

Ordinary Meeting

Meeting Date: Tuesday, 16 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

Clr Brett Steele

Ward 2

Clr Ben Krikstolaitis

Clr Bob Proudfoot

Clr Jemma Tribe

Clr Luciano Casmiri

Ward 3

Clr Denise Kemp

Clr Gillian Boyd

Clr Karlee Dunn

Clr Debbie Killian

Please note: The proceedings of this meeting (including presentations, deputations and debate) will be webcast, recorded and made available on Council's website, under the provisions of the Code of Meeting Practice. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

Shoalhaven City Council live streams its Ordinary Council Meetings and Extra Ordinary Meetings. These can be viewed at the following link

<https://www.shoalhaven.nsw.gov.au/Council/Meetings/Stream-a-Council-Meeting.>

Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Shoalhaven City and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

Agenda

1. Acknowledgement of Country

Walawaani (welcome),

Shoalhaven City Council recognises the First Peoples of the Shoalhaven and their ongoing connection to culture and country. We acknowledge Aboriginal people as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.

Walawaani njindawan (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 - 9 December 2025
- 7. Declaration of Interests**
- 8. Presentation of Petitions**
- 9. Mayoral Minute**
- 10. Deputations and Presentations**
- 11. Notices of Motion / Questions on Notice**

Notices of Motion / Questions on Notice

CL25.417	Question on Notice - Banksia Street Road Reserve	1
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- 12. Call Over of the Business Paper**

- 13. A Committee of the Whole (if necessary)**

- 14. Committee Reports**

Nil

- 15. Reports**

CEO

CL25.418	Proposal to Reform Community Consultative Bodies (CCB) Model of Engagement.....	3
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City Performance

CL25.419	Outcomes of Public Exhibition - Draft Code of Meeting Practice and Draft Public Forum Policy	9
CL25.420	Determination of Date and Time of Ordinary Council Meetings	16
CL25.421	Ongoing Register for Pecuniary Interest Returns - November 2025	21
CL25.422	Investment Report - November 2025	23
CL25.423	Investment Policy	29
CL25.424	Tender Exemption - Proposed Investment in Payment Platform - Paybles	40

City Services

CL25.425	Review of Comerong Island Ferry Fees and Charges	42
CL25.426	Policy Review - Occupation of Council Owned or Managed Land (POL25/49)	52
CL25.427	Shoalhaven Coastal Management Programs Implementation and Resourcing	67

City Development

CL25.413 Development Application DA2024/1589 - 737 Woollamia Road
WOOLLAMIA - Lot 12 DP 9289.....70

Shoalhaven Water

CL25.428 Tenders - Culburra STP Upgrades.....86
CL25.429 Connection to Town Sewerage System - 99B Garrads Lane Milton89
CL25.430 Review of Waste Services Policies93

16. Confidential Reports**Reports**

CCL25.31 Tender Exemption - Proposed investment in Payment Platform -
Paybles

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

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

CCL25.32 Tenders - Culburra STP Upgrades

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

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

CL25.417 Question on Notice - Banksia Street Road Reserve

HPERM Ref: D25/571548

Submitted by: Clr Jemma Tribe

Question

Information has been recovered through a GIPA release process regarding the Banksia Street Road reserve. Emails obtained reveal that several internal staff were recommending that the proposed closure NOT go ahead for reasons that were outlined in detail through multiple pieces of correspondence. Those concerns relate to the current reliance on this parcel of land for drainage of water (a drainage easement at the southern boundary of the block with a new stormwater outlet through the dunes onto Collingwood beach was not considered an appropriate solution by the author of the email who was concerned about the erosion issues this may cause). Concerns raised by other staff members include the relocation of the pole mounted transformer, the cost of relocating underground utilities (investigation, design and action), as well as the unknown of where these services could be relocated to that would also have the necessary easements and the list goes on. Could Councillors please find out how the final recommendation came about, (which was to instead support the sale of this block) and provide reasons as to why.

Response

Information obtained through a GIPA release indicates that internal staff raised concerns regarding the proposed closure and sale of the Banksia Street Road Reserve.

The correspondence received was part of Council's standard internal referral process for land dealings, where specialist staff across departments are invited to provide comments. The purpose of this consultation is to identify potential issues so they can be addressed through engineered solutions or other measures.

In the case of the Banksia Street Road closure, the feedback received was practical and informative, enabling the Property team to develop solutions or seek further information. Concerns raised included drainage and erosion risks, relocation of electrical infrastructure, and costs associated with underground utility relocation. All these matters were considered and addressed as part of a due diligence approach during the assessment and preparation process.

In summary the recommendation to support the sale of the block was made following a comprehensive assessment of all relevant factors, including, those raised via internal referrals:

1. Stormwater Drainage

- The parcel was identified as surplus to Council's operational requirements and not required for future road purposes.
- Alternative drainage solutions were considered and a feasible design developed consistent with engineering standards, and subject to appropriate design and environmental controls.
- The Stormwater solution includes construction of a new underground stormwater connection to the western of Elizabeth Drive to integrate with existing stormwater infrastructure.

CL25.417

- While concerns were raised about erosion risks associated with a stormwater outlet through the dune's, further engineering design has eliminated this risk.

2. Infrastructure and Utility Relocation

- The unformed road reserve proposed for closure contains overhead powerlines and a pole-mounted substation.
- To protect this infrastructure, Endeavour Energy has requested the creation of a 9-metre-wide easement to contain the established overhead power infrastructure.
- It is proposed to establish a 9-meter-wide easement to satisfy this requirement.
- Relocation of the pole-mounted transformer and relocating power underground is not required by Endeavour Energy and therefore no associated costs will be incurred.

3. Consultation and Decision-Making Process

- Internal feedback was considered during the assessment process and whilst the initial feedback identified matters needing resolution, cost effective solutions have been identified.
- The final recommendation reflects a balance between operational concerns, strategic land management objectives, and financial considerations.

Summary

The decision to support the sale was based on strategic alignment with Council's land management objectives, feasibility of addressing drainage and infrastructure concerns, and the opportunity to deliver financial and operational benefits to the community. The processes noted are standard internal practices.

CL25.417

CL25.418 Proposal to Reform Community Consultative Bodies (CCB) Model of Engagement

HPERM Ref: D25/569158

Department: Communication & Community Engagement

Approver: Andrew Constance, Chief Executive Officer

Attachments: 1. Place Based Councils Comparison Table [↓](#)
2. Comparison Councils Precinct Models Map [↓](#)

Purpose:

The purpose of this report is to seek Council's endorsement to reform the Community Consultative Bodies (CCB) model of engagement.

Recommendation

That Council:

1. Formally discontinue the Community Consultative Bodies model of engagement in its current form, from 1 July 2026.
2. Thank all current Community Consultative Bodies for their contributions to community dialogue and undertake community consultation in February-March 2026 to discuss options to become independently incorporated bodies.
3. Provide administrative and financial support to assist any Community Consultative Bodies to become an incorporated community group before 1 July 2026, and enable them as independent bodies, be it Ratepayers Associations, Community Forums, Progress Associations, to:
 - a. consult properly with all tiers of government,
 - b. apply for grants for potentially up to 100%,
 - c. no longer be beholden to Council rules.

Background

The Community Consultative Bodies (CCB) model was established in 1991 to provide a structured mechanism for community groups to engage with Council on local issues. For many years, these resident groups provided an important conduit between community and Council.

Currently, there are 23 resident groups that are endorsed by Council as a CCB and perform engagement functions as the representative group for residents and ratepayers within a defined geographical area. As a CCB, they are required to disperse information, promote and facilitate discussion and communicate shared and collective views of the community to Council.

Under the CCB model, each community group independently develops and manages its own terms of reference, constitution, and membership. Variations in structure and representation can limit the effectiveness of the CCB engagement model, as they may not always fully reflect the diversity of the communities they are intended to represent.

While the model has served its purpose in the past, reviews and recent community feedback have highlighted significant limitations in its effectiveness, inclusivity and alignment with best-

CL25.418

practice engagement methods and principles, as those outlined by the International Association of Public Participation (IAP2) and the NSW Office of Local Government.

While all community groups are a valuable way to share information with communities, the ongoing evolution of communication tools and techniques has enabled Council to directly reach and engage with residents of all ages, abilities and interests.

Safe Work considerations

Council currently has two NSW Safe Work orders requiring that it make changes to improve the safety of its elected officials. The existing model does not fully support Council's obligations under NSW Safe Work psychosocial safety requirements, particularly in circumstances where elected officials and staff may experience challenging or unsafe interactions.

Current engagement methods

The Shoalhaven City Council Community Engagement Strategy and Framework 2025-29 details a contemporary engagement model that applies principles to facilitate authentic, transparent and inclusive consultation.

Council's engagement framework is based on the International Association of Public Participation (IAP2) model to determine the level and method of engagement.

To be effective, engagement with stakeholders needs to occur at the most opportune time in the planning process to influence decisions of Council. This occurs with the community through the development of the Council's highest order of planning document, the Community Strategic Plan, the annual Delivery Program and Operational Plan as well as through specific consultation opportunities for projects and initiatives that are held throughout each year. This year alone, Council conducted 21 community engagement projects, including for the development of the Community Infrastructure Strategic Plan, the Disability Inclusion and Access Plan and many small-scale projects such as parks and playgrounds.

To promote engagement and reach target audiences for consultation, Council distributes information to a range of community contact networks, including those endorsed as CCBs.

Alternative Engagement Models

To achieve the highest level of engagement (Collaborate or Empower), community reference groups of stakeholders, such as steering groups, advisory committees and citizen panels are some of the most impactful ways people can partner with Council to influence decision making and help shape their lifestyles.

Benchmarking

A desktop review conducted on 128 councils in NSW found that four councils (North Sydney, Randwick, Waverly and Wollongong) recognised community facilitated groups as formal engagement committees. Each council provides varying levels of financial, governance and administrative support to a different number of groups under their respective models (Attachment 1).

By comparison, Shoalhaven endorses the highest number of community organisations representing significantly less of the towns, suburbs and geographical area of the LGA than others (Attachment 2).

To examine possible alternatives to the CCB model, community engagement protocols of 11 councils have been reviewed including OLG Category 5 councils (Coffs Harbour, Maitland, Mid-Coast, Port Macquarie-Hastings, Port Stephens, Shellharbour, Tweed and Wollongong), and neighbouring councils (Kiama, Bega and Eurobodalla).

Two main structural approaches emerged that are designed to achieve the highest levels of engagement:

- **Project-specific groups:** Established for the duration of a project or initiative. These can be established as community reference groups or working groups for major infrastructure or social planning projects. A recent example of this includes the Nowra Riverfront Precinct Working Group for the development of the riverfront master plan, as well as the longstanding inter-government agency Nowra Riverfront Action Taskforce.
- **Thematic advisory committees:** Long term established to focus on specific policy areas of social, environmental and/or infrastructure. Current examples of this at includes the Floodplain Risk Management Committees, Aboriginal Advisory Committee, Youth Advisory Committee and the Inclusion and Access Committee.

Currently, Council maintains 13 committees that address a range of projects and initiatives including affordable housing, transport, finances, land use planning and development.

Next steps

In February and March 2026, Council staff will consult with the CCBs about the reform and determine the most appropriate methods to continue to engage with each as individual community groups.

Information will be provided about the process to becoming an incorporated group that would facilitate independence and access to external funding opportunities for projects and initiatives. Staff will provide support to assist with transitioning to an incorporated body before 1 July 2026.

Risk Implications

The reform of the CCB engagement model presents minimal risks to people, the environment, Council's finances, or systems.

Internal Consultations

Organisational staff have been consulted, with no negative feedback provided.

External Consultations

Other Councils have been contacted for information.

Community Consultations

The CEO announced that we would undertake a process to reform the CCB model at the CCB Executive meeting on 1 December 2025 and no comments were received at that time. Further engagement with the CCBs would be conducted in February – March 2026.

Policy and Statutory Implications

There are no policy implications.

Financial Implications

Council currently provides each CCB with \$500 per year for administrative purposes. In the 2025–26 financial year, this totalled \$11,500. Additionally, insurance costs for 2025–26 was \$14,825.45, and is projected to increase to between \$16,500 and \$17,000 in 2026–27.

Application fees (up to \$500) for any CCB wanting to become an incorporated body by 1 July 2026 would be paid for by Council from the existing 2025-26 budget.

In 2026-27, it is anticipated a total savings of approximately \$28,000 to \$28,500, which would be ongoing.

CL25.418

Attachment 1: Council comparison – Geographic based engagement community groups

Council	OLG Category	Model Name	Model Type	No# of Groups	Council Funding	Designated Admin Support	Council Policy
North Sydney	3	Precinct Committees	Geographic	19	\$1,500 per annum per precinct (additional funding available for events)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Randwick	3	Precinct Committees	Geographic	9	\$400 per annum, per precinct	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Shoalhaven	5	Community Consultative Bodies	Geographic	23	\$500 per annum per CCB + insurance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Waverley	3	Precinct Committees	Geographic	13	\$0 per annum	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Wollongong	5	Neighbourhood Forums	Geographic	8	\$250 max.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

CL25.419 Outcomes of Public Exhibition - Draft Code of Meeting Practice and Draft Public Forum Policy

HPERM Ref: D25/569630

Department: Business Assurance & Risk

Approver: Katie Buckman, Director - City Performance

Attachments: 1. Draft Code of Meeting Practice (under separate cover) [✉](#)
2. Draft Public Forum Policy (under separate cover) [✉](#)

Purpose:

To report on the outcomes of the public exhibition of the Draft Code of Meeting Practice and Draft Public Forum Policy, summarise submissions received and outline recommended changes.

Recommendation

That Council:

1. Adopt the Draft Code of Meeting Practice (**Attachment 1**) as exhibited, noting that no changes are recommended following public exhibition.
2. Adopt the Draft Public Forum Policy (**Attachment 2**) subject to the following amendments proposed following consideration of public submissions outlined in this report:
 - a. Amend clause 4.2(g) to provide as follows:
 1. *“Applications to speak at the Public forum must be received by 9.30am on the day of the Public Forum.”*
 - b. Insert additional sentence in clause 4.2(h):
 2. *“Applicants requesting to make an oral submission must provide a written summary (max. one page) of their intended address when lodging their application. This summary will be distributed to all Councillors prior to the related Council meeting.”*
 - c. Insert additional sentence in clause 4.2(j)
“The Chief Executive Officer or their delegate must give reasons in writing for a decision to refuse an application.”
 - d. Include an additional clause under section 4.2 – Implementation
 3. *“Approved speakers who require assistance due to disability or additional needs may nominate a support person to assist or continue their presentation if necessary. The total speaking time must not exceed the five (5) minutes allocated for submission.”*
3. That the Council's newly adopted Code of Meeting Practice and Public Forum Policy become effective on 1 January 2026 to align with the requirements of the Model Code.
4. Publish the adopted Code of Meeting Practice and Public Forum Policy on Council's website, together with information explaining the new processes and application forms relating to Public Forums.

CL25.419

Background

Following the release of the Model Code of Meeting Practice by the Office of Local Government, in August this year, a report was provided to the Ordinary Meeting of Council on 28 October 2025. The Council resolved to place the Draft Code of Meeting Practice and Draft Public Forum Policy on public exhibition in accordance with section 361 of the *Local Government Act 1993*.

The exhibition period ran from 31 October to 12 December 2025, providing the community with an opportunity to review and comment on the proposed documents.

As previously outlined to Councillors in briefings and reports, the exhibited Draft Code incorporates all mandatory provisions of the Model Code, including rules for councillor attendance, order of business, voting, and conduct during meetings. These provisions are legally required and cannot be altered by Council.

The Draft Public Forum Policy outlines a structured process for oral and written submissions prior to Council meetings, aiming to enhance transparency and community engagement while maintaining orderly and lawful decision-making.

Public Forums are intended to be separate from formal Council meetings, consistent with the Model Code and Office of Local Government guidance. This separation ensures that forums provide an opportunity for community input without forming part of the decision-making process. The draft policy also includes measures to manage time, maintain equity among speakers, and uphold respectful conduct in a forum structure,

The agenda for the Council meeting is scheduled for publication on 11 December 2025 to allow sufficient time for Councillors and the public to review. As the exhibition period closes on 12 December, this report contains all submissions received by Council up to 5 December and it is intended that an addendum report will be prepared and published on 15 December 2025 to address any submissions that may be received after the agenda is approved and before the close of exhibition. If no further submissions are received during this period, an addendum report will not be provided to supplement this report.

Summary of Submissions

Council has received eight (8) individual submissions during the exhibition period. Key issues raised included requests for greater accessibility, independent facilitation, expanded speaking rights, and changes to procedural timeframes. Each submission was assessed against legislative requirements, operational feasibility, and Council's commitment to transparency and inclusivity. Where concerns related to mandatory provisions of the Model Code (e.g., councillor attendance via audio-visual link), Council is legally unable to make changes. Recommended amendments to the Draft Public Forum Policy following consideration of the submissions include:

- Extending the application deadline to 9:30 am on the day of the Public Forum.
- Requiring oral submission applicants to provide a written summary of their intended oral address.
- Allowing a nominated support person for speakers with disability or additional needs.
- Requiring written reasons for any refusal of an application.

These changes aim to balance accessibility and fairness with operational efficiency and compliance with statutory requirements.

CL25.419

Summary Table

Document	Key Issues Raised	Staff Consideration
Draft Public Forum Policy	<ol style="list-style-type: none"> 1. Require written reasons for all discretionary decisions by the CEO, circulated to councillors and made public. 2. Record refusals and speaker limitations in Council minutes. 3. Introduce a right of review for refused applications. 4. Expand speaker limits and improve accessibility. 5. Use independent facilitation for public forums. 	<p>1. Council currently provides written reasons for refusal of an application.</p> <p>Recommendation: Amend clause 4.2(j) of the Draft Public Forum Policy to reflect this practice.</p> <p>2. The Public Forum is conducted prior to a Council meeting and is not minuted as part of the formal meeting proceedings. The Office of Local Government has confirmed the intent is that the forum remains distinct from the decision-making process of the Council meeting.</p> <p><i>No action recommended.</i></p> <p>3. Refusals are based on procedural grounds only (e.g., breach of policy conditions, exceeding speaker limits), not on political or personal views. Applicants who cannot speak may submit a written submission instead.</p> <p>Introducing a review process would also create operational delays and administrative complexity given the application deadline and scheduling of Public Forums.</p> <p><i>No action recommended.</i></p> <p>4. The Draft Public Forum Policy provides for speakers to be granted an extension of time at the discretion of the Chairperson.</p> <p>Clause 4.2(g) of the Draft Public Forum Policy proposes that applications to speak must be received by 3pm on the day prior to the Public Forum.</p> <p>Recommendation: Improve accessibility by amending clause 4.2(g) of the Draft Public Forum Policy to provide that applications to speak at the Public Forum must be received by 9.30am on the day of the Public Forum.</p> <p>5. The Model Code gives councils discretion to set rules for public forums. The draft policy proposes that Public Forums be chaired by the Mayor or a nominated Councillor to ensure consistency with the Model Code of Meeting Practice, accountability to the elected Council. Independent facilitation would add cost and complexity without improving transparency, which is already supported through livestreaming.</p> <p><i>No action recommended.</i></p>

CL25.419

Draft Code of Meeting Practice	Support for the draft Code – fostering a respectful and lawful decision-making environment in council meetings.	Comment noted – reinforces objectives of the Model and draft Code. <i>No action recommended.</i>
Draft Public Forum Policy	Concerned that public forums may create pressure for decisions to reflect popular opinion expressed by vocal groups rather than strategic planning and statutory obligations.	Public forums are for requests to address agenda items only and do not replace representative decision-making. Written submissions remain available as an alternative as provided in the Draft Public Forum Policy. <i>No action recommended.</i>
Draft Code of Meeting Practice/Draft Public Forum Policy	<ol style="list-style-type: none"> 1. Emphasised the need for respectful conduct during Council meetings and public forums, ensuring community members feel safe and valued when making address to the forum. 2. Suggested providing questions in advance so as not to 'blindside' speakers. 	<ol style="list-style-type: none"> 1. Comment noted – reinforces objectives of the Model and draft Code. <i>No action recommended.</i> 2. Operationally, very difficult to implement. The turnaround time between receiving requests to address, distributing them to councillors, and then getting questions back to speakers before the meeting is extremely tight (and in many cases impossible), especially when applications close quite close to the meeting date. It should also be noted that there is nothing to prevent Councillors asking questions of the speaker on the floor of council as they arise. In addition, to achieve this the submitter would be required to provide all the information they wish to address in advance of the meeting for Councillors to consider. <i>No action recommended.</i>
Draft Code of Meeting Practice	<p>Three submissions were received in regard to:</p> <p>Objection to restrictions on councillor attendance via audio-visual link, believing councillors should be able to join meeting online without needing a reason or Council approval, and further, this could potentially disenfranchise remote and disadvantaged populations in particular.</p>	<p>Clauses 5.18 – 5.27 reflect mandatory provisions of the Model Code in regard to councillor attendance via audio-visual link. Council is required to comply with all mandatory provisions and cannot alter these clauses.</p> <p><i>No action recommended</i></p>
Draft Code of Meeting Practice	<p>Clause 17.10 (non-mandatory)</p> <p>Contention that only allowing notices of motion to alter or rescind a resolution relating to a development application to be lodged within one (1) day of the meeting is too restrictive and suggests extending it to three (3) business days to allow adequate time to gather facts and prepare a case.</p>	<p>Council reports and submissions are intended to provide Councillors with relevant facts for decision making. Councillors may seek deferral of decision making if they are unsure or seek other information before deciding. Extending the timeframe to three (3) business days may complicate processes from a statutory aspect and create lack of community</p>

		<p>understanding about when a decision is considered final.</p> <p><i>For Council's consideration.</i></p>
Draft Public Forum Policy	<p>Concern that the proposed quorum of one Councillor and separation of Public forums from Ordinary/Extraordinary meetings reduces opportunities for all Councillors to hear from the public and ask questions, placing greater reliance on staff reports and increasing time demands on Councillors.</p>	<p>Public Forums will remain separate from Council meetings in accordance with the Model Code of Meeting Practice, they also will be webcast and therefore available to be viewed by any Councillor who is unable to join the forum at the advertised time. Requiring a quorum of greater than one Councillor (to chair) may result in cancelled forums where speakers have lost the opportunity to put information before the Council as there would be no provision for the rescheduling of Ordinary Meetings on the basis that a forum did not proceed.</p> <p>A written summary of verbal address at the forum, as well as written submissions, ensure that all Councillors are informed of community views when considering agenda items.</p> <p>To support information being available to Councillors, the draft policy could be amended to require applicants making oral submissions to provide a written summary of their intended address when lodging their application. This ensures all Councillors have access to key points prior to the related Council meeting, even if they cannot attend the Public Forum.</p> <p>Recommendation: Amend clause 4.2(h) of the Draft Public Forum Policy to add the following:</p> <p><i>Applicants requesting to make an oral submission must provide a written summary (max. one page) of their intended address when lodging their application. This summary will be distributed to all Councillors prior to the related Council meeting.</i></p>
Draft Public Forum Policy	<p>Submission suggests revising clause 4.2(b), which limits speakers to one 'for' and one 'against' each item, to allow flexibility for speakers who may require assistance due to disability or additional needs. The submitter proposes an option for a backup speaker to 'tap in' mid-speech to support inclusivity.</p>	<p>Allowing a nominated support person has been Council practice for some time. It promotes accessibility and participation for people with additional needs without compromising the draft Policy's intent to manage time and maintain equity among speakers. Council may wish to consider implementing an additional clause under 4.2 – Implementation to cement this practice.</p> <p>Recommendation:</p> <p><i>"Approved speakers who require assistance due to disability or additional needs may nominate a support person to assist or continue their presentation if necessary. The total speaking time must not exceed the five (5) minutes allocated for submission."</i></p>

CL25.419

	<p>The Council practice has traditionally been to hear one deputation for and against each item. Council's engagement policy allows and facilitates community consultation on complex issues or matters of significant impact on the Shoalhaven before a Council Report is provided for decision. The community is encouraged to participate at earlier stages of consultation where available. However, Council may consider amending the number of speakers in a forum setting.</p> <p><i>For Council's consideration.</i></p>
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Classification of provisions contained in the draft Code of Meeting Practice

The classification has been retained from the previous report to Council on 28 October 2025, where the draft Code of Meeting Practice [Attachment 1] was attached prior to public exhibition.

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

Risk Implications

Reputational risk: Failure to provide clear and transparent processes for public participation could undermine community trust and confidence in Council's decision-making. Recommended amendments such as requiring written summaries of oral submissions and allowing support persons for speakers with additional needs can mitigate this risk by improving accessibility and transparency.

Corporate Governance risk: Non-compliance with mandatory provisions of the Model Code of Meeting Practice or the *Local Government Act 1993* could expose Council to legal challenge. The Draft Code incorporates all mandatory provisions, and recommended changes to the Draft Public Forum Policy remain consistent with legislative requirements.

Corporate Governance risk: Public Forums involve interaction between community members, Councillors, and staff. Clear behavioural standards, livestreaming, and informed safety/risk assessments reduce the risk of inappropriate conduct and ensure a safe environment for participants.

Internal Consultations

Internal consultation with the Executive Leadership Team and at Councillor briefing, both which occurred prior to the previous report to Council on 28 October 2025. The Governance team has now reviewed the submissions lodged during the exhibition period, and a summary and recommendations are provided in this report.

CL25.419

External Consultations

The OLG released the 2025 Model Code of Meeting Practice via Circular No 25-20 on 29 August 2025, following extensive sector-wide consultation. Council staff participated in engagement sessions held by the Office of Local Government.

Community Consultations

In accordance with Section 361 of the *Local Government Act 1993*, Council publicly exhibited the Draft Code, inviting community submissions prior to adoption.

Policy and Statutory Implications

The recommendations comply with Sections 360 and 361 of the *Local Government Act 1993*, ensuring the Draft Code of Meeting Practice incorporates all mandatory provisions and was publicly exhibited.

Proposed amendments to the Draft Public Forum Policy are lawful, align with the Office of Local Government guidance, and do not conflict with existing policies. Adoption of these documents strengthens Council's commitment to transparency, accessibility, and good governance.

Financial Implications

Adoption of the Draft Code of Meeting Practice and Draft Public Forum Policy will have negligible financial impact. Minor administrative costs that may be associated with implementing recommended changes, such as processing written summaries, supporting speakers with additional needs, could be absorbed within existing budgets. No additional funding is required.

CL25.419

CL25.420 Determination of Date and Time of Ordinary Council Meetings

HPERM Ref: D25/569980

Department: Business Assurance & Risk

Approver: Katie Buckman, Director - City Performance

Attachments: 1. Proposed Meeting Dates (one Ordinary Meeting per month) [↓](#)

Purpose:

To set the date and time of Ordinary Council Meetings from January 2026 aligning with the commencement of the new Model Code of Meeting Practice. The report also proposes times for associated Public Forums with respect to business on Council Ordinary Meeting agendas.

Recommendation

That Council:

1. Adopt a schedule of one (1) Ordinary Council meeting per month held on the fourth Tuesday, commencing in January 2026 until the end of October 2026 as outlined in **Attachment 1** to the report.
2. Determine, that Ordinary and Committee meetings are not to be held on public holidays or during the following periods, unless required for reasons of urgency or unusual circumstances requiring Council immediate deliberation:
 - a. Christmas/New Year Break - 20 December 2025 to 11 January 2026.
 - b. Easter Break – 03 April 2026 – 06 April 2026.
3. Determine that Ordinary meetings will generally commence at 5.30pm.
4. Conduct a live-streamed Public Forum, in accordance with the adopted Code of Meeting Practice and Public Forum Policy, generally on the third Tuesday of each month commencing at 5.00pm (i.e. One (1) week to the Ordinary Meeting).

Background

All Ordinary Council meetings must be held in accordance with requirements in the *Local Government Act 1993*, the *Local Government (General) Regulation 2021* (Regulation) and the Council's Code of Meeting Practice. A separate report to the Council on those matters is provided on the agenda of this meeting.

With the adoption of a New Code of Meeting Practice, and/or the commencement of the mandatory aspects of the Model Code of Meeting Practice on 1 January 2026, Council is required to establish a schedule of meetings for 2026.

Under the Code, Councillors are required to be given at least three days' notice of meetings, except for extraordinary meetings called in an emergency.

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

The recommendation to adopt one (1) Ordinary Council Meeting per month, supported by a Public Forum held a week prior, is based on the following considerations:

CL25.420

1. Compliance with Legislative and Policy Requirements

The proposed schedule aligns with the *Local Government Act 1993*, *Local Government (General) Regulation 2021*, and Council's adopted Code of Meeting Practice. It ensures statutory notice periods for Councillors and the community while maintaining transparency and accountability.

2. Improved Governance and Operational Efficiency

Reducing the number of Ordinary Meetings from two per month to one consolidated meeting streamlines agenda preparation and administrative processes. This approach allows staff to focus on delivering comprehensive, high-quality reports and supports informed decision-making without compromising governance standards. These matters have been discussed in detail with the Executive Leadership Team and elected Councillors in briefings and previous reporting on the new Code requirements.

3. Enhanced Community Engagement

A dedicated Public Forum held one week prior to the Ordinary Meeting provides a structured opportunity for community members to address Councillors on agenda items. This separation which is recommended by the Office of Local Government ensures Councillors have adequate time to consider information included in the agenda in advance of hearing directly from community members, and, if required, seek further information and advice (which will be published) before deliberation. This will foster responsiveness and trust.

4. Resource and Cost Management

Fewer meetings reduce operational costs, including staff time, venue setup, and live streaming requirements. It also consolidates the scheduling and time dedicated to report writing, approval, publication, printing and related processes which will result in efficiencies. This approach aligns with Council's commitment to financial sustainability and efficient service delivery.

5. Predictability and Accessibility

A consistent monthly cycle, Public Forum on the third Tuesday and Ordinary Meeting on the fourth Tuesday, offers predictability for Councillors, staff, and the public. This regularity simplifies scheduling and supports better planning for governance and community participation.

CL25.420

Proposed Monthly Generic Calendar

Week	Mon	Tues	Wed	Thu	Fri
1					<i>Staff Reports due to CEO for next meeting</i>
2		5.30pm Deadline for Councillors to submit Notices of Motion for the next meeting		Agenda published to website	
3		9.30am: Deadline for oral and written submissions from community for Public Forum 5.00pm: Public Forum – Registered Community participation on Council Agenda items.			
4		Ordinary Meeting from 5.30pm			<i>Minutes published on Website</i>

Risk Implications

Corporate Governance and Reputational risks: Council Meetings and their arrangements are required to reflect legislative requirements and provide opportunity for the public to see and hear the decision-making processes of the elected body. They also need to be suitably timed and scheduled for elected members. There are legal and reputational risks for the Council should the framework of meetings not meet these requirements. The impact of the proposed schedule and arrangement will be monitored, with a view to providing advice to Councillors for consideration of any identified adjustments required.

Internal Consultations

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

External Consultations

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

There are no requirements to consult with external parties or organisations prior to the adoption of scheduling or related arrangements for Council meetings. Information provided by the Office of Local Government with respect to the related Model Code of Meeting Practice has been considered in the drafting of the proposed schedule.

CL25.420

Community Consultations

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

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

Formal community consultation has been undertaken in regard to the Draft Code of Meeting Practice and Draft Public Forum Policy during the public exhibition period. The proposed schedule has previously been included for consideration and information in Council reports leading up to the adoption of the Draft Model Code of Meeting Practice.

Policy and Statutory Implications

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

The Council may adjust the timing of proposed meetings and related aspects of the schedule by resolution at any time.

Financial Implications

The frequency and time dedicated to Ordinary Meetings has a direct correlation with the administrative costs and resources for those meetings. The proposal (including forums) is expected to reduce administrative and resourcing costs related to Ordinary meetings by approximately 30%.

CL25.420

Proposed Schedule of one Public Forum & Ordinary Meeting per month – Jan to Oct 2026

January 2026		
20 January	5.30 pm	Public Forum
27 January	5.30 pm	Ordinary Meeting
February 2026		
17 February	5.30 pm	Public Forum
24 February	5.30 pm	Ordinary Meeting
March 2026		
17 March	5.30 pm	Public Forum
24 March	5.30 pm	Ordinary Meeting
April 2026		
21 April	5.30 pm	Public Forum
28 April	5.30 pm	Ordinary Meeting
May 2026		
19 May	5.30 pm	Public Forum
26 May	5.30 pm	Ordinary Meeting
June 2026		
16 or 23 June - TBC (when NGA dates are released)	5.30 pm	Public Forum
23 or 30 June - TBC (when NGA dates are released)	5.30 pm	Ordinary Meeting
July		
21 July	5.30 pm	Public Forum
28 July	5.30 pm	Ordinary Meeting
August 2026		
18 August	5.30 pm	Public Forum
25 August	5.30 pm	Ordinary Meeting
September 2026		
15 September	5.30 pm	Public Forum
22 September	5.30 pm	Ordinary Meeting
October 2026		
20 October	5.30 pm	Public Forum
27 October	5.30 pm	Ordinary Meeting

Other important dates:

Christmas/New Year break – Monday 22 December 2025 to Friday 16 January 2026
 Easter – Friday 3 April to Monday 6 April 2026
 Anzac Day Public Holiday – Saturday 25 April 2026
 King's Birthday – Monday 8 June 2026
 Australian Local Government Association National General Assembly – Tuesday 23 to Thursday 25 June 2026 (TBC)
 Mid Year Break – Monday 6 July to Friday 17 July 2026
 Labour Day – Monday 5 October 2026

CL25.421 Ongoing Register for Pecuniary Interest Returns - November 2025

HPERM Ref: D25/545491

Department: Business Assurance & Risk

Approver: Katie Buckman, Director - City Performance

Purpose:

To provide Council with the Register of Pecuniary Interest Returns from newly designated persons lodged with the Chief Executive Officer for the period of 1 November 2025 to 30 November 2025 as required under Section 440AAB of the Local Government Act 1993 and Part 4.26 of Council's adopted Code of Conduct (implemented in accordance with the Model Code of Conduct released by the Office of Local Government).

Recommendation

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 November 2025 to 30 November 2025 be received for information.

Background

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

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

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

Part 4.21 of the Code states:

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

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

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

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

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

CL25.421

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

Directorate	Name	Designated Position Start Date	Returned
Councillor	Debbie Killian	16 September 2025	16 September 2025 *
City Development	Jesica Hughes	27 October 2025	4 November 2025
City Development	Samantha Turner	27 October 2025	11 November 2025

**Due to an administrative error this form was omitted from previous reports to Council.*

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

Risk Implications

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

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

Internal Consultations

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

External Consultations

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

Community Consultations

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

Policy and Statutory Implications

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

Financial Implications

There are no financial implications for this report.

CL25.421

CL25.422 Investment Report - November 2025

HPERM Ref: D25/565998

Department: Finance

Approver: Katie Buckman, Director - City Performance

Attachments:

- 1. Monthly Investment Review - November 2025 (under separate cover) [↗](#)
- 2. Statement of Investments - November 2025 (under separate cover) [↗](#)

Purpose:

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

Summary and Key Points for Consideration:

Council's total Investment Portfolio returned 4.63% per annum for the month of November 2025, outperforming the benchmark Aus Bond Bank Bill Index (3.66%p.a.) by 97 basis points (0.97%).

Recommendation

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

Background

Investment Portfolio

Council's investment balance as of 30 November 2025 was \$270 million and consisted of the following types of investments:

Investment type	Invested (\$)
Cash	58,832,486
Term Deposits	172,000,000
Floating rate notes	37,850,000
Bond	2,000,000
Total	270,682,486

The details of each investment held by Council on 30 November 2025 is included in the Statement of Investments at Attachment 2.

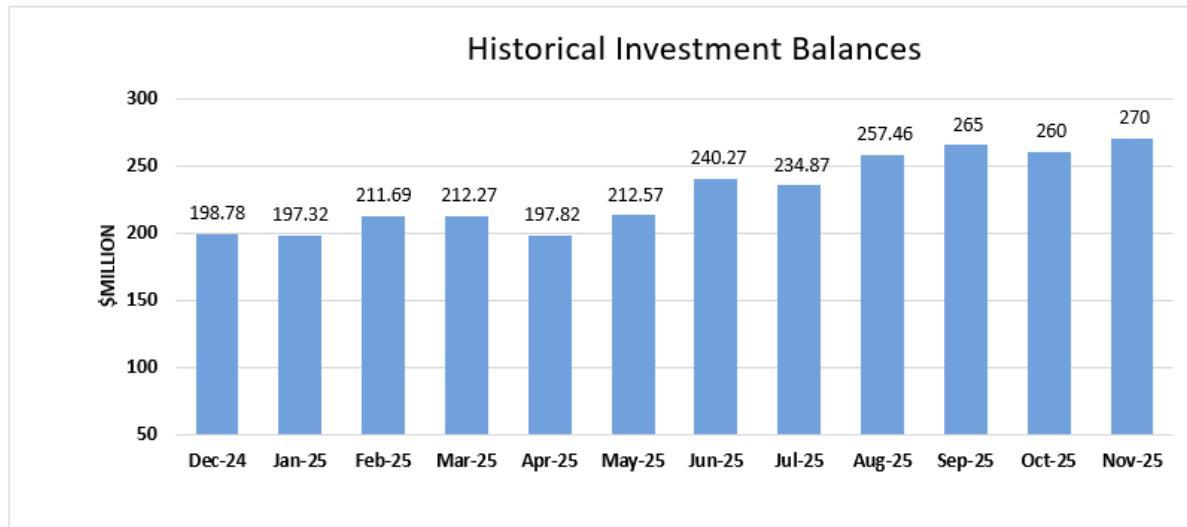
The graph below illustrates Council's investments balance on a rolling 12-month basis. The timing of expenditures and receipt of grant funds fluctuates throughout the year, leading to monthly variations in the overall balance.

The \$10M boost in the Council's portfolio is primarily attributed to:

1. Grant Income: the Council received approximately \$6 million from various grants.

CL25.422

2. Rates Revenue: the second rates instalment was due on 30 November 2025 and had begun being receipted by month end.



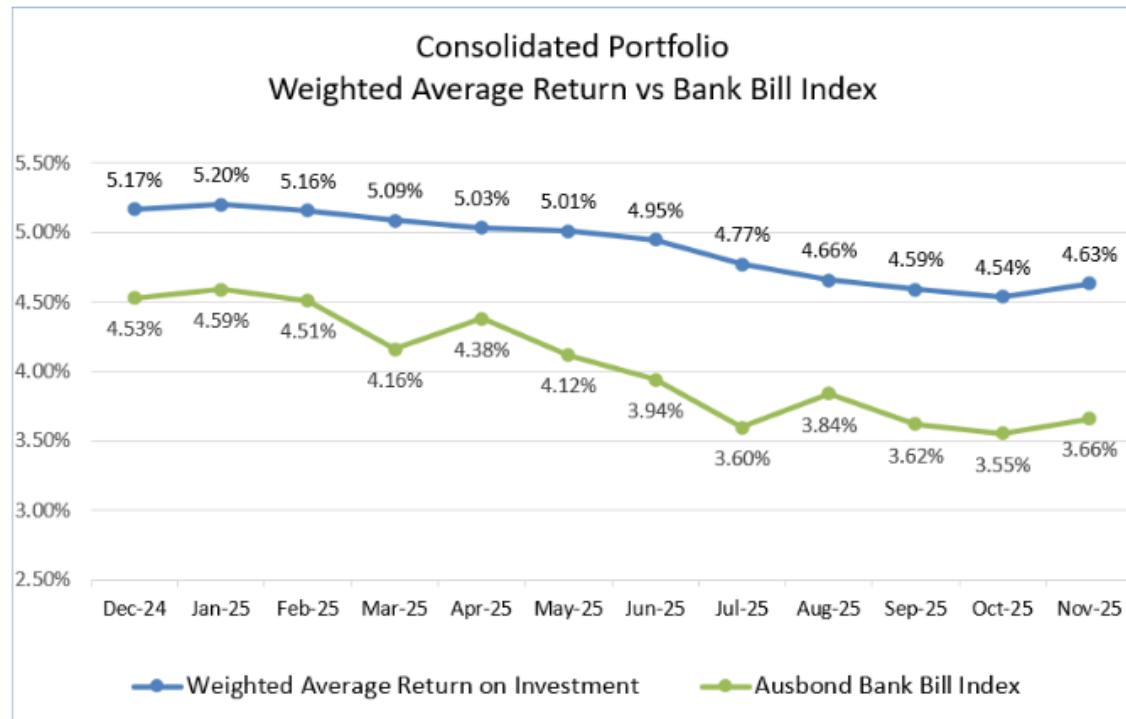
Portfolio Return

For the month of November, the total investment returns were a positive 4.63% p.a. outperforming Aus Bond Bank Bill Index (3.66%) by 97 basis points.

CL25.422

Investments

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



Investment Interest Earned – November 2025

Much of Council's cash is restricted in its use to specific purposes by external bodies (e.g. specific purpose unspent grants), legislation (e.g. developer contributions, domestic waste management, water and sewer funds) and Council resolutions (i.e. internally restricted

reserves). Interest earned on externally restricted cash must be allocated to those external restrictions in accordance with legislation. The two tables below show the allocation of interest to each applicable Fund.

Table 1 below, shows the interest earned for the month of November 2025.

Table 1 - Interest Earned for the Month of November 2025

Fund	Monthly Budget \$	Actual Earned \$	Difference \$
General	440,045	535,668	95,623
Water	169,398	196,412	27,014
Sewer	110,024	160,701	50,677
Total	719,467	892,781	173,314

The interest earned for the month of November 2025, was \$892,781 compared to the monthly budget of \$719,467.

Investment Interest Earned - Year to Date

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

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

Fund	Total Annual Budget \$	Actual YTD \$	% Achieved
General	5,353,884	2,746,721	51%
Water	2,061,012	1,023,908	50%
Sewer	1,338,624	763,091	57%
Total	8,753,520	4,533,720	52%

The cumulative interest earned for the year (July to November) was \$4,533,720 which is 52% of the current full year total annual budget.

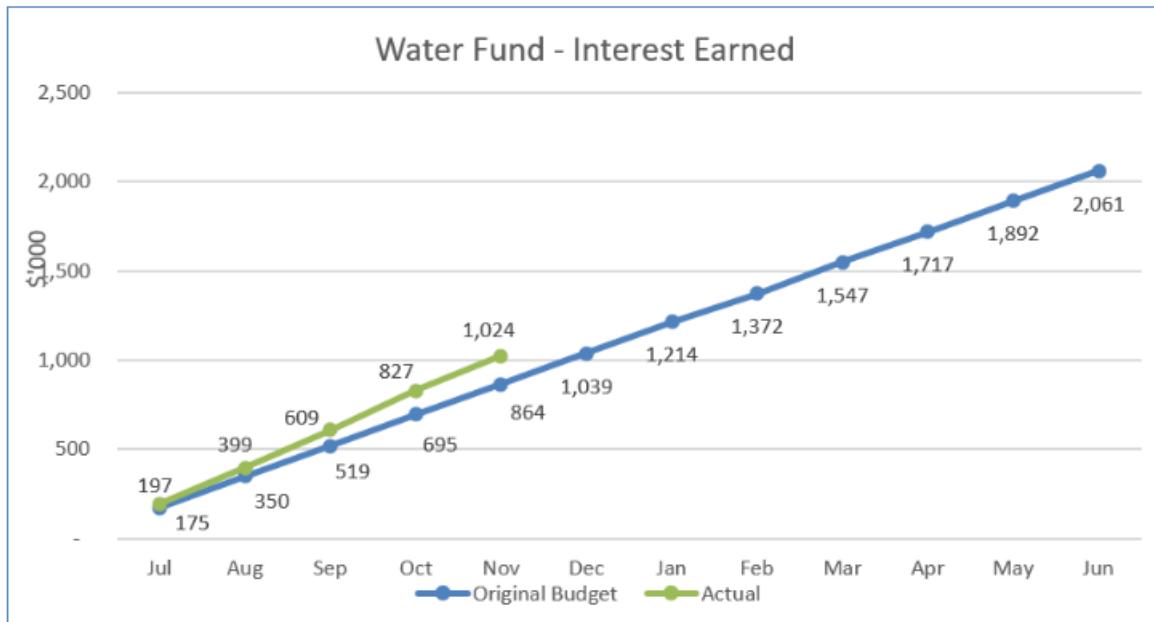
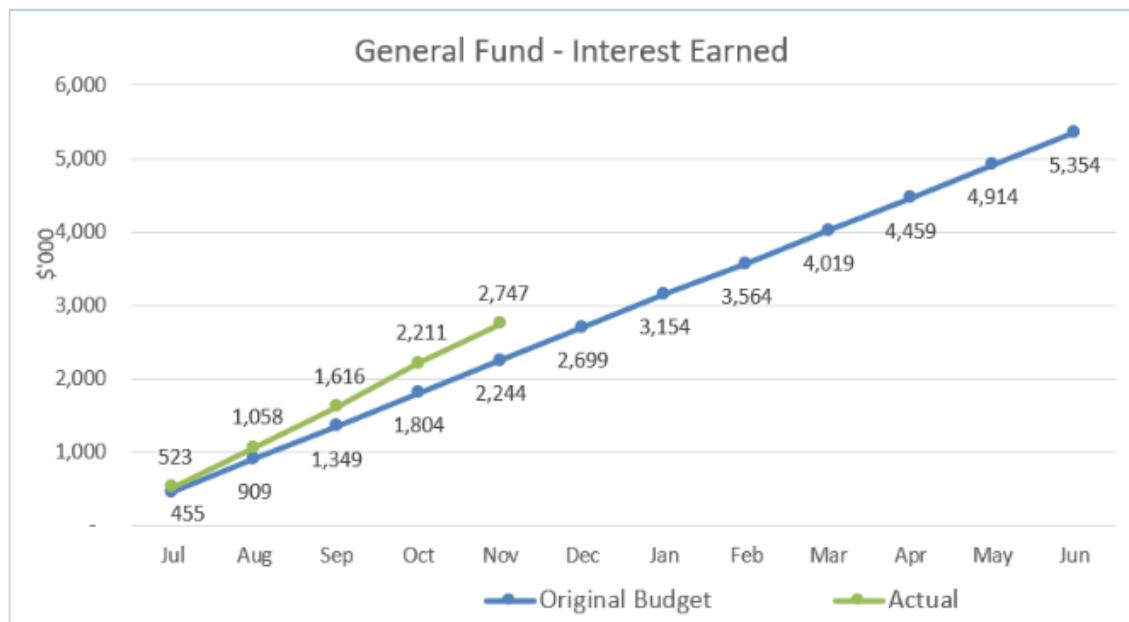
The interest earned in the general fund of \$2,746,721 includes interest earned on unspent s7.11 developer contributions and Domestic Waste Management reserves, which is required to be restricted by legislation. Interest earned on unspent s7.11 developer contributions is \$673,761 and Domestic Waste Management reserves is \$410,398 to the end of November. This leaves \$1,662,561 which is unrestricted.

All investment returns on externally restricted funds are allocated to those funds in accordance with legislation.

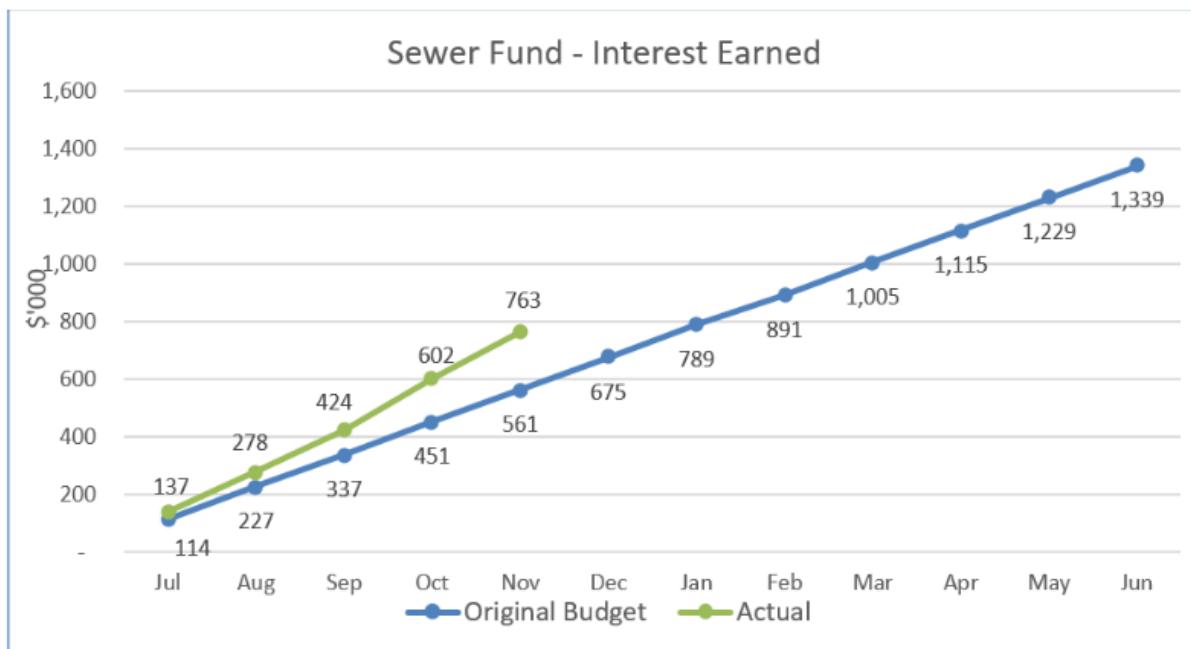
All investment returns on unrestricted funds are included in Council's budget as general revenue and are utilised to help fund core services.

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

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



CL25.422



Risk Implications

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

Internal Consultations

Not applicable.

External Consultations

Council's investment advisor, Arlo Advisory Pty Ltd.

Community Consultations

Not applicable.

Policy Implications

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

Financial Implications

Financial markets declined this month as global central banks, including Australia, moved away from an easing bias, with some now forecasting a rate increase next year if inflation persists.

CL25.422

Statement by Responsible Accounting Officer

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulations 2021 and Council's Investments Policy POL23/2.



Mathew Badcock

Date: 4 December 2025

CL25.422

CL25.423 Investment Policy

HPERM Ref: D25/555183

Department: Finance

Approver: Katie Buckman, Director - City Performance

Attachments: 1. Investment Policy with tracked changes December 2025 [Download](#)

Purpose:

The purpose of this report is to submit the updated Investment Policy, which has been endorsed by the Audit, Risk and Improvement Committee (ARIC), for consideration.

Recommendation

That Council adopt the updated Investment Policy as per Attachment 1.

Background

Legislation requires Council to maintain an Investment Policy that complies with the *Local Government Act 1993*, *Local Government (General) Regulation 2021*, Ministerial Investment Order of 12 January 2021 and the Investment Policy Guidelines issued by the then Division of Local Government in May 2010, and to review the Investments Policy at least annually.

Council adopted the current Investment Policy (the Policy) at its meeting on 28 October 2024. The Policy has been reviewed by Finance staff with consultation from our investment advisor, Arlo Advisory. Minor changes to the content are proposed.

The updated Policy was included on the agenda of the Audit, Risk and Improvement Committee (ARIC) meeting held on 12 November 2025, and it was resolved “that ARIC endorse the Investment Policy, noting the minor changes outlined in the report”.

Proposed changes

There are no proposed changes to the overall content, structure or objectives of the Policy. The main changes proposed are under the following headings of the Policy:

4. Risk Management

a) Authorised investments

- Remove the last dot point because Council does not have any grandfathered investments.

d) Credit Quality Limits

- Include the Fitch equivalent credit ratings for those approved deposit taking institutions who are not officially rated by Standards & Poor's.
- Consolidate the table to have each rating category on its own line.
- Increase the maximum percentage of portfolio in the A category from 40% to 70%.

e) Counterparty Limits

- Consolidate the table have the A category on a single line.
- Reduce the AAA category from 100% to 50%.
- Reduce the AA category from 100% to 50%.

- Reduce the A category from 100% to 30%.

f) Term to Maturity Limits

- Remove the 0 – 3 months investment horizon.
- Remove the left most column as these descriptors are not used in any reporting.
- Remove the second table on tenor limitations.

Some further wording and grammatical changes are also proposed to update the Policy to improve the overall presentation of the Policy.

Risk Implications

The proposed changes are aimed at reducing Council's risk exposure in the current economic climate

Internal Consultations

Governance

External Consultations

Office of Local Government

Council's investment advisor, Arlo Advisory Pty Ltd

CL25.423

Community Consultations

Not applicable

Policy and Statutory Implications

The Policy has been reviewed by Council's investment advisor and the ARIC, with some minor changes recommended.

Financial Implications

Not applicable



Investment Policy

Adoption Date:	19/06/2001
Reaffirmed:	28/09/2004, 18/12/2018, 28/10/2024
Amendment Date:	26/09/2006, 7/10/2008, 1/02/2011, 23/04/2013, 14/10/2014, 24/05/2016, 15/08/2017, 23/02/2018, 26/11/2019, 10/12/2019, 1/12/2020, 25/05/2021, 01/08/2022
Minute Number:	MIN01.788, MIN04.1165, MIN06.1217, MIN08.1339, MIN11.55, MIN13.368, D14/268858, MIN16.380, MIN17.221, MIN17.701, MIN18.20, MIN18.1023, MIN19.877, MIN19.933, MIN21.332, MIN22.497, MIN24.566
Review Date:	18/05/2025
Directorate:	City Performance
Record Number:	POL23/2

Investment Policy

1. Objectives

The purpose of this policy is to provide a framework for making decisions concerning the appropriate investment of Council's funds, at the most favourable rate of interest available to it at the time to maximise returns, whilst having due consideration of risk, liquidity and security for its investments.

Council may pursue other objectives that maximise community benefits, including more restrictive rules to qualify for concessional debt funding.

The policy establishes a series of limits within which Council officers must operate in the planning and process of investing Council monies. In setting these limits Council is determining the general level of risk that is acceptable for monies managed on trust for the community of Shoalhaven.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return of investment. Council, therefore, has several key objectives for its investment portfolio:

- Compliance with legislation, regulations, the prudent person tests of the Trustee Act and best practice guidelines;
- Preservation of the amount invested for defensive fixed interest investments. Some NSW Tcorp Funds are highly volatile, and Council understands it should take a long-term view when placing surplus assets into any of their managed funds;
- To ensure there is sufficient liquid funds to meet all reasonably anticipated cash flow requirements.
- Adherence to debt covenants.
- To generate income from the investment that exceeds the performance benchmarks mentioned later in this document.

2. Legislative Requirements

All investments are to comply with the following:

- *Local Government Act 1993*;
- *Local Government (General) Regulation 2021*;
- Ministerial Investment Order;
- The *Trustee Amendment (Discretionary Investments) Act 1997* – Section 14;
- *Local Government Code of Accounting Practice and Financial Reporting*;
- Australian Accounting Standards;
- Office of Local Government *Investment Policy Guidelines*; and
- Office of Local Government Circulars.

3. Authority

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*.

The CEO may in turn delegate the day-to-day management of Council's investment portfolio to the Responsible Accounting Officer and/or other Finance staff who must ensure adequate skill, support and oversight is exercised in the investment of Council funds.

Investment Policy

Officers' delegated authority to manage Council's investments shall be recorded and they will be required to acknowledge they have received a copy of this policy and understand their obligations in this role.

4. Risk Management

Investments obtained are to be considered with the following key criteria:

- *Preservation of capital* – the requirement for preventing losses in an investment portfolio's total value (considering the time value of money);
- *Diversification* – the requirement to place investments in a broad range of products so as not to be overexposed to a particular sector of the investment market;
- *Credit risk* – the risk that a party or guarantor to a transaction will fail to fulfil its obligations. In the context of this document it relates to the risk of loss due to the failure of an institution/entity with which an investment is held to pay the interest and/or repay the principal of an investment;
- *Fidelity, legal and documentary risk* – the risks of suffering loss from staff or counterparty fraud, theft, failure to document transactions and title with enforceable documents or compensation to third parties for these failures;
- *Market risk* – the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices or benchmark returns will unexpectedly overtake the investment's return.
- *Covenant risks* – the risk of breaching debt covenants and bearing additional costs.
- *Liquidity Risk* – the risk an institution runs out of cash, is unable to redeem investments at a fair price within a timely period, and thereby Council incurs additional costs (or in the worst case is unable to execute its spending plans).
- *Maturity Risk* – the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities; and
- *Rollover Risk* - the risk that income will not meet expectations or budgeted requirement because interest rates are lower than expected in future

The following indicates the limitations to be applied to avoid these risks:

a) Authorised Investments

All investments must be denominated in Australian Dollars. Authorised Investments are limited to those allowed by the Ministerial Investment Order and include:

- Commonwealth / State / Territory Government securities, e.g. bonds;
- Interest bearing deposits / senior securities issued by an eligible authorised deposit-taking institution (ADI);
- Bills of Exchange (< 200 days duration) guaranteed by an ADI;
- Debentures issued by a NSW Council under *Local Government Act 1993*;
- Deposits with TCorp &/or Investments in TCorpIM Funds; and

b) Prohibited Investments

This Investment Policy prohibits the following types of new investment:

Investment Policy

- Derivative based instruments¹;
- Principal only investments or securities that provide potentially nil or negative cash flow;
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind;
- Mortgage of land;
- Investment trusts, even where the trusts adhere to the Minister's Order fully with the exception of T-CorpIM Funds; and
- Any other investment written out of the Minister's Order.

This policy also prohibits the use of leveraging (borrowing to invest) an investment. However, nothing in the policy shall prohibit the short-term investment of loan proceeds where the loan is raised for non-investment purposes and there is a delay prior to the expenditure of loan funds.

c) Liquidity and Maturity

Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment. Therefore, the maturity dates of each investment must be carefully chosen and reviewed to ensure that cash levels are sufficient to fulfil these estimated requirements.

d) Credit Quality Limits

The portfolio credit guidelines to be adopted will reference the Standard & Poor's (S&P) ratings system format, with Moody's or the Fitch equivalent may also be used when the ATI is not officially rated by S&P – the lower of these ratings (stated in this format) is to be used.

However, the primary control of credit quality is the prudential supervision and government support and implicit and explicit guarantees of the ADI sector, not ratings.

The maximum holding limit in each rating category for Council's portfolio shall be:

Long-Term Rating Range	Maximum % of Portfolio
AAA category	100%
AA category or Major Banks	100%
A category	70%
BBB+ to BBB category	35%
BBB- and below category (including unrated ADI's)	0%
TCorp Investments *	15%

*

¹ Prohibited investments are not limited to the list above and extend to any investment carried out for speculative purposes.

Investment Policy

* Council should refer to the TCorpIM Funds Offer Document dated 1 February 2020 and, section 4 (Risks of Investing) and, if appropriate, seek independent financial advice prior to making any investment in TCorp Investments. Investments are not guaranteed.

e) Counterparty Limits

Exposure to individual counterparties/financial institutions will be restricted by their rating so that single entity exposure is limited, as detailed in the table below. No further investment will be made with Unrated institutions beyond their government guaranteed level, except for local ADIs concentrating in the Illawarra or South Coast regions.

Individual Institution or Counterparty Limits		
Long-Term Rating Range	Maximum % of Portfolio	
AAA category	50%	
AA category	50%	
Acategory	30%	
BBB+	10%	
BBB	5%	
BBB- and below: (including unrated ADIs)	0%	
TCorp Investments	15%	

f) Term to Maturity Limits

Council's investment portfolio shall be structured around the horizon of investment to ensure that liquidity and income requirements are met, as well as restricting the tenor of individual investments.

Once the primary aim of liquidity is met, Council will ordinarily diversify its maturity profile as this will ordinarily be a low-risk method of obtaining additional return as well as reducing the risks to Council's income. However, Council always retains the flexibility to invest as short as required by internal requirements or the economic outlook. Judgment of the state of domestic and global economic circumstances should also be carefully considered when making decisions on the terms of an investment.

The factors and/or information used by Council to determine minimum allocations to the shorter durations include:

- Council's liquidity requirements to cover both regular payments as well as sufficient buffer to cover reasonably foreseeable contingencies;
- Medium term financial plans and major capital expenditure forecasts;
- Known grants, asset sales or similar one-off inflows; and
- Seasonal patterns to Council's investment balances.

	Horizon	Maximum % of Portfolio
	0-12 months	100%

Investment Policy

	1-2 years	70%
	2-5 years	50%
	5-10 years	25%

Within these broad ranges, Council relies upon assumptions of expected investment returns and market conditions that have been examined with its investment advisor.

On advice, Council shall designate an appropriate horizon to investment in managed funds, which have no maturity date. In addition, Council may allocate a horizon to eligible tradeable or callable securities which have an anticipated holding period shorter than the legal maturity.

5. Third Party Suppliers and Dealers

Council will structure its affairs to be economical in its investment management costs, favouring dealing direct in its fixed interest, where possible (or, where intermediated, arrangements that result in a rebate of brokerage).

At times, it will be advantageous to deal with third parties that are remunerated on a transaction, rather than retainer basis. Council will use such suppliers where it is to its advantage and apply a “best execution” test. Specifically, Council will have regard to:

- Administrative cost savings;
- Ability to access higher (retail) rates where exceeding the direct transaction costs;
- Access to ADIs that would not normally have an institutional direct channel;
- Limited access or initial offering deals, or other secondary market opportunities that are only available from specific sources; and
- The costs of other distribution channels that do not involve transaction remuneration.

Council will take steps to ensure that:

- Any suppliers used are appropriately licensed, reputable and capable;
- Funds and identification data are sufficiently secured;
- Third party arrangements do not materially worsen Council’s credit risks by creating exposure to the dealer as counterparty;
- Council maintains ownership of investments facilitated by a third party at all times; and

Investment Policy

- Remuneration arrangements are reasonable and transparent, whether paid by Council or by the issuer directly.

6. Investment Advisor

Council's investment advisor is appointed by the Council and must be licensed by the Australian Securities and Investment Commission (ASIC). The advisor must be independent and must confirm in writing that they have no actual or potential conflict of interest in relation to investment products being recommended and are free to choose the most appropriate product within the terms and conditions of the Investment Policy. This includes receiving no commissions or other benefits in relation to the investments being recommended or reviewed unless such remuneration is rebated 100% to Council.

7. Accounting

Council will comply with appropriate accounting standards in valuing its investments and quantifying its investment returns.

In addition to recording investment income according to accounting standards, published reports may show a break-down of its duly calculated investment returns into realised and unrealised capital gains and losses, and interest.

Other relevant issues will be considered in line with relevant Australian Accounting Standards, such as discount or premium, designation as held-to-maturity or on a fair value basis and impairment.

8. Safe Custody Arrangements

Where necessary, investments may be held in safe custody on Council's behalf, as long as the following criteria are met:

- Council must retain beneficial ownership of all investments;
- Adequate documentation is provided, verifying the existence of the investments at inception, in regular statements and for audit;
- The Custodian conducts regular reconciliation of records with relevant registries and/or clearing systems; and
- The Institution or Custodian recording and holding the assets will be:
 - The Custodian nominated by TCorpIM for its Funds;
 - Austraclear;
 - An investment-grade institution by Standard and Poor's, Moody's, or Fitch rating; or
 - An institution with adequate insurance, including professional indemnity insurance and other insurances considered prudent and appropriate to cover its liabilities under any agreement.

9. Performance Benchmark

The performance of each investment will be assessed against the benchmarks listed in the table below. It is Council's expectation that the performance of each investment will be greater than or equal to the applicable benchmark by sufficient margin to justify the investment considering its risks, liquidity, and other benefits of the investment, and executed at the best pricing reasonably possible.

Investment	Performance Benchmark	Time Horizon
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Investment Policy

11am accounts, short dated bills, ADI deposits of appropriate term, TCorpIM Cash.	AusBond Bank Bill Index (Net of Fees and Expenses)	3 months or less
Term Deposits or FRNs of appropriate remaining term.		3 months to 12 months
Term Deposits with a maturity date between 1 and 2 Years, FRNs, TCorpIM Short Term Income.		1 to 2 yrs.
FRNs, Bonds, Term deposits with a maturity date between 2 and 5 Years.		2 to 5 yrs.
TCorpIM Managed Funds (outside fixed interest sectors)	Fund's Internal Benchmark (Net of Fees and Expenses)	5yrs. (M/T Growth) 7+ yrs. (L/T Growth)

The decision on when to exit such investments are based on a range of criteria specific to the investments – including but not limited to factors such as:

- Returns expected over the remaining term
- Fair values
- Competing investment opportunities
- Costs of holding
- Liquidity and transaction costs
- Outlook for future investment values

10. Reporting and Reviewing of Investments

Documentary evidence must be held for each investment and details thereof maintained in an investment register.

The documentary evidence must provide Council legal title to the investment.

For audit purposes, certificates must be obtained from the banks/fund managers/custodian confirming the amounts of investment held on Council's behalf at 30 June each year and reconciled to the investment register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least monthly. The report will detail the investment portfolio in terms of holdings and impact of changes in market value since the previous report and the investment performance against the applicable benchmark. Council may also nominate additional content for reporting.

A monthly report will be provided to Council detailing the money invested as required by clause 212 of the *Local Government (General) Regulations 2005*.

11. Duties and Responsibilities of Council Officers

The *Trustee Act 1925* requires trustees to “*exercise the care, diligence and skill that a prudent person of business would exercise*” in investing beneficiary funds, and this test is adopted by the Guidelines, which also state “*A prudent person is expected to act with considerable duty*

Investment Policy

of care, not as an average person would act, but as a wise, cautious and judicious person would.”

As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy and not for speculative purposes.

When exercising the power of investment, the council officer should consider the following issues:

- The risk of capital or income loss as well as other risks referenced in this Policy;
- The likely income return and the timing of income return;
- The length of term of the proposed investment;
- The liquidity and marketability of the proposed investment;
- The likelihood of inflation affecting the value of the proposed investment; and
- The costs (such as commissions, fees, charges and duties) of making the proposed investment.

12. Ethics and Conflict of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager.

Independent advisors are also to declare that they have no actual or perceived conflicts of interest and receive no inducements in relation to Council's investments, as outlined more fully in the Investment Advisor section.

13. Implementation

The Finance Section within the City Performance Directorate has responsibility for implementation of this policy.

14. Review

This policy shall be reviewed annually and as required in the event of legislative change or because of significantly changed economic/market conditions. Any proposed amendments to the Investment Policy must be approved by a resolution of Council.

CL25.424 Tender Exemption - Proposed Investment in Payment Platform - Paybles

HPERM Ref: D25/566645

Department: Finance

Approver: Katie Buckman, Director - City Performance

Purpose:

To allow council to consider a tendering exemption, and enter direct negotiations with a vendor to implement a direct to customer payment platform for water and council rates.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

Recommendation

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

Background

Payble Pro is an online platform that via a ratepayer login allows ratepayers to access real time data on their water and general rates outstanding balances. It also permits ratepayers to create flexible payment plans via automatic direct debit which is a cheaper payment method (from Council's perspective) than other methods used.

The intention is to enter a contract with Payble to implement the service which will allow ratepayer bill smoothing at the ratepayers discretion and reduce printing costs for rates notices as well as staff time relating to debt enquiries.

Shoalhaven Water staff and General Fund Rates (Finance Department) staff have reviewed the current experience of our customers and considered options to use proven products to achieve the following outcomes:

- Improve the ability for customer to self-service and improve customer experience (objective of ICT strategy)
- Improve cashflow and reduce debt levels (recommendation of the Finance Review Panel)
- Reduce manual tasks required to support customer payments and direct debits, and customer balance inquiries
- Invest savings made, through the reduction of manual tasks, into proactive debt management and auditing of customer categories.

The solution offered by vendor Payble is in place across the local government sector (currently 45 councils have contracts with Payble). Our staff have reviewed the product to validate the benefits that can be realised from their solution.

CL25.424

A tender exemption is sought as Payble Pro is a unique proprietary software developed by Payble Pty Ltd specifically designed for the needs of councils. It is the only solution that integrates with TechnologyOne infrastructure and CBA payment processing and is the only system that can successfully meet council's PCI-DSS Compliance requirements for secure credit/debit card data storage.

Specific features of Payble that are unique to the market include:

- PCI-DSS compliant credit/debit card storage, enabling customers to initiate "set and forget" card payments
- End-to-end facilitation of bill-smoothing payments, including customer prompts, enrolment, schedule calculation, and customer notifications
- Self-serve payment arrangements compliant with council policies and the Local Government Act
- Pro-active repairs - automatic follow-up of missed or dishonoured payments
- Works across rates and water while enabling separate compliance processes and configuration for each

Details relating to the proposal are contained in the confidential report.

Risk Implications

Details relating to the proposal are contained in the confidential report

CL25.424

Internal Consultations

The Finance department (Rates) and Shoalhaven Water have been involved in the initial consultations, and will be involved in the implementation of this platform.

Council's IT team have also reviewed the product offered and completed a base line Cyber Security assessment – the team were satisfied the product meets our requirements in this regard.

External Consultations

Technology One, the Commonwealth Bank, and other Councils who have implemented the platform will be consulted in relation to the implementation.

Community Consultations

Shoalhaven City Council ratepayers will need to be consulted and encouraged to engage with the platform. This will be undertaken using existing communication channels including, but not limited to, information sent out with quarterly rates notices.

Policy Implications

This report and proposed recommendation is in accordance with Council's adopted Procurement Procedures and applicable Legislation.

Financial Implications:

Financial details relating to the proposal are contained in the confidential report

CL25.425 Review of Comerong Island Ferry Fees and Charges

HPERM Ref: D25/520630

Department: Works & Services

Approver: Andrew Constance, Chief Executive Officer

Attachments: 1. Comerong Island Ferry Services - Discussion Paper [↓](#)

Purpose:

The purpose of this report is to recommend that the Comerong Island Ferry fees be reinstated to the rates applied in the 2024/2025 financial year, due to the lack of targeted consultation with significantly impacted residents prior to the adoption of the 2025/2026 fees and charges.

Due to the scheduled refurbishment of the ferry and subsequent technical issues from September to early December 2025, the 2025/2026 charges have not been applied to date.

Any future proposals to amend the Comerong Island Ferry fees will be subject to a formal report to Council, which will include consultation with residents and primary land users of Comerong Island.

Recommendation

That the fees for the Comerong Island Ferry revert to those adopted for the 2024/2025 financial year, due to the lack of targeted community consultation undertaken prior to the adoption of the 2025/2026 fees and charges.

Background and Supplementary information

The Comerong Island Ferry provides essential access to Comerong Island and forms part of the local road network. There are no alternative road connections to the island; therefore, residents and other users rely entirely on the ferry for access. This includes 14 residential dwellings, adjacent farmland, and areas managed by National Parks.

Historically, residents of Comerong Island were not charged for ferry use with fees only being applied to non-residential users. However, new fees were introduced in the 2025–26 financial year following Shoalhaven City Council's annual review of Fees and Charges. This includes, among other things, a fee structure that applied to residents.

Each year, Council reviews its Fees and Charges as part of developing and adopting the Delivery Program Operational Plan (DPOP). This process outlines the proposed and adopted works, budget allocations, and fees required to achieve the goals set out in Shoalhaven 2035 Community Strategic Plan.

For the 2025–26 financial year, the DPOP was placed on public exhibition for 28 days ([MIN25.196](#)) and subsequently adopted on 19 June 2025 ([MIN25.324](#)). The adopted fees are detailed in [Fees and Charges – Part 2 \(2025/26\)](#), page 60.

Key Changes

Compared to the 2024–25 structure (Table 1), the 2025–26 fee structure (Table 2) introduced significant changes, including a new fee for Comerong Island residents to use the ferry and several additional charges.

Table 1 – 2024-25 Fees and Charges

Fee Description	Purpose	Pricing Policy	Recovery	GST incl.	2024/2025 Amount
Comerong Island Ferry Toll	As stated, return trip per vehicle, including bicycles and motorbikes	Partial cost recovery	7.40%	Y	\$20.00 return trip per vehicle including bicycles

Table 2 – 2025-26 Fees and Charges

Fee Description	Purpose	Pricing Policy	Recovery	GST incl.	2025/2026 Amount
Comerong Island Ferry Toll - Agricultural Tractor - Annual	As stated	Partial cost recovery	10%	Y	\$400.00
Comerong Island Ferry Toll - Agricultural Tractor - Return Trip	As stated	Partial cost recovery	10%	Y	\$30.00
Comerong Island Ferry Toll - Bicycle / MotorCycle - Annual	As stated	Partial cost recovery	10%	Y	\$200.00
Comerong Island Ferry Toll - Bicycle / MotorCycle - Return Trip	As stated	Partial cost recovery	10%	Y	\$10.00
Comerong Island Ferry Toll - Bicycle / MotorCycle - Weekly	As stated	Partial cost recovery	10%	Y	\$35.00
Comerong Island Ferry Toll - Car / Vehicle under 3 tonne capacity - Annual Pass (limit of two per residence)	As stated	Partial cost recovery	10%	Y	\$400.00
Comerong Island Ferry Toll - Car / Vehicle under 3 tonne capacity - Return Trip	As stated	Partial cost recovery	10%	Y	\$20.00 per service
Comerong Island Ferry Toll - Car / Vehicle under 3 tonne capacity - Weekly	As stated	Partial cost recovery	10%	Y	\$70.00
Comerong Island Ferry Toll - Caravan, Box or boat trailer (additional charge excluding vehicle) - Return trip	As stated	Partial cost recovery	10%	Y	\$20.00
Comerong Island Ferry Toll - Vehicle over 3 tonne capacity - Annual	As stated	Partial cost recovery	10%	Y	\$800.00

CL25.425

Comerong Island Ferry Toll - Vehicle over 3 tonne capacity - Return Trip	As stated	Partial cost recovery	10%	Y	\$40.00
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Although these changes were publicly exhibited as required by MIN25.196, no targeted consultation occurred with the ferry's impacted users. After adoption, residents received a letter dated 20 August 2025 outlining the new fees and a permit system for residents. This prompted the community to submit a Discussion Paper to Council expressing concerns, including:

“Council included an unprecedented fee schedule into the Draft Delivery Program Operational Plan & Budget 2025/26 without any community engagement or consultation. The first time any Comerong Island property owners were aware of this change was in a letter dated 20 August 2025, which included a permit system for residents with the following restrictions...”

This lack of consultation and the resulting fee structure prompted a site meeting between residents and the Director of City Services on 31 October 2025. During preparations for, and at the meeting itself, it was confirmed that no consultation had occurred beyond the general public exhibition, and the changes were not specifically communicated to ferry users.

Given the financial impact on residents who rely on the ferry for access to their homes, the lack of targeted consultation is considered insufficient. Accordingly, this report recommends:

- Reverting to the 2024–25 adopted Fees and Charges for the Comerong Island Ferry.
- Ensuring that any future fee adjustments include targeted consultation with impacted ferry users so that implications are fully considered before adoption.

CL25.425

Risk Implications

Failure to revert to the 2024/2025 fee structure presents a significant reputational risk to Council. It may be perceived that Council did not undertake adequate, targeted community consultation prior to adopting the 2025/2026 Comerong Island Ferry fees, particularly given the substantial financial impact these fees impose on Comerong Island residents.

From a financial perspective, the risk is minimal. The anticipated increase in revenue under the current fee structure remains relatively insignificant when compared to the overall cost of operating the ferry.

Internal Consultations

Minimal internal consultation has been undertaken regarding the proposed revision of fees, as the internal impact is assessed to be low.

External Consultations

No external consultation has been undertaken in the preparation of this report, as the impacts are limited to the affected community members.

Community Consultations

Comerong Island residents and several associated land users were consulted on the proposal outlined in this report during a site meeting held on 31 October 2025. Additionally,

consideration has been given to the contents of the joint Comerong Island Community Statement, which was submitted to Council on 27 October 2025 (Attachment 1).

Policy and Statutory Implications

No policy or statutory implications have been identified in the preparation of this report.

Financial Implications

Reverting to the 2024/2025 fee structure will reduce Council's capacity to generate revenue to support the ongoing operation of the ferry. However, even under the 2025/2026 fee structure, the projected revenue represents only a small fraction of the ferry's operational costs. Consequently, the associated reduction in revenue is not considered significant.

Due to the scheduled refurbishment of the ferry and subsequent technical issues occurring from September to early December 2025, the associated charges have not been applied to date. This delay in implementation has resulted in no revenue being generated from the newly introduced fees during this period.

CL25.425

Comerong Island Ferry Service - Discussion Paper

Response to Proposed Toll Fee Schedule FY26

Prepared by: Comerong Island Property Owners
Date: 27 October 2025

This document canvasses the background information and issues regarding the Comerong Island Ferry service and the proposed introduction of a Toll Fee Schedule.

History of Comerong Island and its Ferry

The stretch of water separating the mainland and the Comerong Island is a man-made canal approximately 150 meters in length. This canal provides the only navigable waterway between the Shoalhaven River and the Pacific Ocean and is Australia's first man-made canal.

The entire Shoalhaven shire has benefited as a direct result of the canal being dug providing permanent access to the river.

Equally, because of the canal being dug, the only access to the island is the road ferry over Berry's canal, which is an extension and part of Comerong Island Road.

Comerong Island Road begins at Terara and continues to its ultimate end point at the northern car park on Comerong Island. As per Councils Comerong Island Ferry Service Report in 2019 under councils' "obligations": *In accordance with the Roads Act, the ferry is regarded as a "road-ferry" and therefore classified as a "road" under the Act.*

For those that need access to Comerong Island, the ferry is not an optional route, there is no alternative onto the island. As the only means to access the island, the ferry is a vital asset to the public road network and residents, their visitors, contractors and farmers have travelled the ferry at no cost, while tourists have been charged between \$10-20 per trip in recent years.

The Comerong Island Community

Comerong Island is one of the smallest suburbs in the Shoalhaven region, comprising approximately 14 residential dwellings and multiple farming practices. Collectively, these properties represent just 37% (302 hectares) of the island's land mass. The use of private property falls within:

- Full time residential homes
- Holiday homes
- Short term stay / tourism
- Agriculture (primarily cropping and cattle)

The majority of the island, approximately 63% (521 hectares) along its eastern side, is designated as a Nature Reserve and managed by the National Parks and Wildlife Service (NPWS).

Broader Users & Beneficiaries of the Ferry Service

Access to Comerong Island's is not limited to the small group of private property owners. There are a large number of other parties that benefit directly from the access to the ferry, including:

- National Parks and Wildlife (see specific issues in relation to this below).

- Council's maintenance, being responsibilities of the public road network on the island.
- Council managed garbage trucks access.
- Utility providers eg. Endeavour Energy.
- NSW rural fire service (including fire management in the national park).
- Commercial fisherman that access the island onto the beach for commercial fishing practices in addition to recreational fisherman.
- Fisherman that use the canal from Shoalhaven River to the ocean.
- Coast Guard and marine rescue using the canal.
- Commercial oyster farmers using the canal for access.

As such, the Comerong Island Ferry does not exist solely as a private or recreational service but makes up part of the public road network and infrastructure and benefits the wider Shoalhaven community and the need to supply an essential service to facilitate access to the river and the island.

Current Service

Absence scheduled out of service maintenance, the ferry operates on the following bases:

- Daily between 6:00 am and 9:50 pm.
- Property owners, residents, their visitors, and contractors travel free of charge.
- Tourism visitors to the island had an increase in the road toll from \$10 to now \$20 return fare.

Comerong Island New Ferry Toll Fee Schedule (FY26)

Council included an unprecedented fee schedule into the Draft Delivery Program Operational Plan & Budget 2025/26 without any community engagement or community consultation

The first time any of the Comerong Island property owners were aware of this change was detailed in the new fee schedule in a letter to property owners dated 20th August 2025, which included a permit system for residents with the following restrictions:

- Each household on Comerong Island will be eligible for two permits.
- Permits are issued to vehicles registered to the residential address on the island.

Category	Description	Fee Type	Fee (Annual / Per Trip)
Agricultural Tractor	Annual Pass	Annual	\$400.00
	Return Trip	Per Trip	\$30.00
Bicycle / Motorcycle	Annual Pass	Annual	\$200.00
	Return Trip	Per Trip	\$10.00
Car / Vehicle < 3 tonne	Weekly Pass	Weekly	\$35.00
	Annual Pass (<u>limit of 2 per residence</u>)	Annual	\$400.00
	Return Trip	Per Trip	\$20.00

Trailer (Caravan, Box, Boat)	Additional charge (excluding Per Trip vehicle)		\$70.00
Vehicle > 3 tonne	Weekly Pass	Weekly	\$20.00
	Annual Pass	Annual	\$800.00
	Return Trip	Per Trip	\$40.00

National Parks and Wildlife Responsibilities

The majority of the island is designated as a Nature Reserve and managed by the National Parks and Wildlife Service (NPWS) who use the ferry service free of charge. We believe that NSW parks are in breach of their management plan policy as it relates specifically to Comerong Island and the recent long term closures of the island by National Parks and Wildlife have negatively impacted the revenue of the ferry and council.

Page 23 of the 1998 Seven Mile Beach National Park and Comerong Island Nature Reserve Plan of Management states:

- *Understanding and appreciation of the natural and cultural values of the national park and nature reserve will be promoted by such means as on-site interpretive information, media releases and holiday activity programs.*

Page 27 of the document specifically addresses the requirement for public access and services on Comerong Island as being:

- *Existing recreation facilities will be retained or improved with basic facilities as follows:*
- *Southern carpark: existing parking area and small adjacent grassed area for picnicking, pit toilet, walking track to beach*

<https://www.environment.nsw.gov.au/sites/default/files/seven-mile-beach-national-park-comerong-island-reserve-plan-of-management-980218.pdf>

As property owners on Comerong Island, we have a wide range of issues and concerns in regard to this new policy being implemented, the key ones being:

Introduction of a road toll in the Shoalhaven area:

The proposed fee schedule is effectively the introduction of the first road toll in the Shoalhaven area. Where these types of fee schedules have been introduced elsewhere in NSW, the users of the ferry have an alternative access point and can therefore decide if they wish to pay the fee for direct access and convenience or not.

Property owners of Comerong Island have no other access point other than the ferry; the new fee schedule is a direct charge on the use of their properties which also extends to any service that is required via other trades as these charges will also need to be passed onto property owners.

Further, the road toll annual pass, being limited to 2 per residence, discriminates against families that have more than 2 vehicles or those that do not have their vehicles registered to a Comerong Island address.

No consultation process:

Per Councils Community Engagement Strategy and Framework 2024 – 28, community engagement and consultation should have been done prior to the decision being made to include the proposed fees in the Draft Delivery Program Operational Plan & Budget 2025/26.

These fees are not an increase to existing charges, but rather a new and unprecedented introduction of toll fee for residents and farmers accessing the Comerong Island Ferry service. Such a significant change should have involved meaningful community engagement and consultation prior to implementation. For context, the following consultation steps with what is a very small community that we would consider normal, did not occur:

- No letterbox drops to residents or property owners.
- No community survey was undertaken.
- No emails or direct correspondence were issued.
- No impact assessment or social impact study was conducted.
- No community meetings or engagement sessions were held.
- No notice was provided to the ferry operators to inform users.
- No signage or public notice was displayed on the ferry.

Events involving a change or amendment to the operational nature of the ferry have occurred in the past, property owners have been informed by applying the measures described above. The process adopted that led to the introduction of the new fee schedule appears designed to actively exclude property owners from the decision that was arrived at.

Financial Impact:

In addition to the increase in cost to property owners on a daily basis, it most likely will also have a significant negative impact on the value of property on the island. Property owners, lessees and residents have planned their lives, agreed to contracts, purchased property, and paid rates with toll free property access.

Social, Guest, Essential Services Access:

Families rely on welcoming guests, carers, and essential services. The \$20 per trip Fee will isolate the Comerong community by taxing everyday visits.

No other Shoalhaven resident pays for people to visit or maintain their homes. This proposal is not merely an economic matter; it carries serious social and mental health implications. Placing a financial impost on family visits, social interaction, and caregiving risks isolating residents and has the potential to create measurable harm to our community's wellbeing. Local government has a duty to protect, not restrict, the Island community access to essential support and connection.

Decision Based on False Information:

Council Staff have since recognised that the models used to justify the introduction of this road toll, were critically different in the service provided where they provide an extended discretionary service to a community who have another alternative road access.

- The Port Macquarie ferry is a matter of convenience – an optional, time-saving alternative to the bridges and roadways that provide free access to the same destinations. Comerong Island has no other means of access.
- In Port Macquarie, the Settlement Point Ferry operates 24 hours a day, 7 days a week, and the Hibbard Ferry runs daily compared to the restricted hours that the Comerong Island ferry operates.
- These other ferries provide short-cut services, chosen for convenience – everyone can reach their homes via a free bridge and road network if they prefer at any time.

A Historic Public Obligation:

The canal was dug in 1822 and the entire Shoalhaven shire has benefited ever since and Government Accepted Responsibility for the Ferry has seen it continue to provide the service as part of the public road network ever since. The proposed change in fee schedule is a direct tax on a small community that has no alternative but to use the ferry, while the broader community and wider beneficiaries of the ferry continue to access the river free of charge.

Other Sources of Income Should be Pursued:

Comerong Island is a valuable regional and community asset that should be promoted. In doing so, this would bring additional revenue to Shoalhaven Council that would help offset the ferries running cost.

To deliver this, Comerong Island should be being cared for and promoted per National Parks & Wildlife's Plan of Management.

Counter to the Plan of Management, the toilet facilities on the southern end of the car park have been removed, road access obstructed, is overgrown and is generally in poor condition and access has been closed for long periods of time in recent years.

We believe council is missing out on potential revenue from recreational tourism.

Disproportionate Harm, Minimal Benefit:

In a time of cost of living crisis this decision charges an unprecedented fee on normal daily life for a small community who has no other option. Many of the Island Community have been here for decades, if not generations. People have designed farms, bought property, agreed to contracts, signed leases, and planned their lives around the conditions of being on the island, and all the challenges that entails.

The proposed potential income of 20k for council is grossly outweighed by the significant harm imposed on the Island Community. The proposal would create financial, social, and psychological burdens; deter services and visitors; and unnecessarily increase isolation for a small community. This is a clear case of disproportionate harm for minimal financial benefit, failing the tests of fairness, proportionality, and sound administrative decision-making expected of a local government.

Our Position

The proposed charges are based on flawed research, a fundamental misunderstanding of the ferry's historical purpose, and the broader Shoalhaven-wide benefits it provides. The charges represent an unprecedented toll imposed without any consultation on a small community that has no alternative access to their homes and farms.

Given the issues identified, and the ferry's role as an essential access component of the road network, we request that the proposed fee schedule charges be removed, and that the long-standing practice which has effectively served the community for many years remain.

On behalf of:
Comerong Island Community:

Doug and Tim Jackson	Chris & Maria Dinnison
David Gribble	Matt Young and Kelly Darcy
John & Saskia Theobald	Michael Everett and Susie Woodcock
MacInnelly Family	Brian Peden
Robert and Christie Hamilton	Ronnie and Sam Graham
Robert Mitchell	Kevin Wellman
Adam Blackwell	Peter Katz
Brent Pepper	Matt and Graham Coulthart
Peter and Pamela Bice	Vanessa Bisby

CL25.426 Policy Review - Occupation of Council Owned or Managed Land (POL25/49)

HPERM Ref: D25/447148

Department: Buildings & Property Services

Approver: Kevin Norwood, Director - City Services

Attachments: 1. POL25/49 - Occupation of Council Owned or Managed Land [Download](#)

Purpose:

Current Council Policy (POL22/98) – Occupation of Council Owned or Managed Land is now due for review. The Policy has been reviewed, and changes have been made to the prevailing policy. The draft revised policy is now identified as POL22/49.

The revised policy is reported to Council for adoption.

Recommendation

That Council adopt revised POL25/49 – Occupation of Council Owned or Managed Land as shown as an attachment to this report.

Background and Supplementary information

Shoalhaven City Council's Policy (POL22/98) Occupation of Council Owned or Managed Land was adopted 21 December 2009, with amendments in 2013, 2015, 2016, 2020 and 2022. In line with the requirement for policy reviews to occur within each Council term, the policy review has been completed.

The policy has been revised in response to feedback from key internal stakeholders, who indicated that the previous version did not deliver effective outcomes or align with best practice. Since the policy's adoption 12 years ago, no significant changes had been undertaken, and it is necessary to ensure Council's policies remain contemporary. Headline changes to the policy include:

1. Policy Purpose and Statement

Wording updated to reflect strategic alignment with Council's responsibilities for lease and licence considerations under the principal related legislation: the *Local Government Act 1993* and *Crown Land Management Act 2016*.

2. Policy Provisions

Expanded content to include:

- Leases and licences occupying Council-managed Crown Land
- Statutory requirements for lease advertising
- Lease terms, rental calculation, and cost recovery

3. Expression of Interest & Tendering

New provisions for EOI and tendering requirements associated with leasing and licensing public land, aligned with the *Tendering Guidelines for NSW Local Government*.

4. Benchmarking

The review process included an assessment of other Councils' policies to ensure

CL25.426

alignment with contemporary local government practices and to support best-value outcomes for Shoalhaven City Council.

5. Delegations

The revised policy introduces a new Chief Executive Officer delegation for approving leases and licences. Currently, MIN14.912 and POL22/98 require a Council resolution for approval in the following situations:

- Annual rental greater than \$5,000
- Lease term exceeds five years
- An objection has been submitted to Council during statutory lease advertising

Shoalhaven City Council currently has the lowest level of delegation compared to other Councils, resulting in most new lease and licence agreements being reported to Council—an inefficient and unsustainable process.

6. Fixed Rental Subsidy Model

A fixed percentage rental subsidy model is being introduced. Currently, subsidies for eligible groups are determined case-by-case using a rental subsidy calculator, which relies on individual officer interpretation and is difficult to apply. This has led to protracted negotiations and inequity over time.

The new fixed subsidy method (*Rental Assessment Framework*) will simplify the process, ensure transparency, and deliver consistent outcomes for all stakeholders in future lease and licence negotiations.

CL25.426

Risk Implications

Council's interests have been considered and there is minimal risk associated with the recommended changes to POL25/49.

Internal Consultations

Internal stakeholders were consulted with the policy review.

Revised POL25/49 has been endorsed by the Executive Leadership Team. Draft policy changes have been made since the ELT endorsement in October 2025 including the removal of Council's building insurance as an outgoing (operating cost) and recouped from the lessee (section 4.1.7 of the draft policy), as well as exclusion of market rental valuation costs (section 4.1.8 of the draft policy) from Council's cost recovery in lease/licence preparation.

External Consultations

A certified practicing valuer was consulted to advise on valuation processes to ensure the integrity of future land dealings for Council and to support best value outcomes for Council and the community. The revised policy contains provisions under "Rent and Fees" in relation to valuations procured for new lease and licence negotiations.

Community Consultations

The proposed draft policy aims to ensure future consultation with community groups and organisations wishing to occupy Council property under renewed lease or licence can be undertaken with improved transparency for better outcomes.

Current lessees/licensees were directly consulted on the revised draft policy and provided a period of 28 days to make comment. At the end of the direct consultation process, five

lessees/licensees made comment or sought clarification on the policy review. The comments received during the consultation period are summarised below:

Matter raised	Commentary
Rent review by qualified valuer after five years or mid-way through a licence term is unnecessary and costly	<p>The draft policy includes provision for annual rent increase by CPI, and a market rent review at five-year intervals (of a longer term lease with options to extend). The draft policy only requires the rent to be reviewed after five years of a longer-term lease and where options exist, to ensure Council is receiving fair market rent for the property, which is standard leasing practice.</p> <p>Unless it is specified in an individual lease following individual lease negotiation process, a rent review will not be undertaken mid-way through the term.</p> <p>Otherwise, when a lease or licence ends and Council is prepared to enter a renewed agreement, a market rent review or market appraisal must be undertaken in order to determine a fair and reasonable rental subsidy under the Rental Assessment Framework and is standard practice.</p> <p>Council's prevailing policy is not specific in relation to rent review. The revised policy contains specific provisions for clarity.</p> <p>No changes are considered necessary to the draft policy.</p>
Impact of draft policy on prevailing licence agreements for Community Gardens	<p>The prevailing Community Gardens policy of Council (POL22/52) is the relevant policy pertaining to a community garden on Council owned or managed land.</p> <p>Existing or prospective community gardens licensees will still be required to submit a Proposal to Occupy Council Property and be responsible for usage charges associated with the licensed use (eg; electricity and water). These requirements are expressed in draft POL25/49.</p> <p>No changes are considered necessary to the draft policy with the exception of referencing POL22/52 (Community Gardens on Council Managed Land) within the new revised policy.</p>
Costs to be incurred by not for profit groups need to be fair and equitable	<p>No specific details were provided within the submission. The draft policy proposes a new Rental Assessment Framework (RAF) and clearer definition around cost recovery and outgoings which on balance are believed to be improved outcomes for community groups.</p>
Impact of the draft policy on prevailing agreements and future renewals	<p>This specific comment was in relation to a current short-term licence agreement, which exists as there is no corresponding plan of management in place and Council can only currently issue a short-term licence.</p> <p>The draft policy has no impact on current agreements. With regard to the comment made in this particular submission, the new policy provisions will only impact the licensee in a new agreement if a short-term licence is being replaced by a standard (5-year term) agreement.</p>
Whether changes to the draft policy generated by stakeholder concerns will be re-circulated to stakeholders	<p>On the basis of the stakeholder comments, minor changes have been incorporated into the draft policy, but these are not considered significant to warrant further advice or circulation prior to the policy being adopted by Council.</p>

CL25.426

An additional three lessees/licensees requested clarity on the changes from the prevailing policy. In response, the prevailing policy (POL22/98) was provided to the lessees as well as the following generic summary of the key changes to the draft policy:

“The main changes to the policy are:

- inclusion of statutory provisions for lease and licence of public land, such as lease terms and advertising requirements (section 4).*
- new provision for the consideration of Expression of Interest and Tender process to occupy Council land under lease or licence (4.1.13).*
- changing the current rent subsidy calculator process to a fixed percentage subsidy (for eligible community groups and organisations), plus associated provision for negotiated final rental outcomes with lease and licence renewals, to achieve improved transparency (4.1.6)*
- clearer policy provisions for outgoings and cost recovery associated with lease and licence agreements with Council (4.1.7 & 4.1.8)*
- change to the delegations for approval of a lease/licence (4.1.14).”*

Policy and Statutory Implications

As part of this review, amendments have been incorporated into the prevailing policy to align with contemporary local government practices and statutory requirements relating to leases and licences. These changes will better position Council to undertake lease negotiations and dealings, while providing greater certainty to prospective lessees and the community.

The leasing and licensing of Council-owned and managed land is a delegable function of Council. The policy review introduces higher delegations to the Chief Executive Officer and Director City Services, enabling them to approve individual leases and licences where the new rental terms agreed by the parties are consistent with the policy.

Financial Implications

There are financial implications associated with the proposed policy amendments.

As part of this review, the prevailing practice of seeking lessee cost recovery for Council's building insurance associated with leased premises will no longer be pursued. This practice has been in place for approximately the past 12 months.

The ability of lessees/licensees to sustain rent increases under the Rental Assessment Framework, in addition to building insurance costs, has been questioned and has frustrated rent review processes and outcomes. In some cases, rent increases have been compromised to accommodate building insurance cost recovery.

The imposition of building insurance costs on lessees will not be pursued in the draft revised policy. The majority of Council's lessees/licensees are community-based organisations (including not-for-profits) that do not have the financial capacity to absorb Council's building insurance premiums in addition to rental and other outgoings/recoverables.

As Council has not actively practiced building insurance cost recovery over a sustained period, it is not considered that there will be an appreciable financial impact on Council.

The policy incorporates a change from an individually assessed rental subsidy system using Council's Rental Assessment Framework (RAF), to a fixed rent subsidy model. Fixed rent subsidy models are used by other Council's and provides improved budget forecasting. Prevailing rental subsidies to community groups have been considered in the formulation of the new fixed rental subsidy framework.

CL25.426



Occupation of Council Owned or Managed Land

Adoption Date:	21/12/2009
Amendment Date:	26/03/2013, 15/09/2015, 20/12/2016, 28/01/2020, 20/09/2022
Minute Number:	MIN09.1798, MIN13.301, MIN15.597, MIN16.1011, MIN20.65, MIN22.631
Next Review Date:	01/12/2024
Related Legislation:	Section 5 of Policy
Associated Policies/Documents:	Section 5 of Policy
Directorate:	City Services
Responsible Owner:	Property Services Manager
Record Number:	POL25/49

Contents

1. Policy Purpose.....	1
2. Objectives	1
2.1. Policy Statement.....	1
3. Definitions.....	1
4. Roles and responsibilities	3
4.1. Provisions	3
4.2. Implementation.....	8
5. Related Legislation, Policies or Procedures	8
6. Risk Assessment.....	9
7. Monitoring and Review	9
8. Ownership and Approval	9
8.1. Public Policy	9

CL25.426 - Attachment 1

1. Policy Purpose

The purpose of this policy is to provide clear requirements to enable the equitable management for the use and occupation of Council owned or managed land. Council is required to observe the guiding principles contained within Section 8A (1) of the Local Government Act 1993 and for this policy include:

- carrying out functions in a way which provides the best possible value for residents and ratepayers; and
- manage lands and other assets so that current and future local community needs can be met in an affordable way.

2. Objectives

2.1. Policy Statement

The objectives of this policy are;

- ensure Council's assets are utilised, meet community expectations and strategic asset management outcomes.
- ensure all statutory requirements are observed in respect of the management of Council's property portfolio.
- ensure that the processes adopted in the management of Council's property portfolio are transparent and equitable.

This policy does not apply to:

- the use and occupation of public places identified in Shoalhaven City Council Local Approvals Policy.
- licences for occasional or short-term non-exclusive use and the occupation of public places and generally as prescribed by clause 116 of the *Local Government Regulation 2021*, such as but not limited to events, access, and filming.
- facilities managed by s355 Committees.

3. Definitions

Term	Meaning
Agreement to Lease	A legally binding agreement where a lessor and lessee agree to enter into a lease, subject to pre-conditions being met such as completion of physical works or fit-out, and/or approvals being obtained.
Community Groups	Organisations that operate as a not-for-profit entity for community benefit and need, whether for sporting purposes, local service, interest groups and conservation groups, and may include activities for charitable purposes
Community Land	Land owned or managed by Council and classified "Community" under the <i>Local Government Act 1993</i>

Expression of Interest	The open process conducted to seek interest in the potential use or occupation of a public place under lease or license from Council
Gross Rent	The assessed or agreed rent plus other operating expenses and outgoings such as property taxes and other relevant outgoings
Lease	A legally binding document granting exclusive rights to use or occupy land or buildings for an agreed term and fee
Licence	A legally binding document granting non-exclusive rights to use or occupy land or buildings for an agreed term and fee
Market Rent	Means the rent paid for leasing or licensing a facility on the private market as determined by an independent valuer
Market Rent Appraisal	Means an estimate of Market Rent based on an assessment of comparable properties in the current market
Market Valuation	Means a valuation of Market Rent provided by an appropriately qualified and experienced professional independent to Council
Net Rent	The assessed or agreed rent as determined by market rent appraisal or valuation
Operational Land	Land owned or managed by Council and classified "Operational" under the <i>Local Government Act 1993</i>
Operating Cost Contribution	An estimated amount for utilities and services charges associated with occupation of a property
Plan of Management	An approved document by resolution of the Council made under the requirements of section 36 of the <i>Local Government Act 1993</i>
Public Place	Includes a public reserve, public road and crown reserve and as otherwise defined in the <i>Local Government Act 1993</i>
Public Road	A road dedicated by plan of subdivision, gazette notice or under the <i>Roads Act 1993</i> that the public are entitled to use.
Temporary Licence	A legally binding document granting non-exclusive rights to use or occupy land or buildings for a term that does not exceed 12 months, also known as short-term licence

Tender	The process described by section 55 of the <i>Local Government Act 1993</i> and Part 7 of the <i>Local Government Regulation 2021</i> for use or occupation of a public place under lease or licence from Council
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4. Roles and responsibilities

4.1. Provisions

4.1.1 Grant of Leases and Licences - Public Places

Council may grant a lease or licence on land that is classified as Operational land with no specific restrictions or requirements imposed under the *Local Government Act 1993*.

Leases and licences can be considered on land classified as Community land under section 46 the *Local Government Act 1993* and the *Local Government Regulation 2021*. Proposed use/occupation of Community land under lease or licence has to be consistent with the objectives of the category of the land, be a prescribed use under the Act/Regulation, and be expressly authorised by the corresponding plan of management.

Leases and licences on Crown land managed by Council are considered under the *Crown Land Management Act 2016* and *Crown Land Management Regulation 2018*. Council is responsible for the issue of a lease or licence as the Crown Land Manager. Leases on Crown land must be consistent with the reserve purpose as well as the objectives of the category of the land and be expressly authorised by the corresponding plan of management.

Temporary (short-term) licences can be considered on Council managed Crown land under section 2.20 of the *Crown Land Management Act 2016* and clause 31 of the *Crown Land Management Regulation 2021*. Until a new Crown land plan of management is adopted, only short-term licences can be considered by Council.

Council can issue leases and licences under the *Roads Act 1993* including lease of unused sections of public road reserve and lease of air space (above or below) the road surface. Market valuation advice is used to determine appropriate annual rental or lease consideration fee.

Application for renewal of Lease or Licence is the responsibility of the lessee/licensee through submission of a “Proposal to Occupy Council Property” and not later than six months from lease/licence expiration. Council may at its discretion decide whether or not to renew a lease or licence and instead consider the merits of undertaking an Expression of Interest process or Council’s needs form an organisational perspective, or broader community needs and multi-use of the facility/property.

4.1.2 Agreement to Lease

Council will require an Agreement to Lease in situations where there are works to be carried out in preparation of lease commencement, or where other approvals are required to be obtained for the use of the property.

4.1.3 Lease & Licence Advertising

Prior to the grant of a lease, licence, or other estate in respect of Community land, advertising/notification is required under section 47 of the *Local Government Act 1993*. A lease or licence proposal exceeding five years and subject to an objection following statutory advertising can only be granted with the Minister’s consent.

Proposed leases of unused public road reserve are required to be advertised under the *Roads Act 1993*.

To the extent of any inconsistency with a prevailing policy of Council requiring advertising of the proposed lease or licence, the legislation will prevail to the extent of any inconsistency.

Advertising exclusions:

- Lease or licence on Operational land (unless specific policy of Council is in place)
- Temporary (short-term) licences under the *Crown Land Management Act 2016*
- Short-term (casual use) licences on Council owned Community land by clause 117 *Local Government Regulation 2021*
- Leases and licences on Crown land managed by Council identified under clause 70 of the *Crown Land Management Regulation 2018* (until corresponding new Crown land plan of management adopted)

Lease or licence advertising is separate to a public Expression of Interest (EOI) or tender process. An EOI is undertaken for potential use or occupation of land to prospective parties under future lease or licence arrangement with advertising of a lease/licence taking place after the EOI/tender outcome.

4.1.4 Lease & Licence Terms

Maximum lease and licence terms are prescribed by the respective Acts. Leases on Community land exceeding 21 years (up to 30 years) require Minister's approval. Council will generally consider the grant of a lease or licence for a term of up to five years, to implement property/asset strategies. At its discretion, Council can consider longer-term agreements where exceptional circumstances are demonstrated (e.g., a substantial upgrade to the asset is proposed). Longer term agreements will include provision for additional asset maintenance responsibilities for the lessee.

Temporary (short-term) licences are issued for up to 12 months.

During the pre-plan of management period, lease terms on Crown land are prescribed under clause 70 of the *Crown Land Management Regulation 2018*.

4.1.5 Assignment/Transfer/Subletting

A lease or licence will only be considered for transfer to another party after Council has undertaken appropriate due diligence on the proposed assignee such as financial and Australian Securities and Investment Commission (ASIC) checks, and assessment of prospective lessee/licensee being able to meet prevailing lease requirements. Council must provide written consent for any sub-lease or transfer.

Subletting arrangements will be accompanied by appropriate market rent review and the submission of annual financial records to Council. Sub-lease fee payable to Council will be a minimum 10% of the sub-lease fee/rental up to 20% where the uses being conducted through sub-letting have no direct community benefit.

4.1.6 Rent & Fees

Market Rent Valuation

All new/renewed leases and licences will be subject to a market valuation by independent valuer. Exceptions include:

- prevailing leases and licences:
 - i. where annual rental was assessed by market valuation method as part of current five-year term and is currently less than \$1,500 p.a. – a market rent appraisal can be undertaken to establish new rent.
 - ii. peppercorn rent arrangements or where previously based on statutory minimum rent – a

market rent appraisal in the first instance, and if the appraisal indicates new rental upward of \$1,500 p.a. – a market valuation to be undertaken to determine new rental for lease negotiations.

- telecommunications licences - based on Council's Fees & Charges in lieu of market valuation or market rent appraisal.

Rent advice is generally current for a 12-month period subject to valuation report disclaimer. The assessed market valuation rental acts as a guide for the rental negotiation outcome, notwithstanding that some lessees/licensees have capacity for assessed market value rent and Council's expectation is reasonably a market value outcome.

Rental Assessment Framework & Rental Subsidy

Council uses a Rent Assessment Framework (RAF) to determine rental subsidy to eligible groups/organisations. Prospective lessees/licensees are required to complete a "Proposal to Occupy Council Property" for potential subsidy and the adjusted amount becomes the initial rent offer.

The assessed rental subsidy under the RAF may, in circumstances, be negotiated for the purpose of achieving rental outcome and the Chief Executive Officer or Delegate has delegation to approve negotiated rent variations under 4.1.14.

The Rent Assessment Framework (RAF) subsidies are shown on Table 1.

Table 1 – Rental Subsidies under Rental Assessment Framework (RAF)

Category	Rent Subsidy
Local Community Service Group	85%
Local Community Interest Group	75%
Local Community Sporting Club	70%
Local Community Conservation Group	90%
Small to Medium not-for-profit provider of community services	50%
Large not-for-profit provider of community services	10%
Government entity providing community services	5%
Commercial business	0%
Residential	0%
Surf Lifesaving Clubs & Emergency Services organisations	statutory minimum rent

Rent Review

Rent will be adjusted annually by CPI increase (All Groups Sydney). Council can prescribe a fixed percentage annual rent increase through individual negotiation in certain circumstances. Market rent reviews will be undertaken every five years of a lease/licence with options. Market rent review amount is not to be less than the prevailing rent.

Statutory Minimum Rent

Temporary (short-term) licences will be considered for statutory minimum rent where prescribed by legislation or Council's Fees & Charges. Statutory minimum rent is to be applied to those lease and licence types in Table 1.

The Chief Executive Officer has delegation to approve the application of statutory minimum rent otherwise where appropriate, including consideration for not-for-profit community organisations that exist solely to provide services and support for disadvantaged members of the community and appropriate evidence is provided to Council to substantiate this purpose.

In situations where statutory minimum rent is applied, any area /use of the property for commercial/revenue gain will be separately assessed for payment of appropriate rental in accordance with the method expressed in 4.1.5.

4.1.7 Outgoings (Operating Costs)

The lease or licence will document the responsibilities for outgoings associated with the use and occupation of the property. The lessee/licensee is responsible for all utilities/services usage charges while they occupy the property, such as electricity and gas. Outgoings (operating costs) separately charged to the lessee/licensee may include;

- land tax and rates (Operational land)
- water and sewer usage/charges
- trade waste charges
- garbage charges
- fire safety and compliance charges

Council and the lessee may negotiate an Operating Cost Contribution where only estimates for utility and services usage/charges are available (i.e.; not separately metered).

Where a licence is proposed, it is reasonable to assess outgoings payable in relation to the area occupied including proportionate costs for shared use parts of the property.

Outgoings can be included with a gross annual rental amount, as agreed by the parties. A gross rental will generally be used when multiple occupants exist in a building/property.

4.1.8 Cost Recovery

In the consideration of proposed lease and licence agreements, no unreasonable burden on Council's general revenue shall result. Council will seek to achieve at a minimum, cost neutrality from the use/occupation of its properties, i.e.; the tenancy is to be at no cost to Council. The following costs incurred by Council in the preparation of a lease or licence are to be met by the lessee/licensee;

- external legal fees in preparing lease/licence documentation
- statutory lease advertising costs
- market rent valuation costs (when required by legislation)
- lease registration costs including survey fees associated with LRS NSW registration requirements for the lease or licence
- native title assessment fee (Council managed Crown land)
- lease/licence application fee (Council Fees & Charges)

Council can require the payment of costs incurred by Council prior to finalisation of the lease or licence and may defer ongoing progress of an individual lease/licence until costs are recovered.

4.1.9 Restricted Asset Account

For hard court facilities/constructed playing surfaces under an agreement (e.g., tennis, hockey), 100% of the income received from an agreement will be set aside in a sinking fund and applied towards capital upgrades for that facility. Leases/licences will be required to pay rent for occupation of non-court areas (as per 4.1.6) plus the contribution to court sinking fund for capital upgrades. The restricted asset account contribution is assessed as total cost of resurface/total asset life (years) including Council project management fees.

4.1.10 Maintenance

A Maintenance Schedule is attached to all leases/licences specifying the maintenance responsibilities of the respective parties.

4.1.11 Insurance

The lessee/licensee is responsible for Public Liability Insurance and contents insurance including the annual renewal of respective insurances for the term of the licence.

4.1.12 Lease & Licence Registration

Commercial and retail leases will be registered in accordance with the respective legislation where lease term exceeds three years. Registration may be specifically requested by the applicant for reduced lease terms.

Where a lease or licence exceeds five years, it is a requirement of Land Registry Services NSW (LRSNSW) to include a lease plan suitable for registration. Successive lease terms of five years are exempt from this requirement

4.1.13 Tenders & Expression of Interest

Leases and licences on Community land exceeding a 5-year term must be determined by tender except for not-for-profit organisations, including where the cumulative contract amount exceeds the prevailing tender threshold. Otherwise, Council may decide to use a tender process for any lease or licence.

Council may use an Expression of Interest (EOI) for the use/occupation or property for interested parties, community groups, and organisations to be afforded equal opportunity for a lease or licence ensuring transparency, fairness, and compliance with local government procurement, and for Council to achieve best value for money. Council will obtain independent valuation advice to determine fair and reasonable market rent for leases/licences arising from an EOI process. The following framework will apply for consideration to the use of an EOI.

Existing Lease/Licence

On Community land (expired agreements):

- a) where a reasonable assumption exists that more than one operator may have interest undertaking the land use/activity currently occurring, and Council considers there is potential commercial benefit and public interest by inviting other interested parties to seek a lease or licence agreement, Council may elect to conduct EOI/tender and;
- b) where a lessee has not achieved lease compliance (rental payment default, breach of lease conditions), Council may elect to conduct EOI/tender.

When an EOI is not undertaken and renewed lease is negotiated, a Proposal to Occupy Council Property is to be submitted to Council.

On Operational land (expired agreements):

- a) where Council considers it may be commercially disadvantaged by not undertaking an EOI/tender.

When an EOI is not undertaken and renewed lease is pursued, a *Proposal to Occupy Council Property* is to be submitted to Council.

New Lease/Licence

EOI or tender process to be undertaken (Community and Operational land).

4.1.14 Lease & Licence Approval

Chief Executive Officer (and Delegate) has delegation to negotiate and execute the following leases/licences:

- properties managed for Council by appointed external property service agency, including residential tenancy agreements
- on Community land – total lease rental is less than \$250,000 for the lease term, and otherwise if lease term exceeds five years
- on Community land - an objection has been submitted to Council with statutory advertising when lease term is greater than five years
- on Operational land – total lease rental is less than \$500,000 for the lease term, and otherwise if lease term exceeds 10 years
- negotiated rent outcomes where agreed annual rent amount differs from the fixed rental subsidy amount
- application of statutory minimum rent under section 4.1.6
- temporary (short-term) licences under s2.20 *Crown Land Management Act 2016*
- Assignment, Transfer, Variation of agreements and Sub-leases
- following tender/EOI under Council's Tender Evaluation Policy POL22/163, but excluding lease/licence of community land exceeding five-year term where lessee does not have status as not-for profit organisation
- telecommunications licences
- lease and licence of air space and leases under *Roads Act 1993*

All other situations require the resolution of Council.

4.1.15 Lease & Licence Execution

All leases and licences are to be executed within six months of the Council resolution.

Council can pursue alternate negotiations and opportunities with other parties if document execution is not effected within this time.

4.2. Implementation

City Services Directorate

5. Related Legislation, Policies or Procedures

Conveyancing Act 1919
Crown Land Management Act 2016 and Regulation 2018
Real Property Act 1900
Retail Leases Act 1994

Native Title Act 1993 (Commonwealth)
Residential Tenancies Act 2010
Aboriginal Land Rights Act 1983
Local Government Act 1993 and Regulation 2021
Roads Act 1993
Shoalhaven Local Environmental Plan 2014
Shoalhaven City Council Community Strategic Plan
Shoalhaven City Council Local Approvals Policy
Shoalhaven Council Tender Evaluation Policy (POL22/163)
Temporary Storage (Shipping) Container on Public Land (POL22/65)
Community Gardens on Council Managed Land (POL22/52)
Council Plans of Management

If there are any amendments to legislation that are contrary or inconsistent with this policy, then the amended legislation will prevail to the extent of the inconsistency.

6. Risk Assessment

Leasing and licensing of land owned and managed by Council has potential risks including financial, legal and reputational. Financial risks can be mitigated through the engagement of valuers to provide market based rental evidence. Legal service providers can be engaged for preparation of lease and licence documentation for execution. Reputational risk can be addressed through observance of due diligence in the assessment of new and renewed lease proposals, having regard to prevailing legislation and established processes and procedures.

7. Monitoring and Review

This policy statement will be reviewed a minimum of once every term of Council, or more frequently as required.

8. Ownership and Approval

8.1. Public Policy

Responsibility	Responsible Owner
Directorate	City Services
Endorsement	Manager Buildings & Property Services
Approval/Adoption	Council

CL25.427 Shoalhaven Coastal Management Programs Implementation and Resourcing

HPERM Ref: D25/526536

Department: Technical Services

Approver: Kevin Norwood, Acting Director - City Services

Purpose:

Council has recently adopted three Coastal Management Programs (CMPs) that set the strategic intent for the management of the Shoalhaven coastal zone within high-priority estuaries over a ten-year period. Through the adoption of the various CMPs, Council requested a report back on the resourcing requirements and the implementation of the CMPs and the associated management actions ([MIN25.298](#), [MIN25.300](#) and [MIN25.562](#)). This report has been prepared for this purpose to provide information to Council.

Recommendation

That Council note and receive this report for information.

Background

Council has prepared four Coastal Management Programs (CMPs) under the *NSW Coastal Management Act 2016* (CM Act), in accordance with the NSW Coastal Management Manual and covering the coastal zone defined by the CM Act and the State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP). Over the course of 2025, Council has adopted three CMPs that relate to the management of five high-priority estuaries within the Shoalhaven coastal zone. The CMPs comprise a program of integrated management actions that are intended to address key issues, and harness new opportunities for the management of the Shoalhaven coastal zone.

The CMPs prepared and adopted by Council are outlined below, alongside key details of each CMP:

- **Shoalhaven Open Coast and Jervis Bay CMP** – adopted 6 May 2024 ([MIN24.253](#)). The CMP includes 116 management actions for implementation at a total cost of \$45 million over 10 years.
- **St Georges Basin/Sussex Inlet, Swan Lake and Berrara Creek CMP** – adopted 10 June 2025 ([MIN25.298](#)). The CMP includes 66 management actions for implementation at a total cost of \$17.8 million over 10 years.
- **Lake Conjola CMP** – adopted 10 June 2025 ([MIN25.300](#)). The CMP includes 51 management actions for implementation at a total cost of \$12.2 million over 10 years.
- **Lower Shoalhaven River CMP** – adopted 28 October 2025 ([MIN25.562](#)). The CMP includes 56 management actions for implementation at a total cost of \$23.48 million over 10 years.

At the meeting of 10 June 2025 following the adoption of the St Georges Basin/Sussex Inlet, Swan Lake and Berrara Creek CMP and Lake Conjola CMP, Council resolved to:

Receive a report back on the resourcing requirements and the implementation of the plan and its actions (Stage 5 Implementation) (MIN25.298 and MIN25.300).

CL25.427

MIN25.562 in relation to the Lower Shoalhaven River CMP resolved that Council note the resourcing requirements of the CMP and the financing of management actions as outlined in the Business Plan.

This report has been prepared for information in response to the above resolutions.

A Business Plan was developed for each individual CMP which outlines the key components of the funding strategy for the CMP to implement the management actions, including the cost of proposed actions, proposed cost-sharing arrangements, and other potential funding mechanisms. Funding for management actions will be established in consultation with key stakeholders, with capital and operational allocations to be determined via Council budget processes. Funding for management actions may be gained from various sources, including competitive State and Federal Government grant programs and Council's internal funds.

Following the certification of the CMPs (pending at the time of writing for the Lake Conjola and Lower Shoalhaven River CMPs), Council is eligible to apply for grant funding for the implementation of management actions through the Department of Climate Change, Energy, the Environment and Water (DCCEEW) Coastal and Estuary Implementation Stream Grants. This funding has been specifically created to provide a two-to-one funding ratio for actions within a certified CMP. This grant funding program is competitive and prioritises Councils with certified CMPs. However, success in receiving grants is constrained by the available funding from the NSW State Government and the number of applications received across the State in a given year.

In preparing the CMPs, it has been recognised that for Council to implement and deliver the identified management actions, additional resourcing is required. Each CMP includes a management action to respond to this and sets out for Council to "Establish one new Full Time Equivalent (FTE) Coast & Estuary Officer role within Council" (two roles proposed in the case of the Shoalhaven Open Coast and Jervis Bay CMP). The Business Plan within the CMPs has assigned the relevant management actions an expected cost of \$1.3 million, equating to \$3.9 million across all three estuary CMPs (in addition to the \$2.4 million expected cost for the Shoalhaven Open Coast and Jervis Bay CMP) over the 10-year lifecycle of the CMP to ensure that internal capability is maintained to oversee and carry out strategic actions. This operational funding identified for internal Council resources (and any capital project allocations) will be determined through standard Council budget processes and long-term financial planning, accounting for whole of organisational resourcing requirements and capability.

Staff resourcing and associated Council budgets for the implementation of the CMPs is vital to ensure the delivery of Stage 5 is achieved in line with the associated business plans. This is paramount given the significant increase in workload requirements for Council staff to implement management actions from each CMP in line with legislation.

Risk Implications

The ongoing CMP implementation faces resourcing and funding risks, with delivery of management actions dependent on available financing (internal and external), and resourcing and capacity of staff. The DCCEEW Coastal and Estuary Implementation Stream Grant Program has been established to fund project works only and does not provide financing for staff positions or project management through the delivery of works. Therefore, resourcing of staff positions cannot easily be funded through NSW State Government grant programs and will need to be prioritised by Council.

Internal Consultations

Throughout Stages 1-4 of the CMP development, internal consultation was carried out within Council, including consultation across and within Council Directorates to obtain feedback on

CL25.427

the existing risks and opportunities, and proposed management actions within each CMP study area. Council has adopted each of the CMPs following reports provided to Council at various Ordinary Meetings between 2024 and 2025. Internal consultations will be ongoing throughout the implementation of the CMPs.

External Consultations

Throughout Stages 1-4 of the CMP development, external consultation was carried with a range of representatives from a range NSW State Government agencies and Non-Government Organisations. The management actions within the CMPs identify where these external entities have been identified as a 'supporting partner' in the implementation of the actions. Letters of support have been provided by relevant agencies listed against management actions as 'supporting partners' for each CMP. Council will continue to engage with these entities throughout the implementation of the CMP and to ensure that the relevant legislation under each of their jurisdictional boundaries is appropriately complied with.

Community Consultations

Stakeholder and community engagement has been implemented progressively through each stage of the CMPs. The various engagements were coordinated and developed in line with CMP Engagement Guidelines developed by the NSW State Government (DCCEEW), the Shoalhaven City Council Community Engagement Strategies 2022-2026 and 2025-2029, and the use of the International Association for Public Participation (IAP2) guidelines. This included engagement with Traditional Owner Groups, local communities, and public authorities through a range of methods – including workshops, drop-in sessions, surveys, one-on-one meetings and interactive online map-based platforms. The CMP documents outline the community consultation process employed throughout the lifecycle of each CMP development. The draft CMPs were publicly exhibited in line with the requirements for consultation as outlined in the *Coastal Management Act 2016* prior to being presented to Council for adoption. Ongoing consultation with the community will occur throughout the implementation stage of the CMPs with this activity reflected in the management actions of each CMP.

Policy and Statutory Implications

The CMPs have been prepared in accordance with the NSW Coastal Management Framework that is governed by the CM Act.

A CMP is considered a 'living document' that is to be reviewed and updated continually throughout its lifecycle. A strategic review of the CMPs should occur at least once every ten years to assess the effectiveness of the CMP in achieving its objectives and to incorporate changes, considering new information, legislative and policy changes, and improved understanding of the local coastal and estuarine processes.

Financial Implications

Financial implications for the resourcing and implementation of the various CMPs has been outlined above in the background section. As part of the implementation of the CMPs sustainable funding and financing arrangements for management actions will be established in consultation with key stakeholders, with capital and operational allocations to be determined via budget processes, and the reliance on grant funding for delivery.

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: Gordon Clark, Manager - Strategic Planning

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 Affectation 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. Adaptable 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) [»](#)
22. Letter from Northrop Engineers (under separate cover) [»](#)
23. Covering Letter from Applicant dated 4 December 2025 (under separate cover) [»](#)

Note: This report was deferred from the Council meeting on 9 December 2025.

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).

CL25.413

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:

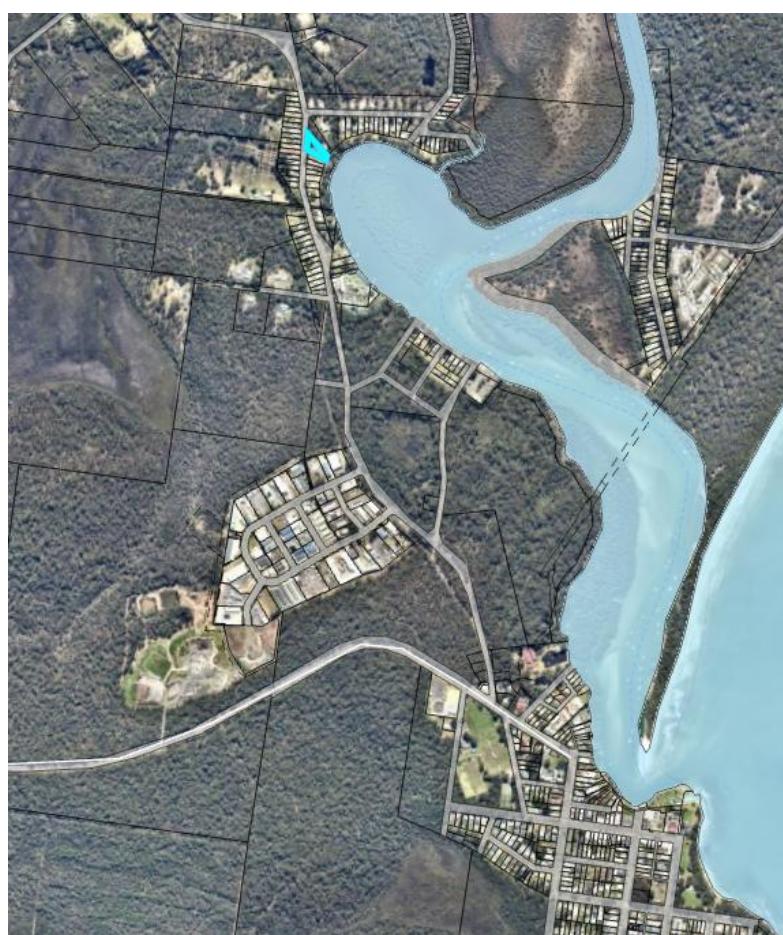


Figure 1: Location Map

CL25.413



Figure 2: Location Map - Aerial imagery of subject site.

Note - existing dwelling to be demolished under DA23/1694

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.

CL25.413

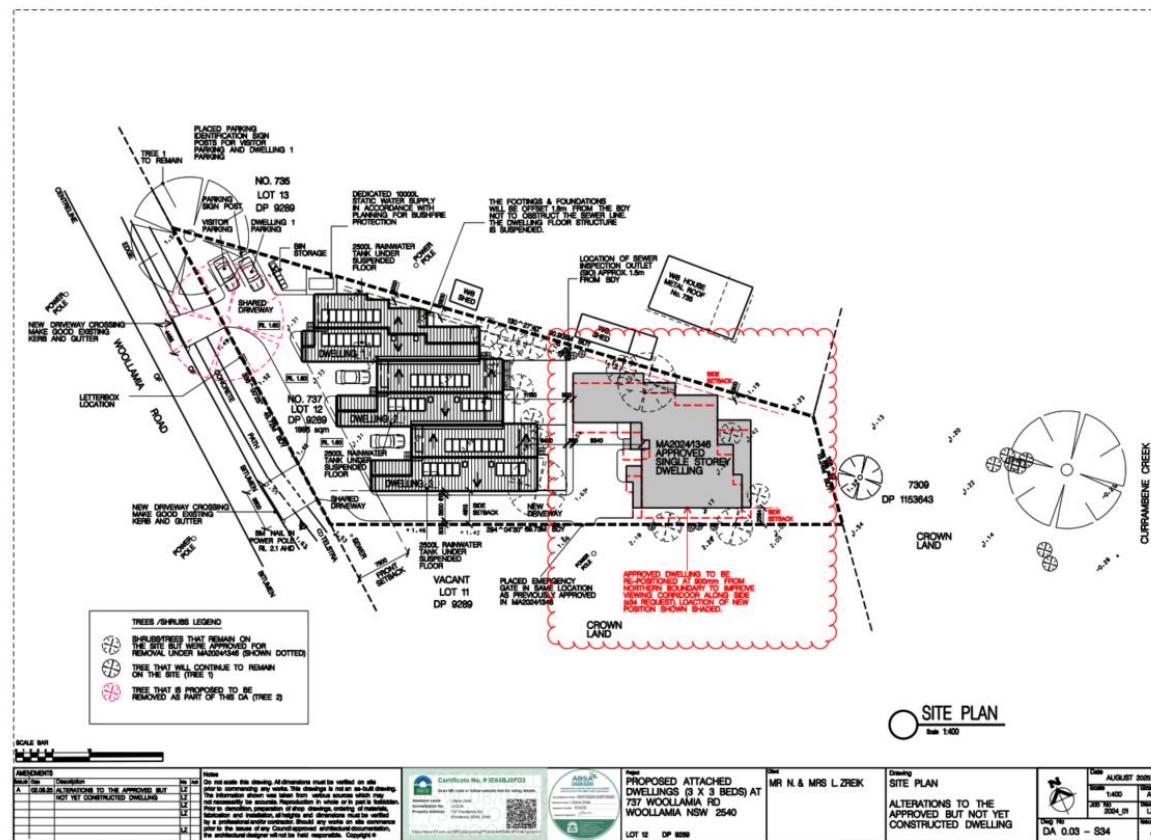


Figure 3: Site Plan – note red clouded dwelling approved under DA23/1694

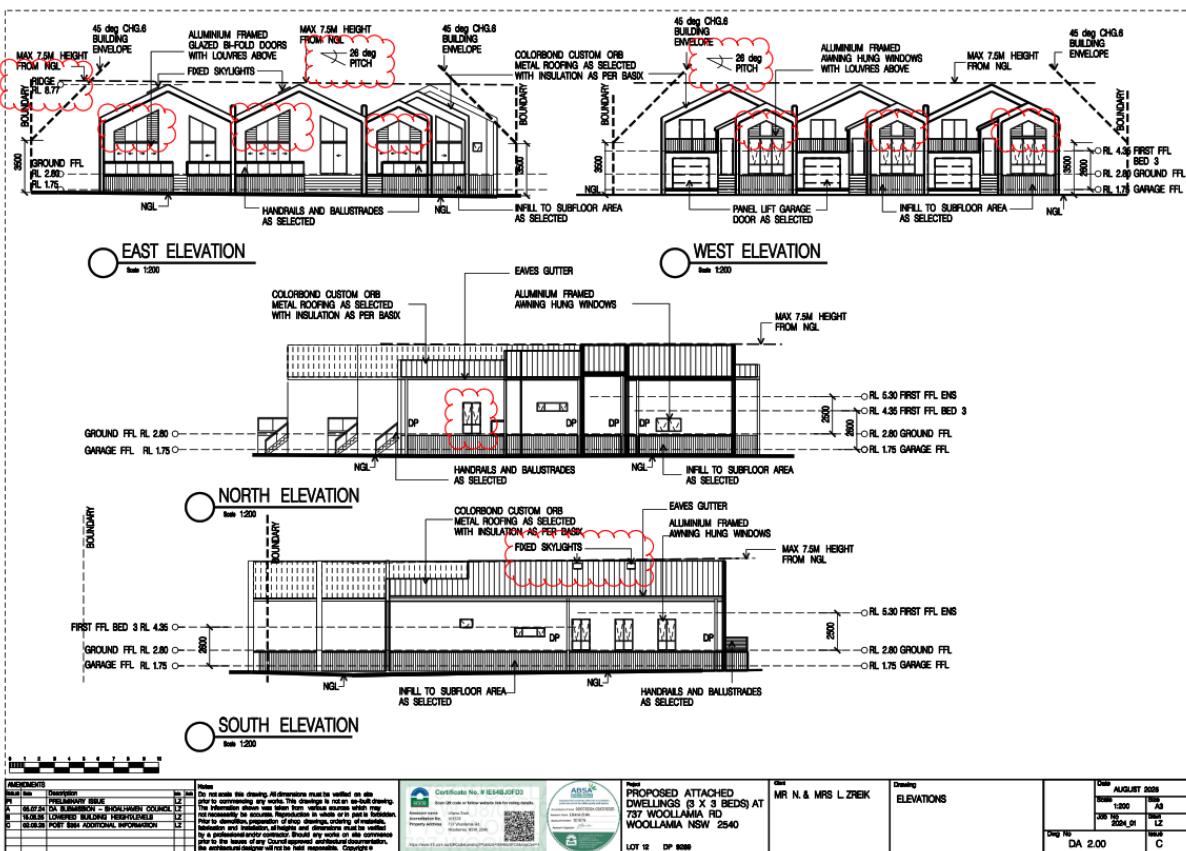


Figure 4: Elevation Plans

CL25.413

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 Currambene Creek. The site occupies an area of 1991.81m², is relatively flat with a slight fall from south to north. A tributary of Currambene 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 Currambene 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.

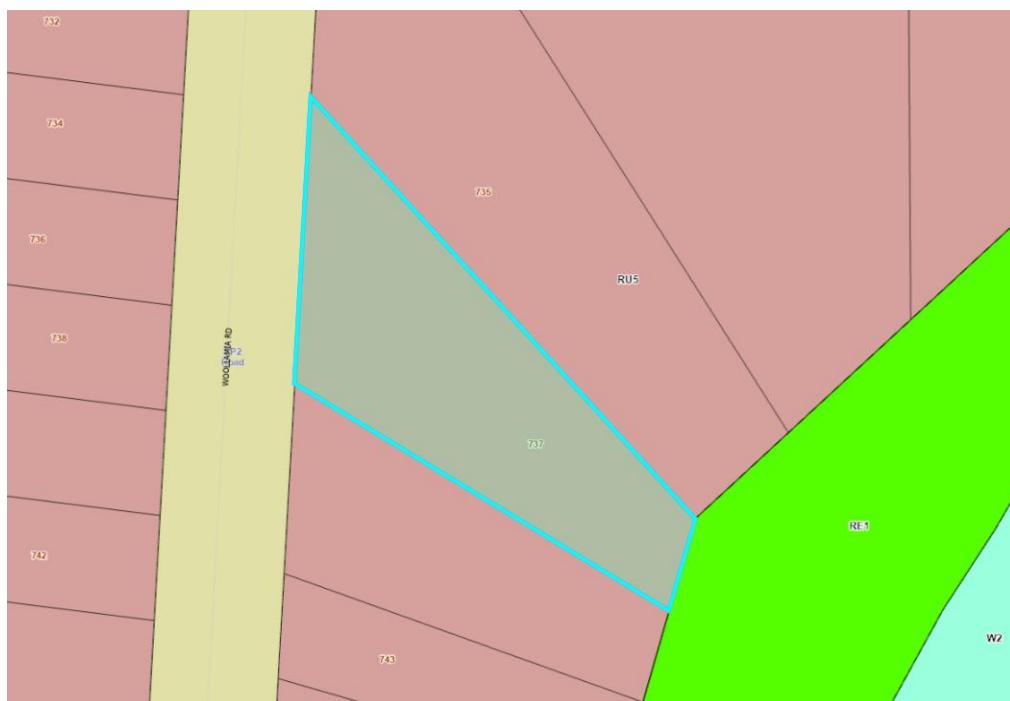


Figure 5: Zoning Map – RU5 - Village

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),

CL25.413

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 2025 Council assessment staff held a meeting with the applicants to discuss the remaining outstanding issues for the proposal.

On 13 November 2025 the applicant responded to two (2) of the issues by providing updated landscape plan and section plan.

CL25.413

On 4 December 2025 the applicant emailed the following four (4) additional documents to council after the Business Paper for the Ordinary meeting on Tuesday 9 December 2025 had been published on council's website:

- Covering Letter dated 4 December 2025
- Letter from Northrop Engineers dated 20 November 2025 addressing structural integrity of the proposed development when flood inundated (Attachment 22)
- Acid Soil Management Plan prepared by Terra Insight dated 28 November 2025 (Attachment 12)
- Adaptable Housing Assessment Report dated 17 November 2025 prepared by the applicant (Attachment 13)

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 Affectation 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**)
- Northrop Engineers Letter dated 20 November 2025 addressing structural integrity of proposed development when flood inundated (**Attachment 22**)

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. The letter from Northrop Engineers dated 20 November 2025 advises that the buildings will be designed and certified to resist flood forces up to PMF events.

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 (1 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.

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 a new Acid Soil Management Plan prepared by Terra Insight dated 28 November 2025 (**Attachment 12**) to support the development application.

Discussion

The new Acid Soils Management Plan by Terra Insight confirms staff concerns that the site is constrained by the presence of acid soils. It has appropriately assessed the site and developed a plan for the management of soils during demolition/construction.

The Management Plan provides numerous management requirements within the body of the report which include a required treatment application rate of lime (33kg CaCO₃ per tonne) to neutralise acid, restrictions on excavation period for soils untreated and treated, liming of strip footings and dewatering protocols.

If Council were of a mind to approve the application, then all the requirements of the Acid Soil Management Plan (Part 6 of the Plan report) would need to be complied with to minimise the potential for a pollution incident to Currambene Creek. Thus a condition is included in the

draft consent conditions requiring that the erosion and sediment control plan must include the soil stockpile areas and treatment pad in accordance with this plan and that all demolition and construction activities carried out on the site for DA2024/1589 and DA20223/1694 (as amended by MA2025/1346) must comply fully with the Recommendations of Part 6 Of the Terra Insight Acid Soil Management Plan (Ref: TERRA22-327.ASSMP Rev 0) dated 28 November 2025. (**Attachment 21**).

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

The development application must consider compliance with the Building Code of Australia (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 now provided an Adaptable Housing Assessment Report, dated 17 November 2025 and prepared by the applicant (**Attachment 13** - D25/570607) to support the development application.

Discussion

The following aspects are relevant as background in this regard

Accessibility – Is the greatest degree of features/elements in a building to accommodate people with a disability. Full compliance with AS1428.1-2021 is required by the Building Code of Australia (BCA)/National Construction Code (NCC) for most Classes of buildings, but not Class 1a.

AS1428.1-2021 was adopted by an Amendment to BCA 2022 on 29 July 2025, superseding AS1428.1-2009.

Adaptability – Housing that is designed in a way that it can be easily adapted at a minimal cost to suit individual requirements/circumstances. Compliance with the essential and desirable features of one of the three Adaptable House Classes in AS4299-1995 Adaptable housing, depending upon the site constraints.

AS4299 contains reference to compliance with AS1428.1 for some of the features. AS4299 requires a post-adaptation plan to be provided to demonstrate that the proposal can comply with the objectives, performance requirements and minimum requirements in AS4299.

Adaptable housing is not required by the BCA/NCC. The need to provide adaptable housing arises from planning instruments, such as SEPP's, LEP's and DCP's, and hence AS4299 is not referenced in the BCA/NCC. Compliance with conditions of development consent regarding adaptability can form part of a Construction Certificate (CC) assessment.

Liveability – This requires the least measures in the building and is a building that is designed and constructed to meet the changing needs of occupants in their lifetime. For many years, liveability for Class 1a was required only by planning instruments. The planning instruments often referenced the Liveable Housing Design Guidelines (LHDG). The LHDG

contains three performance levels, with the Silver Level (the minimum requirement) only requiring 7 elements to be addressed.

In BCA/ NCC 2022, the Australian Buildings Code Board (ABCB) introduced liveable housing design (Part H8 of the BCA Vol 2). However, there was a variation that excludes NSW from those requirements. Currently, any liveability requirements for dwellings in NSW remain requirements of planning instruments. Compliance with conditions of development consent regarding liability can form part of a CC assessment.

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.

Comments - Council Certifier

It does not appear that liability to the proposed three dwellings on the property has been fully addressed in this latest submission. The current plans do not address concerns that were raised in earlier referral comments.

With respect to the existing approved dwelling, the revised Adaptability Report and post-adaptation plan have not demonstrated that compliance with AS4299 can be achieved with the submitted design. Refer to the s4.15 assessment report (**Attachment 3**) for full detail of the deficiencies identified.

Revision to the adaptability report and floor plans will be required to address AS4299. It is strongly recommended that a suitably qualified person be engaged to assist in the design and preparation of these plans and documentation should the matter proceed. If Council is of a mind to approve the application a draft condition is proposed requiring amended plans (**Attachment 21**).

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.

CL25.413

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

There have been significant changes to planning for development in flood prone areas in recent years following catastrophic flood events across NSW in 2022.

For example, in February 2022, flooding in Lismore far exceeded the 1% AEP (1 in 100 year) event by 2 metres. Even the 0.2% AEP (1-in-500 year) event was exceeded by 1.4 metres.

As a result of the 2022 floods, the NSW Government Flood Inquiry made Recommendations 18 and 21 which establish a risk-based approach when making decisions on developing flood prone land.

Planning Circular PS 24/001 (1 March 2024) provides guidance to decision makers on determining development proposals under clauses 5.21 and 5.22 of the LEP, recommending the application of a risk-based approach.

The applicants have consistently acknowledged safe and efficient evacuation by the NSW State Emergency Service (SES) cannot be relied upon and therefore the proposal must, by default, rely on sheltering in place.

The NSW Shelter in Place guidance acknowledges that this is not a design or safety solution without risk. It recommends that the duration of shelter-in-place due to isolation by floodwaters is less than 12 hours and not subject to high hazard flooding in scenarios which include the Probable Maximum Flood (PMF). The current proposal is in a high hazard flood storage area and relies on shelter-in-place for up to 30 hours during a PMF event which is contrary to the guidance.

The proposal will further exacerbate these issues by increasing the number of people on site who will potentially be vulnerable to flooding events in the future. Despite the applicant's position that this does not constitute intensification, the NSW Land & Environment Court has accepted in *Giacometti v Inner West Council [2021] NSWLEC 1438* that "*the proposed development for the conversion of an existing dwelling house into three (3) separate residential units results in an intensification of use on a flood control lot in an area of high hazard category flood risk.*"

This development proposal increases the risk by introducing three (3) additional households (above the existing single approved household) in an area with an unacceptable risk profile. Conservatively, that is potentially 7 additional people (based on the census average of 2.3 persons per household) but potentially far more who could be at risk in a future flood event and who will then have to deal with the associated human impacts. If similar intensification were replicated across other flood-affected properties, the cumulative impact on evacuation capacity for the emergency services would most likely be severe and unsustainable.

CL25.413

Recently a range of broader research has also been released about the risks of housing developments expanding into areas with high natural hazard risk and associated impacts (e.g. insurance costs) on affected or impacted households.

Locations where evacuation out of the floodplain is not possible before inundation, such as 737 Woollamia Road, may require flood rescue operations by NSW SES volunteers during flood events. When the duration of isolation is extensive, i.e., longer than 12 hours, users of the site may change their mind regarding sheltering in place whilst surrounded by flood water. This scenario and potentially others would compel SES volunteers to divert limited resources (if available) to undertake rescue operations in high flood hazard areas putting the users of the site and the volunteers undertaking such rescue operations at an unacceptable and avoidable risk.

Furthermore, Council has never adopted or accepted shelter-in-place as an emergency response strategy previously and a decision in favour of this may set an undesirable precedence. The use of shelter-in-place should be investigated in a catchment-wide assessment through a Flood Risk Management Study and Plan to fully understand the inherent risk, liability, cumulative impact and its suitability as a strategy, before adopting shelter in place in lieu of evacuation as an accepted response.

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:

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 development controls set out in Chapter G5: Biodiversity Impact Assessment and Chapter G9: Development on Flood Prone Land of Shoalhaven DCP 2014 and is inconsistent with the acceptable solutions.
4)	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.
5)	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.
6)	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.

CL25.428 Tenders - Culburra STP Upgrades

HPERM Ref: D25/466774

Department: Water Asset Planning & Development

Approver: Andrew McVey, Director - Shoalhaven Water

Purpose:

To inform Council of the tender process for Culburra STP Upgrades.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

Recommendation

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

Background

Project Descriptions

Shoalhaven Water has identified Sewage Treatment Plants (STP) through the Shoalhaven Local Government Area which require asset renewal/upgrades to meet current and future planned inflows. The upgrade of the Culburra STP has been identified as an immediate improvement need to facilitate the expected capacity growth within the Culburra catchment.

Identified upgrade Works for the Culburra Sewage Treatment Plant entails:

Inlet Works

- Remove existing grit chamber internals and grit washing equipment.
- Install new grit removal mechanical equipment.
- Remove the existing step screen and washing system.
- Install the new flow through band screen and associated screenings washing system.
- Modification to the existing channel structure to suit the new Screen.
- New Electrical switchboard (or modification) and all new wiring to suit.

Aeration Works

- Modify existing blower set such that all four feed a common header (all blowers can feed a single reactor) before splitting to each reactor.
- Install actuated valves on the header to control airflow between reactors, this requires modification to the control system such that reactor cycles are 180° out of phase.
- Install additional instrumentation (aeration header flow meter, temp and pressure protection and reactor dissolved oxygen probes) for system control.

- Install new diffused aeration grids within each reactor to transfer the peak aeration requirements.

Sludge Lagoon Works

- Reshape the sludge lagoons to repair damage.
- Install wave protection.
- Install of concrete apron surrounding each lagoon.
- Install overflow pipework from supernatant pump station to storm storage.
- Install concrete base suitable for retrofitting aeration bridges columns in the future.
- Install HDPE liner anchored to the concrete base.
- Install new inlet / outlet points and access bridges.
- Install of handrails to the perimeter of the lagoons
- Install emergency egress matting.
- Install of liner Vent.
- Install of protective apron.

Tendering

Council called tenders for Culburra STP Upgrades on 16 October 2025 which closed at 10:00 am on 17 November 2025. 1 tender were received at the time of closing. Tenders were received from the following:

Tenderer	Location
AJM United Steels Pty Ltd	Auburn NSW 2144

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

Risk Implications

Procurement-related risks have been addressed in accordance with Council's established procurement procedures. Risks arising during the construction phase will be managed through Shoalhaven Water's project management practices.

Internal Consultations

Council's Procurement Team was consulted during the procurement process to provide oversight and guidance regarding financial limitations, delegations, and statutory provisions for the procurement of the works.

Consultation with Shoalhaven Water's Wastewater Operations team was also undertaken to coordinate planned works.

The Review of Environmental Factors (REF) for the planned upgrade was prepared by Council's internal Environmental Officers to clarify constraints associated with the proposed works.

External Consultations

External design by Hunter H2O Holding Pty Ltd (BECA) was utilised as design documentation; as part of their overall engagement by Council.

Community Consultations

The primary stakeholder during the design development phase has been the adjacent landholding developer, Sealark Pty Ltd.

Community and stakeholder engagement during the construction phase is planned, with a dedicated project webpage to be established under Council's Major Projects & Works portal.

Policy Implications

Nil. The tender process has followed the requirements under the provisions of the Local Government Act 1993. The tenders were assessed in accordance with Council's Local Preference Policy.

Financial Implications:

Sufficient funds have been allocated in the Sewer Fund in the 2025-2026 Financial Year. Funding is available to cover both the tender amount and all other anticipated project costs.

The project is supported by a substantial grant by the NSW State Government under the Department of Planning, Housing and Infrastructure's Accelerated Infrastructure Fund – Round 3.

CL25.428

CL25.429 Connection to Town Sewerage System - 99B Garrads Lane Milton

HPERM Ref: D25/492383

Department: Water Asset Planning & Development

Approver: Andrew McVey, Director - Shoalhaven Water

Purpose:

Shoalhaven Water is in receipt of an application under the Non-Urban Wastewater Connection Policy to connect Proposed Lot 102 in approved subdivision SF10165, being 99B Garrads Lane Milton to Council's Sewerage System. Such an application requires Council resolution under its Non-Urban Wastewater Connection Policy for approval to proceed.

Recommendation

That Council approve the connection of Proposed lot 102 in SF10165, 99B Garrads lane Milton to the Milton-Ulladulla Sewerage Scheme by a pressure sewer system, subject

1. The landowner applying for a Certificate of Compliance under Section 305 of the Water Management Act.
2. The applicant complying with all conditions as specified in the Shoalhaven Water, Water Development Notice issued under Section 306 of the Water Management Act.

Background

The property at 99B Garrads Lane Milton contains an existing dwelling with onsite wastewater disposal, and an application for a 2-lot rural subdivision, Council file SF10165, was approved in 2010 with conditions for onsite wastewater disposal for the additional vacant lot. Since then, the environmental standards have changed substantially following the introduction of Chapter G8 of the Shoalhaven Development Control Plan 2014 (DCP 2014) and the site would no longer be considered as suitable for onsite disposal. The main inhibiting factors have been identified as:

- no reserve area included in the original wastewater assessment.,
- rocky clay soils on the site require a large amount of land for effluent disposal.,
- The natural contours of the land are at slopes of greater than 20%.

As part of construction of a residential subdivision in Eyrie Bowrie Drive (immediately to the west of the subject lot), a pressure sewer main was installed to connect the subdivision to town sewer. It is now feasible to connect Proposed Lot 102 in SF10165 to the Eyrie Bowrie Drive pressure sewer main with a connection through No. 33 Eyrie Bowrie Drive (refer to Figure 1 & 2 below).

CL25.429

Figure 1

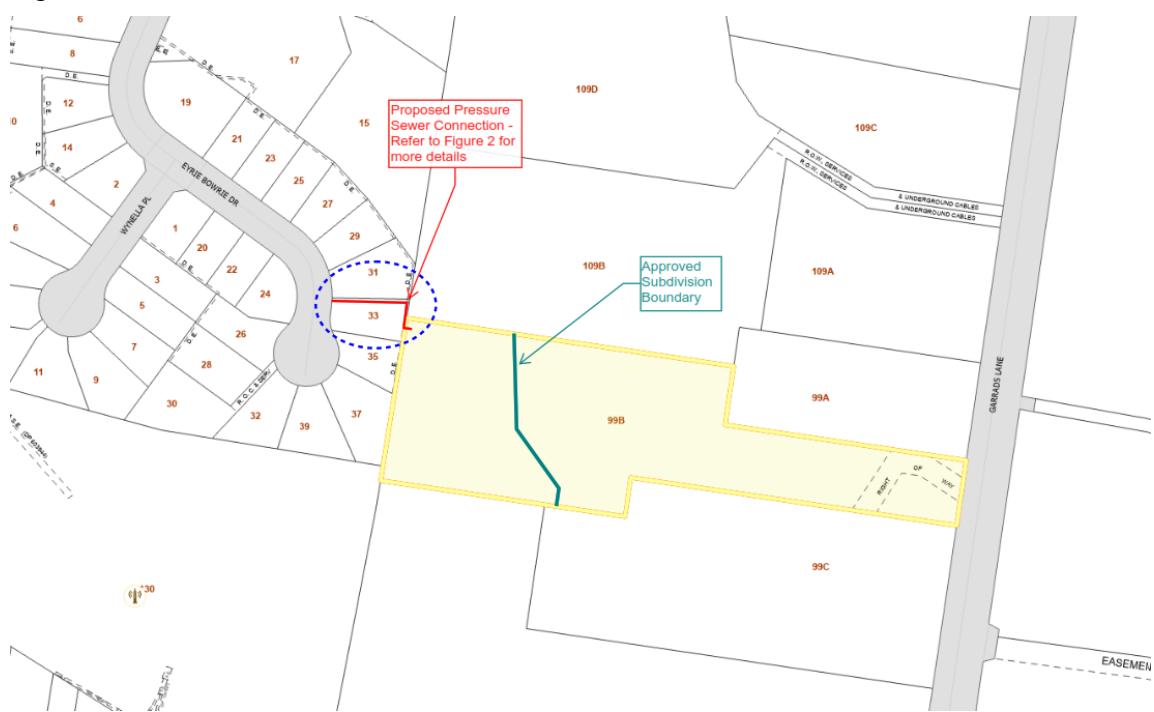
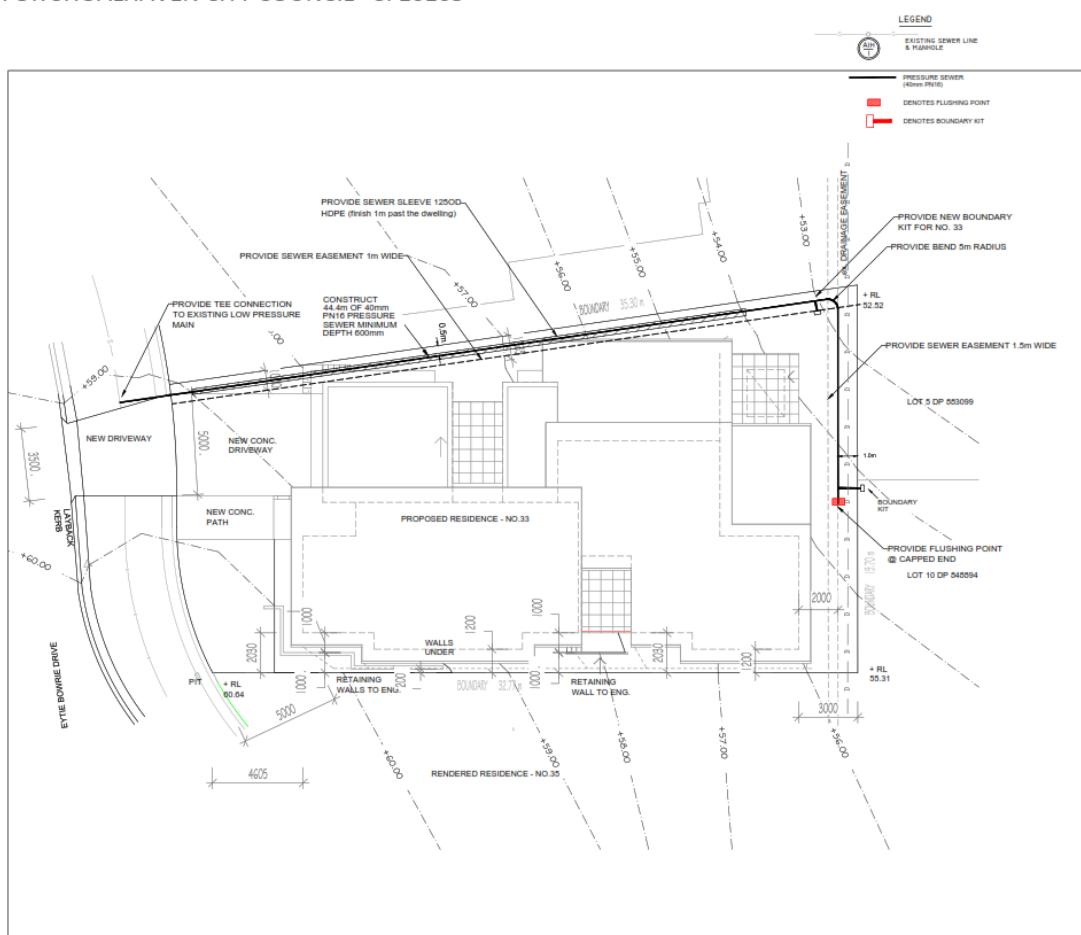


Figure 2

PRESSURE SEWER MAIN EXTENSION SEWER DESIGN PLAN FOR SHOALHAVEN CITY COUNCIL - SF10165

NOTES:
1. BOUNDARIES AND IMPROVEMENTS HAVE BEEN LOCATED WITH APPROXIMATE ACCURACY FOR THE PURPOSE OF THIS SURVEY.
2. RELATED INFORMATION IS FOR INFORMATION PURPOSES ONLY AND IS NOT FOR FINANCIAL OR ANY OTHER PURPOSES SHOULD BE CONFIRMED BY FURTHER SURVEY BY A REGISTERED SURVEYOR.
3. THIS PLAN IS INDICATIVE IN NATURE AND IS NOT A SURVEY PLAN.
4. IT IS THE RESPONSIBILITY OF THE OWNER TO LOCATE UNDERGROUND SERVICES BY CAREFUL HAND HOLE HAVING PRIOR TO ANY EXCAVATION AND EXERCISE DUE CARE DURING EXCAVATION.
5. ALL DRAINAGE INLETS IN LAYBACK KERB ARE TO BE GRATED INLETS ONLY.



CL25.429

All pressure sewer designs, and construction works are at the applicant's expense, along with the payment of a once off separate system connection fee to entitle Proposed Lot 102 to connect to Town Sewer.

Risk Implications

The environmental risk implications will be reduced following a successful connection to Council sewer system with a pressure sewer option. Pressure sewer systems are fully sealed and therefore significantly reduce risk of overflows. Shoalhaven Water has installed more than 1000 similar systems in other low lying and flood susceptible areas such as Lake Conjola, Woollamia, Lake Tabourie and Currarong.

Internal Consultations

Council Environmental Services Unit is supportive of the connection to the Town sewerage system as the applicant has demonstrated that sustainable onsite wastewater disposal is impractical due to the site constraints (refer to email dated 17/11/2025 D25/543074).

Shoalhaven Water has reviewed the wastewater hydraulic model and there is capacity within the existing system for the additional loading.

External Consultations

The applicant has successfully negotiated with the adjoining landowner at no. 33 Eyrie Bowrie Drive regarding the creation of an easement for sewerage and construction works within the lot (noting that construction of a dwelling at 33 Eyrie Bowrie Drive has recently commenced) and has provided Council with a copy of a deed of agreement between the two parties.

As part of the application to connect to Town Sewer, the applicant has submitted a report by their nominated consultant that it is not possible to manage wastewater by onsite treatment.

Community Consultations

No Community consultations have been carried out as the matter relates to a private development and is dealt with under Council's Policy

Policy and Statutory Implications

Assessment under the Non-Urban Wastewater Connection Policy:

Council's policy provides for non-urban zoned properties to connect to the town sewerage system subject to compliance with Section 3.3 *Criteria For Determination of an Application for a Property to Connect to Council's Sewerage System*, which states:

"Connection to Council's sewerage system will only be made available to non-urban properties upon written application in the following circumstances:

- *Where capacity exists in the existing system, and*
- *Where the current levels of service can be provided, and*
- *Where the property is paying the wastewater availability charge.*

Properties not paying the wastewater availability charge will only be considered for connection to Council's sewerage system if it is not possible to manage wastewater by on-site treatment. Approval in this situation is subject to Council resolution."

CL25.429

Assessment in accordance with each of these criteria is outlined below:

- **Where capacity exists in the existing system**

The calculated loading is 1.0 Equivalent Tenement (ET). The town sewerage system does have capacity to support the proposed connection.

- **Where the current levels of service can be provided**

Current levels of service via pressure sewer can be provided.

- **Where the property is paying the wastewater availability charge**

The property is not paying the wastewater availability charge.

Properties not paying the wastewater availability charge will only be considered for connection to Council's sewerage system if it is not possible to manage wastewater by on site treatment. Approval in this situation is subject to Council resolution.

The current requirements in Chapter G8 of the DCP 2014 no longer permit onsite sewer management due to the site constraints and environmental risks.

Council's Environmental Services Unit is supportive of a connection to the town sewerage system as it provides improved environmental outcomes and reduces the risk of wastewater entering the sensitive land and waterways during a flood event or system failure

Financial Implications

There are no negative financial impacts to Council as all works are at the applicant's full expense, including payment of the once off Separate System Connection Fee of \$8,964.40 (2025/26) and the levying of the wastewater availability charges once it is connected. Shoalhaven Water will retain ownership of the pressure sewer unit and therefore be responsible for its maintenance

CL25.429

CL25.430 Review of Waste Services Policies

HPERM Ref: D25/421090

Department: Waste Services

Approver: Andrew McVey, Director - Shoalhaven Water

Attachments:

1. Waste Services Fee Waivers and Subsidies Policy (under separate cover) [🔗](#)
2. Waste Management - Disaster Recovery Policy (under separate cover) [🔗](#)
3. Waste Disposal - No Charge Tipping Vouchers (under separate cover) [🔗](#)
4. Garden Waste Mulch - Community Assistance Policy (under separate cover) [🔗](#)

Purpose:

All Public Policies are to be reviewed during the Council term. The Waste Services Fees and Subsidies Policy is proposed to replace three existing policies.

The *Waste Services Fees and Subsidies Policy* (**Attachment 1**) is presented to Council for consideration. The policy provides a framework and guidelines for staff when administering requests in respect to these matters. The policy revises and replaces the provisions of:

- *Waste Management - Disaster Recovery Policy* (POL16/128) (**Attachment 2**)
- *Waste Disposal - No Charge Tipping Vouchers Policy* (POL16/169) (**Attachment 3**)
- *Garden Waste Mulch - Community Assistance Policy* – (POL16/170) (**Attachment 4**)

Recommendation

That Council:

1. Adopt the Waste Services Fees and Subsidies Policy as attached to the report.
2. Rescind the policies listed below, as the provisions of those policies have been incorporated into the Waste Services Fees and Subsidies Policy.
 - a. Waste Management - Disaster Recovery Policy (POL16/128)
 - b. Waste Disposal - No Charge Tipping Vouchers (POL16/169)
 - c. Garden Waste Mulch - Community Assistance Policy (POL16/170)

Background

The proposal is to combine the three existing Waste Services policies into one new Waste Services Fees and Subsidies Policy.

The *Waste Management - Disaster Recovery Policy* was introduced in 2016 to cover waste produced as a result of significant flooding but incorporates waste produced through other large scale natural disasters, including flood, windstorm or tempest, earthquake, tsunami, heatwave, landslides, bushfire, plant and animal disease or plague, and pandemic.

The policy provides a pre-determined threshold that will empower Council staff to waive the tip fees for disaster generated waste at the Recycling and Waste Depots. This will reduce delays in waiting for a decision and improve customer service.

CL25.430

Any costs incurred by Waste Services need to be accounted for within the Waste Operations annual budget. Costs include staff costs, sorting, transport, machinery, and any material processing costs. The EPA levy may need to be paid to the State Government in instances where they have not acknowledged the event to be a Natural Disaster.

The *Waste Disposal - No Charge Tipping Vouchers* policy provides for four no-charge tipping vouchers (two vouchers for general domestic waste including green waste and two vouchers for green waste only) to be issued annually for each assessment which is charged for a domestic waste management service. The cost to provide the voucher service for financial year 2024, was estimated to be \$121 per voucher using property (less than 60% of properties used their vouchers - 34,364 ratepayers).

The equivalent tipping fee value of no-charge vouchers during the 2024/2025 financial year was over \$4 million. The funding for these vouchers is sourced through the annual domestic waste management charge (DWMC) and vouchers should therefore only be distributed to residents who pay the annual DWMC.

The *Garden Waste Mulch - Community Assistance Policy* allows for Shoalhaven residents and community to collect processed garden waste mulch from any Recycling and Waste Depot, when available, for no charge. The requirement is for persons to load themselves. However, loading equipment is available at the three larger Depots (West Nowra, Huskisson and Ulladulla) if people would like the mulch to be loaded for them a nominal loading fee placed on the transaction.

The *Waste Services Fees and Subsidies Policy* allows for non-profit organisations to access the mulch and other materials at no charge following an approval process, to be approved by delegated authority to the Waste Services Manager. This will provide clarity and confirmation of provisions currently outlined in the adopted Fees and Charges.

Internal Consultations

Proposed changes to the policy were not deemed to be significant and consultation has not been undertaken.

External Consultations

Proposed changes to the policy were not deemed to be significant and consultation has not been undertaken.

Community Consultations

There is no statutory requirement to publicly exhibit any of the policies contained in this report. Council may choose to do so should they consider any changes of significance.

Policy and Statutory Implications

The policy proposed largely reflects the intent of the existing approved policy and the approved Fees and Charges document.

Financial Implications

Changes proposed in the new Policy will have minimal financial implications to current approved budgets. The *No Charge Tipping Vouchers* have a significant impact on budgets (over \$4 million per year). Responding to disaster waste can also have a significant impact on budgets and is currently not included in Waste Services budgets. Other aspect of the new Waste Services Fees and Subsidies Policy have a relatively small impact on budgets.

Risk Implications

There are potential Reputational risks related to the provision of services that do not meet the expectations of some members of the community. Conflict sometimes arises when the expectations of individuals to provide fee waivers go beyond the provisions in the policy.

Financial constraints require that limitations are made to the fee waivers and support the user pays principle that helps support the reduction of waste generation.

The policy attempts to give clarity to staff and the community about when fee waivers are available.

CL25.430

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.