

Ordinary Meeting

Meeting Date: Tuesday, 09 December, 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 - 25 November 2025
- 7. Declaration of Interests**
- 8. Presentation of Petitions**
- 9. Mayoral Minute**

Mayoral Minute

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- 10. Deputations and Presentations**
- 11. Notices of Motion / Questions on Notice**

Notices of Motion / Questions on Notice

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

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Nil

MM25.31 Mayoral Minute - Congratulations to 2026 Nowra Show Young Woman of the Year - Paige Clarke

HPERM Ref: D25/520212

Recommendation

That Council acknowledges all the entrants in the 2026 Nowra Show Young Woman Competition and congratulates this year's winner, Paige Clarke from Cambewarra.

Details

The Nowra Show Young Woman Competition, formerly known as the Showgirl Competition, has been running annually as part of the Nowra Show since 1963.

The competition aims to showcase the achievements of local rural young women entrants and identify one as the local representative to compete in the zone finals.

The Young Woman Competition is a rewarding experience, that affords opportunities for personal and professional growth, as well as social and industry engagement and networking opportunities.

This year the Nowra Show Young Woman Competition fielded four entrants, Taryn McDonald, Charlie Norman, Shayliegh Chambers and Paige Clarke.

On behalf of Shoalhaven City Council, I would like to congratulate all entrants on their magnificent efforts and a big congratulations to Paige Clarke from Cambewarra who was announced the winner of the 2026 Nowra Show Young Woman Competition at the Sashes & Saddles event held on 1 November 2025.

Well done, Paige, and we wish you all the best for the forthcoming regional event.

MM25.31

MM25.32 Mayoral Minute - Acknowledgement of Appreciation Letter and Mayoral Minute - Mid Coast Council - Natural Disaster Flood Event May 2025

HPERM Ref: D25/553842

Attachments: 1. Copy of Mid Coast Council Mayoral Minute - 7 November 2025 [↓](#)
2. Letter to Shoalhaven City Council - Claire Pontin Mid Coast Council - 7 November 2025 [↓](#)

Recommendation

That Shoalhaven City Council notes the attached mayoral minute, and correspondence received from Mid North Coast Council Mayor, Claire Pontin expressing appreciation for Shoalhaven's assistance with the May 2025 Flood Event.

Background

At the Ordinary Meeting of 27 May 2025 Council resolved to write to the 16 councils impacted by the May 2025 flood event which was later declared a natural disaster offering assistance in their recovery efforts

(MIN25.245) Note the natural disaster declarations in the Mid North Coast and Hunter LGA's following the recent significant weather events across NSW and write to each council to express our support and offer any assistance we may be able to provide to aid in their recovery efforts.

As outlined in the attached Mayoral Minute and letter of appreciation from Mid Coast Mayor Claire Pontin, the Mid Coast community have endured 5 natural disasters in this calendar year alone with the May flooding event being a 1 in 500-year event. The compounding effect of these events has had a significant impact on the road network, water and sewer infrastructure and community assets.

Shoalhaven City Council, along with City of Newcastle, City of Wollongong, Tweed Shire Council, Glen Innes Severn Council and Cumberland City Council all aided with road works and repairs.

Three Shoalhaven Council employees travelled up and supported Mid Coast Council with road maintenance efforts from 19 to 26 September 2025. During their week-long deployment in the town of Old Bar, they worked under the supervision of Mid Coast Council's Jack Smith, focusing on pothole repairs. The team appreciated the warm hospitality extended by the local community and were grateful for the many expressions of thanks they received from residents. It was a rewarding experience that strengthened inter-council collaboration and community spirit.

MM25.32



12 Mayoral minutes

The purpose of this Mayoral Minute is to formally recognise the support and assistance provided to MidCoast Council by our fellow NSW Councils during the declared natural disaster flood event in May 2025.

This flood event was unprecedented and caused widespread destruction across multiple towns and villages, impacting homes and businesses and leaving many parts of our community vulnerable.

Council's road network, water and sewer infrastructure, and community assets were also badly damaged.

This was the fifth natural disaster our region has experienced this calendar year. These consecutive events have had a considerable impact on our works and maintenance programs, with teams still trying to assess, triage and undertake repair works associated with previous events, with damage compounding with each subsequent natural disaster.

Following the event, several NSW Councils offered their support without hesitation.

I wish to recognise the following Councils:

- **City of Newcastle** - who provided a bitumen patching truck and crew to undertake pothole patching for two weeks
- **City of Wollongong** - who provided a bitumen patching truck and crew to undertake pothole patching for two weeks
- **Tweed Shire Council** – who provided a jet patcher and crew to undertake pothole patching for two weeks
- **Glen Innes Severn Council** – who provided a jet patcher and crew to undertake pothole patching for one week
- **Cumberland City Council** – who provided a bitumen patching truck and crew to undertake pothole patching for two weeks
- **Shoalhaven City Council** – who provided a tipper truck and patching crew to undertake pothole patching for one week

2025/306 RESOLUTION

(Moved Mayor Pontin)

I recommend:

1. **THAT** Council publicly acknowledges and offers its sincere thanks to the councils mentioned for their support and assistance.
2. **THAT** Council also publicly acknowledges and thanks those Councils, Mayors and other organisations who took the time to formally reach out and contact MidCoast Council to offer



moral support or other assistance, including Willoughby City Council, Hornsby Shire Council and Local Government NSW.

3. **THAT** the Mayor write to all of the Mayors to express our thanks and provide a copy of the Mayoral Minute.

For:	Cr C Pontin, Cr J Miller, Cr M Graham, Cr P Howard, Cr J Irving, Cr M McKenzie, Cr T O'Keefe, Cr N Turnbull and Cr D Wilson
Against:	Nil
Absent, did not vote:	Cr P Beazley and Cr A Tickle



7 November 2025

Shoalhaven City Council
Attention: Mayor Patricia White
PO Bo 42
NOWRA NSW 2541
Email: mayor@shoalhaven.nsw.gov.au

Dear Mayor White *Patricia*

I would like to thank you for the assistance Shoalhaven City Council provided to us following the May 2025 Flood Event.

The flood was a 1:500 year event and caused widespread destruction across multiple towns and villages, impacting houses and businesses and leaving many parts of our community devastated.

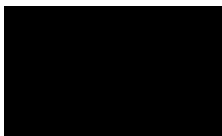
Council's road network, water and sewer infrastructure, and community assets were also extensively damaged.

The provision of a tipper truck and crew for one week assisted us tremendously and allowed our teams to undertake assessments and commence the emergency works.

I have attached a copy of the Mayoral Minute (Resolution 2025/306) which was presented to the MidCoast Council Ordinary meeting on 24 September 2025.

Please pass on our appreciation to the staff at the Shoalhaven City Council and thank you again for your assistance, it was very much appreciated.

Yours sincerely



Claire Pontin
MAYOR

*Thank for
the help!*

MM25.33 Mayoral Minute - Parkrun in the Shoalhaven

HPERM Ref: D25/562028

Recommendation

That Council:

1. Include all Parkrun activities held within the Shoalhaven Local Government Area in the list of “No Charge Events” for the use of Council-managed parks and open spaces.
2. Amend relevant policies and procedures to reflect this inclusion.

Details

Parkrun is a free, volunteer-driven, inclusive community event held weekly across Australia, including in the Shoalhaven. Since its inception in Huskisson in 2018, more than 13,000 participants have taken part, contributing significantly to physical health, mental wellbeing, and community cohesion.

Historically, Parkrun has received an ‘Event No Objection’ letter from Council annually, which enabled the event to operate on Council land under conditions such as the use of marshals and non-exclusive access. Due to the increased size and demand for Parkrun activities, a permit fee has now been introduced, creating a barrier to continuation.

Parkrun generates no revenue at the local level and relies entirely on volunteers, making such fees unsustainable. There are also plans in place to introduce a Parkrun in Ulladulla and Nowra.

Given its growing popularity and proven benefits in tackling inactivity, fostering social connection, and supporting mental health, maintaining a fee waiver is essential to ensure these events remain accessible and sustainable for the community.

MM25.33

MM25.34 Mayoral Minute - Condolence Motion - Mr Maxwell Croot O.A.M

HPERM Ref: D25/562482

Recommendation

That Council notes the passing of Mr Max Croot O.A.M and expresses condolences to his family.

Details

It is with great sadness that we acknowledge the passing of Mr Maxwell Croot O.A.M, well-known and respected local musician and life member of the Shoalhaven Youth Orchestra who shared his musical talent with the Shoalhaven community for over 50 years.

At just 12 years old Mr Croot's passion for music was ignited when he began playing the trombone with the Rockdale Boys Band under the steady hand of Sydney Symphony Orchestra member Mr Stan Brown.

He was later awarded a scholarship to the Conservatorium of Music to pursue his musical career, before moving to Nowra in 1964 where he operated The Golden Fleece Service Station and Café while continuing his passion locally for music playing the trombone in the Albatross Gilbert & Sullivan Society's first ever show in 1975.

Mr Croot will be remembered as an icon of the Shoalhaven music and entertainment industry, he was the founder of the Shoalhaven City Concert Band which recently celebrated its 30th anniversary and the Musical Director of the Nowra Town Band for 30 years

He played pivotal roles in many, many musical societies over the past 50 years, including the Albatross Musical Theatre Company (formerly Albatross Gilbert and Sullivan Society), the Shoalhaven Eisteddfod, Music Shoalhaven and Lydian Singers and was awarded an Order of Australia in 2014 for his outstanding commitment to the community.

A truly beautiful soul Max will be sorely missed by his four children, 11 grandchildren and 14 great grandchildren to whom he was affectionately known as "Poppy" or "Poppy Whiskers".

On behalf of Shoalhaven City Council Councillors and staff, I extend my deepest condolences to his family, friends and all who knew him.

MM25.34

CL25.406 Notice of Motion - West Street Croquet Club - Apply the Statutory Minimum for License Fees

HPERM Ref: D25/563530

Submitted by: Cllr Patricia White

Purpose / Summary

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

Recommendation

That Council,

1. Resolve to apply the minimum statutory annual rental amount for the duration of the terms of its lease/licence for West Street Croquet Club (Showground).
2. Direct the CEO (or delegate) to negotiate with executive West Street Croquet Club regarding waste services, various other provisions of the lease.

Background

West Street Croquet Club has been established for over 11 years at the Croquet courts located as part of Nowra Showground precinct. This is a very active club with minimal members who undertake all of the mowing and maintenance required. The club has in the past applied for grants, with approval from Council, to undertake repairs, improvements, and upgrades to the facility. The group has paid statutory rent to date and believes they will be unsustainable with the proposed increases in fees and charges currently under review from Council with the renewal of their lease/licence.

CL25.406

CL25.407 Notice of Motion - Christmas Decorations in Nowra CBD

HPERM Ref: D25/562738

Submitted by: Cllr Jemma Tribe

Purpose / Summary

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

Recommendation

That Councillors be briefed on the situation regarding Christmas festivities in the Nowra CBD, including the ownership status of Council funded decorations and how community groups may be able to utilise these in the future for the benefit of local business' and broader community.

Background

Councillors and staff are being contacted by community members, businesses and media to find out what is happening in the CBD in terms of festive celebrations/ decorations. Council has funded activations and decorations in recent history (hence the enquiries). Given the significant public interest around this, there needs to be an understanding of what has occurred, key learnings for the future and any policy changes that may be required in terms of the activities of Council Committees.

CL25.407

CL25.408 Notice of Motion - Concern Regarding DA25/2276 West Culburra

HPERM Ref: D25/564771

Submitted by: Cllr Debbie Killian

Purpose / Summary

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

Recommendation

That Council

1. Write to the Southern Regional Planning Panel Secretariat and advise that it will be making a submission in regard to DA25/2276 after the Council officers' assessment report has been submitted to the Panel
2. Requests that determination of DA25/2276 be timed to allow the elected Council to endorse its submission at the first available Council meeting after the Council officers' report has been submitted to the Panel.

Background

Council has received the first Development Application since approval of the Concept Masterplan for West Culburra – DA25/2276.

The Southern Regional Planning Panel is the consent authority. The Assessment Report is being prepared by Council staff for the Panel.

The elected Council has the opportunity to make a submission to the Panel in regard to the DA.

Note by the CEO

I have been advised by the Acting Director of City Development, the content of any submission would need to be determined after the officers' assessment report is finalised to comply with the Southern Joint Regional Planning Panels Operational Procedures 11.13.

CL25.408

CL25.409 Report of the Aboriginal Advisory Committee - 4 November 2025

HPERM Ref: D25/546150

AA25.8 Notice of Motion referred to Aboriginal Advisory Committee - Acknowledgement and Welcome to Country - Support

**HPERM Ref:
D25/364983**

Recommendation

That Council, as recommended by the Aboriginal Advisory Committee:

1. Recognise the importance of cultural awareness training and development opportunities for both staff and Councillors. (Members noted that this training should extend beyond general awareness to build confidence in delivering personal Acknowledgements of Country - encouraging individuals to move beyond standardised templates and speak with genuine understanding of their meaning and purpose).

The Committee also highlighted the importance of progressing from cultural awareness to cultural responsiveness - supporting staff and Councillors to understand how to incorporate this learning into their work, policies, and practices, and to embed respectful engagement with Aboriginal communities across all areas of Council's operations.
2. Develop a formal policy to guide the appropriate and consistent use of Acknowledgement of Country and Welcome to Country protocols.

CL25.409

CL25.410 Report of the Financial Review Panel - 13 November 2025

HPERM Ref: D25/556386

Attachments: 1. Minutes - Financial Review Panel 13 November 2025 [↓](#)

FR25.38 Additional Item - Sale of Aviation Technology Park Land - Strategy

Recommendation

That Council, as recommended by the Financial Review Panel, prepare a strategy document to deal with the sale of Aviation Technology Park land which maximises employment opportunities as its primary goal.

FR25.39 Additional Item - Investigate Financial Exposures & Risks - Flow Power Contract

Recommendation

That Council, as recommended by the Financial Review Panel, direct the CEO to immediately investigate the financial exposure and potential risks to Shoalhaven ratepayers of the Flow Power contract.

FR25.40 Additional Item - Waste Micro Factory - Cost Report - Review of Invested Funds - Investigate Disposal of Plant & Equipment

Recommendation

That Council, as recommended by the Financial Review Panel, direct the CEO to:

1. Prepare a report detailing capital costs and operational recurring costs associated with the Waste Micro Factory.
2. Undertake a high-level review on how the decision was reached to invest ratepayers funds into the Waste Micro Factory.
3. Immediately investigate the disposal of the plant and equipment to recoup some of the ratepayers investment, potentially as part of the Waste Strategy.
4. Immediately commence the collection of \$180,000 from parties associated with the Waste Micro Factory.

CL25.410

MINUTES OF THE FINANCIAL REVIEW PANEL

Meeting Date: Thursday, 13 November 2025
Location: Jervis Bay Room, City Administrative Centre, Bridge Road, Nowra
Time: 3:00pm

The following members were present:

Mayor Patricia White - Chairperson
Clr Peter Wilkins (Remotely)
Clr Luciano Casmiri (Alternate)
Clr Jemma Tribe – Joined at 3:04pm
Mr Mark Crowther
Mr Stuart Coughlan
Mr Peter Dun
Mr Ian (Sandy) Foreman

The following non-voting members were present:

Mr Andrew Constance - Chief Executive Officer
Ms Katie Buckman - Director - City Performance (Remotely) – Left at 4:32pm
Mr Mathew Badcock – Chief Financial Officer

Others present:

Mr Kevin Norwood – Acting Director City Services

Apologies / Leave of Absence

Apologies were received from Clr Bob Proudfoot, Mr Keith Brodie and Mr Andrew McVey – Director Shoalhaven Water.

Confirmation of the Minutes

RESOLVED (By consent)

That the Minutes of the Financial Review Panel held on Wednesday 15 October 2025 be confirmed.

CARRIED

Declaration of Interests

Nil

REPORTS

FR25.37	Action Table Report - Financial Review Panel - 13 November 2025	HPERM Ref: D25/523395
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In relation to action FR25.10, Mr Peter Dun queried the role of Councils external debt recovery agent, and Councils Policy when engaging that agent.

Staff advised they are a mercantile agent that pursues debts with all the relevant information on Councils behalf. It was further advised that Council must adequately communicate the debt to the debtor before the debt can be chased, and that Councils debt recovery policy still requires review, with an aim to have them to Council by 30 June 2026.

Mr Ian Foreman queried whether Council is forgiving interest on debts.

Staff advised that if interest is to be forgiven, debtors are required to undergo a thorough application process under the Debt Recovery and Hardship Policy and clearly demonstrate a concerted effort in paying down their debt. It was further advised that not much interest has been forgiven in recent years.

Recommendation

That the Financial Review Panel accept and receive the Action Table Report on outstanding actions (Attachment 1) for information.

RESOLVED (By consent)

That the Financial Review Panel accept and receive the Action Table Report on outstanding actions (Attachment 1) for information.

CARRIED

GENERAL BUSINESS

FR25.38 Additional Item - Sale of Aviation Technology Park Land - Strategy

The Panel discussed the challenges that have been faced in the sale of Aviation Technology Park Land, and Mr Mark Crowther proposed the below recommendation.

RECOMMENDATION (By Consent)

That a strategy document be prepared by Shoalhaven City Council to deal with the sale of Aviation Technology Park land which maximises employment opportunities as its primary goal.

CARRIED

FR25.39 Additional Item - Investigate Financial Exposures & Risks - Flow Power Contract

Mr Mark Crowther addressed the Panel in regard to Councils Electricity Expenses and its contract with Flow Power. Concerns were expressed regarding the floor price per kilowatt, and discrepancies between monthly bill amounts. Mr Crowther proposed the below recommendation.

RECOMMENDATION (Mark Crowther / Mayor White)

That the CEO immediately investigates financial exposure and potential risks to Shoalhaven ratepayers of the Flow Power contract.

AGAINST: Cllr Jemma Tribe

CARRIED

FR25.40 Additional Item - Waste Micro Factory - Cost Report - Review of Invested Funds - Investigate Disposal of Plant & Equipment

In relation to the Materials Recovery Facility (MRF) KPI's, Mr Mark Crowther shared a document which helps measure how these are being met in terms of revenue and expenses.

Mr Crowther further discussed the Waste Micro Factory, noting concerns that it has not been operating properly and moved the recommendation below.

RECOMMENDATION (By Consent)

That

1. A report be prepared detailing capital costs and operational recurring costs associated with the Waste Micro Factory.
2. A high level review be undertaken by Council on how the decision was reached to invest ratepayers funds into the Waste Micro Factory.
3. That the Director Shoalhaven Water immediately investigate the disposal of the plant and equipment to recoup some of the ratepayers investment, potentially as part of the Waste Strategy .
4. Management commence immediately the collection of \$180,000 from parties associated with the Waste Micro Factory.

CARRIED

Further Discussion Items

The Committee discussed the following items:

1. Unexpended Loan Funds as at 30 June 2025 – Strategy for expenditure in 25/26

Mr Peter Dun noted that there is currently \$28 million in unexpended Loan Funds as of 30 June 2025, which are allocated to a number of different projects which may or may not go ahead, and queried the strategy for expenditure.

Staff advised the following:

- In relation to the Mundamia Roads project, around \$3.1 million will be allocated towards Yawal Road and George Evans Road intersection, and that the balance of the loan will be allocated to Albatross Road to Uni Road upgrades, planned for next financial year.
- In relation to the BioElektra Project, that this will be dealt with in accordance with Councils adopted Waste Strategy. It was further advised that if the loan is to be used, it will need to be spent on a very similar project.
- In relation to the northern investigation of the Shoalhaven Community and Recreational Precinct (SCaRP), that this project is on pause.
- In relation to LED street lighting in the Nowra CBD, staff advised that an internal loan arrangement was setup as resolved by Council in 2023, and has been actioned this year.

Staff further advised that in some instances its most appropriate for loans to be paid back and reborrowed.

2. September Quarterly Budget Review – Issues arising from budget variations

Mr Peter Dun noted that Water Fund salaries are budgeted much higher verses the actual spend, and queried staffing numbers in Shoalhaven Water.

Staff advised that it could be due to existing vacancies and a change in the allocation of staff in the 2026 budget. It was further advised that there is some work that Council would typically outsource, which is now being done by operational staff, which impacts cost recovery.

3. DPOP Key Performance Indicators – Where are they mentioned in the 2025/26 document?

Mr Peter Dun queried why the DPOP Key Performance Indicators, as recommended by the Financial Review Panel and resolved by Council, are not in the 2025/26 document.

Staff advised that It is their intention to have these indicators in the Quarter two budget, noting that there was insufficient time to have them included in the Quarter one documents.

4. Issues with Work in Progress schedule – cleanup by June 2026 as a priority

Mr Mark Crowther noted concerns regarding the Works In Progress Balance Sheet, specifically that there are projects which should no longer listed which are impacting the numbers. Mr Crowther requested that the Works in Progress schedule be cleaned up by 30 June 2026 as a priority.

Staff advised that this would be taken on notice.

5. Revenue opportunities - monetising some assets

Noting the revenue issues that Council is facing, and that improving revenue should be Councils number one priority, Mr Mark Crowther suggested that Council take the opportunity of gaining revenue through monetising certain Council assets, specifically in relation to tourism and parking.

The CEO advised that staff will be exploring all the possible opportunities for revenue without impacting local ratepayers.

The Committee further discussed increasing rates for Airbnb's, and for businesses.

Clr Wilkins queried what the inhibitors are for increasing Airbnb rates, and how many Airbnb's are currently being operated in the Shoalhaven.

The CEO advised that he take the questions on notice.

Clr Tribe commented that she believes there has been a reluctance on the part of Council to address revenue from Short Term Rental Accommodation, given this is a matter currently being reviewed by the State Government.

6. Unrestricted Cash Ratio – Improvement from 2023/24 - contributing factors

Mr Peter Dun noted the improvement to the unrestricted cash ratio from 2023/24, and queried what staff believe are the contributing factors to this improvement.

Staff advised that some of the contributing factors to the improvement of the unrestricted cash ration include the following:

- Salary savings
- Savings in the budget
- Making all debtors current
- Land sales
- Federal Assistance Grant

Note: The next meeting will be scheduled for Wednesday 25 February 2026, 3:00pm.

There being no further business, the meeting concluded, the time being 4:50pm.

Mayor Patricia White
CHAIRPERSON

CL25.411 Proposed Lease Renewal - 23-25 Park Road Nowra - Kids Korner Combined Occasional Care Centre Inc

HPERM Ref: D25/516929

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

Purpose:

The purpose of this report is for Council to consider approval of a renewed five-year lease to Kids Korner Combined Occasional Care Centre Inc. at Lot 19 DP245773, Lot 20 DP245773, 23-25 Park Road, Nowra and Lot 23 DP245773, 5 McKinnon Street, Nowra.

Summary and Key Points for Consideration:

- The land is classified as Council-owned operational land and Council can enter the proposed five-year lease term.
- Council resolution is required to determine the grant of the proposed lease renewal on the basis the annual rent exceeds \$5,000 per annum.

Recommendation

That Council:

1. Enter a five-year lease with Kids Korner Combined Occasional Care Centre Inc. (ABN 26 156 158 416) over Council operational land known as 23-25 Park Road & 5 McKinnon Street, Nowra (Lot 19 DP245773, Lot 20 DP245773 and Lot 23 DP245773).
2. Establish a commencement rental of \$14,135 (excluding GST) per annum, with annual increases in accordance with the Consumer Price Index (CPI) All Groups Sydney.
3. Apply step-up annual rent increases of \$6,000 (excluding GST).
4. Require the Lessee to be responsible for operating costs of the leased premises including building insurance at an estimated cost of \$11,890 (excluding GST) per annum.
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

The property comprising Lot 19 DP245773, Lot 20 DP245773, and Lot 23 DP245773, known as 23–25 Park Road and 5 McKinnon Street, Nowra, is Council-owned operational land. Improvements on the site include a childcare centre, car park, expansive playground, and open space areas.

Kids Korner Combined Occasional Care Centre Inc. (Kids Korner), a local not-for-profit childcare provider, has occupied the premises since 1999. They deliver a range of services including occasional care, daycare, preschool, before and after school care, and vacation care.

CL25.411

Over successive lease terms, the lessee has undertaken numerous improvements to enhance operations and the experience for children and families. These upgrades include the installation of artificial turf, shade sails, outdoor storage sheds, and security fencing. The play area has been further enhanced with a covered outdoor space. Internal improvements include upgraded toilets/wet areas, installation of solar power, and six air conditioning units to improve energy efficiency and comfort.

Figure 1 – Leased property at 23-25 Park Road & 5 McKinnon Street, Nowra



CL25.411

Risk Implications

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

Internal Consultations

Internal stakeholder consultation was undertaken, and no concerns were raised to lease renewal.

External Consultations

No external consultation was required for this proposal given Council is re-negotiating with the existing lessee for a new lease term.

The lessee submitted a Proposal to Occupy Council Property for lease renewal consideration. The Lessee has agreed to the proposed new rent offer as recommended in this report.

Community Consultations

The land is classified as Operational land and no consultation/notification is required.

Policy and Statutory Implications

The proposed lease is in accordance with Council's Occupation of Council Owned or Managed Land Policy ([POL22/98](#)). The property is classified as Operational land and there are no statutory lease considerations 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 rent assessment was obtained from a certified practicing valuer as required under POL22/98 and the rental subsidy calculation undertaken. Using the RAF calculator, a 50% rental subsidy was determined, resulting in a new annual rental amount of \$53,750 (excluding GST), representing an increase of \$45,615 per annum.

Consultation was undertaken with the lessee regarding the assessed rental amount to explore feasible new rental arrangements. Following negotiations, a revised rental offer was agreed reflecting the local not-for-profit status of the lessee. The lessee has agreed to fixed annual step-up increases for rent uplift over the renewed five-year term reflecting the lessee's capacity to sustain rent increases and continue to be a sustainable provider of children's services in the community.

The agreed new rent is \$14,135 p.a. with fixed annual rent increases of \$6,000. Lease rental at Year 5 of the new term will be \$38,135, with annual CPI increases.

Outgoings are separately charged (\$11,890 p.a.) as detailed in the recommendation to this report.

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

CL25.411

CL25.412 Proposed Lease Renewal - Illawarra Area Child Care Ltd - 34 Paradise Beach Road, Sanctuary Point

HPERM Ref: D25/526445

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

Purpose:

The purpose of this report is to seek Council approval for a renewed five-year lease to Illawarra Area Child Care Ltd at Part Lot 2 DP 805351, 34 Paradise Beach Road, Sanctuary Point.

Summary and Key Points for Consideration:

- The land is classified as Council-owned Operational land and Council can enter the proposed five-year lease term.
- Council resolution is required to determine the grant of the proposed lease renewal on the basis the annual rent exceeds \$5,000 per annum.

Recommendation

That Council:

1. Enter a five-year lease with Illawarra Area Child Care Ltd (ABN 87 002 974 076) over Council operational land known as Part Lot 2 DP805351, 34 Paradise Beach Road, Sanctuary Point.
2. Establish commencement gross rental amount of \$28,244 (excluding GST) per annum with annual step-up rent increases of \$14,000 for the second and third years of the lease respectively, plus annual increases in accordance with the Consumer Price Index (CPI) All Groups Sydney.
3. Authorise the Common Seal of the Council of the City of Shoalhaven to be affixed to any document required to be sealed and delegate authority to the Chief Executive Officer or Delegate to sign any documentation necessary to give effect to this resolution.

Background

The property at Lot 2 DP805351, 34 Paradise Beach Road, Sanctuary Point is Council-owned Operational land – refer Figure 1. The property is leased to Illawarra Area Child Care Ltd (IACC) and Bay & Basin Community Resources Ltd respectively. This report specifically relates to the lease held by Illawarra Area Child Care Ltd.

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

IACC have occupied the premises for nearly 20 years after taking over the tenancy from the previous Basin pre-school.

CL25.412

Figure 1 - 34 Paradise Beach Road, Sanctuary Point (IACC lease area shown green)



Risk Implications

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

Internal Consultations

Internal stakeholder consultation was undertaken and no concerns were raised to lease renewal for a further five-year term.

External Consultations

No external consultation was required for this proposal given Council is re-negotiating with the existing lessee for a new lease term.

The lessee submitted a Proposal to Occupy Council Property for lease renewal consideration. The Lessee has agreed to the proposed new rent offer as recommended in this report.

Community Consultations

The proposed lease is located on land classified as Operational land and there is no statutory requirement for lease advertising under the *Local Government Act 1993*.

Policy and Statutory Implications

The proposed lease is in accordance with Council's Occupation of Council Owned or Managed Land Policy ([POL22/98](#)). The property is classified as Operational land and there are no statutory lease considerations under the *Local Government Act 1993*.

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Financial Implications

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

A market rent assessment was obtained from a certified practicing valuer as required under POL22/98 and the rental subsidy calculation undertaken. Using the RAF calculator, an 18% rental subsidy was determined, resulting in a new annual rental amount of \$58,910 (excluding GST), representing an increase of \$44,249 per annum.

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

To balance Council's objective of achieving appropriate rental return with the lessee's regulatory constraints, a stepped rental arrangement was negotiated to align with the assessed market rent, while easing the immediate financial impact on the lessee. The lessee has agreed to fixed annual step-up increases for rent uplift over the renewed five-year term reflecting the lessee's capacity to sustain rent increases and continue to be a sustainable provider of children's services in the community.

The agreed new rent is \$28,244 in Year 1, followed by fixed annual increases of \$14,000 at Years 2 & 3 of the lease, and annual CPI increases. The agreed rental structure is based on a gross lease, inclusive of outgoings such as building insurance, which would otherwise be charged separately. The lessee remains responsible for garbage collection and utility usage costs, which are excluded from the gross lease.

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

CL25.412

CL25.413 Development Application DA2024/1589 - 737 Woollamia Road WOOLLAMIA - Lot 12 DP 9289

DA. No: DA24/1589/4

HPERM Ref: D25/441456

Department: Development Services

Approver: Judy Clark, Acting Director City Development

- Attachments:**
1. Architectural Plan Set (under separate cover) ➡
 2. Draft Notice of Determination - Refusal (under separate cover) ➡
 3. S4.15 Assessment Report (under separate cover) ➡
 4. Covering Letter RFI Response (under separate cover) ➡
 5. Response to SCC (under separate cover) ➡
 6. Suitability of Material or Construction Methods Report (under separate cover) ➡
 7. Flood Risk Management Peer Review (under separate cover) ➡
 8. Flood Affection Report (under separate cover) ➡
 9. Emergency and Evacuation Plan (under separate cover) ➡
 10. Flood Evacuation Map (under separate cover) ➡
 11. Hydraulic Model Results (under separate cover) ➡
 12. Acid Sulphate Soils Management Plan (under separate cover) ➡
 13. Livable Housing Assessment Report (under separate cover) ➡
 14. Arborist Impact Assessment (under separate cover) ➡
 15. Bushfire Assessment Report (under separate cover) ➡
 16. Site Plan Rev. D (under separate cover) ➡
 17. DA3.00 Section Plans (under separate cover) ➡
 18. Landscape Plan (under separate cover) ➡
 19. First Referral Response - Crown Lands (under separate cover) ➡
 20. Second Referral Response - Crown Lands (under separate cover) ➡
 21. Draft Notice of Determination - Approval including draft conditions of consent (Not Recommended) (under separate cover) ➡

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Recommendation

That development Application DA2024/1589 for construction of 3 new multi-dwelling housing units in addition to the approved dwelling (under DA23/1694 as modified by MA2024/1346) be **refused** subject to the recommended reasons for refusal in Attachment 2.

Reason for consideration by Council

On 23 September 2025 Council resolved to call in development application DA2024/1589 for determination citing public interest and any further additional information the applicant provides to Council staff prior to the matter being reported back to Council be taken into consideration (MIN25.372).

Description of Development: Construction of 3 new multi-dwelling housing units in addition to the approved dwelling under DA23/1694 (as modified by MA2024/1346).

Owner: Liliana Zreik and Nader Zreik

Applicant: Liliana Zreik

Notification Dates: 22 August 2024 – 5 September 2024

No. of Submissions: Five (5)

Location Map

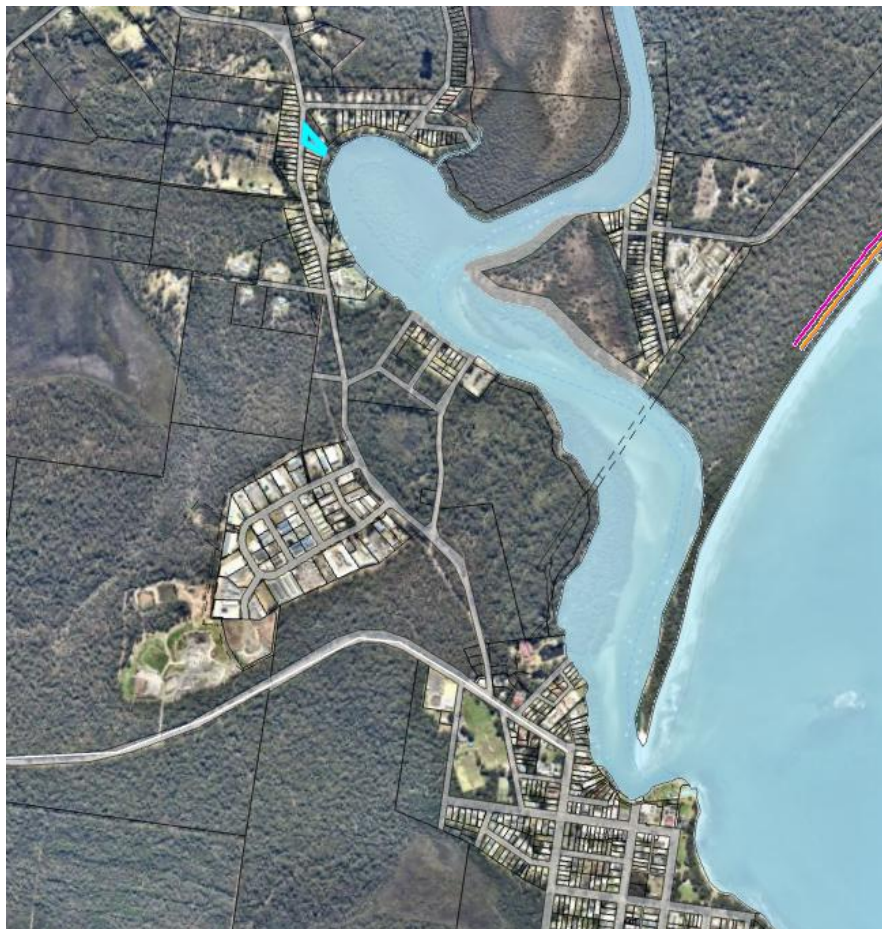


Figure 1: Location Map

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Figure 2: Location Map - Aerial imagery of subject site. Note - existing dwelling to be demolished under DA23/1694

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Background and Supplementary Information

Proposed Development

The proposal includes:

- Construction of three one-storey attached multi-dwelling housing units with lofts.
- Construction of associated driveways.
- Landscaping of the site.
- Construction of suitable infrastructure to service the proposed development, including stormwater, sewerage connections, electricity supply and telecommunications.
- Modification of Development Application No. DA23/1694 for the demolition of an existing dwelling and construction of a single storey dwelling at 737 Woollamia Road, Woollamia.

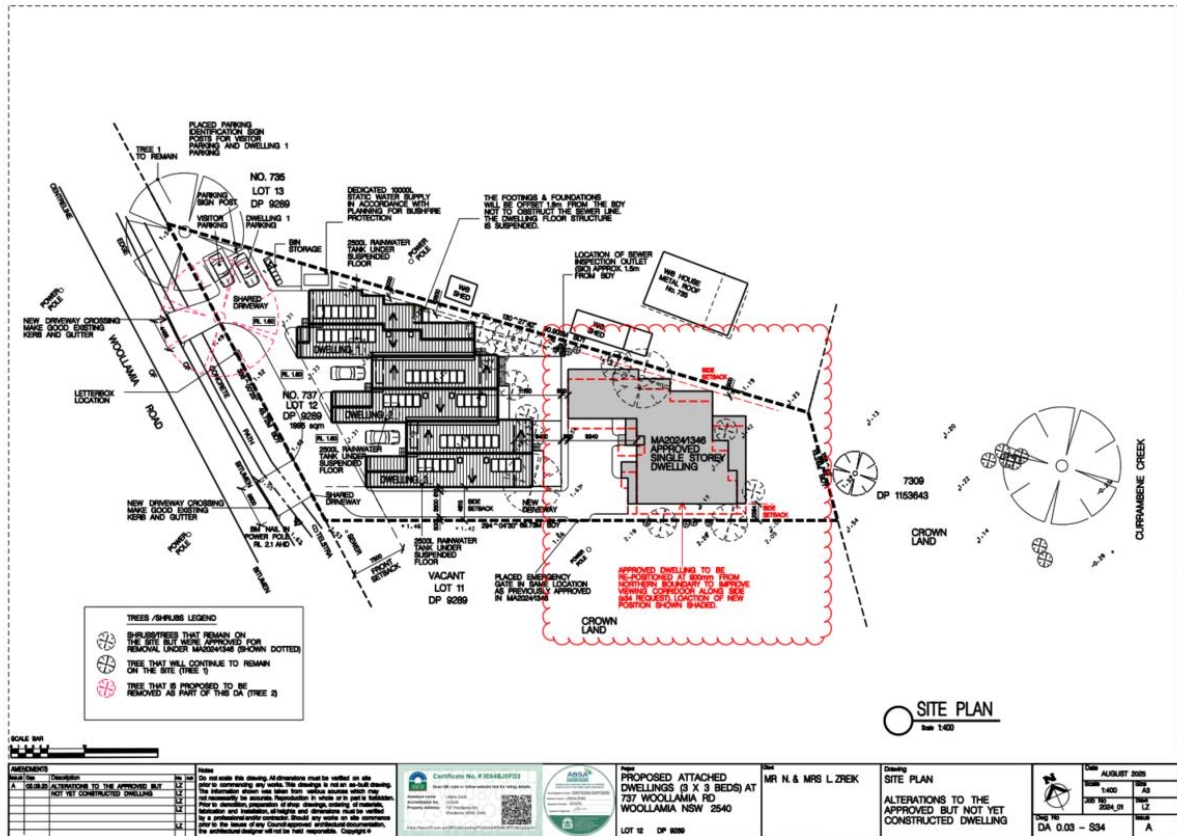


Figure 3: Site Plan– note red clouded dwelling approved under DA23/1694

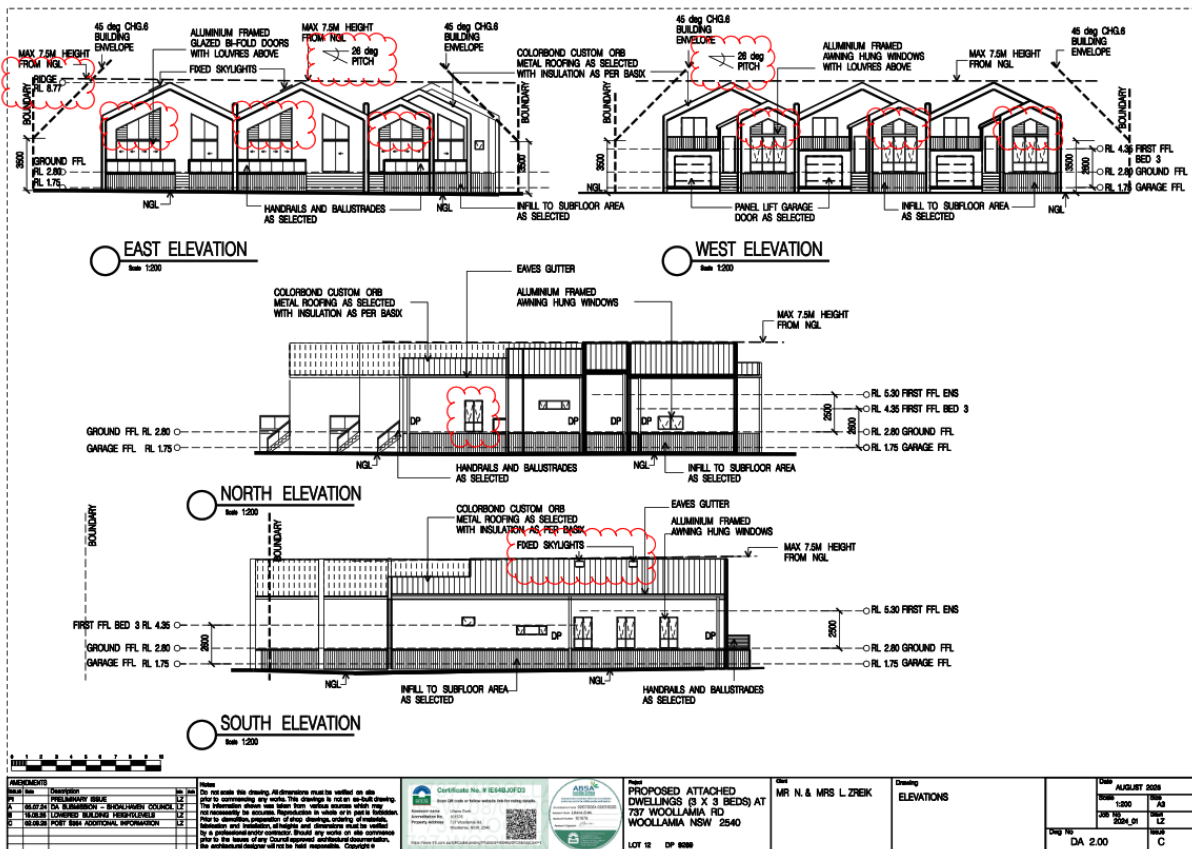


Figure 4: Elevation Plans

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Subject Land

The subject site is legally identified as Lot 12 DP 9289 and is described as 737 Woollamia Road Woollamia (refer to Figures 1 and 2).

Site & Context

The site is located on the eastern side of Woollamia Rd and extends towards the banks of Currumbene Creek. The site occupies an area of 1991.81m², is relatively flat with a slight fall from south to north. A tributary of Currumbene Creek flows through 1 Edendale Street, 2 lots north of the subject site.

A weatherboard cottage and metal garage currently occupy the eastern portion of the site and are approved to be replaced under **DA24/1694** by a new dwelling with a greater building footprint.

The site is zoned RU5 – Village under the *Shoalhaven Local Environmental Plan 2014* and is located within bushfire prone and flood prone land.

The site falls within a High Hazard Flood Storage hazard/hydraulic category for the 1%AEP event and High Hazard Floodway hazard/hydraulic category for a PMF event under the Currumbene and Moona Moona Creeks Floodplain Risk Management Study and Plan (2016). The site has a projected Flood Planning Level of 2.8m AHD.

The subject site is adjoined by Crown land to the south and east and low-density residential development.



Figure 5: Zoning Map – RU5 - Village

History

On 5 September 2023, DA2023/1694 was lodged for a new single storey dwelling with two lot Torrens title subdivision of the land. As part of the assessment of the development application, Council's Flood Engineer identified that the dwelling house could be supported, on the basis of a better flood outcome for single residence however the intensification of the land by way of subdivision did not meet the relevant requirements outlined in Clause 5.21 of Shoalhaven LEP 2014 and Chapter G9 of Development Control Plan 2014.

Following a detailed assessment of amended plans and documentation provided by the applicant (that deleted the two lot Torrens title subdivision from the proposed development),

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this development application was approved on 6 December 2023 for demolition of existing dwelling and construction of a single storey replacement dwelling only.

On 8 May 2024 pre-lodgement advice was provided for concept plans showing the construction of three (3) attached dwellings in addition to the approved detached dwelling (issued under DA23/1694 as modified by MA2024/1346) to form a multi-dwelling housing development. Refer to pages 18-19 in Attachment 3.

Despite the provided pre-lodgement advice, the current development application, DA2024/1589 for multi-dwelling development was lodged on 30 July 2024. The development application was notified between 22 August and 5 September 2024. Five submissions were received all objecting to the proposed development.

Council issued three Requests for Information (RFIs):

- First RFI (21 August 2024): Sought clarification on the proposed modification to DA23/1694 and requested an amended landscape plan demonstrating compliance with Chapter G13 of the DCP. The Applicant responded on 26 August 2024.
- Second RFI (10 September 2024): Requested details on floodplain management, impacts on adjoining Crown land (following review of the proposed development by the Department of Planning, Housing and Infrastructure), the proposed development's interaction with a low-pressure sewer pipe (following Shoalhaven Water review), and further clarification on the proposed modification. The Applicant responded on 13 September 2024.
- Third RFI (29 October 2024): sought clarification of floodplain management issues. The applicant responded on 22 November 2024.

In addition to the abovementioned RFI requests, Council held an online meeting with the landowner's and their representatives on 29 October 2024 to discuss the development application.

On 8 November the applicant requested an extension of time to respond to the third RFI. The development assessment officer provided an extension to submit a response to the RFI until 26 November 2024.

On 6 January 2025 the application requested a further meeting to discuss the development application and flood concerns raised by Council's flood planning section.

On 21 January a meeting was held in person in Council chambers with Council staff and the landowners, while the landowner's representatives attended online.

On 12 March 2025, the Applicant lodged a Class 1 appeal against Council's deemed refusal.

On 29 August 2025 a Land & Environment Court section s34 conciliation conference was held on the subject site. Council and the Applicant could not reach an agreement due to flood planning contentions.

On 23 September 2025 Council resolved to call in development application DA2024/1589 for determination citing public interest and any further additional information the applicant provides to Council staff prior to the matter being reported back to Council be taken into consideration (MIN25.372).

On 7 October 2025 the Applicant provided further information in the NSW Planning Portal.

On 12 November Council assessment staff held a meeting with the applicants to discuss the remaining outstanding issues for the proposal.

On 13 November the applicant responded to two (2) of the issues by providing updated landscape plan and section plan.

Issues

Flooding

Development assessment must consider clause 5.21 – Flood Planning of Shoalhaven LEP 2014 and Chapter G9 of Shoalhaven DCP 2014 with regard to the flooding considerations relevant to this proposal.

Applicant's Submission

The Applicant has provided the following flood related material to support the proposed development:

- RFI Cover Letter (D24/509783, Attachment 4)
- Response to SCC (Rienco Consulting) (D24/509764, Attachment 5)
- Flood Risk Management Peer Review (Woolacotts) (D24/509766, Attachment 7)
- Suitability of Material or Construction Method Report (D24/509768, Attachment 6)
- Flood Affection Report (D24/509770, Attachment 8)
- Emergency and Evacuation Plan (D24/509773, Attachment 9)
- Flood Evacuation Map (D24/509779, Attachment 10)
- Hydraulic Model Results (D25/443416, Attachment 11)

Discussion

Flood Planning Assessment – Shoalhaven LEP 2014 Clause 5.21

Clause 5.21 of Shoalhaven LEP 2014 sets out two key legal requirements. Firstly, under subclause (2), Council cannot approve development on land identified as being in a flood-prone area unless it is satisfied that the proposal meets specific flood related safety and planning criteria. This means, Council **cannot approve development** on land that is prone to flooding unless it is satisfied that the proposal meets **all** of the following conditions:

1. Flood Compatibility (Clause 5.21(2)(a)): The development must work with the natural flood patterns of the land. It should not interfere or change how floodwaters flow across the site.
2. No Increased Flood Risk to Other Properties (Clause 5.21(2)(b)): The development must not make flooding worse for nearby properties or increase the risk of damage elsewhere.
3. Safe Occupation and Evacuation (Clause 5.21(2)(c)): The development must not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood.
4. Risk to life is managed (Clause 5.21(2)(d)): The development must include measures to protect people's lives during a flood, such as safe building design and emergency plans.
5. No Harm to the Environment (Clause 5.21(2)(e)): The development must not cause unnecessary erosion, damage to riverbanks or vegetation, or other environmental harm.

Secondly, when assessing a development application on flood-prone land, in accordance with subclause (3), Council must consider the following:

1. Climate Change Impacts (Clause 5.21(3)(a)): Whether the development could be affected by future changes on flood behaviour due to climate change.
2. Design and Size of Buildings (Clause 5.21(3)(b)): Whether the buildings are designed and scaled appropriately for a flood-prone area.
3. Safety and Evacuation Measures (Clause 5.21(3)(c)): Whether the development includes features that reduce risk to life and allow people to evacuate safely during a flood event.

4. Flexibility for Future Changes (Clause 5.21(3)(d)): Whether buildings can be moved, modified, or removed if flooding or coastal erosion affects the area in the future.

As identified in the Section 4.15 Assessment Report (Attachment 3), Council assessment staff have considered the requirements of clause 5.21 of Shoalhaven LEP 2014 and Chapter G9 of Shoalhaven DCP 2014.

It has been determined that the proposed development does not meet the flood planning requirements under Clause 5.21 of the Shoalhaven LEP 2014 as outlined below:

1. Compatibility with Flood Function and Behaviour (Clause 5.21(2)(a))
 - The Flood Impact Statement assumes the development is compatible with flooding simply because the area is already a high hazard. However, it doesn't explain how the land behaves during floods or provide enough detail to confirm the development is compatible with that behaviour.
 - The development increases the intensity of use in a high-risk flood zone, which could change how floods behave both on the site and nearby. The Flood Impact Statement acknowledges it "does not address flood behaviour for other sites within the overall catchment," which is essential consideration in assessing flood compatibility.
2. Safe Occupation and Evacuation (Clause 5.21(2)(c))
 - The proposal does not demonstrate that the development will not adversely affect the safe occupation and efficient evacuation of people during the event of a flood. In a major flood (PMF), the evacuation route could be cut off within two hours, but the NSW SES Timeline Evacuation Model (best practice for evacuation capabilities) identifies that the time required to evacuate would require a minimum of 3.3 hours. This means that the time needed to evacuate exceeds the available time on site.
 - The site lacks a formal flood warning system, and the SES has no additional forecasting tools for the catchment. This means local SES units are also likely to be cut off during a flood, limiting their ability to assist. This is because the nearest SES units to the site are in Nowra and St Georges Basin. In a flood event, both these units would likely be cut off from access to the site and its locality due to local flooding of access roads. Therefore, there would be no way for them to access the site or its locality to undertake door knocking and to assist in evacuation. It is noted that door knocking is the only reliable way of communicating an evacuation order.
 - The submitted evacuation plan relies on trespass over Crown land. Despite the likelihood of such an evacuation occurring during an event, Council does not have the judicial authority to approve access over third party land without the consent of the Crown, which has not been given. (Attachment 9).
 - These factors indicate that safe evacuation cannot be readily achieved. In *McCarthy v Shoalhaven City Council* [2025] NSWLEC 1643 (Wharf Road) the Court was ultimately satisfied that evacuation was feasible as an appropriate risk management response. The judgement held that development on flood affected land was not precluded and that the decision maker must have reasoned satisfaction that evacuation can be achieved, rather than eliminating all risk. Council's consultant legal team has provided advice which notes that the subject proposal is distinguishable from Wharf Road for three reasons:
 - Greater scale and intensity – the proposal comprises three (3) new dwellings in addition to the approved replacement dwelling, which will create a situation where multiple households and vehicles would need to evacuate at the same time;

- High Hazard Flood Storage – the location has a more severe hazard profile with a longer duration of inundation and the likelihood of evacuation routes being cut significantly earlier relative to the time needed for evacuation; and
- The proposal identifies a timing deficit between the evacuation timeline (3.3 hours) and the closure of the evacuation route (2 hours) – resulting in operational access for the SES being potentially impeded.

Council's preliminary legal feedback is that these matters were not present, or not to the same degree, in Wharf Road, where the Court emphasised modest scale and practicable evacuation with conditions. The legal advice concludes that the Court's findings in Wharf Road support the staff recommendation.

3. Managing Risk to Life (Clause 5.21(2)(d))

- The applicant proposes a shelter in place strategy; however, this is unsuitable given the site's high hazard classification, prolonged inundation periods (up to 7.5 hours in a 1% AEP flood event and 30+ hours in a PMF), and lack of access to essential services during flood events.
- The ground floor habitable floor level (bed 1 & 2 and general areas) meets the 1% Flood Planning Level for 2050 level while being 1.5m below the PMF level.
- The 1st floor habitable floor level (bed 3) is at 4.35m AHD (50mm) above the PMF level. This means occupants in a PMF level event would be stuck on the first floor for up to 30 hours with limited access to sustenance and facilities (food, drink, sanitary facilities).
- The site would be inaccessible to essential services during flood events, posing unacceptable safety risks to the occupants of multiple dwellings and emergency personnel, thereby placing undue strain on emergency services.
- The application lacks sufficient detail to assess the long-term acceptability of site isolation under a shelter-in-place strategy.
- The site and proposed development are inconsistent with the NSW Department of Planning, Housing and Infrastructure's 2024 shelter-in-place guidelines for flash flooding (SIP) and lacks sufficient information to demonstrate the acceptability of long-term isolation. The SIP guidelines also do not apply to sites affected by High Hazard floodway, H5 or H6 areas or where inundation could exceed a maximum 12-hour period. Additionally, Council lacks an adopted policy to determine the suitability of shelter-in-place as an emergency management strategy.
- Overall, the intensification of development creates multiple households on a single site and creates unnecessary risk to life and emergency response capability.

Flood Planning Assessment – Shoalhaven DCP 2014 Chapter G9

The proposed development does not comply with the following performance criteria in Chapter G9 of Shoalhaven Development Control Plan (DCP) 2014:

- i. *The development will not increase the risk to life or safety of persons during a flood event on the development site and adjoining land.*
- ii. *The development will not unduly increase dependency on emergency services.*

The proposed development is likely to increase risk to life and safety during flood events, given that evacuation is agreed by the applicant and Council flood engineers to be unfeasible.

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The applicant's reliance on shelter in place for 7.5 hours during a 1% AEP event and up to 30+ hours in a PMF event for four (4) dwellings is a much higher risk to life than the decision for 1 Wharf Road where the Court required mandatory evacuation for a single dwelling where shelter in place was not feasible.

Leaving 4 households stranded in a PMF event for up to 30 hours will require emergency services to monitor these residents for any emergency medical, food and or rescue needs as they will not be able to leave the site. These factors collectively indicate that the proposal does not meet the flood risk management objectives of the DCP and are a threefold increase on the level of risk due to the number of additional dwellings compared to the single dwelling (1 Wharf Road).

Acid Sulfate Soils

Development assessment must consider clause 7.1 – Acid Sulfate Soils of Shoalhaven LEP 2014 and Chapter G26 of Shoalhaven DCP 2014 with regard to the acid sulfate soils considerations relevant to this proposal.

Applicant's Submission

The applicant has provided an Acid Sulfate Soils Management Plan (D25/443440, Attachment 12) to support the development application.

Discussion

The submitted Acid Sulfate Soil Management Plan offers general guidance on managing acid sulfate soils if encountered, but it does not specifically address the risks associated with the site at 737 Woollamia Road, Woollamia. While it correctly identifies the acid sulfate soil classification from Council's LEP mapping (Class 3 Acid Sulfate Soils), it does not include any verification or assessment of the actual risks posed by the proposed development.

There is no indication that an onsite assessment was conducted to determine whether the site is affected by actual or potential acid sulfate soils.

Furthermore, the Report does not clarify whether proposed development will disturb acid sulfate soil layers or estimate the volume of soil likely to be affected. Without this information, Council cannot assess the feasibility or potential impacts of the proposed mitigation measures. The Report also lacks a monitoring program for soils, surface water, or groundwater to guide the implementation of the recommended controls.

Given the proximity of the site to Currumbene Creek and the potential for oxidised acid sulfate runoff during wet weather to occur, there is a real risk of a water pollution event affecting Currumbene Creek where this issue is not properly assessed and managed.

Clause 7.1 of the Shoalhaven LEP 2014 requires that development consent must not be granted for works specified in the clause unless an acid sulfate soils management plan has been prepared in accordance with the Acid Sulfate Soils Manual and submitted to the consent authority. This clause applies to Class 3 land where works are proposed more than 1 metre below the natural ground surface. The Report provided does not meet the requirements of the Acid Sulfate Soils Manual. Section 6 of the Manual outlines the necessary content that must be included in such a report.

To meet these requirements, the Report must be prepared by a suitably qualified geotechnical engineer and informed by specific project details, including footing design and proposed service excavations. The design should aim to avoid disturbing acid sulfate soils wherever possible and minimise disturbance where it can be avoided.

The applicants consultant has not provided Council with evidence of bore logs of the site and as such council has no ability to understand the existing soil characteristics through the soil layers, whether soil type changes over the proposed development footprint, the level at which ground water may be present, the presence/concentration of acid sulfate soils and a

calculated methodology to treat such material. Without an appropriate geotechnical assessment, the design and depth of footings remain unknown and therefore the potential impact on ground water and acid sulfate soil is also unknown. Therefore, Council has no certainty around the presence of Acid Sulfate Soil, whether it will be impacted and the recommended control measures to prevent water pollution as per the EPA guidelines.

Due to the jurisdictional nature of the SLEP control, Council staff do not support acceptance of this Acid Sulphate Soil Management Plan for the proposed development. While an applicant may choose to bypass the preliminary assessment stage and proceed directly to a management plan, they are still required to characterise the soil conditions at the site to develop appropriate control measures.

Compliance with the National Construction Code (NCC formerly BCA) – Ceiling Heights

The development application must consider compliance with the BCA.

Applicant's Submission

The applicant has provided revised architectural drawings (in particular DA3.00 (Rev D) (D25/536348) Attachment 17) to support the development application.

Discussion

The revised section plans DA3.00 (Rev D) received 13 November 2025 clarify that minimum floor to ceiling height for bed 2 complies with NCC requirements.

Liveable Housing Compliance

Development assessment for multi dwelling housing must consider Silver Level requirements in the Liveable Housing Design Guidelines (LHDG) in accordance with Section 5.4.3 of Chapter G13 of Shoalhaven DCP 2014.

Applicant's Submission

The applicant has provided a Liveable Housing Assessment Report (D25/443436, Attachment 13) to support the development application.

Discussion

At least one dwelling is required to meet Silver Level standards. The applicant claims all three new dwellings can comply with LHDG and also indicates that the dwelling approved under DA23/1694 will be liveable and adaptable under AS4299. With respect to the existing approved dwelling, insufficient detail, such as a post-adaptable floor plan, has accompanied the current development application. For the three new dwellings proposed, a safe, continuous step-free pathway from the front boundary to the entry doorway is required. The report provided by the applicant proposes that the space for a platform lift is available and therefore complies with this requirement. However, the LHDG does not recognise a platform lift as a valid solution to satisfy this requirement. The applicant's report appears to rely on principles from other documents, such as post-adaption options that aren't applicable to this specific LHDG requirement.

The LHDG states that a step-free pathway to an entry door is not required when the natural ground slope makes a compliant ramp possible. In this instance, the ground slope is less than 1:14, meaning a compliant ramp is achievable. Therefore, the guidelines require a step-free path to at least one dwelling at the time of construction, not as a future adaptation. Even if a platform lift was considered an appropriate solution to provide access, there does not appear to be a potential location near the front entry to Dwellings 1-3 that allow its installation whilst retaining the stairs and vehicular access to the garages.

Additionally, the Report has not addressed the requirement in the LHDG that *"the toilet pan should be located in the corner of the room (if the toilet is located in a combined toilet/ bathroom) to enable installation of grab rails at a future date"*. The layout of the bathroom in

the nominated liveable dwelling would need to be amended prior to the construction to ensure grab rail installation was the only post-construction measure required.

Ultimately, this a matter for the Certifier under NCC and could be dealt with by condition if Council is minded to grant consent.

Biodiversity

Development assessment must consider the Biodiversity Conservation Act 2016, Chapter G3: Landscaping Design Guidelines and Chapter G5: Biodiversity Impact Assessment of Shoalhaven DCP 2014 with regard to the biodiversity considerations relevant to this proposal.

Applicant's Submission

The Applicant has provided the following biodiversity related material to support the proposed development:

- Arborist Impact Assessment (D25/443439, Attachment 14)
- Bushfire Assessment Report (D25/443438, Attachment 15)
- Site Plan – Rev. D (D25/443434, Attachment 16)
- Landscape Plan (D25/536335, Attachment 18)

Discussion

The two Swamp Mahogany trees on site provide suitable breeding and foraging habitat for some mobile native species, as such they represent valuable habitat. The current plans include the removal of one of the large Swamp Mahogany tree (tree 2) along the western boundary of the site. The presence and required removal of this large tree was not shown in previous iteration of the site plans, although the location of the impacting driveway has not changed.

In accordance with the Biodiversity Conservation Act 2016, *Section 1.3(k)*, as amended by the *Biodiversity Conservation Amendment (Biodiversity Offsets Scheme) Act 2024* No 96, developments must apply the avoid, minimise and offset hierarchy in their plans to ensure a proposed development avoids, minimises and/or offsets any proposed impacts on biodiversity regardless of entry into the Biodiversity Offset Scheme (BOS). Therefore, the applicant must demonstrate how the impacts have been avoided, minimised and offset. Avoidance is best achieved by first investigating other design concepts that avoid impacts to native vegetation and/or native species. Where complete avoidance cannot be achieved, minimisation of impacts must be demonstrated before offset/compensatory measures are applied.

An updated landscape plan DA6.00 Rev B provides mitigation/offset of impacts required by providing supplementary and complimentary planting on the site. A suitable replacement tree for the Swamp Mahogany should be selected in accordance with the Shoalhaven Tree Species list – Woollamia and native flora species consistent with vegetation in the locality. Exotic species must not be used. This matter could be dealt with by condition if Council is minded to grant consent.

External Consultations

Crown Land – Objection

Crown Lands advised on 3 October 2023, that the developer cannot use adjacent Crown Land (Reserve R755928) for access in relation to DA23/1694 (for the existing approved dwelling house). On 29 August 2024, the Department of Planning, Housing and Infrastructure (DPHI) issued a referral response objecting to the current proposal, with reasons detailed in

that correspondence.

DPHI policies require new developments to be designed with setbacks and fire breaks to avoid impacting Crown land. This includes avoiding use of Crown land for asset protection zones, emergency access, or perimeter trails, unless explicitly permitted.

In this case the relevant Crown Land reserve is currently under Aboriginal Land Claim and as such Crown Lands do not provide any private development with the opportunity to make any application impacting the reserve until such time as all land claims have been resolved.

DPHI has not given permission for the developer to lodge applications that involve the use of Crown Land. The Department continues to oppose the proposed development, consistent with its previous communications.

Both the approved development (DA23/1694) and the current application (DA2024/1589) should be amended to remove any impact on Crown Land including deletion of the proposed access gate.

Further details are available in the Department's referral responses (see Attachments 19 and 20).

Community Consultations

Five (5) public submissions were received in relation to Council's notification of the development. All five (5) submissions were objections to the development. The notification was made in accordance with Council's Community Consultation Policy with letters being sent within a 25m buffer of the site. The notification was for a two week period.

Key issues raised as a result of the notification are provided below.

Flooding and Emergency Risk

- The site is located in a high hazard flood storage zone, with frequent flooding observed over recent years.
- Increasing the number of dwellings from one to four could result in up to 24 residents, placing strain on emergency services during flood or fires.
- The flood impact statement is inadequate and outdated, failing to reflect recent flood events and climate change impacts.

Infrastructure Limitations

- The development would intensify pressure on already limited services and increase traffic and parking demands.

Inappropriate Scale and Density

- Overdevelopment of the site.
- The development represents medium/high density housing, which is incompatible with Woollamia's character of single, low-rise cottages.

Zoning and Planning Concerns

- Woollamia is zoned RU5 – Village, intended to preserve its rural and low-density character.
- The proposal does not align with the intent of the zoning or with the surrounding RU2 – Rural Landscape areas.
- Approval would set a precedent for future multi-dwelling developments, risking permanent change to the village's identity.

Financial Implications

Financial Implications Arising from Refusal Decision

The applicant lodged an appeal on 12 March 2025 with the NSW Land and Environment Court (LEC) on the grounds of deemed refusal. There are significant costs associated with defending a refusal.

Potential Financial Implications Arising from Approval Decision

There are potential cost implications for Council in the event of an approval of the application. If the Council were to grant consent to the DA and either inadvertently or intentionally fail to take into account, the jurisdictional requirements at clause 5.21 of the SLEP2014:

- a) Council may incur personal liability and not benefit from protections and indemnity afforded by section 733 of the Local Government Act 1993 if an aggrieved party was also able to establish some form of harm and causation; and
- b) it would be open for a third party to challenge the validity of the consent in the Land and Environment Court by way of proceedings pursuant to section 9.45 of the Environmental Planning and Assessment Act 1979. Council may incur costs associated with defending third party appeal in the Land and Environment Court of NSW.

Legal Implications

Section 733 Local Government Act 1993

Section 733 of the Local Government Act 1993 provides that a Council does not incur any liability with anything done, including the granting or refusal of consent to a development application with respect to flood liable land, so long as it has been done in good faith by the Council in so far as it relates to the likelihood of land being flooded or the nature or extent of any such flooding.

Section 733 of the Local Government Act 1993 provides local councils and statutory bodies representing the Crown, including a councillor or an employee, with a limited legal indemnity for certain advice given that relates to the likelihood of flooding or the extent of flooding.

Clause 5.21 Flood Planning of Shoalhaven LEP 2014 is a jurisdictional requirement and must be appropriately considered by Council prior to determination being made.

If Council were to grant consent to the DA and either inadvertently or intentionally fail to consider the jurisdictional requirements at clause 5.21, Council may incur liability, as set out above, if an aggrieved party was also able to establish some form of harm and causation.

It would also be open for a third party to challenge the validity of the consent in the Land and Environment Court by way of proceedings pursuant to section 9.45 of the Environmental Planning and Assessment Act 1979.

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.

Summary and Conclusion

Based upon the recommendations of the s4.15 Assessment Report (Attachment 3), Development Application No. DA2024/1589 is recommended for **refusal** for the following reasons:

CL25.413

Reasons for Refusal	
1)	Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is non-compliant with the jurisdictional requirements set out in clause 5.21 of the Shoalhaven LEP 2014 and inconsistent with the clause objectives.
2)	Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is non-compliant with the jurisdictional requirements set out in clause 5.22 of the Shoalhaven LEP 2014 and inconsistent with the clause objectives.
3)	Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is non-compliant with the jurisdictional requirements set out in clause 7.1 of the Shoalhaven LEP 2014 and inconsistent with the clause objectives.
4)	Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is non-compliant with the jurisdictional requirements set out in clause 7.20 of the Shoalhaven LEP 2014 and inconsistent with the clause objectives.
5)	Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is non-compliant with the development controls set out in Chapter G5: Biodiversity Impact Assessment, Chapter G9: Development on Flood Prone Land and Chapter G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines of Shoalhaven DCP 2014 and is inconsistent with the acceptable solutions.
6)	Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development may have an adverse likely social and economic impact as a result of flooding impacts.
7)	Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the information submitted with the development application does not satisfactorily demonstrate that the site is suitable for the proposed use.
8)	Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, having regard to the above matters to address the relevant provisions of Environmental Planning and Assessment Act, 1979, the granting of development consent is not considered to be in the public interest.

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CL25.414 Review of Policy - Companion Animals (Impacts on Native Fauna) - Conditions of Development Consent

HPERM Ref: D25/407284

Department: Environmental Health & Regulatory Compliance

Approver: Judy Clark, Acting Director City Development

Attachments: 1. Companion Animals (Impacts on Native Fauna) - Conditions of Development Consent Policy [↓](#)

Purpose

The purpose of this report is to present the revised Companion Animals (Impacts on Native Fauna) – Conditions of Development Consent policy for adoption.

Recommendation

That Council adopt the revised Companion Animals (Impacts on Native Fauna) – Conditions of Development Consent policy.

Background

The review of all Council's public and local approval policies has been the practice of each newly elected Council. The revised Companion Animals (Impacts on Native Fauna) policy POL24/146, is provided for Council's consideration.

The policy 'Companion Animals (Impacts on Native Fauna) – Conditions of Development Consent' was established in 2005 to document Council's position that conditions relating to the keeping of pets (companion animals) can be imposed for developments that are adjacent to environmentally sensitive areas.

Changes to the policy are minimal, primarily consisting of those required to conform with the new corporate format. Improved definitions have also been included.

The policy states, '*This policy applies to areas from which companion species may roam and impact on environmentally sensitive areas, if unrestrained*'. Conditions pertaining to the keeping of companion animals may be included within the Development Consent for proposed developments that are located adjacent to environmentally significant areas.

'Environmentally significant areas' as defined in the policy, include coastal waters, lakes and wetlands, Threatened Ecological Communities and land reserved under the National Parks and Wildlife Act 1974. It also includes known locations of threatened species that are susceptible to the impacts of roaming cats and dogs.

This policy does not apply to assistance animals.

The following changes have been made to conform to the updated policy format:

- Section 2 has been renamed.
- Section 3 'Definitions' has been added.
- Section 4 has been renamed.
- Section 5 'Related Legislation, Policies or Procedures' has been added.

- Section 6 'Risk Assessment' has been added
- Section 8 'Ownership and Approval' has been added

Risk Implications

The policy was introduced to manage the risk to native fauna in the development of land adjacent to sensitive areas. The use of conditions covered by the policy is limited to the circumstances defined in the policy.

Internal Consultations

Consultation has been undertaken with internal stakeholders of the City Development Directorate responsible for overseeing and assessing Development Applications.

External Consultations

Not Applicable

Community Consultations

Not Applicable

Policy and Statutory Implications

There is no policy change recommended.

Financial Implications

Not Applicable.

CL25.414

Companion Animals (Impacts on Native Fauna) - Conditions of Development Consent

Adoption Date:	20/12/2005
Reaffirmed:	14/04/2009, 26/02/2013
Amendment Date:	21/02/2017, 14/11/2022
Minute Number:	MIN05.1776, MIN09.429, MIN13.110, MIN17.95, MIN22.869
Next Review Date:	01/12/2024
Related Legislation:	<u>Environmental Planning & Assessment Act, 1979 (NSW)</u> <u>Biodiversity Conservation Act, 2016 (NSW)</u> <u>Companion Animals Act 1998 (NSW)</u> <u>Disability Discrimination Act 1992</u>
Associated Policies/Documents:	<u>Shoalhaven Local Environment Plan 2014</u> <u>Jerberra Estate Environmental Management Plan (2014).</u>
Directorate:	City Development
Responsible Owner:	<u>Manager Development Services</u>
Record Number:	POL24/146

Companion Animals (Impact on Native Fauna) - Conditions of Development Consent

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7. Monitoring and Review	2
8. Ownership and Approval	2
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Companion Animals (Impact on Native Fauna) - Conditions of Development Consent

1. Policy Purpose

This policy has been prepared to prevent impacts of companion animals (domestic cats and dogs) on populations of native fauna, including threatened species, that may arise from new development, in accordance with the *Environmental Planning & Assessment Act, 1979 (NSW)* and the *Biodiversity Conservation Act, 2016 (NSW)*.

2. Objectives

2.1. Policy Statement

Conditions of development consent relating to appropriate measures for the management of companion animals may be applied for sites adjacent to environmentally sensitive areas. For the purposes of this policy, *environmentally sensitive areas* is defined by section 3.3 of the *Shoalhaven Local Environment Plan 2014*. These include, but are not limited to, coastal waters, Threatened Ecological Communities and land reserved under the *National Parks and Wildlife Act 1974 (NSW)* and accordance with the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (NSW)*.

3. Definitions

Term	Meaning
<u>Assistance animal</u>	<u>As defined by subsection 9(2) of the <i>Disability Discrimination Act 1992 (Cth)</i>.</u>
<u>Companion Animals</u>	<u>Consistent with the Companion Animals Act 1998 (NSW): means a dog, a cat, or any other animal that is prescribed by the Companion Animals Regulation 2018 (NSW) as a companion animal</u>
<u>Environmentally Sensitive Areas</u>	<u>As defined by section 3.3 of the <i>Shoalhaven Local Environmental Plan 2014</i>. These include, but are not limited to, coastal waters, lakes and wetlands and land reserved under the <i>National Parks and Wildlife Act 1974 (NSW)</i>. Additionally, for the purposes of this policy 'environmentally sensitive areas' also include areas of threatened ecological communities and known locations of threatened species that are susceptible to impacts from roaming companion animals.</u>

4. Roles and Responsibilities

4.1. Provisions

That appropriate restrictions on title or conditions of consent for the management of companion animals may be applied in relation to environmentally sensitive areas. These

Companion Animals (Impact on Native Fauna) - Conditions of Development Consent

restrictions will not apply to assistance animals (e.g., disability discrimination guide dogs and hearing assistance dogs) as defined by the *Disability Discrimination Act 1992*.

This policy applies to areas from which companion species may roam and impact on environmentally sensitive areas, if unrestrained.

In addition, any specific measures for limiting the impact on the environment associated with the keeping of companion animals within plans adopted by Council will apply. These include, for example, those within the Jerberra Estate Environmental Management Plan (2014).

4.2. Implementation

This policy will be implemented by the City Development Directorate in the assessment of development applications relating to impacts on native fauna, associated with keeping of companion animals (domestic cats and dogs) in accordance with the *Environmental Planning & Assessment Act, 1979* and the *Biodiversity Conservation Act, 2016*.

5. Related Legislation, Policies or Procedures

Environmental Planning & Assessment Act, 1979 (NSW)
Biodiversity Conservation Act, 2016 (NSW)
Companion Animals Act 1998 (NSW)
Disability Discrimination Act 1992 (Cth)
Shoalhaven Local Environment Plan 2014
Jerberra Estate Environmental Management Plan (2014).

6. Risk Assessment

This policy facilitates the management of the risks associated with these provisions, by providing for the appropriate use of them, setting a balance so that potential environmental damage to important areas can be controlled, but providing boundaries to the use of them provisions, so that the benefits of companion animals can be realised in most areas— setting a balance between the keeping of companion animals and protecting environmentally sensitive areas.

7. Data and Reporting

8.7. Monitoring and Review

Feedback in relation to the implementation of these provisions will be monitored to adjust policy settings. This Policy will be reviewed within twelve (12) months of the election of the new Council.

9.8. Ownership and Approval

9.1.8.1. Public Policy

Responsibility	Responsible Owner
Directorate	<u>"Enter Directorate – Department – Unit" City Development</u>

Companion Animals (Impact on Native Fauna) - Conditions of Development Consent

	<u>Environmental Services Land Management Unit</u>
Endorsement	"Enter Director &/or ELT – include Advisory Committee name (if relevant)" <u>Lindsay Usher Acting Director City Development</u>
Approval/Adoption	Council

CL25.414 - Attachment 1

CL25.415 Review of Policy - Contaminated Land Management

HPERM Ref: D25/408399

Department: Environmental Health & Regulatory Compliance

Approver: Judy Clark, Acting Director City Development

Attachments: 1. Contaminated Land Management Policy (under separate cover) [⇒](#)

Recommendation

Council adopt the revised Contaminated Land Management Policy.

Background

The review of all Council's public and local approval policies has been the practice of each newly elected Council. The revised Contaminated Land Management policy, is provided for Council's consideration.

The purpose of this policy is to provide guidelines and a framework to appropriately manage contaminated lands, or potentially contaminated lands within the Shoalhaven Local Government Area (LGA). The policy ensures that any development of land considers past land uses and ensures that any contamination is identified and where necessary remediated so that the land is suitable for the intended use.

The policy is formulated in accordance with the NSW Contaminated Land Planning Guidelines (Planning Guidelines) and *State Environmental Planning Policy (Resilience and Hazards) 2021* (RHSEPP) in order to implement a contaminated land management framework. It applies to both public and private land in the Shoalhaven LGA.

Changes to the policy are minimal, primarily consisting of those required to conform with the new corporate format, including improved definitions.

This policy was first adopted with the introduction of the Contaminated Land Management Act in the mid 1990's and is reported to Council for readoption.

Internal Consultations

Consultation has been undertaken with internal stakeholders of the City Development Group responsible for overseeing and assessing contaminated land.

External Consultations

Not Applicable

Community Consultations

Not Applicable

CL25.415

Policy and Statutory Implications

The purpose of this policy is to provide guidelines and a framework to appropriately manage contaminated lands, or potentially contaminated lands within the Shoalhaven Local Government Area (LGA). The policy ensures that any development of land considers past land uses and ensures that any contamination is identified and where necessary remediated so that the land is suitable for the intended use.

Financial Implications

Not Applicable

Risk Implications

The policy manages the risk of developing land that might have been contaminated in the past. Without considering previous land use, and potentially contaminating activities there is a real risk of exposure to chemicals that might affect human health or the environment.

The use of conditions covered by the policy is limited to the circumstances defined in the policy.

CL25.415

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.