by the City Development directorate. As part of the requirement that Council policies are reviewed every four years within the term of a new Council, this TOR is being reviewed and updated.

The proposed changes to the YAC TOR align with updates previously endorsed by the Executive Leadership Team (ELT) to provide consistency and best practice across all advisory committees. Additionally, factors such as staff resourcing, current budget constraints and the performance of the committee over recent years have influenced the proposed changes. Refer **Attachment 2**.

Key changes to the TOR

Summary of the key changes are below:

- **7. Committee Meetings - Meeting Schedule:** adjusted to:

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‘There will be a minimum of one meeting per year. Members or Council Staff (Community Connections) may call an additional meeting in consultation with the Manager Culture and Community Services or the Director of City Development.’

- **9. Code of Conduct** clause to include Councils Code of Meeting Practice statement and states:

‘As per Councils Code of Meeting Practice, speakers addressing the meeting do not have absolute privilege with respect to comments they make, opinions they express or material presented, and need to be aware that they may be held personally liable for defamatory statements or statements contrary to any legal obligations’.

- **12. Review** – new clause included and states:

‘To be reviewed within one year of the election of a new Council, or earlier at the direction of Council.’

These proposed amendments bring the TOR in line with other Council policies and best practice. The following documents are attached to this report for members to review:

1. Terms of Reference Draft - January 2025 – Youth Advisory Committee - Track Changes
2. Terms of Reference Draft - January 2025 - Youth Advisory Committee – Clean Version.

Risk Implications

Council recognises the importance of maintaining good relationships and upholding core organisational values in all interactions with members of our Section 355 Committees. Council will tolerate appropriate and effective interventions to improve the functioning of these Committees.

Internal Consultations

The Governance Team have provided guidance on proposed changes to this TOR to ensure consistency with other 355 Committee TORs.

External Consultations

The YAC has not made quorum since May 2024 and although the changes were circulated by email to committee members in February 2025, no feedback has been received.

Community Consultations

As above, the YAC has not made quorum since May 2024, and when invited via email to provide feedback the community youth representatives have not provided any suggested amendments.

Policy and Statutory Implications

The only Council policy relevant for this report is the YAC TOR.

Financial Implications

There are no funds or resources outside of staff time required to propose TOR amendments for the YAC.

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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.