

Ordinary Meeting

Meeting Date: Tuesday, 11 November, 2025
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.30pm

Membership (Quorum – 7)

Clr Patricia White – Mayor

Ward 1

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 - 28 October 2025
- 7. Declaration of Interests**
- 8. Presentation of Petitions**
- 9. Mayoral Minute**

Mayoral Minute

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- 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

- 15. Reports**

CEO

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16. Confidential Reports

Nil

MM25.26 Mayoral Minute - Western Sydney Airport

HPERM Ref: D25/438378

Recommendation

That Council:

1. Note Wollongong City Council Lord Mayor Tanya Brown mayoral minute of 25 August 2025 initiating strategic collaborations with Camden, Campbelltown, Wollondilly, Wingecarribee, Shellharbour, Kiama and Shoalhaven Councils known as LG8.
2. Support the collaborations of the LG8 strategic partnership to advocate for connections to Western Sydney International Airport to maximise benefits to economic development and the Shoalhaven visitor economy.

Details

Lord Mayor Tanya Brown of Wollongong City Council tabled a Lord Mayoral Minute to Wollongong City Council Ordinary Meeting on 25 August 2025 formalising the regional strategic collaboration of the LG8 (see attached)

Shoalhaven City Council is part of this strategic collaboration with Camden City, Campbelltown City, Kiama Municipality, Shellharbour City, Wingecarribee Shire, Wollondilly Shire led by Wollongong City Council. The LG8 Council collective have developed a portfolio of strategic imperatives and aim to work with the State and Federal Governments to maximise connectivity, housing, jobs and growth in the Illawarra region.

Connectivity between Western Sydney International Airport, Southwest Sydney and the Illawarra Shoalhaven is a key strategic priority for economic growth. It is imperative that government prioritise funding for transport infrastructure into our region in order to maximise opportunities for jobs, tourism and positive sustainable growth.

A significant funding burden has been placed on local communities through Council's local road designation system. We call on the government to provide major investment in transformative transport infrastructure across rail, roads and buses is required to increase the opportunities for growth in visitor economy and the supply chain.

MM25.26

MM25.27 Mayoral Minute - Congratulations - Culburra & Districts Community Health Forum - 50th Anniversary

HPERM Ref: D25/518752

Recommendation

That Council:

1. Write to congratulate the Culburra and Districts Community Health Forum on their 50th Anniversary and thank them for their tireless efforts in supporting the Culburra and surrounding communities.
2. Note that the current building needs to be demolished and rebuilt.

Details

The Culburra and Districts Community Health Service Inc (CDCHS) was formed in March 1988 as a small, not-for-profit organisation consisting of 48 volunteers. These dedicated individuals have provided support and assistance to the communities of Orient Point, Culburra Beach, Currarong, Callala Bay, Callala Beach, Myola, Pyree, and Greenwell Point.

For the past 50 years, CDCHS has successfully operated the Culburra Beach Opportunity Shop. This initiative has served as a critical community service and a connection point for many local and elderly residents. The Opportunity Shop was created to generate funds for local volunteers, enabling them to use their personal vehicles to drive isolated community members and those in need to medical appointments.

In 1998, the group shifted its focus towards advocacy and fundraising, with the goal of establishing an Ambulance Station and a Doctors Surgery in Culburra Beach. Through the collective effort of the community, CDCHS managed to raise all but \$80,000 required for the project. With the assistance of a Council loan, which was repaid over ten years, these essential facilities were completed in October 2000.

Unfortunately, a recent report from a structural engineer has revealed that the building has experienced movement over time and now requires demolition and reconstruction.

CDCHS has submitted new building design plans to Council. Upon approval, the organisation will proceed to tender for the project. The estimated cost for the new build is approximately \$1.2 million.

MM25.27

MM25.28 Mayoral Minute - Bawley Point, Kioloa Termeil Community Strategic Plan 2025 to 2035

HPERM Ref: D25/519029

Attachments: 1. Mayoral - Submission - Bawley Point Kioloa Termeil Community Strategic Plan 2025 - 2035 (under separate cover) [↗](#)

Recommendation

That Council:

1. Endorse the Bawley Point, Kioloa Termeil Community Strategic Plan 2025 to 2035 as a reference document, to be considered by council in future planning and community engagement activities
2. Invite two representatives to attend Councils Ordinary Meeting to present the key elements of the plan to Council and upload the plan to council's website so its publicly available.
3. Write to thank the Bawley Point, Kioloa Termeil CCB for their submission and deputation.

Details

Community Consultative Bodies (CCBs) are resident representative groups that are endorsed by Council as the representative group for residents and ratepayers of their local area.

They have the general support and confidence of their local community to communicate shared and collective views of the community with Council which are formalise and reported by the CCB to Council in their Community Strategic Plans.

Council recognises and appreciates the dedication and efforts of CCB members in promoting and facilitating the community consultations and engagement, collecting and collating the community's feedback and vision formally into a community strategic plan publication.

The Bawley Point, Kioloa Termeil Community Strategic Plan 2025 to 2035 was fully endorsed by vote by the Bawley Point, Kioloa Termeil Community Association at a committee meeting on 21 September 2025.

Council formally received the Community Strategic Plan by email on 3 November 2025 and invited two representatives of the CCB to present a key summary of the plan to Council by way of deputation and a copy of this email and the plan was forwarded to councillors for information.

I ask that Council endorse the plan as a reference document to be considered in future planning and community engagement activities Bawley Point, Kioloa Termeil communities and make the plan publicly available on Councils website [Community Consultative Bodies \(CCBs\) | Shoalhaven City Council](#).

MM25.28

MM25.29 Mayoral Minute - A Place To Call Home and Support to Keep It - Campaign Support

HPERM Ref: D25/519498

Recommendation

That Council:

1. Supports the 'A Place To Call Home and Support to Keep It' campaign, advocating for increased funding to specialist homelessness services and investment in affordable and social housing across the Shoalhaven and regional NSW.
2. Calls upon the NSW Government to develop and implement a long-term strategy to grow social housing and ensure all residents have access to safe, secure, and affordable homes.
3. Commits to raising public awareness about the solutions to homelessness and encourages community involvement to help make homelessness rare, brief, and non-recurring.
4. Writes to the relevant NSW Government Ministers and local Members of Parliament, urging their support for these measures.

Details

The 'A Place To Call Home' campaign highlights the urgent need for more social housing and sustained support for those experiencing or at risk of homelessness, with the official launch of the campaign taking place on the 5 December at Parliament House in Sydney.

Homelessness is a challenge that affects individuals, families, and communities across NSW and directly affects many people in the Shoalhaven community. Having a safe and secure home or reliable access to safe and secure temporary housing is a basic human need that simply not met for so many people and something so many people simply don't have.

Council's endorsement of this campaign aligns with Council's decision on 23 September 2025 to reestablish the Affordable Housing Advisory Committee and reflects our dedication to addressing homelessness in the Shoalhaven as a priority.

We can affect real meaningful change through endorsement of large, state significant campaigns, our voice not only strengthens their campaign, but we ensures we, the Shoalhaven are seen, heard and have a seat at the discussion table.

It is vital that the State Government prioritise and deliver well-funded, long-term strategies and specialist services. These strategies need to include not only much needed crisis intervention, but also preventative measures and initiatives that focus on growing the supply of genuinely affordable housing, which is one of the first crucial steps in addressing this problem.

It is essential we work together to ensure greater public understanding of the solutions available to address homelessness, informing the community encourages broader support and awareness of the issues faced by so many and we invite the public to join us in advocating for meaningful change to end homelessness.

MM25.29

CL25.385 Rescission Motion - CL25.371 - Sanctuary Point Library - Site Investigations

HPERM Ref: D25/518671

Submitted by: Cllr Bob Proudfoot
Cllr Selena Clancy
Cllr Peter Wilkins

Purpose / Summary

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

Recommendation

That Council rescind the Motion relating to Item CL25.371 - Sanctuary Point Library - Site Investigations of the Council Meeting held on Tuesday 28 October 2025

Background

The following resolution was adopted at the Ordinary Meeting held on Tuesday 28 October 2025 (MIN25.554):

That Council, having considered all available contemporary information in relation to suitable subject sites for a new library in Sanctuary Point:

- 1. Endorse the corner of Kerry Street and Paradise Beach Road (Lot 944 DP 27857, Lot 945 DP 27857, Lot 946 DP 27857, Lot 947 DP 27857, and part Lot 4 DP 806393) as the preferred location for a new library in Sanctuary Point.*
- 2. 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.*
- 3. Direct the CEO (Director – City Services or delegate) to progress the project to detailed design, generally in accordance with the feasibility study undertaken previously (as documented in CL25.114), and prepare a Capital Expenditure Review, in accordance with the Office of Local Government's Capital Expenditure Guidelines, for Council's consideration at a future Ordinary Council Meeting.*

CL25.385

CL25.386 Notice of Motion - CL25.371 - Sanctuary Point Library - Site Investigations

HPERM Ref: D25/518698

Submitted by: Cllr Bob Proudfoot
Cllr Selena Clancy
Cllr Peter Wilkins

Purpose / Summary

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

Recommendation

That Council:

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.

Note by the CEO

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

CL25.386

CL25.387 Code of Conduct Complaints - Annual Statistics Report - 1 September 2024 to 31 August 2025

HPERM Ref: D25/517923

Department: Business Assurance & Risk
Approver: Andrew Constance, Chief Executive Officer

Attachments: 1. Annual Statistical Return - Code of Conduct Statistics -- 2025 [↓](#)

Purpose:

This report is submitted in accordance with Clause 11.1 of the *Procedures for the Administration of the Code of Conduct* which requires that statistics concerning complaints made about Councillors and the CEO be reported to Council within 3 months of the end of September each year.

Summary and Key Points for Consideration:

Statistics of the Code of Conduct complaints received by Council and which have been submitted to the Office of Local Government are provided as **Attachment 1** to this report.

Code of Conduct complaints are managed in accordance with the [Procedures for the Administration of the Code of Conduct](#).

In summary, thirty (30) Code of Conduct complaints about councillors and the CEO were received in the reporting period.

Recommendation

That Council receive the Code of Conduct Statistics Report and note that it has been provided to the Office of Local Government in accordance with Clause 11.2 of the Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW.

Background and Supplementary information

Statistical reporting requirements with respect to complaints received under the [Code of Conduct](#) outlined in The [Procedures for the Administration of the Code of Conduct](#) at Part 11.

The provisions provide a requirement for the Complaints Coordinator (Council's Manager-Business Assurance & Risk) to provide the requisite data (as captured in the table provided as **Attachment 1** to this report) to the Council within three (3) months of the end of September each year (Section 11.1) and to provide the report to Council to the Office of Local Government within the same period. (Section 11.2)

Risk Implications

When Council Officials do not meet their obligations under the Code of Conduct, legislation or policy may, this result in both personal sanctions against them and cost and risk to the organisation in the management of complaints arising from the conduct.

Failure to addressing conduct complaints about Council Officials can lead to several serious risks:

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1. Erosion of Public Trust: When complaints are ignored, it can lead to a loss of trust in the elected officials and the institutions they represent. This can diminish public confidence in the democratic process.
2. Reputational Damage: Both the individual representative and the governing body can suffer reputational harm, which can be difficult to repair.
3. Decreased Civic Engagement: If the public perceives that complaints are not taken seriously, it can lead to decreased civic engagement.
4. Internal Conflict: Within the governing body, unresolved complaints can lead to internal conflicts and an unsafe work environment, affecting overall productivity and morale.
5. Intimidation and Abuse: Ignoring complaints can embolden further misconduct, including intimidation and abuse, which can create a hostile environment for other representatives and staff.

The provision of the attached report to the Council and the Office of Local Government addresses the reporting requirements with respect to Code of Conduct statistics.

Internal Consultations

In accordance with the Code of Conduct and Code of Conduct Procedures, details of Code of Conduct complaints with the exception of statistical information contained in this report, is confidential information.

Where required in the management of individual complaints, internal consultations occur with persons raising or responding to allegations of wrongdoing or in the gathering of information in accordance with the procedures.

External Consultations

Where required, external advice is received from the Office of Local Government or other oversight bodies in complaint handling. In accordance with the procedures, Conduct Reviewers may be appointed to undertake assessment and if required investigation of complaints.

Community Consultations

In accordance with the Code of Conduct and Code of Conduct Procedures, details of Code of Conduct complaints apart from information contained in this report, is considered confidential information.

No specific community engagement is required other than advising the public of Code of Conduct complaints via this annual reporting requirement of the Code of Conduct Procedures. The Office of Local Government publishes the statistics once collated.

Policy Implications

All Council officials are required to meet their obligations under the Code of Conduct. Where an individual is alleged to have breached the code, the Code of Conduct Procedures need to be followed.

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Financial Implications

The costs involved with handling complaints involving Councillors which are not referred to a conduct reviewer are usually estimated at approximately \$950 each. That figure can be reduced if a complaint does not demonstrate or allege wrongdoing or increase if the resolution involves greater complexity for assessment, multiple parties, if the matter is referred to a Conduct Reviewer under the procedures, or if extended time is required to be spent by the CEO in dealing with the matter.

The estimated total cost of dealing with the Code of Conduct complaints received in the reporting period, including staff costs and Conduct Reviewer costs paid in the reporting period was \$72,838. Of these costs, \$34,588 related to the costs paid to conduct reviewers.

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Model Code of Conduct Complaints Statistics 2024-25 Shoalhaven City Council		
Number of Complaints		
1	The total number of complaints received in the reporting period about councillors and the General Manager (GM) under the code of conduct from the following sources:	
i	Community	22
ii	Other Councillors	6
iii	General Manager	2
iv	Other Council Staff	0
2	The total number of complaints finalised about councillors and the GM under the code of conduct in the following periods:	
i	3 Months	9
ii	6 Months	5
iii	9 Months	1
iv	12 Months	
v	Over 12 months	
Overview of Complaints and Cost		
3	a The number of complaints finalised at the outset by alternative means by the GM or Mayor	5
	b The number of complaints referred to the Office of Local Government (OLG) under a special complaints management arrangement	0
	c The number of code of conduct complaints referred to a conduct reviewer	17
	d The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	2
	e The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	5
	f The number of finalised code of conduct complaints investigated by a conduct reviewer	0
	g Cost of dealing with code of conduct complaints via preliminary assesment	34,588
	h Progressed to full investigation by a conduct reviewer	3
	i The number of finalised complaints investigated where there was found to be no breach	0
	j The number of finalised complaints investigated where there was found to be a breach	0

k	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police	
i	ICAC	0
ii	NSW Ombudsman	0
iii	OLG	0
iv	Police	0
v	Other Agency (please specify)	0
l	The number of complaints being investigated that are not yet finalised	3
m	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	72,838

Preliminary Assessment Statistics		
4	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:	
a	To take no action (clause 6.13(a) of the 2020 Procedures)	2
b	To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2020 Procedures)	0
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the 2020 Procedures)	5
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the 2020 Procedures)	0
e	To investigate the matter (clause 6.13(e) of the 2020 Procedures)	3
f	Other action (please specify)	0

Investigation Statistics		
5	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:	
a	That the council revise its policies or procedures	0
b	That a person or persons undertake training or other education (clause 7.40 of the 2020 Procedures)	0
6	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:	
a	That the council revise any of its policies or procedures (clause 7.39 of the 2020 Procedures)	0
b	In the case of a breach by the GM, that action be taken under the GM's contract for the breach (clause 7.37(a) of the 2020 Procedures)	0
c	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (clause 7.37(b) of the 2020 Procedures)	0

d	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 and that the matter be referred to OLG for further action (clause 7.37(c) of the 2020 Procedures)	0
7	Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2020 Procedures)	0
Categories of misconduct		
8	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a	General conduct (Part 3)	0
b	Non-pecuniary conflict of interest (Part 5)	0
c	Personal benefit (Part 6)	0
d	Relationship between council officials (Part 7)	0
e	Access to information and resources (Part 8)	0
Outcome of determinations		
9	The number of investigated complaints resulting in a determination that there was a breach in which the council:	
a	Adopted the independent conduct reviewers recommendation	0
b	Failed to adopt the independent conduct reviewers recommendation	0
10	The number of investigated complaints resulting in a determination where:	
a	The external conduct reviewers decision was overturned by OLG	0
b	Council's response to the external conduct reviewers recommendation was overturned by OLG	0
11	Date Code of Conduct data was presented to council	11-Nov-25

CL25.388 Policy - Risk Management Policy and Risk Appetite Statement - Enterprise Risk Management Framework

HPERM Ref: D25/423035

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

Attachments:

1. Draft Risk Management Policy (under separate cover) [⇒](#)
2. Draft Risk Appetite Statement (under separate cover) [⇒](#)
3. Enterprise Risk Management Framework (current) (under separate cover) [⇒](#)

Purpose:

The purpose of this report is to provide the Risk Management Policy and Risk Appetite Statement for adoption by the Council and to outline the Enterprise Risk Management Framework documentation and methodology.

Summary and Key Points for Consideration:

- The NSW Office for Local Government (OLG) Guidelines for Risk Management and Internal Audit require the governing body to ensure the effective implementation of a risk management framework consistent with the Australian Standard for Risk Management (AS ISO 31000:2018).
- Under AS ISO 31000:2018 councils must:
 - Clearly define risk management roles and responsibilities, as outlined in the Risk Management Policy.
 - Demonstrate strong leadership and commitment to embedding risk management across the organisation.
- The OLG Guidelines mandates that the Risk Appetite Statement must be formally adopted by council resolution, reinforcing the governing body's accountability in setting risk appetite levels and risk tolerance statements.

Recommendation

That Council

1. Adopt the Risk Management Policy presented as Attachment 1 to the report
2. Adopt the Risk Appetite Statement presented as Attachment 2 to the report
3. Note the details of the Enterprise Risk Management Framework as Attachment 3 to the report.

Background and Supplementary Information

Risk Management Policy

The draft Risk Management Policy has the purpose of setting effective risk management across the organisation. It is a public policy stating the principles of our enterprise risk

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management framework, consistent with the current Australian Standard for risk management (AS ISO 31000:2018) and supports Council to optimise growth opportunities and mitigate against potential loss and damage.

The Risk Management Policy was endorsed by the Executive Leadership Team (ELT) in October 2024 and the Audit Risk and Improvement Committee (ARIC) on 4 November 2024.

The policy was last adopted at the Ordinary Meeting on 20 September 2022. The policy is provided as **Attachment 1** to this report for readoption without further amendment.

Risk Appetite Statement

The draft Risk Appetite Statement is provided as **Attachment 2** to this report.

Under the OLG NSW '[Guidelines for Risk Management and Internal Audit for local government in NSW \(November 2023\)](#)', the Risk Appetite Statement needs to be endorsed by Council:

“Consistent with the governing body’s strategic leadership role under section 223 of the Local Government Act, the governing body is responsible for setting the foundational elements of council’s risk management framework and the ‘tone at the top’.

This includes approving via resolution the council’s risk criteria/appetite – a statement that conveys how much risk will be tolerated by the governing body in the pursuit of the strategic objectives for the council, and how risk is to be managed and decisions made within this context.

The councils risk criteria/appetite is to be approved in consultation with the audit, risk and improvement committee.”

Information on the Risk Appetite Statement:

1. The Risk Appetite Statement:

- defines the type and level of risk that Council is prepared to accept in pursuit of achieving its strategic objectives
- defines council's risk tolerance to managing risk and taking opportunities in day-to-day operation activities.
- enables consistent and informed decision-making across the organisation.
- has been drafted by the Executive Leadership Team (ELT) and reviewed by Audit Risk Improvement Committee (ARIC).

2. How we develop the Risk Appetite Statement:

- determine the level of risk appetite using the following levels:
 - **Avoid** - Little to no appetite. Avoidance of adverse exposure to risk even when outcome benefits are higher.
 - **Resistant** - Small appetite. A general preference for safer options with only small amounts of adverse exposure.
 - **Accept** - Medium appetite. Options selected based on outcome delivery with reasonable degree of protection.
 - **Receptive** - Larger appetite. Engagement with risks based more on outcome benefits than potential exposure.
- define a risk appetite statement for each risk category.
- define risk tolerances for each risk category, that helps translate the appetite into the operational environment.

- aligned the information to the ERM Framework seven (7) categories of risk, consisting of People, Environment, Finance, Governance, IT, Reputation, Property & Infrastructure

The Risk Appetite Statement is to be reviewed annually or after significant change, in consultation with the Audit Risk Improvement Committee (ARIC).

In response to evolving strategic priorities and stakeholder expectations, the Executive Leadership Team has proposed the following changes:

- Financial risk appetite level changed from Accept to Resistant
- Property & Infrastructure risk appetite level changed from Accept to Resistant
- Reputation risk appetite level changed from Accept to Resistant

It is important to recognise that risk appetite and risk tolerances for the organisation will change over time in response to events such as changes in priorities, strategy, or government and stakeholder expectations.

The review was aligned with our risk registers for identified strategic and high risks. A review of our Strategic Risk Register was undertaken by ELT prior to completing the draft.

Feedback from Councillor Survey

Councillors were sent a survey on a review of the Risk Appetite Statement in late August to capture suggested changes or agreement with the draft, prior to the required resolution.

Two (2) survey responses were received, agreeing to six (6) of the seven (7) appetite levels and tolerance statements proposed, with a suggestion to change to the appetite level for the Environment risk category from Accept to Resistant or Avoid.

Survey response summary on the risk categories for the appetite levels and tolerance statements drafted:

Risk Category	Risk Appetite Level	Agree: Yes or No
People	Avoid	2 Yes
Environment	Accept	2 No
Financial	Resistant	2 Yes
Information Technology	Accept	2 Yes
Corporate Governance	Avoid	2 Yes
Property & Infrastructure	Resistant	2 Yes
Reputation	Resistant	2 Yes

Additional responses provided in the survey:

- Question 2 re feedback for risk appetite levels for the risk categories: *Potential outcomes of environment-related risk are fluid and growing. This category represents high financial cost and will impact reputational risk levels.*
- Question 6 re the Environment risk appetite and tolerance statement: *The acceptance of "minor environmental impacts" such as biodiversity and ecological integrity is insufficient - requires a confident definition of "uncontrollable or unforeseen events" due to the growing tide of climate change.*
- Question 17, overall commentary/feedback: *The level of risks proposed seem appropriate except in the area of environment. I have not proposed new wording - possibly discussion with staff to understand how definitions work in this area would assist me.*

Enterprise Risk Management Framework and risk management methodology documentation

The Enterprise Risk Management Framework is provided as **Attachment 3** to this report.

The purpose of the document is to outline our Enterprise Risk Management Framework and the key elements and activities, to ensure we have a consistent risk management approach with the Australian Standard for Risk Management Guidelines AS/ISO31000:2018.

The review included researching:

- the Australia Standard (AS ISO 31000:2018) Risk Management Guidelines.
- Office of Local Government NSW, '[Guidelines for Risk Management and Internal Audit for local government in NSW \(November 2023\)](#)'.
- Risk Management Framework documentation from other organisations such as NSW Treasury, Commonwealth Bank, Atlassian, City of Sydney, Wollongong City Council, Victorian Managed Insurance Authority, and the Institute of Internal Auditors Australia.

Council's enterprise risk management framework includes the following key elements:

- Risk Management policy, processes, procedures, reporting and people
- Risk Appetite Statement
- Risk Management Planning (as part of the annual business plan)
- Strategic and Operational risk register
- Internal Audit Program
- Audit Risk and Improvement Committee (ARIC)

The overarching Enterprise Risk Management (ERM) Framework document has been endorsed by Council's Executive Leadership Team in October 2024 and the Audit Risk and Improvement Committee (ARIC) on 4 November 2024.

The suite of reports in this space is provided together for the endorsement of the Council.

Risk Implications

Failure to endorse the Risk Appetite Statement and Risk Management Policy undermines the effectiveness of Council's risk management framework. Without clear direction from the governing body, there is an increased risk of inconsistent decision-making across the organisation, potentially exposing Council to avoidable losses or lost opportunities across all risk categories.

Internal Consultations

The Executive Leadership Team and the Audit Risk & Improvement Committee have both been consulted on the development and review of the current drafted Risk Appetite Statement, Risk Management Policy and the overarching Enterprise Risk Management Framework guide.

External Consultations

There has been no external consultation.

Community Consultations

There has been no community consultation.

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Policy and Statutory Implications

The documents provided for endorsement are in alignment with the following:

- Local Government Act Section 223 Role of the Governing Body
- OLG NSW 'Guidelines for Risk Management and Internal Audit for local government in NSW (November 2023)'

Financial Implications

There are no direct financial implications for Council in adopting these documents. Financial risks are addressed within the report and attachments.

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CL25.389 Ongoing Register of Pecuniary Interest Returns - October 2025

HPERM Ref: D25/448620

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

Purpose:

To provide Council with the Register of Pecuniary Interest Returns from newly designated persons lodged with the Chief Executive Officer for the period of 1 October 2025 to 31 October 2025 as required under Section 440AAB of the Local Government Act 1993 and Part 4.26 of Council's adopted Code of Conduct (implemented in accordance with the Model Code of Conduct released by the Office of Local Government).

Summary and Key Points for Consideration:

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

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

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

Part 4.21 of the Code states:

"A Councillor or designated person must make and lodge with the Chief Executive Officer a return in the form set out in schedule 2 to this Code, disclosing the Councillor's or designated person's interests as specified in schedule 1 to this Code within 3 months after:

- a) becoming a Councillor or designated person, and*
- b) 30 June of each year, and*
- c) the Councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b)."*

In regard to this, Part 4.26 of the Code states:

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

This report is one of a series of reports of this nature which will be provided throughout the year to align with the legislative requirements and, in this instance, is lodged under Part 4.21(a) of the Code.

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

Directorate	Name	Designated Position Start Date	Returned
City Development	Judy Clark	7 October 2025	7 October 2025

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CEO	Andrew Constance	8 October 2025	9 October 2025
City Performance	Gerard Nelson	29 September 2025	20 October 2025

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

Recommendation

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

Background and Supplementary information

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

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

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

Internal Consultations

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

External Consultations

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

Community Consultations

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

Policy Implications

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

Financial Implications

There are no financial implications for this report.

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CL25.390 Report of the Financial Review Panel - 15 October 2025

HPERM Ref: D25/520692

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

Attachments: 1. Minutes - Financial Review Panel 15 October 2025 [↓](#)

Purpose:

To provide the minutes of the Financial Review Panel 15 October 2025 to Council for information.

Summary and Key Points for Consideration:

The minutes of the Financial Review Panel 15 October 2025 (**attachment 1**) are provided to Council for information according to the adopted [Terms of Reference](#). There are no recommendations for Council resolution arising out of these minutes.

Recommendation

That Council receive and note the minutes of the Financial Review Panel of 15 October 2025.

Background and Supplementary information

The Financial Review Panel Terms of Reference, adopted on 3 December 2025, specify that the minutes “*will be included as a report in the Agenda of Ordinary Meetings of the Council for consideration of recommendations for resolution. The resolutions of the Council will be published in the Minutes of the Ordinary Council Meetings*”.

Risk Implications

There are no risk implications associated with this report.

Internal Consultations

Internal Consultation not required as part of this report.

External Consultations

External Consultation is not required as part of this report.

Community Consultations

Community Consultation is not required as part of this report.

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Policy and Statutory Implications

This report ensures that the requirements of the Financial Review Panel Terms of Reference are met.

Financial Implications

There are no financial implications associated with this report.

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MINUTES OF THE FINANCIAL REVIEW PANEL

Meeting Date: Wednesday, 15 October 2025
Location: Jervis Bay Room, City Administrative Centre, Bridge Road, Nowra
Time: 3.00pm

The following members were present:

Mayor Patricia White - Chairperson
Clr Jason Cox
Clr Jemma Tribe
Clr Luciano Casmiri (Alternative)
Mr Mark Crowther
Mr Peter Dun
Mr Stuart Coughlan

The following non-voting members were present:

Mr Andrew Constance - Chief Executive Officer
Ms Katie Buckman – Director City Performance
Mr Mathew Badcock – Chief Financial Officer

Others present:

Clr Selena Clancy
Clr Gillian Boyd – Joined remotely at 3.20pm
Mr Andrew McVey – Director Shoalhaven Water
Mr Kevin Norwood – Acting Director City Services
Mr Joe O'Connor – Strategic Property Manager (Remotely)
Ms Lauren Buckingham – Project Manager, Financial Sustainability - Arrived at 4.23pm
Ms Jenna Anderson – Governance Coordinator (Minute Taker)

Apologies / Leave of Absence

Apologies were received from Clr Peter Wilkins, Clr Dunn, Mr Ian (Sandy) Foreman and Mr Keith Brodie.

Confirmation of the Minutes

RESOLVED (By consent)

That the Minutes of the Financial Review Panel held on Tuesday 20 May 2025 and the Special Financial Review Panel held on Wednesday 28 May 2025 be confirmed.

CARRIED

Declaration of Interests

Nil

PRESENTATIONS

FR25.34 Update - Council Land & Property Sales

HPERM Ref:
D25/389737

Council's Strategic Property Manager provided an update to the Panel on Council Land & Property Sales. It was advised in overview that \$11.3 million of sales was achieved in the 2025 Financial year, and that the projected target for the 2026 Financial Year is \$10.5 million in sales. The information presented to the Panel will be made available on the Financial Review Panel Portal.

In regard to Council holdings in the Nowra CBD, Mr Crowther queried whether work has been done to assess the strategic value of these holdings and their viability to go to market.

Staff advised that there is work to be done on strategic documents, such as the Local Environmental Plan (LEP) and the Development Control Plan (DCP), prior to Council being able to consider revitalising the Nowra CBD.

The Chief Executive Officer advised that he will be pursuing the release of the work that the state government has done in regard to the Nowra CBD, which will provide avenues for the Strategic Planning Team to be able to facilitate development beyond the current restrictions that exist within the LEP.

REPORTS

FR25.35 Action Table Report - Financial Review Panel - 15 October 2025

HPERM Ref:
D25/302736

Recommendation (Item to be determined under delegated authority)

That the Financial Review Panel,

1. Accept and receive the Action Table Report on both outstanding and completed actions (Attachment 1 & 2) for information.
2. Acknowledge the following actions (Attachment 2) as complete and remove from the action table:
 - a. FR25.1 - Update on Property Sales - Aviation Technology Park
 - b. FR25.2 - Materials Recovery Facility - Mr Mark Crowther & Mr Stuart Coughlan
 - c. FR25.3 - National Competition Policy and Council's Category 1 Businesses – Mr Peter Dun
 - d. FR25.9 - Additional Item - Materials Recovery Facility Risks - Engage Independent Consultant - Appoint Contract Lawyer - Review Waste Strategy - Initiate Review - Overall Waste Strategy
 - e. FR25.11 - Grant Funding Policy & Procedures - Review Alignment - DPOP & Resourcing Strategy
 - f. FR25.12 - Loan Program Policy & Procedures - Review - Borrowing - Resourcing Strategy
 - g. FR25.25 - Bereavement Service Review - Informal meeting with panel
 - h. FR25.26 - Additional Item - Update on Property & Land Sales - Ongoing Agenda Item
 - i. FR25.32 - Financial Review Panel - Additional Item - Bereavement Services - Project Income Statement - EOI for Sale - Worrigee Crematorium / Chapel / Café
 - j. FR25.33 – Additional Item – General Requests – Community Survey, Land Sales Update & Shoalhaven Water Business Cases

RESOLVED (By consent)

That the Financial Review Panel,

1. Accept and receive the Action Table Report on both outstanding and completed actions (Attachment 1 & 2) for information.
2. Acknowledge the following actions (Attachment 2) as complete and remove from the action table:
 - a. FR25.1 - Update on Property Sales - Aviation Technology Park
 - b. FR25.2 - Materials Recovery Facility - Mr Mark Crowther & Mr Stuart Coughlan
 - c. FR25.3 - National Competition Policy and Council's Category 1 Businesses – Mr Peter Dun
 - d. FR25.9 - Additional Item - Materials Recovery Facility Risks - Engage Independent Consultant - Appoint Contract Lawyer - Review Waste Strategy - Initiate Review - Overall Waste Strategy
 - e. FR25.11 - Grant Funding Policy & Procedures - Review Alignment - DPOP & Resourcing Strategy
 - f. FR25.12 - Loan Program Policy & Procedures - Review - Borrowing - Resourcing Strategy
 - g. FR25.25 - Bereavement Service Review - Informal meeting with panel
 - h. FR25.26 - Additional Item - Update on Property & Land Sales - Ongoing Agenda Item
 - i. FR25.32 - Financial Review Panel - Additional Item - Bereavement Services - Project Income Statement - EOI for Sale - Worrigea Crematorium / Chapel / Café
 - j. FR25.33 – Additional Item – General Requests – Community Survey, Land Sales Update & Shoalhaven Water Business Cases

CARRIED

GENERAL BUSINESS

FR25.36	Items for Discussion - Financial Review Panel - Peter Dun	HPERM Ref: D25/446694
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The following discussion was held, and comments made, on the below items requested by Mr Dun for discussion at this meeting:

- **Review of the draft 2024/25 Financial Statements - issues arising from the results**

The Committee asked for an update in regard to Councils unrestricted cash position.

The Chief Financial Officer advised that as at 30 June 2025 the current draft C1-3 note indicates that unrestricted cash is in a deficit of \$6.9 million. It was further advised that at 30 June 2025 Council had around \$8 million in grants in advance not received, and \$4 million which is currently being kept in the Financial Sustainability Reserve (FSR) internally restricted fund.

Mr Dun made the comment that the Financial Statements show the tremendous effort staff have made to turn around the financial status of Council.

- **Accounts receivable strategy - where to from here to reduce outstanding balance**

Mr Crowther requested that the debtor account receivable ledgers be uploaded to the Finance Portal in order for the Committee to analyse the last two years figures.

The Committee discussed Councils position with regard to outstanding debt. Staff advised that Finance are still experiencing difficulty finding the appropriate staff to fill positions in the Revenue Team. It was further advised that there is about \$3.4 million in overdue rates where action has not

yet been taken to collect, and that \$2.8 million of those overdue rates belong to pensioners. Staff advised they would upload a table with the exact figures relating to debt to the Finance Portal.

The Director Shoalhaven Water advised that with Waste Services coming under their Directorate that they will be prioritising debt recovery of around \$3 million in sundry debt.

Mr Crowther noted that the Work in Progress value (recorded as IPP&E in Council's financial statements) is currently \$300 million and keeps growing. It was queried whether staff have investigated whether these are real assets and whether the numbers are correct. **Staff advised that a report back will be provided on this issue.**

Mr Coughlan made comment regarding the new KPI resolved by the Committee in regard to employee costs per capita, being a target of no more than 20% over the average of the group 5 councils by 2027. It was decided to continue this discussion outside the meeting.

- **MRF final capital funding - has there been any changes to funding sources?**

Staff advised in regard to the Materials Recovery Facility (MRF) capital funding, the project was originally budgeted to be funded entirely from borrowings. When it was subsequently identified, and reported to Council, that the budget would fall short by \$10 million the funding sources were budgeted to be \$28M in borrowings, \$4m from the Industrial Land Reserve, and the remainder from Waste Services. Sufficient funds have since been identified in Waste Services which has now resulted in no internal borrowings from general fund being needed.

- **MRF surplus contributing to General Fund in 2025/26 budget - how much is it and what is the latest forecast on achieving the surplus?**

Mr Crowther raised concern regarding the cash flow scenarios and figures outlined in the MRA Consulting report.

The Chief Executive Officer advised that any further information regarding the MRF operations and cash flow from the Committee is welcome to help mitigate as much risk as possible, and that he will be involved in any future discussions with the Committee regarding the MRF as it moves forward to operation.

Mr Dun queried the surplus to general fund from the MRF budgeted for this financial year, as compared to the previous budget.

Staff advised that the surplus currently budgeted for is \$2.437 Million, being around \$4 million in income, \$691k in staff costs and the balance in materials. It was further advised that the proceed from the MRF are not budgeted to be spent in FY2026 and therefore if budgets are not met, only Council's closing cash reserves will be impacted. FY2026 budgeted numbers will be adjusted at quarter 2.

In regard to Councils Resourcing Strategy, Mr Dun queried the timing around getting the next version of the 10 year financial plan.

Staff advised that this will be finalised with next year's Delivery Program & Operational Plan (DPOP).

- **Shoalhaven Bereavement Services update on EOI & Shoalhaven Entertainment Centre Service Review - options to proceed from here.**

Councils Project Manager – Financial Sustainability, provided a presentation to the Financial Review Panel in regard to the following items of discussion:

- *Shoalhaven Bereavement Services update on EOI*
- *Shoalhaven Entertainment Centre Service Review - options to proceed from here.*

The presentation will be placed on the Finance Portal.

Mr Dun noted that Councils Leisure Centres, and how they are run, need to be form part of the overall service review, and queried when this might occur within the review.

Staff advised that it will be presented to the Executive team in the coming weeks.

- **Fleet & Plant Service Review - update progress on actioning recommendations**

Staff provided an overview on the progress and success of the Fleet & Plant service review to date.

The Committee was advised that, as part of the Fleet & Plant Service Review, it is projected that the Fringe Benefits Tax (FBT) cost will be eliminated within three years due to changes in the vehicle fleet and leaseback fees paid by staff.

It was determined that the next meeting of the Financial Review Panel will be held on 13 November 2025.

There being no further business, the meeting concluded, the time being 5.09pm.

Mayor Patricia White
CHAIRPERSON

CL25.391 Proposed Lease Renewal - Berry & Districts Historical Society Inc. (Berry Museum) - 135 Queen Street, Berry

HPERM Ref: D25/380569

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

Purpose:

The purpose of this report is to seek Council approval for the renewal of the lease to the Berry & District Historical Society Inc., the current occupant of the Berry Museum located at 135 Queen Street, Berry (part of Lot 1 DP 221105).

Summary and Key Points for Consideration:

Council staff have progressed lease renewal negotiations with the Berry & District Historical Society Inc. These discussions have focused on the terms of the proposed lease renewal, particularly the rental amount and responsibility for payment of outgoings.

The lessee has agreed to the final rent offer proposed by Council officers. However, the agreed rental does not include provision for the payment of building insurance, which represents a departure from Council's adopted policy [POL22/98](#) – Occupation of Council Owned or Managed Land. As such, the lease renewal is referred to Council for formal approval.

The land is classified as Council-owned Operational Land, and Council has the authority to enter into a new lease agreement. A five-year lease term is proposed. The land is classified as Council owned Operational land, and Council can enter a proposed new five-year lease.

Recommendation

That Council:

1. Enter a renewed five-year lease with Berry & Districts Historical Society Inc. (ABN 40 879 965 343) over part Lot 1 DP 221105, 135 Queen Street, Berry.
2. Establish new rental of \$2,247 (excluding GST) p.a. with annual rent increases in line with the Consumer Price Index (All Groups Sydney).
3. Establish the lessee be responsible for operating costs (outgoings) of the leased premises totalling \$1,133 (excluding GST) p.a. including water and sewer, waste charges and fire compliance.
4. Authorise the Common Seal of the Council of the City of Shoalhaven to be affixed to any document required to be sealed and delegate authority to the Chief Executive Officer or Delegate to sign any documentation necessary to give effect to this resolution.

Background and Supplementary information

The Berry & District Historical Society Inc. has occupied the Berry Museum for approximately 40 years. The Society's primary purpose is to collect, conserve, store, and display items related to the history of Berry and surrounding districts. It also conducts research into the

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historical aspects of the area, promotes public awareness of local history, and advocates for the preservation of artefacts and sites of historical significance within the Berry region.

The property at 135 Queen Street, Berry (part of Lot 1 DP 221105) comprises two distinct components:

- The Berry Museum building, which fronts Queen Street and is occupied by the Berry & District Historical Society Inc.
- The Berry/Broughton Vale Rural Fire Service (RFS) station, which fronts Albert Street.

Refer to **Figure 1** for a site layout.

Figure 1 – Leased area - Berry & Districts Historical Society, 135 Queen Street, Berry



Risk Implications

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

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Internal Consultations

Internal stakeholder consultation was undertaken, and no issues were raised to the proposed lease renewal.

External Consultations

Consultation has taken place with the Berry & Districts Historical Society to discuss potential new lease terms. The lessee has agreed to the new rent offer recommended in this report.

Community Consultations

The land is classified as Operational Land and there are no statutory requirements for lease advertising under the *Local Government Act 1993*.

Policy and Statutory Implications

Council Policy [22/98](#) (Occupation of Council Owned or Managed Land) is relevant to the proposed lease and has been considered for this matter.

The land is classified as Operational land under the *Local Government Act 1993*.

Financial Implications

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

A market rental valuation was obtained as required under POL22/98, with the market rent assessed at \$44,940 (excluding GST) per annum. The current rent under the prevailing lease is \$1,179 (excluding GST) per annum.

Using the RAF, a rental subsidy of 57% was calculated, resulting in a proposed new annual rent of \$19,324 (excluding GST) — an increase of \$18,145. The revised annual outgoings commitment was calculated at \$6,332, including \$5,200 for building insurance.

Due to the significant increase in proposed rent and outgoings, and considering the lessee's financial capacity, alternate rent scenarios were developed and discussed. The lessee currently pays approximately \$2,179 per annum (rent and outgoings combined).

A negotiated outcome was reached, with the lessee agreeing to:

- A new annual rent of \$2,247, representing a 95% rent subsidy.
- A revised annual outgoings amount of \$1,133, excluding building insurance.

The total proposed financial commitment is \$3,380 per annum. The Berry & District Historical Society contributes to the upkeep and preservation of the heritage-listed Berry Museum building.

The lessee will also be responsible for the costs associated with lease preparation, in accordance with POL22/98.

The lessee has agreed to the new rent offer recommended in this report.

CL25.392 Proposed Licence Renewal - Shoalhaven City Turf Club Ltd - 96 Albatross Road, South Nowra

HPERM Ref: D25/479178

Department: Buildings & Property Services
Approver: Andrew Constance, Chief Executive Officer

Purpose:

The purpose of this report is for Council to consider approval of a proposed Licence renewal to Shoalhaven City Turf Club Limited at part Lot 4 DP 1265268 (Crown Reserve R88840), 96 Albatross Road, South Nowra. A report was prepared for Council for the meeting of 26 August 2025 recommending a renewed five-year licence term. Council resolved to defer the matter to a Councillor briefing ([MIN25.413](#)). A briefing of Councillors took place on 9 September 2025.

Summary and Key Points for Consideration:

- The land is Crown land and Shoalhaven City Council is the Crown Land Manager. Council can enter the proposed new five-year Licence.
- Council resolution is required to determine the granting of the proposed Licence on the basis the annual rent exceeds \$5,000 per annum.

Recommendation

That Council:

1. Enter a five-year Licence with Shoalhaven City Turf Club Ltd at part Lot 4 DP1265268, 96 Albatross Road, South Nowra.
2. Establish new Licence rental at a commencement annual rent amount of \$8,308.60 (excluding GST), with annual step-up rental increases of \$4,391 (excluding GST) for the duration of the term.
3. Establish that the licensee to be responsible for operating costs of the licensed premises including proportional building insurance, water and sewer rates, and fire compliance at an estimated cost of \$7,395 (GST inclusive) per annum.
4. Provide in-principle support for the Shoalhaven City Turf Club (SCTC), via Racing NSW, to seek Ministerial approval for appointment as Crown Land Manager of the relevant reserve. This would allow SCTC to manage the reserve and its operations directly, ensuring effective stewardship aligned with community and industry objectives.
5. 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

Shoalhaven City Turf Club Limited (SCTC) have occupied the premises for several decades and utilise the premises to conduct and promote thoroughbred horse racing.

SCTC sub-licence parts of the premises to four other community organisations for recreational purposes. The site is also used for other activities including night markets.

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The documentation provided by SCTC to Council as part of the Licence renewal process has been considered. The area of the Crown reserve occupied by SCTC under Licence agreement is shown on Figure 1.

Figure 1 – Licence area Shoalhaven City Turf Club Ltd (part Lot 4 DP 1265268)



Risk Implications

Council's interests have been considered and there is minimal risk associated with the recommended new Licence agreement.

Internal Consultations

Internal stakeholder consultation was undertaken, and no concerns were raised to the new Licence.

External Consultations

Discussions have been held with the licensee regarding the proposed terms for the renewal of the Licence. The licensee has been advised that, as the annual rental amount exceeds \$5,000, the renewed Licence must be reported to Council for determination.

A rental subsidy assessment has been undertaken to establish the appropriate rental amount. The outcome of this assessment is considered reasonable and suitable for the renewed Licence.

SCTC has agreed to the proposed step-up rental arrangement, which reflects a fair and sustainable approach to rental over the term of the Licence.

SCTC, through Racing NSW, has indicated its intention to seek Ministerial support for appointment as the Crown Land Manager of the relevant reserve. Should the Minister grant this support, the current licence arrangement with Council will cease, and the newly appointed Crown Land Manager will assume direct responsibility for managing the reserve and associated operations.

Council officers have considered this scenario and, in principle, acknowledge that the proposal has merit. Accordingly, Council would support the appointment, subject to the Minister's approval.

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Community Consultations

In accordance with Section 47 of the *Local Government Act 1993*, Council advertised the proposed new Licence. No comments or objections were raised to the issue of a new Licence.

Policy and Statutory Implications

Council [Policy 22/98](#) (Occupation of Council Owned or Managed Land) is relevant to the proposed Licence and has been considered for this matter.

For the purposes of this report, an assessment was undertaken to determine a potential rental subsidy, as an alternative to a market rent-based amount. The rental subsidy is calculated using the Rental Assessment Framework (RAF). The licensee provided relevant information to determine a potential rental subsidy, through a *Proposal to Occupy Council Property*, which is undertaken by all occupants of Council owned or managed land when seeking a renewed lease/licence.

The proposed Licence is in accordance with Council's Occupation of Council Owned or Managed Land Policy.

The land is Crown Reserve (R88840) managed by Shoalhaven City Council as Crown Land Manager. The proposed use of the land under new Licence is consistent with the reserve purpose of Public Recreation and Racecourse.

The land is classified as Community land under the *Local Government Act 1993*. The relevant plan of management prescribes a General Community Use categorisation. The proposed use under new Licence is consistent with the land categorisation and plan of management.

Under the Local Government Act, Council is restricted to the uses that can be considered under a lease or licence on community land. As community land, the uses conducted under a lease or licence must be in accordance with 46(4) of the Act, be expressly authorised in the plan of management, and consistent with the core objective of the category of the land (General Community Use).

The uses being undertaken by the licensee conforms with 46(4)(a) of the Act for the purposes of the grant of a lease or licence, being listed as a prescribed purpose;

(a) the provision of goods, services and facilities, and the carrying out of activities, appropriate to the current and future needs within the local community and of the wider public in relation to any of the following -

(i) public recreation,

(ii) the physical, cultural, social and intellectual welfare or development of persons.

Accordingly, a new Licence agreement can be considered by Council.

Financial Implications

A market rent assessment was obtained as required under Policy 22/98. The market rent determined by independent valuer was \$37,500 (+ GST) p.a. The current rent amount under the prevailing Licence is \$3,917 p.a.

A rental scenario based on an assessed 32% rental subsidy (Rental Assessment Framework) was undertaken by Council Officers. The resultant annual rent was calculated at \$25,875 (+ GST) p.a. This represents a rental uplift for Council from the current rent amount (\$3,917 p.a.) in the order of \$21,958 p.a.

Due to a proposed significant immediate increase in proposed rent under the renewed Licence, officers discussed the proposed term schedule with the Licensee to include annual step-up rental of \$4,391 over the five-year term. At the end of the renewed five-year term, the Licence rental will be \$25,875 (excluding GST) per annum in accordance with the rental assessment framework calculation.

Outgoings have been assessed at an estimated \$7,395 p.a. (GST inclusive) which is in addition to the annual rent.

The Licensee is also responsible for the costs of new licence preparation in accordance with Policy 22/98 and Council's adopted Fees & Charges.

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CL25.393 Ulladulla Leisure Centre, Ulladulla Sea Pool, and Huskisson Sea Pool - Update on Damage & Patronage Data

HPERM Ref: D25/181107

Department: Shoalhaven Swim Sport Fitness

Approver: Kevin Norwood, Acting Director - City Services

Purpose:

The purpose of this report is to provide a response to Council regarding part 3 of [MIN25.176](#).

Accordingly, the report provides information on:

- a) Damage sustained to Ulladulla Sea Pool and Huskisson Sea Pool following large swells in March & April 2025.
- b) Patronage data for Ulladulla Sea Pool and Huskisson Sea Pool, and;
- c) Patronage data for Ulladulla Leisure Centre (Sundays).

Summary and Key Points for Consideration:

Updates on Sea Pools Following Storm Events

Ulladulla Sea Pool

The Ulladulla Sea Pool sustained damage from coastal influences during storm events in March and April 2025, resulting in displacement and loss of concrete topping slabs, loss of fencing (eastern / seaward elevation), and damage to the ancillary infrastructure (storage shed), and confirmed leakage from a crack on the eastern wall.

This facility was closed on 31 March 2025 to preserve public safety and to enable engineering investigations and temporary repairs to be undertaken.

The Ulladulla Sea Pool reopened on 10 October 2025, following completion of temporary repairs.

Huskisson Sea Pool

The Huskisson Sea Pool sustained damage on 31 March 2025 due to coastal influences associated with a storm event; however, the damage was minor, and the pool was cleaned and repairs undertaken to allow it to be reopened on 11 April 2025.

Patronage Data for Sea Pools

Ulladulla Sea Pool

There is no historical patronage data available for Ulladulla Sea Pool. A simple read switch device using smart technology linked to the Shoalwater city wide, Long Range, Low Power (LoRaWAN) telecommunications system was installed on the entry gate to record patronage at this facility remotely. Pending system programming, data will soon be available for patronage to Ulladulla Sea Pool.

Huskisson Sea Pool

Huskisson Sea Pool recorded **1,727** entries from May to September 2024. This facility was closed for the 2025 winter period.

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Patronage Data for Ulladulla Leisure Centre (Sundays)

Ulladulla Leisure Centre has recorded an average of 150 patrons per Sunday between 6 April 2025 to 17 August 2025, when the pool was proposed to be closed.

Of the average 150 patrons per Sunday, an average of 56 of these patrons were not members of the facility and therefore would not have been able to enter had the facility been closed as proposed.

Recommendation

That Council receive the Ulladulla Leisure Centre, Ulladulla Sea Pool, and Huskisson Sea Pool - Update on Damage & Patronage Data report for information.

Background and Supplementary information

Petition and Previous Report

At the Ordinary Council Meeting held on 15 April 2025, Council considered a report prepared in response to a petition with 706 signatures requesting that Council "... continue current hours of [operation] on Sundays [at the Ulladulla Leisure Centre], April to September, 8am to 12pm, for the benefit of our growing community".

The Council's resolution in relation to this matter is reflected in [MIN25.176](#), which reads:

That Council:

1. *Acknowledge the receipt of the petition.*
2. *Reinstate the seasonal Ulladulla Leisure Centre hours to pre 2025 for the indoor pool only.*
3. *Provide a further report back to Council on:*
 - a. *Recent damage to the sea pools from weather events*
 - b. *Any available patronage data for sea pools over winter periods*
 - c. *The report include data for the Ulladulla Leisure Centre for Sundays*

This report is provided in relation to part 3 of MIN25.176.

Damage to Sea Pools Following March / April Weather Events

Ulladulla Sea Pool

The Ulladulla Sea Pool sustained notable damage following the storm events of 31 March and 1 April 2025, with further exacerbation from a subsequent event in late April. These events were characterised by offshore wave heights exceeding 5 metres, resulting in breaking wave heights of approximately 3.1 metres at the pool.

The following damage has been directly attributed to the recent storm events at this facility:

- *Perimeter Walkway Surface:* Sections of the concrete topping slab were displaced or lost, particularly along the northern and southern sides. This damage is consistent with uplift forces acting on pre-existing cracks and delamination.
- *Fencing:* The fencing at the eastern (seaward) end of the pool was removed by wave impact. This location is historically prone to storm-related damage due to wave and debris loading.
- *Ancillary Infrastructure (Storage Shed):* The timber-framed shed adjacent to the pump enclosure was damaged by wave impact.

- *Debris Accumulation:* Significant quantities of seaweed and sand were deposited in the pool, requiring removal.
- *Mortar Pointing:* Minor displacement of mortar jointing in the stone block walls was observed, particularly on the exposed northern side. While primarily caused by chemical degradation, storm wave action is a contributing factor.
- *Leakage:* A crack adjacent to the outlet valve on the eastern wall was confirmed to be actively leaking during rising tides. This breach is likely exacerbated by structural stress induced during the storm events.

Additionally, other structural issues have also been identified that cannot be directly attributed to these storm events, including cracking due to thermal expansion, deterioration of precast concrete units, and historical patch repairs showing signs of failure. These issues are not considered to be directly caused by the recent storms but contribute to the overall condition of the asset.

Temporary repair works have been undertaken to return the pool to service for the 2025/26 summer swimming season. Further works will be required in the future to realise the maximum remaining useful life of this asset.

Further information about mid- to long-term capital works projects required to achieve this will be presented to the Council in future reports.

Huskisson Sea Pool

The Huskisson Sea Pool also sustained damage from coastal influences during the storm event on 31 March 2025; however, the damage was minor compared to Ulladulla Sea Pool.

This included some minor fence damage, which was able to be quickly replaced. The sand, seaweed, and debris left from the storm and large seas was cleared by staff, allowing this facility to be reopened on 11 April 2025. Huskisson Sea Pool was closed across winter as per Council's financial sustainability operating hours changes.

Patronage Data for Sea Pools

Ulladulla Sea Pool

Being an unsupervised pool, Ulladulla Sea Pool has previously not recorded patron numbers; however, a device has been installed which will record patronage data into the future.

Huskisson Sea Pool

Huskisson Sea Pool has recorded patronage data via a gate movement counter since early 2024.

Between May and September 2024, **1,727** entries to the pool were recorded; however, it should be noted that the pool was closed for pump repairs from late-May to mid-August 2024.

The average weekly entry patrons across August 2024 as: **98**.

With Huskisson Sea Pool closed from June to September in 2025 as part of financial sustainability measures, no patron data has been recorded across winter 2025.

Patronage Data for Ulladulla Leisure Centre (Sundays)

Patronage data is provided in Table 1 below for the Ulladulla Leisure Centre on Sundays from 1 April 2025 to 3 August 2025.

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Table 1. Ulladulla Leisure Centre Sunday Patronage Data

Date	Non-Aquatic Member visits	Aquatic / Casual visits	Total visits
03-Aug-25	112	87	199
27-Jul-25	79	48	127
20-Jul-25	71	32	103
13-Jul-25	86	54	140
06-Jul-25	Facility closed for maintenance works		
29-Jun-25	71	38	109
22-Jun-25	62	60	122
15-Jun-25	95	60	155
08-Jun-25	100	87	187
01-Jun-25	76	52	128
25-May-25	92	41	133
18-May-25	142	71	213
11-May-25	51	24	75
04-May-25	62	57	119
27-Apr-25	155	114	269
20-Apr-25	Facility closed for Easter Sunday		
13-Apr-25	78	47	125
06-Apr-25	85	25	110
TOTAL	1,417	897	2,314

Total number of patrons each Sunday during this period ranges from **75** to **269**.

Average patrons each Sunday during this period is **145**.

A snapshot of patronage data for Bay & Basin Leisure Centre and Bomaderry Aquatic Centre has also been to provide comparable information.

Bay & Basin Leisure Centre - Open on Sundays for a period of 4 hours. Total of **4621** entries and an average attendance of **257** patrons per day, on Sundays during this period.

Bomaderry Aquatic Centre - Open on Sundays for a period of 4 hours. Total of **1726** entries and an average attendance of **102** patrons per day, on Sundays during this period.

Risk Implications

A report will be presented to Council on ensuring the longevity of both Huskisson and Ulladulla Sea pools, it is important to note there is no immediate threat of catastrophic failure of the assets during modal seas conditions.

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Internal Consultations

The Open Space & Recreation Planning (OSRP) team has led engagement with an external engineering consultant to investigate the condition of the Ulladulla Sea Pool following recent storm events.

The OSRP team will lead the preparation of further update report(s) to Council in relation to capital works planning for the sea pools.

The contents of this report were prepared in coordination between the Technical Services department (City Services), Shoalhaven Swim Sport Fitness (City Services) and the Enterprise Risk Management team (City Performance).

External Consultations

An external engineering consultant was engaged to assess the condition of the Ulladulla Sea Pool following storm events to provide advice on remediation options. The consultant's report identifies short-term repair solutions to ensure ongoing service, and long-term repair solutions to realise the maximum useful life of this asset.

Following receipt of the engineering report referenced above, Council submitted a property damage claim to its insurance representatives. However, the claim for damages resulting from the storm events outlined in the report was declined. (Refer to the Financial Implications section below for further details.)

Community Consultations

No formal community consultation has been undertaken in conjunction with the contents of this report.

Policy and Statutory Implications

There are no policy or statutory implications associated with the contents of this report.

Financial Implications

Ulladulla Sea Pool

Operational Costs

Expenditure associated with making safe and completing temporary repairs described in this report is estimated to be approximately: **\$11,000** (including staff salaries, materials, and contracts).

Capital Works (and Insurance Claim)

Mid and long-term repairs to the Ulladulla Sea Pool are unable to be funded via the Insurance Reserve, as this reserve is intended to cover Council's deductible costs for *accepted* claims.

Primary cause for the declination of this claim is the 'Action of the Sea' exclusion under Council's property protection policy:

10. Action of The Sea Section C EXCLUSIONS, GROUP I is amended to include the following: Damage caused by the action of the sea, tidal wave or high water except where such physical loss or damage is caused by or arises from an earthquake or seismological disturbance. However, storm surge, sea surge, wave wash; waves; tsunami; tide or tidal water; and action by the sea is not considered flood within the terms and conditions of this Protection Wording.

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As damages have occurred through a storm event causing persistent waves in excess of 5 meters over 8 hours or so, the mutual have determined the above exclusion would apply and no cover is available under current insurance policies.

As a result, alternative funding options for repairs to this facility will need to be considered.

Further information about the nature of mid- and long-term repairs, including cost estimates and timing of works, will be presented to the Council for consideration in a future report.

Huskisson Sea Pool

Operational Costs

Expenditure associated with making safe and returning this facility to service as described in this report is estimated to be approximately: **\$3,000** (including staff salaries, materials, and contracts).

Capital Works

Further information about the financial implications of future repairs, required to realise the maximum useful life of this asset, will be presented to the Council for consideration in a future report.

Ulladulla Leisure Centre

The net cost to Council associated with retaining operating hours on Sundays at the Ulladulla Leisure Centre in accordance with MIN25.176 is: **\$6,750** per annum.

CL25.394 Petition - Sanctuary Point Library - Preferred Site

HPERM Ref: D25/522091

Department: Technical Services

Approver: Andrew Constance, Chief Executive Officer

Purpose:

The purpose of this report is to present a petition prepared by Sanctuary Point Community Pride Inc. to the Council for consideration in relation to the new Sanctuary Point Library project.

This report has been prepared in accordance with the [Petitions to Council Policy](#).

Summary and Key Points for Consideration:

A petition containing **1,228** signatures was submitted to Council at the Ordinary Council Meeting held on 28 October 2025, with the following:

Subject / Issue of this Petition

Campaign for Sanctuary Point Library to be built on the corner of Paradise Beach Road and Kerry Street as recommended in the report [titled] CL25.114 and concern at the delays.

Action / Outcome requested or required from Petition:

Proceed forthwith to build our community library at the corner of Paradise Beach Road and Kerry Street, Sanctuary Point.

The petition relates to a matter recently considered by the Council (ref. [MIN25.554](#)).

Recommendation

That Council accept and acknowledge the Sanctuary Point Library Petition presented to Council on 28 October 2025.

Background and Supplementary information

A petition containing **1,228** signatures was submitted to Council at the Ordinary Council Meeting held on 28 October 2025 in relation to [CL25.371 – Sanctuary Point Library – Site Investigations](#).

The petition calls for the immediate progression of the Sanctuary Point Library project at the corner of Paradise Beach Road and Kerry Street, in accordance with a feasibility study previously reported to Council on 15 April 2025 ([ref. CL25.144](#)).

The petition demonstrates there is a high level of community support for this location and reflects longstanding community interest in the delivery of a modern, accessible library facility in Sanctuary Point.

The petition has been submitted in accordance with Council's [Petitions to Council Policy](#) (the Policy). As it contains more than 500 signatures and relates to a matter over which Council has direct control, it triggers a formal report to Council in line with section 3.4 of the Policy.

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A series of reports have been provided to the Council in relation to the substantive matters raised by the petitioners (including CL25.144 and CL25.371).

The desired outcome of the petition, to proceed with the library at the corner site, is consistent with Council's recently adopted resolution ([ref. MIN25.554](#)). This resolution endorsed the Kerry Street corner location as the preferred site for the new library.

It is recommended that Council formally accept and acknowledge the petition.

Further to the 'subject' and 'action' outlined in the *Summary* chapter of this report, it should be noted the petition contained a page of text (which it is assumed petitioners would have reviewed when considering their support for the petition); however, the statements made on this page are addressed to "... the Speaker and Members of the Legislative Assembly of New South Wales". As the petition was submitted to Shoalhaven City Council, and not the Legislative Assembly of New South Wales, the statements contained on this page have been omitted from the summary presented in this report. It is not known if a copy of the petition has also been supplied to the Legislative Assembly.

Risk Implications

There are no risk implications directly associated with the contents of this report, other than to note the Council may incur reputational damage if the petition is not given consideration as part of the Council's deliberations on the substantive matters raised in the petition.

Internal Consultations

No internal consultations have been undertaken associated with the contents of this report.

External Consultations

No external consultations have been undertaken associated with the contents of this report, other than to note the petitioner will receive notification regarding this report.

Community Consultations

No community consultations have been undertaken associated with the contents of this report, other than community engagement undertaken by Sanctuary Point Community Pride Inc. in conjunction with preparation of the petition.

Policy and Statutory Implications

This report has been prepared in accordance with the [Petitions to Council Policy](#).

In accordance with section 3.3.4 of the Policy, a copy of the full petition has not been attached to this report (for privacy reasons).

Financial Implications

There are no financial implications directly associated with the contents of this report.

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CL25.395 Lake Conjola Entrance Management Policy Adoption

HPERM Ref: D25/417877

Department: Environmental Services

Approver: Judy Clark, Acting Director City Development

Attachments:

1. Report - Adoption of the Lake Conjola Entrance Management Policy - Ordinary Meeting 26 August 2025 (under separate cover) ➡
2. Lake Conjola EMP (under separate cover) ➡
3. Crown Lands Advice - Lake Conjola Entrance Management Policy Adoption (under separate cover) ➡

Purpose:

To seek Council's adoption of the Lake Conjola Entrance Management Policy (2025).

Summary and Key Points for Consideration:

Council has completed a review of the entrance management arrangements for Lake Conjola. The new Lake Conjola Entrance Management Policy (EMP) 2025 takes into consideration a range of 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 contained within it.

Council considered a report on 26 August 2025 recommending the adoption of the Lake Conjola EMP (2025), ([CL25.274](#) and **Attachment 1**). Council deferred the matter due to information provided in email correspondence from the Member for South Coast, Liza Butler MP just prior to the Council meeting.

However, the information in the correspondence from the Member for South Coast does not relate to Lake Conjola or the EMP and as such Council can proceed to make a decision on the adoption of the Lake Conjola EMP (2025) based on available information.

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

The updated EMP includes significantly improved entrance management measures to assist to reduce flood risk at Lake Conjola, especially when complemented by the implementation of the Total Flood Warning System (TFWS).

The new NSW Crown Lands licence will include the same measures as the current licence, as well as the additional measures included in the updated EMP. Refer to the table below which summarises the entrance management measures for managing flood events included in the current NSW Crown Land licence (2021) and updated EMP (2025).

Management Measures	Current Licence (2021)	Updated EMP (2025)
Pilot channel excavation	Yes	Yes
Entrance berm lowering	No	Yes
Dry notch maintenance	- *	Yes
Integration of EMP with TFWS	No	Yes

* Limited assessment of dry notch in REF (2021), but NSW Crown Land licence conditions (2021) rendered this ineffective.

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There is not one single strategy that would fully manage flood risk in Lake Conjola. Council is working on several strategies to help manage flood risk in Lake Conjola, which all have varying objectives (an updated and improved EMP, implementation of a Total Flood Warning System, Voluntary House Raising, and ebb-tide channel dredging through the Lake Conjola CMP). These are not mutually exclusive management strategies, and all these options can occur independently of each other to help manage flood risk to low-lying properties in Lake Conjola.

Recommendation

That Council:

1. Adopt the Lake Conjola Entrance Management Policy (EMP).
2. Submit the EMP and supporting Review of Environmental Factors (REF) to NSW Crown Lands with the following clear requirements for the NSW Crown Land licence:
 - a. The trigger for an immediate opening of the estuary in response to heavy rainfall is a lake level at or exceeding 1.0m AHD as per the EMP.
 - b. Dry notch maintenance, berm lowering and pilot channel excavation will be implemented to help facilitate an efficient opening in accordance with the EMP. Note that the width of the pilot channel will be excavated in accordance with the EMP, and operational considerations on case-by-case basis. The length and grade (shorter and steeper) of the pilot channel will result in the most efficient opening, not the depth and width.
 - c. That excavation of the pilot channel will extend from the lake water edge to the ocean in accordance with the EMP.
 - d. Note the proposed licence area in the REF covers the entire Lake Conjola entrance area and allows pilot channel works, dry notch maintenance, and berm lowering to be implemented accordingly and to its fullest extent.
3. Request the State Government for permission to implement the EMP in the interim until the Crown Licence is granted.
4. Prepare a Lake Conjola Entrance Management Fact Sheet to summarise key entrance management information for the community.
5. Note that the EMP will be reviewed (inclusion of trigger levels) following the implementation of the Total Flood Warning System at Lake Conjola and as necessary based on the duration of the NSW Crown Lands licence. Adoption of the current EMP (2025) allows Council to have an effective EMP in place to best manage any potential entrance openings that could be required if the entrance were to close up again and require opening.
6. Support the NSW Government and State MP for South Coast's commitment to dredge the ebb channel noting that they will be responsible for this project with the associated environmental investigations and approvals and potential \$1.5 million in funding support.
7. Note the advice of NSW Crown Lands dated 25 September 2025 to Council that the existing Crown Land licence and REF does not permit ebb tide channel dredging (Attachment 3).

Background and Supplementary information

The report to Council on 26 August 2025 recommended adoption of the completed Lake Conjola *EMP (2025)* following a 11-week public exhibition of the draft EMP. **Attachment 1** is

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a copy of this report, outlining all background and supplementary information relevant for the EMP.

Prior to the Council meeting, email correspondence was received from the Member for South Coast, Liza Butler MP regarding the Lower Shoalhaven River Coastal Management Program (CMP). As a result of the information provided, Council resolved to defer items [CL25.272](#), [CL25.273](#) & [CL25.274](#) to the next ordinary meeting ([MIN25.420](#)).

The correspondence from the Member for South Coast, however, related to the Lower Shoalhaven River CMP which was reported for adoption to the same meeting. It did not relate to Lake Conjola or the EMP and as such Council can proceed to make a decision on the adoption of the Lake Conjola EMP (2025) based on the information provided.

As stated above, there is not one single strategy that would fully manage flood risk in Lake Conjola. The strategies to help manage flood risk in Lake Conjola (an updated and improved EMP, implementation of a Total Flood Warning System, Voluntary House Raising, and ebb-tide channel dredging through the Lake Conjola CMP) are not mutually exclusive, and all of these options can occur independently of each other to help manage flood risk to low-lying properties in Lake Conjola.

Internal Consultations

Consultation has been undertaken with the relevant staff at Council throughout all stages of the EMP and REF development, including staff from the Strategic Planning, Coastal Management, and Works and Services teams.

External Consultations

Throughout all stages of the EMP and REF development, consultation was carried with relevant 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)

Engaging with the agencies through the development of the EMP and REF ensure that it appropriately complies with relevant legislation. The agencies have all provided ‘in-principle’ support for the EMP.

Community Consultations

The draft EMP was publicly exhibited (as part of the Coastal Management Program) for 4 weeks from 25 October to 25 November 2024 and a further 7 weeks (following decoupling of the EMP from the Coastal Management Program) from 10 April to 1 June 2025.

The draft Lake Conjola Review of Environmental Factors (REF) was publicly exhibited for 7 weeks from 10 April to 1 June 2025. The outcome of the community consultation is presented in full in **Attachment 1**.

Policy and Statutory Implications

The 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 Council's adopted Lake Conjola Coastal Management Program (CMP) and as a result the Coastal Management Act (2016).

The REF has been developed in line with the legislative requirements of the NSW 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 the obtaining of a NSW Crown Lands licence, the existing Lake Conjola Interim EMP (2013) and supporting NSW Crown Lands licence (2021) will be superseded.

Financial Implications

The EMP has been prepared by Council with funding assistance received from NSW DCCEEW through a Coast and Estuaries Grant (Lake Conjola CMP). This grant funding has provided a two-thirds contribution from the NSW State Government for the completion of the EMP. The supporting REF was fully funded by Council.

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

Risk Implications

The Lake Conjola Floodplain Risk Management Plan (2013) includes a mitigation measure to implement an entrance management policy for flood mitigation benefits.

By adopting the updated EMP, Council meets its obligations under the NSW Flood Prone Land Policy and Flood Risk Management Manual (2023) to manage flood risk within the Lake Conjola 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 Lake Conjola 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.

Council will soon commence implementation of a TFWS at Lake Conjola. When eventually implemented, this TFWS will predict lake levels in advance of a flood event, provide early warning, and assist Council to implement pre-emptive entrance management procedures. The updated EMP includes pre-emptive entrance management measures in response to forecast flooding. If the EMP is not adopted, there is a risk that Council will be able to forecast flooding in advance but would not be able to pre-emptively undertake early entrance management actions.

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.