

Ordinary Meeting

Meeting Date: Tuesday, 24 February, 2026
Location: The Studio, Shoalhaven Entertainment Centre, 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 and debate) will be webcast, recorded and made available on Council's website, under the provisions of the Code of Meeting Practice. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

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

Statement of Ethical Obligations

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

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

Agenda

1. Acknowledgement of Country

Walawaani (welcome),

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

Walawaani njindiwan (safe journey to you all)

Disclaimer: Shoalhaven City Council acknowledges and understands there are many diverse languages spoken within the Shoalhaven and many different opinions.

2. Moment of Silence and Reflection

3. Australian National Anthem

4. Apologies / Leave of Absence

5. Confirmation of Audio-Visual Attendance

6. Confirmation of Minutes

- Ordinary Meeting - 27 January 2026
- Extra Ordinary Meeting - 13 February 2026

7. Declaration of Interests

8. Presentation of Petitions

9. Mayoral Minute

Mayoral Minute

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CCL26.2	Bereavement Services - EOI Outcome <i>Local Government Act - Section 10A(2)(a) - Personnel matters concerning particular individuals (other than Councillors).</i> <i>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.</i>
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MM26.2 Mayoral Minute - 2026 Australia Day Honours

HPERM Ref: D26/32985

Recommendation

That Council recognise and congratulate Mr Kenneth Neil Hutt OAM of Berry, who was the only Shoalhaven recipient in the Governor General's 2026 Australia Day Honours.

Details

On 26 January 2026, 472 recipients were recognised in the 2026 Australia Day Honours List as bestowed by the Governor-General and Chancellor of the Order of Australia, Her Excellency the Honourable Ms Sam Mostyn AC.

The Shoalhaven this year had one recipient, Mr Kenneth (Ken) Neil Hutt of Berry who received an OAM in recognition of his service to the community through a range of roles as per the citation below:

MEDAL OF THE ORDER OF AUSTRALIA (OAM) IN THE GENERAL DIVISION

Mr Kenneth Neil Hutt, Berry NSW 2535, for service to the community through a range of roles.

Rotary International

- Fundraiser, End Polio Now campaign, through paragliding activities at various locations including: Lobuche Peak, Nepal, 2023; Mt Everest, Himalayas, 2022; and Cho Oyu Mountain, Himalayas, 2014.

Rotary Club of Berry, Rotary International

- Former, International Director.
- Foundation Director.
- Member, since 2008.

Other

- Member, Sports Aviation Federation of Australia, current.
- Featured, Fly from Everest documentary, 2022.

Professional

- Former Member, Police Rescue Squad, Water Police, New South Wales Police Force.

Awards and Recognition include:

- District Governor's Recognition, for Outstanding Service through Rotary District 9705, Rotary International, 2021.
- International Service Award for Polio Eradication, Rotary International.
- Paul Harris Fellow, Rotary International.
- Humanitarian Overseas Service Medal, with Clasp 'Indian Ocean', 2007.
- Commissioners Commendations, New South Wales Police.

MM26.2

CL26.16 Notice of Motion - Sussex Inlet Golf Village

HPERM Ref: D26/54410

Submitted by: Cllr Patricia White

Purpose / Summary

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

Recommendation

That Council continue to give its strong support for the ongoing establishment of the Sussex Golf Village and the retention of the Sussex Inlet Golf Course and clubhouse. Further, it is both noted and acknowledged that the current golf course/clubhouse is zoned RE2 private recreation and the Sussex Inlet Settlement Strategy, related Planning Proposal and DCP which led to R1 and RE2 zones in this location was all based on it being a golf course estate.

Background

In very recent times the current owner of the developing estate as well as the golf course, has decided to move on. This has, understandably, caused some concern amongst the residents as to the future of the golf course. Any potential purchaser would need to be fully aware of the RE2 zoning, which is quite restrictive and does not generally allow residential subdivision to occur. In addition, there are now Asset Protection Zones over large parts of the golf course, which again make residential subdivision over the golf course most unlikely.

CL26.16

CL26.17 Notice of Motion - Invitations to Councillors to attend Ward meetings and consultations

HPERM Ref: D26/55757

Submitted by: Cllr Gillian Boyd
Cllr Jemma Tribe

Purpose / Summary

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

Recommendation

That Council staff and/or the mayor invite relevant ward councillors to meetings or consultations that specifically relate to issues within their respective wards. Councillors can choose whether or not they accept the invitation.

Background

As Councillors we are required to make decisions relating to the entire Shoalhaven Local Government Area. However we have been elected by the residents in the local communities that constitute each Ward. Each Ward is quite different and decisions made in the interests of the entire LGA may impact on each local community differently.

As Councillors we need to understand our communities and the possible impact of decisions and any potential actions that will be pursued as a consequence of the decision. Our local communities also need to know their Ward Councillors and that we are interested in the issues they face and how they can be resolved. To support Councillors in their representative role, and improve understanding and knowledge of local communities, it would be advantageous to be invited to attend meetings or consultative forums of staff and/or the Mayor and community members in their Ward.

CL26.17

CL26.18 Notice of Motion - Greening Our City Grant for 102 Trees - Process & Implementation

HPERM Ref: D26/56357

Submitted by: Cllr Denise Kemp

Purpose / Summary

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

Recommendation

1. That Shoalhaven City Council notes community concerns that have been raised about the damage in numerous carparks, footpaths, roadways, asphalted areas and council infrastructure as a result of tree planting and the types of species used in that tree planting.
2. That Council notes community concerns about future tree planting programs in a highly susceptible bushfire prone region and any potential liability issues that may arise as a result.
3. As a result of these concerns Shoalhaven City Council:
 - Provides a full detailed report of any proposed tree or vegetation plantings across the city, prior to obtaining grants or council funding in the future.
 - Undertakes community consultation with affected residents by notifying and including residents in any future planting plans.
 - That councillors are informed of any plantings on any council owned or council managed lands.
 - Council staff provide a report back to Council on the ongoing cost of maintenance, inspections, program costs, the types/species/size of the tree and exact locations, prior to the implementation of the program .
 - That an investigation/report of the species be provided for the intended site and that staff make this available to local communities.

Background

Council has received grant funding of \$488,000 from the NSW Dept of planning under the greening our city grant, to provide shade for nine high traffic asphalt areas in Nowra ,west Vincentia ,Milton and Ulladulla. Council has selected 102 mature broad canopy trees to be strategically planted primarily in council carparks and sporting complexes over the next 12 months. The project will involve the installation of soil vaults or cells into the asphalt to ensure the roots develop healthy root systems. The work will be undertaken by councils technical services team with support from in house ,qualified tree officers. Shoalhaven was one of 24 councils across the state to receive a share of the \$10 million in funding to improve the amenity and liveability of local town centres.

CL26.18

CL26.19 Notice of Motion - Safer Cities Grant Opportunity

HPERM Ref: D26/52784

Submitted by: Cllr Jemma Tribe

Purpose / Summary

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

Recommendation

That Council requests the CEO to consider applying for festoon lighting or similar for the Nowra CBD under the 'Safer Cities' Grant Opportunity (open now until March 6, 2026). In order to enhance public safety and vibrancy in and around the Stewart Place Bus Terminal.

Background

Safer Cities: Her Way is a \$25 million collaborative partnership program between Transport for NSW and councils across NSW. The program aims to improve the perception of safety in public spaces and transport hub precincts for women, girls and gender diverse people, particularly when walking, cycling and accessing public transport.

The multi-round program provides funding for councils to deliver projects that make public spaces feel safer, more vibrant, walkable and welcoming. Each project is shaped by local communities through engagement and co-design and is tailored to reflect local place identity and character.

Funding is available in two tiers:

1. Tier 1: On-the-ground projects funding 13 councils, each receiving \$1 million.
2. Tier 2: Strategic projects funding 13 councils, each receiving \$150,000.

Applications close March 6 and present an ideal opportunity for Shoalhaven City Council to apply for funding, if they have not already.

The safety of women and vulnerable people in the Nowra CBD is a timely topic. Additional lighting in and around Stuart Place Bus Terminals could improve outcomes.

Reference

Safer Cities: Her Way: <https://www.transport.nsw.gov.au/industry/cities-and-active-transport/place-and-precinct-revitalisation/vibrancy-initiatives-2-0>

Note by the CEO

This recommendation is a great suggestion and as CEO I will explore it with the team at Council.

CL26.19

CL26.20 Question on Notice - Strategic Relations Advisor (New Position)

HPERM Ref: D26/54870

Submitted by: Cllr Jemma Tribe

Question

A 'Strategic Relations Advisor' position has been advertised for Shoalhaven City Council with a Council Salary of \$105,927 - \$120,707 gross p.a. plus 12% Super. While Councillors aren't involved in the hiring process, we do set the wage budget, which has been reduced and many positions valued by the community have been lost as a result. Councillors were canvassed for feedback on such a position when Robyn Stevens was CEO and the position was eventually struck from the proposed restructure with the overwhelming view being that Councillors, the mayor and CEO should monitor the political landscape to anticipate impacts and build external relationships. In the interest of transparency and public concern, could Council please be briefed on whether a new restructure is underway to include this new position and receive assurances that this won't be a political appointment?

Response

As a result of new legal requirements introduced by the NSW Government, it is no longer permissible to brief Councillors in the same manner as previous CEOs. I am aware that some misinformation is circulating online, driven by an individual acting with dishonourable intent. I can assure Councillors that this appointment will be conducted strictly in line with our recruitment requirements and obligations, and will be entirely merit-based.

I encourage anyone who is interested in this role to submit an application.

CL26.20

CL26.21 Question on Notice - Narrawallee Dog Access Survey

HPERM Ref: D26/55430

Submitted by: Cllr Jemma Tribe
Cllr Gillian Boyd

Questions

Residents have raised considerable concerns about the survey that has been released, changed and then re-released regarding the proposed Review of Environmental Factors relating to changes to the access for dogs to Narrawallee beach. At the next Ordinary Council meeting on 24 February, please inform councillors whether:

1. This survey is being conducted independently by an external specialist in accordance with the Media Announcement of 6 February.
2. The survey was prepared in accordance with BOSS principles with pilot testing conducted?

And in relation to the re-released questionnaire:

3. What questions were added to the original questionnaire?
4. Who requested these additions?
5. Were these questions prepared by the appointed external specialist?
6. Were these questions prepared according to BOSS principles?

Response

1. Yes. Communications and engagement specialists, Becscomm have been appointed to undertake the community consultation of this project.
2. Staff are unclear as to what the acronym 'BOSS' refers to, however the survey was tested to ensure that the technical logic of the survey worked as intended.
3. What questions were added to the original questionnaire?

Do you support dogs on the beach off-leash Y/N

Do you support dogs on the beach on-leash Y/N

Do you support people using the stairs with dogs on-leash on Victor Avenue Y/N

Would you support dogs on-leash between Victor Ave and Surfers Avenue steps

Would you support 24/7 dog off-leash access on Narrawallee Beach in the off-leash designated area from 1 May to 1 October.

4. Who requested these additions?

Community feedback made it apparent that some additional questions were going to be needed to inform the REF and ultimately the councillors in their determination in relation to the matter.

5. Were these questions prepared by the appointed external specialist?

No.

6. Were these questions prepared according to BOSS principles?

These questions were prepared to provide clarity of data in the development of the REF.

CL26.21

CL26.22 Question on Notice - Community Consultative Bodies Model

HPERM Ref: D26/55607

Submitted by: Clr Jemma Tribe
 Clr Gillian Boyd

Question

In December 2025, 6 councillors voted to:

1. Transition from the current Community Consultative Bodies model of engagement and formally conclude its operation in its present form, effective 1 July 2026.
2. Conduct community consultation from February/March 2026 to determine the most appropriate alternative engagement model that should be for the long term.

As it is now mid-February, could we please be informed where the consultation is up to as many CCBs are requesting an update and are eager to express their views on any discussion paper that will be released.

Response

Early consultation with a working group appointed by the Shoalhaven Combined Community Consultative Bodies to engage with Council will commence shortly. A discussion paper will be distributed as part of the next phase of engagement involving other stakeholders and the community more broadly, during the February to March timeframe.

CL26.22

CL26.23 Report of the Northern Floodplain Risk Management Committee - 10 December 2025

HPERM Ref: D26/38705

NFM25.4 Broughton Creek Flood Study 2025

**HPERM Ref:
D25/535026**

Recommendation

That Council, noting endorsement from the Northern Floodplain Risk Management Committee, adopt the *Broughton Creek Flood Study (Arcadis, 2025)*.

Note by the CEO:

The public exhibition and community consultation outcomes are documented in the committee report ([NFM25.4](#)). The report also details the changes made to the Final Broughton Creek Flood Study in response to community feedback.

The *Broughton Creek Flood Study (2025)* report is available on the NSW Flood Data Portal ([LINK](#)).

Once adopted by Council, the flood information produced as part of this investigation will be used as follows:

- The Broughton Creek Flood Study report will be made available on Council's website, and the mapping will be uploaded onto Council's online flood mapping.
- The data will be available via flood certificate requests and be included in Section 10.7 Planning Certificates for the study area.
- To assess proposed development on flood prone land in accordance with the Shoalhaven Local Environmental Plan 2014 and Development Control Plan Chapter G9 and G10 within the study area.
- To inform strategic decision-making relating to flood prone land.

All flood information produced as part of the Broughton Creek Flood Study will be provided to the NSW SES. The above ensures that Council satisfies its obligations under the *NSW Flood Prone Land Policy (2023)* and the *NSW Flood Risk Management Manual (2023)*. The updated flood information will assist the NSW SES to respond to future flood events.

CL26.23

CL26.24 DPOP 2025-26 - Quarterly Performance and Budget Report (October - December)

HPERM Ref: D26/16267

Department: Customer & Community Services
Approver: Katie Buckman, Director - City Performance

Attachments:

1. Delivery Program Operational Plan - Quarterly Performance Report 2025-26 - October to December (under separate cover) [⇒](#)
2. Quarterly Budget Report - December 2025 (under separate cover) [⇒](#)
3. Financial Sustainability Plan December 2025 Update (under separate cover) [⇒](#)
4. Uncompleted Notices of Motion / Mayoral Minutes (under separate cover) [⇒](#)
5. Completed Notices of Motion / Mayoral Minutes (under separate cover) [⇒](#)

Purpose:

The purpose of this report is to include the Quarter 2 (October to December 2025) performance report on the 2025-26 Delivery Program and Operational Plan and present the proposed budget adjustments in the December 2025 Quarterly Budget Review for adoption.

Recommendation

That Council:

1. Receive the December Quarterly Performance Report on the 2025-2029 Delivery Program and 2025-26 Operational Plan and publish on Council's website.
2. Receive the December 2025 Quarterly Budget Review Report.
3. Adopt the budget adjustments as outlined in the December 2025 Quarterly Budget Report Document.
4. Pay \$8.854M in additional loan repayments from unspent loan borrowings prior to 30 June 2026 for projects that have finished under budget, have been abandoned, or have been paused.
5. Repurpose \$966K of unspent loan proceeds from loan 1241 drawn down in June 2024 for Waste projects, to the Material Recovery Facility project
6. Receive the Uncompleted and Completed Notices of Motion/Mayoral Minutes Reports.
7. Receive the December 2025 update of the Sustainable Financial Futures Plan and note the \$7.435 million operational savings achieved to date of the \$10 million savings target.

Community Strategic Plan:

- 4 Transparent leadership with good governance
 - 4.1 Financial sustainability
 - 4.2 Transparent leadership
 - 4.3 Effective collaboration and engagement

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Delivery Program / Operational Plan:

- 4.1.1 Support Council's sustainable delivery of projects and corporate services through sound financial management and control
- 4.2.1 Provide support to the elected Council to enable effective leadership
- 4.3.1 Develop community trust and respect through transparent interactions and reporting

Background

Section 404 of the Local Government Act 1993 requires the General Manager (Chief Executive Officer) to provide progress reports to the Council with respect to the principal activities detailed in the Delivery Program (Operational Plan) at least every 6 months. Furthermore, all councils must continue to consider a Quarterly Budget Review report.

Clause 203 of the Local Government (General) Regulation 2021 requires the Responsible Accounting Officer (Chief Financial Officer) to prepare and submit to the Council, a Quarterly Budget Review Statement that shows, by reference, the estimates of income and expenditure set out in the Operational Plan and a revised estimate of the income and expenditure for the full financial year.

The Responsible Accounting Officer is also required to report as to whether they believe the financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure.

The December 2025 Quarterly Budget Review Statement (QBRS) includes an analysis of the year-to-date result and the reasons for the adjustments from the previously adopted budget by fund. Any proposed changes to the budget are included in the attached December Quarterly Budget Review Statement.

Summary of Delivery Program Operational Plan 2025-26 Q2 Performance

Table 1 below provides breakdown of performance as at 31 December 2025 across each of the key themes outlined in the Community Strategic Plan - Shoalhaven 2035.

Table 1: Action performance as at 31 December 2025 by Community Strategic Plan 2035 Theme area

CSP Pillar	Progress snapshot
Vibrant, active and safe communities	96% actions on track or completed
Sustainable environments and liveable communities	90% actions on track or completed
Resilient local economies and enabling infrastructure	94% actions on track or completed
Transparent leadership with good governance	87% actions on track or completed

Of the 122 DPOP actions, 1 action was completed in the first quarter. By the end of the second quarter, a total of 2 actions had been marked as 'Completed'.

- 4.11.01 Annual review and update of Council's Workforce Plan to ensure strategies are updated and implemented.
- 4.2.1.05 Ensure currency of Council's Risk Management Framework

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Key Highlights

Council has consistently delivered a range of services, projects and activities which work towards achieving the 14 priority areas outlined in Council's Delivery Program 2025-29. Performance comments are provided in the report against each of the 122 actions and related targets in Council's 2025-26 Operational Plan.

The complete DPOP Quarterly Performance Report (October - December) is included as

Attachment 1.

Significant achievements between October and December 2025 include:

- To foster an inclusive Shoalhaven and deliver priorities from the Disability Inclusion Action Plan (DIAP), Vibrant Communities has worked closely with the Inclusion and Access Advisory Committee (IAAC) and the broader community to review the existing and inform development of the new DIAP. These engagements provide opportunities for community to influence future actions that could improve access and inclusion across the Shoalhaven.
- The Wool Road Culvert Replacement Project reached completion this quarter, reinstating a key section of the road network impacted by previous flood damage. Supported by disaster recovery funding, the project involved the replacement of the damaged culvert to improve hydraulic capacity and enhance resilience against future extreme weather events. The works were prioritised to ensure both traffic lanes were safely reopened ahead of the busy Christmas period, reducing impacts on road users and maintaining access during peak holiday travel.
- The Illaroo Road Rehabilitation Project was successfully completed this quarter, delivering significant improvements to road safety, pavement condition, and long-term resilience of this key local route. The works addressed deteriorated pavement and drainage issues, resulting in a smoother, more durable surface and improved stormwater management. The project was delivered on schedule and within budget, with traffic impacts effectively managed to minimise disruption to residents and road users. The project was jointly funded by Council and the NSW Government's Infrastructure Betterment Fund.
- Installation of the Material Recovery Facility (MRF) has been completed, and the final commissioning of the plant is still underway. Performance testing prior to this facility being fully operational is expected in the first quarter of 2026.
- The Thrive Together pop-up event was successfully delivered in the Shoalhaven this quarter, providing an accessible and welcoming space for community members to connect with local services, supports, and wellbeing resources. The event brought together Council, community organisations, and service providers to promote social connection, mental health, and community resilience. Strong community engagement and positive feedback highlighted the value of the pop-up format in reaching residents in a flexible and inclusive way, supporting Council's commitment to a healthy, connected Shoalhaven.
- Year to date Council has submitted 46 grant applications to external funding sources with 8 applications being reported successful and 27 applications still awaiting outcomes. The successful grants have brought in \$132,189 in additional funding to help deliver projects. The Grants Officer continues to provide an ongoing service to Council, researching and scanning state and federal landscapes and briefing internal teams on funding opportunities that align with strategic projects.
- To provide the community with accurate and timely information, the Communications team delivered campaigns across Council's social media channels, including weekly posts and videos on key projects with the Mayor and staff discussing project updates and community topics. More than 70 media releases were issued this quarter,

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addressing major topics such as organisational restructure, policy adoptions, new Councillor appointments, and community engagement initiatives. Regular updates have been provided on high interest infrastructure projects such as major road upgrades to demonstrate accountability and provide the local community with progress reports.

Requires Attention

Table 2 below outlines the six Action items that have been reported as ‘requires attention’ as at 31 December 2025. Full performance comments are in the attached report and remedial actions have been reported to senior management.

Table 2: DPOP Actions rated as ‘requires attention’ as at 31 December 2025

Ref.	Action	Quarter 2 Comment (summary) Full comments in attached report
2.1.1.02	Support organisational environmental due diligence	Following the workplace change in October 2025, environmental functions have been integrated across the organisation. While responsibility is now shared rather than centralised, environmental due diligence remains a priority and will be embedded within executive oversight and governance processes. This action is expected to be reviewed and updated in the next Delivery Program and Operational Plan (DPOP) to reflect the new approach and ensure continued compliance and accountability.
2.2.1.03	Complete preparation of a new local infrastructure contributions scheme and governance framework	Preparation of the new Local Infrastructure Contributions Scheme and governance framework is progressing, with updates discussed at Council’s Land Use Planning & Development Advisory Committee on 18 November 2025. Exhibition of the draft Contributions Plan to Council is planned for early 2026.
2.2.2.04	Consolidate four Wastewater Treatment Plants within the existing Reclaimed Water Management Scheme to support growth and improve efficiencies and operations	The draft options assessment was reviewed in December; however, additional information is required to finalise the report. Work is ongoing, with Operations and Maintenance (O&M) costs now being incorporated into the report. Completion is scheduled for late January, but may be delayed due to the need for further data on O&M costs.
3.1.2.04	Progress work with the NSW Government and others to unlock the economic growth and employment generating opportunities of zoned but undeveloped land in the South Nowra Employment Precinct	Work on the interim Development Control Plan did not progress during the quarter due to competing priorities. Following the release of the NSW Government’s South Nowra Precinct Profile in November 2025, Council resolved to prioritise the new Land Use Planning Scheme work over this action.
4.1.1.08	Provide effective, secure and efficient	Council continues to meet its record-keeping obligations. While several issues early in the

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Ref.	Action	Quarter 2 Comment (summary) Full comments in attached report
	record keeping frameworks and services to meet strategic, legislative and operational requirements of the organisation	period slowed correspondence processing times, improvements to processes and stabilisation of resourcing have resulted in improving turnaround times.
4.2.1.07	Deliver Council's Service Review Program	The service review of Shoalhaven Bereavement Services progressed to an Expression of Interest (EOI) process, which was used to better understand market interest and determine whether external providers could deliver these services sustainably and in line with community expectations. The outcome of the EOI will be decided in early 2026.

On Hold

Table 3 below, outlines the five Action items that have been reported as 'on hold' as at 31 December 2025. Full performance comments are in the attached report and remedial actions have been reported to senior management.

Table 3: DPOP Actions rated as 'on hold' as at 31 December 2025

Ref.	Action	Quarter 2 Comment (summary) Full comments in attached report
1.2.1.04	Work towards completion, approval and implementation of Shoalhaven Entertainment Centre's Strategic Business and Marketing Plan	The strategic business and marketing plan is on Hold. It will incorporate learnings and direction from the current service review being conducted on the operation of the Shoalhaven Entertainment Centre. It is expected to be completed within 6 months of the service review being finalised.
2.2.3.10	Review and update the Holiday Haven Business Plan to reflect the current operating environment	The Business Strategy document was completed to 90% in Q2 and is on track to be completed in Q3 . Once completed, the strategy will inform the development of the revised Business Plan which will not be finalised until the outcome of the proposed service review is complete to ensure further adjustments and recommendations are included prior to formal endorsement.
4.1.1.19	Develop a fair and equitable rating system that also improves Council's financial sustainability	Best practice is to undertake a comprehensive review of a council's rating structure mid-valuation cycle, when rates outcomes from the previous year can be meaningfully compared with projected outcomes for the following year using the same land values. Reviewing the rating structure now, with new 2025 land values, would require comparisons between 2025/26 and 2026/27 using different land values, limiting the reliability of the analysis. As a result, the optimal timing for a robust review of rating equity is the 2027 financial year, after the 2026/27 rates are

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Ref.	Action	Quarter 2 Comment (summary) Full comments in attached report
		levied using the 2025 land values. In the meantime, routine analysis of the impacts of the new 2025 land values on rates payable will continue in Q3 and Q4, particularly for business rates and the Nowra CBD sub-category, ahead of the 2027 FY Draft DPOP.
4.2.1.02	Coordinate Audit, Risk and Improvement Committee functions and responsibilities and deliver the planned internal audits	ARIC is discharging their responsibilities as per the adopted ARIC Charter and ARIC annual plan. Meetings occurred as planned along with the additional annual Financial Statements review meeting with the Audit Office NSW. Internal audits are progressing as per the approved internal audit plan although they are currently running behind schedule. This is being addressed by recruitment of a new Internal Auditor to fill the vacant position.
4.2.1.08	Conduct a comprehensive review to ensure that the service levels for Works & Services align with the associated budgets and resources	Review has been delayed due to resource availability. This is anticipated to be addressed in Q4 to enable to process to recommence.

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The remaining 109 actions are rated as 'On Track'.

December 2025 Quarterly Budget Results Overview

The budgeted consolidated operating result has improved further, increasing from a \$1.4M surplus at Quarter 1 to a \$4.8M surplus this quarter. This improvement is mainly due to higher-than-expected interest on investment income, increased waste management rates, and reduced materials, services, and other expenditure costs in the General Fund, and an increase in water connection charges in the Water Fund.

Council's unrestricted cash position has continued to strengthen. At 31 December 2025, Council's grants spent in advance balance had reduced to \$1.9M, a decrease of \$1.9M compared to 30 September 2025. The decrease is due to the receipt of \$978.5K for the Far North Collector Road and \$4.1M for the Local Road Upgrades Program, which is now \$3M received in advance.

Despite costs associated with the organisational restructure implemented on 27 October 2025, loan repayments due, and capital expenditure beginning to increase, the unrestricted cash balance grew to a \$8M surplus at 31 December 2025. However, the projected unrestricted cash balance at 30 June 2026 has been revised down from \$21.1M in quarter 1 to \$13.7M, mainly due adjustments in the timing of Council's land sales program (\$5.7M) and delays in the opening of the Materials Recovery Facility (MRF) operations (\$2.4M).

Council repaid \$3.7M of the unspent loans in December 2025, as resolved by Council at the meeting on 28 October 2025 (**MIN25.557**). This resulted in a break gain of \$306K and a reduction of \$356K in loan payments in the current financial year, improving Council's forecast cash position.

It is proposed that Council continue to repay unrequired loans prior to 30 June 2026 for projects that have finished under budget, have been abandoned, or have been paused. Project details and proposed amounts to be returned are outlined below:

Project Name	Project Status	Amount
Sustainable Tourism projects	Finished under budget	\$1,103,789.05
Showground Building projects (associated with Bushfire Local Economic Recovery Fund grants (BLERF-0111))	Paused at concept design stage (MIN25.264)	\$1,468,005.67
Waste Education Centre	Abandoned	\$881,620.06
Bioelektra Resource Recovery Facility	Abandoned	\$5,400,346.99
Total		\$8,853,761.77

Preliminary General Fund Year End Results and Quarterly Review Movements

General Fund

Council's General Fund revised budget for FY2025-26 at the September QBR was projecting a deficit before capital of \$16.4M, or an Operating Performance Ratio of -5.4%. This quarterly review has identified a further improvement in the projected General Fund deficit, mainly due to higher-than-expected interest on investment income, increased waste management rates, and reduced materials, services, and other expenditure costs. The revised projected General Fund deficit is now \$14M, with an Operating Performance Ratio of -4.6%.

This quarter has identified \$299K savings through plant and fleet review as part of Council's Sustainable Financial Futures Plan. This includes the sale proceeds for underutilised fleet assets and associated operational cost savings, which have been transferred to the Financial Sustainability Reserve.

The following table presents a high-level summary of the budget and movements for the General Fund for Quarter 2 2025-26:

Table 4: General Fund budget movements for Quarter 2 2025-26

(\$'000) Favourable / (Unfavourable)	Current Adopted Budget (QR1)	December QR Adjustments	December QR Revised Budget	YTD Actual
Net Operating Result including Capital Grants & Contributions	26,273	-3,310	22,963	83,630
Net Operating Result excluding Capital Grants & Contributions	-16,372	2,273	-14,099	66,213

Income is tracking to meet the full-year forecast. While there was a \$3M reduction in this QBR for the Waste Materials Resource Facility income due to delays, this has been offset by increased waste management rates, higher returns on investment, and the break gain earned from early loan repayment. User fees and charges have achieved 46.4% of total budget as at this quarter and are expected to continue growing during the peak summer period in Quarter 3.

Finance is closely monitoring actual expenditure across Council. Improvements in financial culture, embedded across the organisation over the past two financial years, have contributed to a stronger fiscal outcome. YTD expenditure is \$131.5M compared with a full year revised budget of \$281.9M, representing 46.65% of the full-year budget, which is considered an appropriate YTD spend.

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YTD actual employee costs are currently 47.65% of the full-year budget. With the peak summer season continuing into Quarter 3, more seasonal casuals will be employed to service the community. Termination payments resulting from the recent organisational restructure have been fully absorbed through vacancy savings and the remaining budget from disestablished positions. Council is on track to meet the full year employee cost budget.

Materials and services expenditure represent 44.2% of the full year budget and is on track to finish the financial year within budget.

The projected unrestricted cash balance at 30 June 2026 has been revised down from \$21.1M in Quarter 1 to \$13.7M, mainly due to adjustments in the timing of Council's land sales program (\$5.7M) and delays in the opening of the Materials Recovery Facility (MRF) operations (\$2.4M). Gains from the early repayment of loans have partially offset these negative movements.

Performance Measures

The revised forecasts of the Office of Local Government (OLG) performance measures for the 2025-26 financial year are detailed in **Table 5** below.

Table 5: Revised forecast of OLG Performance Measures

Ratio	December revised forecast	Benchmark	Pass/Not Met	State average 23/24
Operating Performance Ratio	-4.6%	>0%	Not Met	1.1%
Own Source Revenue Ratio	82.7%	>60%	Pass	58.6%
Debt Service Cover Ratio	1.77	>2.00	Not met	26.89
Infrastructure Renewal Ratio	63.95%	100%	Not Met	130%

Note: Debt Service Cover Ratio is not met this quarter. This is expected due to the proposed early loan repayments. If the early loan repayments do not proceed, the ratio would be met. Staff will work with NSW Treasury Corp to have this metric adjusted for FY2025-26 if early repayments are approved.

Cash and Investments

Council held \$269.6M in cash and investments at 31 December 2025. This is split between amounts externally restricted, internally restricted, and amounts unrestricted. Council's cash and investments are reported in **Attachment 2** – Quarterly Budget Review Report - December 2025.

Preliminary Water Fund Year End Results and Quarterly Review Movements

Council's Water Fund revised budget for FY2025-26 was projecting a surplus before capital of \$4.3M and Operating Performance Ratio of positive 8.9%. This quarterly review has identified a net favourable result in Water Fund's position to a projected surplus before capital of \$5.5M, and Operating Performance Ratio of positive 11.1%.

This favourable result is due to the growth of water connections being greater than predicted, the forecasted interest income being greater than predicted, and realised labour and employee cost savings being returned to the Water Fund. These positive adjustments are

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offset by a reduction in water usage, and a required increase in materials budget. This results in a net favourable movement of \$1.2M.

The following table presents a high-level summary of the budget and movements for the Water Fund for Quarter 2 2025-26:

Table 6: Water Fund budget movements for 2025-26

(\$'000) Favourable / (Unfavourable)	Current Adopted Budget	QR Adjustments	December QR Revised Budget	YTD Actuals
Net Operating Result including Capital Grants & Contributions	16,210	-1,732	14,478	7,665
Net Operating Result excluding Capital Grants & Contributions	4,272	1,206	5,478	2,099

Preliminary Sewer Fund Year End Results and Quarterly Review Movements

Council's Sewer Fund revised budget for FY2025-26 was projecting a surplus before capital of \$15.022M and an Operating Performance Ratio of positive 20.7%. This quarterly review has identified a net slightly unfavourable result in Sewer Fund's position of a projected surplus before capital of \$15.007M, and Operating Performance Ratio of positive 20.6%.

The decrease in the projected surplus is due to the favourable reduction in operational materials and increased projected interest income being offset by increased required labour and employee costs. This results in a net unfavourable movement of \$15K.

The following table presents a high-level summary of the budget and movements for the Sewer Fund for Quarter 2 2025-26:

Table 7: Sewer Fund budget movements for 2025-26

(\$'000) Favourable / (Unfavourable)	Current Adopted Budget	December QR Adjustments	December QR Revised Budget	YTD Actuals
Net Operating Result including Capital Grants & Contributions	17,047	-15	17,032	10,287
Net Operating Result excluding Capital Grants & Contributions	15,022	-15	15,007	9,378

Capital Projects Progress Overview

- The current adopted FY 2025-26 capital works program consists of 365 projects with a total capital works program of \$152.4M. Projects by Fund are split as follows:
 - 328 General Fund projects totalling \$76.6M
 - 22 Water and Sewer Fund projects totalling \$64.9M
 - 15 Waste Reserve projects totalling \$11.1M
- The proposed program for adoption at Quarter 2 consists of 365 projects with a total capital works program of \$121.9M (\$30.5M decrease). Projects by fund are split as follows:
 - 328 General Fund projects totalling \$57.76M (\$18.1M decrease)
 - 22 Water and Sewer Fund projects totalling \$52.5M (\$12.5M decrease)

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- 15 Waste Reserve projects totalling \$11.64M (\$52K increase)
- Of the \$30.5M decrease, there is \$21.1M in proposed carry forwards into FY2026-27 (refer below for further information) and \$9.4M in other adjustments, notably a \$4.9M reduction in plant and fleet purchases no longer required or delayed following the fleet review, and \$2.9M from the JBT water infrastructure extension project completed under budget.
- The YTD FY 2025-26 capital works program is \$44.2M spent, which represents a completion of 36%. Completion by Fund is split as follows:
 - \$21.7 General Fund projects (38% Spent)
 - \$18.4 Water and Sewer Fund projects (35% Spent)
 - \$4.1 Waste Reserve projects (35%Spent)

A 38% capital expenditure for general fund projects as of 31 December 2025 is in line with the expected position as of the QBR1 report. It is currently expected that Q3 will see an increased rate of expenditure due to some key projects namely, the Road Reseal Program, completion of the MRF, West Nowra Waste Cell 3H, Plant and Fleet Renewals, Yalwal Road & George Evans Road intersection and 16 Berry St Nowra demolition. These projects collectively have \$15.5M of expenditure budget remaining this financial year.

While the overall program has decreased in size, some individual projects have required an increase in expenditure budget, namely, \$966K from the unspent Waste Education Centre loan for the MRF to see out the final commissioning and operation of the facility, \$1.49M from the Section 7.11 reserve relating to a Works in Kind Agreement on the 70 Hillcrest Ave development for which the timing of the payment to the developer was uncertain until recently, and \$539K in new grants for the Urban Rivers and Catchments Program following a successful grant application.

The general fund portion (unrestricted cash) of the program remains unchanged at \$6.5M.

Proposed Carry Forwards for FY2025/26

A carry forward is a capital project which commenced in the 2025-2026 financial year but will not be completed by 30 June 2026.

Council carry forwards into FY 2026-27 to be considered at the December 2025 quarterly budget review (QBR2) are as follows:

- Total Carry forwards proposed at QBR2 total \$21.1M
- Of this, Shoalhaven Water and Sewer Funds constitute \$6.96M, Waste Reserve \$850K, and the balance of \$13.3M is to be delivered by General Fund.
- Of the \$13.3M in General Fund carry forwards \$4.3M relates to the fully grant funded Shoalhaven Roads Package which has been rephased to future years in line with the agreed program with the federal government, \$2.1M relates to the Moss Vale road URA development works, \$900k relates to the Nowra Riverfront development, \$870K for the Woollamia Depot renewal and \$800K for the Nowra Admin fire Compliance works.

A more detailed list by program is provided in **Attachment 2** – Quarterly Budget Review Report - December 2025

Council will continue to refine the FY 2025-26 capital works program throughout the March 2026 quarter. The Enterprise Project Management Office (ePMO) continues to actively monitor the appropriateness of budget phasing and project deliverability. Any carry forwards identified in the March 2026 quarterly budget review will be considered for post exhibition changes in the final DPOP.

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Financial Sustainability Productivity and Efficiency Update

Progress continues on the Sustainable Financial Futures Plan (SFFP) adopted in December 2024. The SFFP identified \$7M in General Fund operational savings in FY2025-26, with a further \$1M per annum to be delivered over the following three years. As reported last quarter (CL25.398), savings are expected to exceed \$7M, and Quarter 2 results continue to support this outcome. SFFP savings to Quarter 2 total \$7.45M, and the Financial Sustainability Reserve balance increased from \$4.9M to \$5.3M this quarter from the transfer of one-off sale proceeds and recurrent Plant and Fleet savings.

To date, the SFFP has delivered permanent recurrent savings of \$7.435M to the General Fund through:

- Revenue increases: Fees and charges review \$500K
- Employee cost savings: \$5.1M
- Reduced operational costs from Staff 3% Challenge: \$1.1M
- Plant and fleet operational savings of \$450K achieved through reduced holdings
- Reduced facilities operating hours, delivering savings of \$286K per annum

Employee cost savings of \$5.1M were delivered through workplace changes. \$1.6M was achieved through the executive restructure on 2 December 2024 and a further \$3.5M was achieved following a definite decision on 27 October 2025 which included the disestablishment of 52 roles, the creation of 12 permanent positions, and the realignment of reporting lines to improve efficiency, capability, and financial sustainability.

In Quarter 2, \$299K was added to the Financial Sustainability Reserve, achieved through additional one-off plant and fleet sale proceeds (\$264K) and related operational savings (\$35K). This adds to the savings made in quarter 1, bringing the FY2025-26 year to date one-off plant and fleet sale proceeds to \$791K and related operational savings to \$450K.

The SFFP is complemented by planned land sales over four years (\$28M FY2026-29). This quarter, land sale forecasts were adjusted downwards due to timing adjustments (\$5.7M); however, the current forecast across the SFFP four-year period remains at \$28M. Category 2 properties are currently being prepared for rezoning and reclassification to enable future sale.

Council continues to implement the Sustainable Financial Futures Plan, with 42 of 75 actions completed to date. In December, the Community Infrastructure Needs Analysis was completed (informing the update of the Community Infrastructure Strategic Plan), and the internal Budget Policy was completed.

See **Attachment 3** for more detail on Council's progress toward a sustainable financial future.

Quarterly Notices of Motion Reports

The full report of Uncompleted and Completed Notices of Motions have been attached as **Attachment 4** and **Attachment 5**, respectively.

Risk Implications

Publishing this report and the attached documents for public information is important for maintaining transparency and accountability as it provides the community with information about Council's progress and performance against the adopted 2025-26 Operational Plan and adopted SFFP.

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Internal Consultations

Council staff from across the organisation have provided information to compile the report – as part of existing reporting processes.

External Consultations

No external parties were consulted to produce this report.

Community Consultations

The community is consulted via public exhibition as part of the development of the DPOP and Budget each year.

Subject to Council's endorsement, the Quarterly Performance report will be made available on Council's website. A range of other communication methods may also be used to communicate the outcomes of the report including performance highlights across Council's social media platforms.

Policy and Statutory Implications

This report is an important component of fulfilling Council's integrated planning and reporting responsibilities required by the Local Government Act 1993.

Financial Implications

The proposed changes result in a forecast unrestricted cash balance as at 30 June 2026 of \$13.7M. The budgeted general fund operational and capital expenditures do not exceed the general revenue and available internal and external restrictions of the Council and consequently the adjustments conform to the requirement of no cash deficit budgeting.

CL26.25 Australian Local Government Association Annual Conference 2026 - National General Assembly

HPERM Ref: D26/35669

Department: Business Assurance & Risk

Approver: Katie Buckman, Director - City Performance

Purpose:

To consider Councillor voting delegates, attendance and motions for submission to the Australian Local Government Association (ALGA) Annual Conference 2026 – National General Assembly: 23 – 25 June 2026.

Recommendation

That Council:

1. Notes the details of the ALGA Annual Conference 2026 – National General Assembly – to be held at the National Convention Centre, Canberra from Tuesday 23 June to Thursday 25 June 2026.
2. Determine the voting delegate for the conference and an alternate delegate should the voting delegate not be in attendance.
3. Approve attendance and associated costs for the nominated Councillors at the 2026 ALGA National General Assembly.
4. Consider the development of new motions for submission to the 2026 ALGA National General Assembly, consistent with ALGA guidelines.

Community Strategic Plan:

- 4 Transparent leadership with good governance
 - 4.2 Transparent leadership

Delivery Program / Operational Plan:

- 4.2.1 Provide support to the elected Council to enable effective leadership

Background

The Australian Local Government Association (ALGA) Annual Conference 2026 – National General Assembly is being held Tuesday 23 June to Thursday 25 June 2026 at the National Convention Centre, Canberra.

Each council is entitled to appoint one voting delegate to the National General Assembly. It is recommended that Council determine, by resolution, its nominated voting delegate for the conference, along with an alternate delegate to act in the event the nominated delegate is unable to attend.

Motions

ALGA has called for the submission of motions for consideration at the National General Assembly. Councils are encouraged to formulate motions in accordance with current ALGA policy statements and to submit motions online as early as possible, and no later than 11.59pm AEST on Friday, 27 February 2026.

Motions submitted by Council for the 2026 National General Assembly must be new, and materially distinct from those submitted in the previous two years (2024 and 2025) and must also comply with ALGA's guidelines.

In 2025, Council submitted three motions to the conference. Of the three, only two were debated (identified as Motions 53 and 54 in [2025 NGA Resolutions - Shoalhaven City Council](#)). To date, a response has been received from the Minister for Social Services in regard to Motion 53, which called upon the Australian Government to provide financial assistance to eligible ratepayers to assist with council and water rates.

In a letter provided to Councillors in August last year, Council was advised to track responses via the ALGA website. A response is still pending in regard to Motion 54, which called on the Australian Government to consider a percentage of Gross Regional Product collected as tax revenue from tourism industries to be distributed back to Local Government for the purposes of addressing asset maintenance.

In 2024 the Conference considered a motion by Council in regard to financial assistance to eligible ratepayers (Pension and Low-Income earners) to assist with payments of council and water rates (identified as Motion 120 in [2024 NGA Resolutions](#)).

The [2026 program outline](#) is available on the ALGA website. Early-bird registration is available until 30 April 2026, at a cost of \$999 per attendee.

Councillors were invited via email on Friday 30 January 2026 to put forward motions in accordance with the criteria established by ALGA and within the required timeframes for inclusion in this report.

Governance received one response which did not meet the criteria for motions detailed in the [2026 Discussion Paper](#). Governance has not received any proposed new motions to the Conference, from Councillors, at the time of publication of the business papers.

Risk Implications

Should Council decide not to appoint Councillors to fill the available voting delegate roles, there is a risk that Council's representation at the conference will be reduced, which may limit Council's capacity to effectively advocate its positions and influence consideration of motions proposed by Council.

Internal Consultations

In accordance with the Councillor Expenses and Facilities Policy, approval for a Councillor to attend a conference or seminar is subject to the submission of a written request to the Chief Executive Officer (CEO).

In assessing such requests, the CEO is required to consider factors including:

- the relevance of the conference or seminar topics and presenters to current Council priorities, Council business, and the Councillor's civic duties; and
- the cost of attendance in relation to the remaining Councillor expenses budget.

Councillors were consulted via email regarding the opportunity to submit motions and were advised of the relevant criteria and submission deadlines.

External Consultations

External consultation was not required, as this report relates to Council's determination of Councillor representation, attendance and voting delegates at a national government conference.

Community Consultations

No community consultation was required for this report, as the matters addressed relate to internal Council governance arrangements and administrative decisions regarding Councillor representation and attendance at conferences.

Policy and Statutory Implications

The Local Government Act 1993 and Council's Councillor Expenses and Facilities Policy apply to Councillor attendance at conferences, including the approval of attendance and the reimbursement of associated expenses.

Financial Implications

In accordance with Council's *Councillor Expenses and Facilities Policy*, reasonable costs associated with Councillors attending approved conferences and seminars are provided for within the adopted Councillor expenses budget. Any attendance is subject to approval by the Chief Executive Officer, in line with the requirements of the Policy.

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CL26.26 Ongoing Register for Pecuniary Interest Returns - January 2026

HPERM Ref: D26/15079

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 January 2026 to 31 January 2026 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 January 2026 to 31 January 2026 be received for information.

Community Strategic Plan:

- 4 Transparent leadership with good governance
 - 4.3 Effective collaboration and engagement

Delivery Program / Operational Plan

- 4.3.1 Develop community trust and respect through transparent interactions and reporting

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.

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
Shoalhaven Water	Kane Mitchell	8 December 2025	9 January 2026
City Development	David Zabell	12 January 2026	15 January 2026
City Development	Emma Struys	12 January 2026	14 January 2026
City Development	Hailey Smalle	8 December 2025	20 January 2026
City Development	Robert Toohey	12 January 2026	27 January 2026
City Development	Jesse Curtis	1 December 2025	30 January 2026
City Development	Noah Roper	2 December 2025	30 January 2026

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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 to meet 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.

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. Allegations of such 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.

CL26.27 Investment Report - December 2025

HPERM Ref: D26/41763

Department: Finance

Approver: Katie Buckman, Director - City Performance

Attachments: 1. Monthly Investment Review - December 2025 (under separate cover) [⇒](#)
2. Statement of Investments - December 2025 (under separate cover) [⇒](#)

Purpose:

To advise Councillors and the community of Council's investment portfolio and performance as at 31 December 2025.

The report also ensures compliance with Section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation 2021, which require a written report to Council detailing all funds invested.

Summary and Key Points for Consideration:

- Council's total Investment Portfolio returned 4.53% per annum in December 2025.
- This result outperformed the AusBond Bank Bill Index benchmark of 3.71% p.a. by 82 basis points (0.82%).

Recommendation

That Council receive the Record of Investments for the period ending 31 December 2025.

Community Strategic Plan:

- 4 Transparent leadership with good governance
 - 4.1 Financial Sustainability

Delivery Program / Operational Plan

- 4.1.1 Support Council's sustainable delivery of projects and corporate services through sound financial management and control

Background

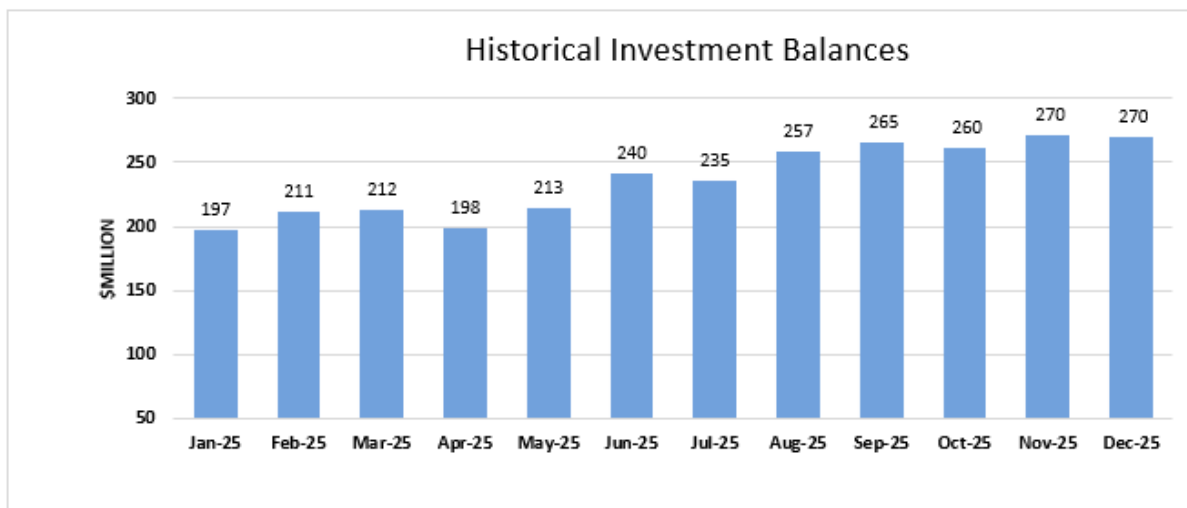
Investment Portfolio

Council's investment balance as at 31 December 2025 totalled \$269.63 million and consisted of the following types of investments:

Investment type	Invested (\$)
Cash	54,780,176
Term Deposits	181,000,000
Floating rate notes	33,850,000
Total	269,630,176

The details of each investment held by Council as at 31 December 2025 is included in the Statement of Investments at Attachment 2.

The graph below illustrates natural fluctuations of Council's investments balance on a rolling 12-month basis due to the timing of expenditure and receipt of rates and grant funding. The investment balance showed little movement, consistent with the usual December holiday period.



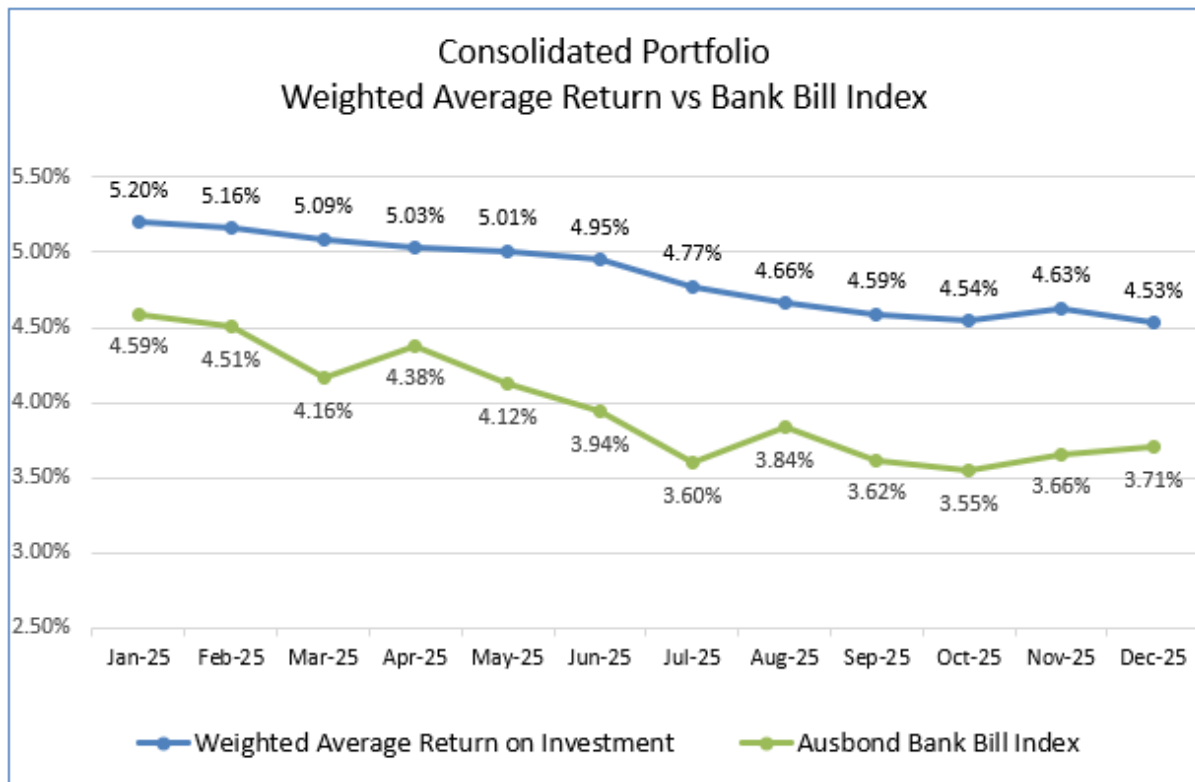
Portfolio Return

For December, the total investment return was 4.53% p.a., outperforming the AusBond Bank Bill Index (3.71%) by 82 basis points.

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Investments

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



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Investment Interest Earned – December 2025

A significant portion of Council's cash holdings is subject to restrictions that limit how those funds may be used. These restrictions arise from several sources:

- External bodies, such as specific-purpose grants that remain unspent
- Legislation, including developer contributions, domestic waste management charges, and water and sewer funds
- Council resolutions, which establish internally restricted reserves for designated purposes

Under the relevant legislation, interest earned on externally restricted cash must be attributed back to the specific external restrictions to which the funds relate.

The following two tables present the allocation of interest income across the applicable Funds.

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

Table 1 - Interest Earned for the Month of December 2025

Fund	Monthly Budget \$	Actual Earned \$	Difference \$
General	454,713	583,897	129,184
Water	175,045	201,014	25,969
Sewer	113,691	172,297	58,606
Total	743,449	957,208	213,759

The interest earned for the month of December 2025, was \$957,208 compared to the monthly budget of \$743,449.

Investment Interest Earned - Year to Date

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

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

Fund	Total Annual Budget \$	Actual YTD \$	% Achieved
General	5,353,884	3,330,618	62%
Water	2,061,012	1,224,921	59%
Sewer	1,338,624	935,389	70%
Total	8,753,520	5,490,928	63%

As at the end of December, Council has earned \$5,490,928, representing 63% of the full-year budget.

Within the General Fund total of \$3,330,618:

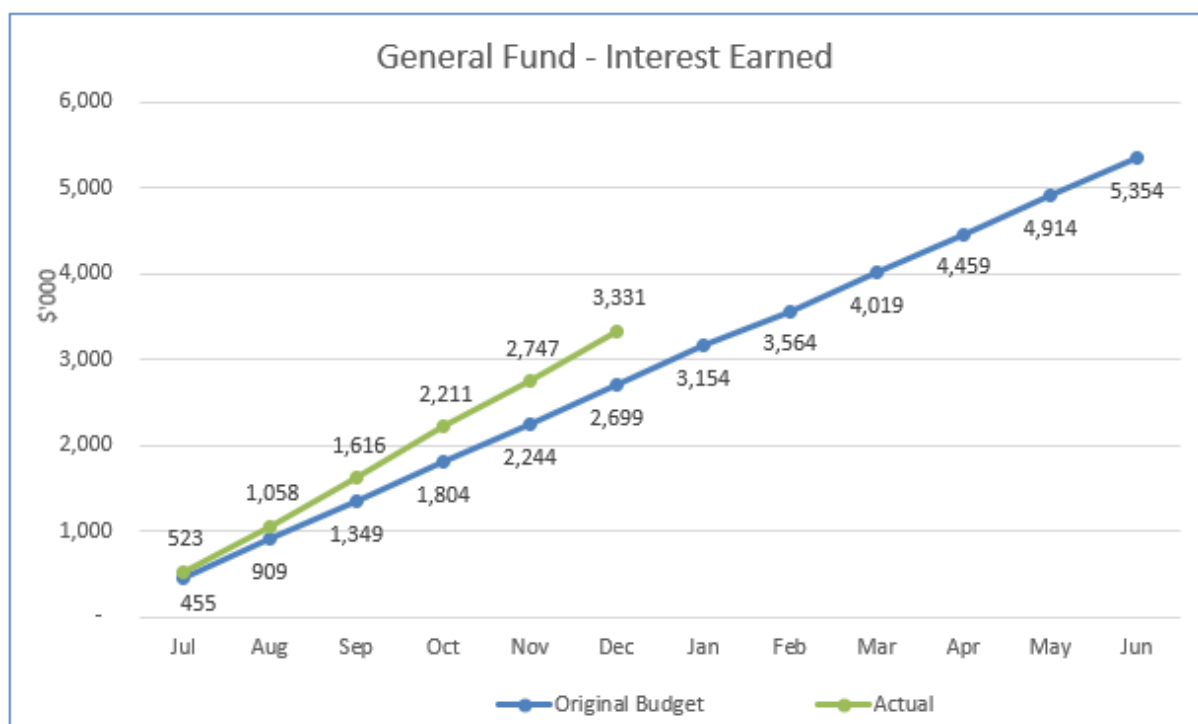
- Interest on unspent s7.11 developer contributions: \$784,450
- Interest on Domestic Waste Management reserves: \$477,121

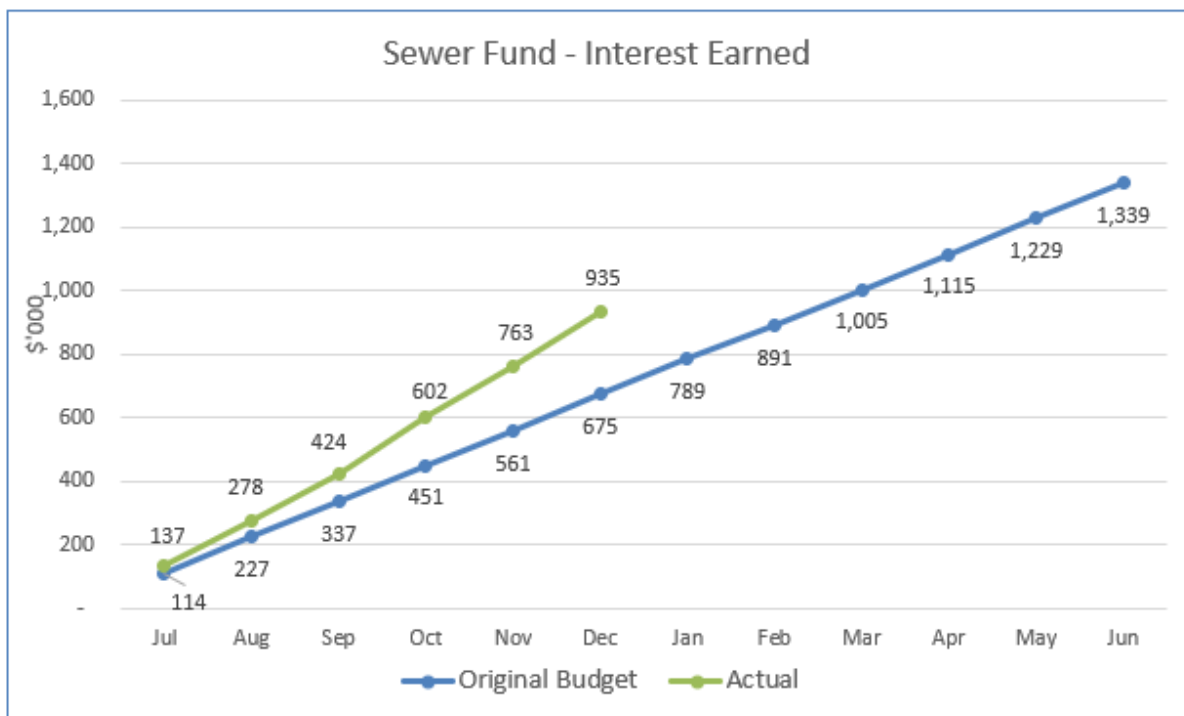
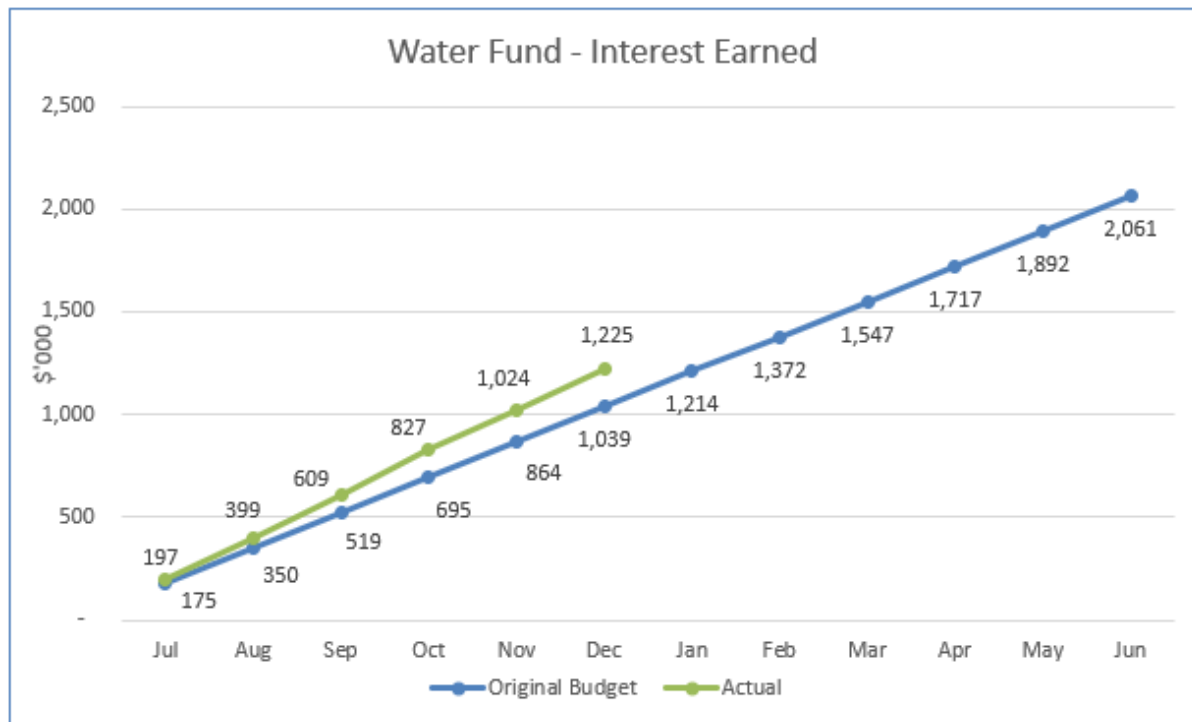
After accounting for these externally restricted components, the remaining \$2,069,047 is unrestricted.

All investment earnings on externally restricted funds continue to be allocated in accordance with legislative requirements. Interest from unrestricted funds is included in Council's budget and contributes to Council's general revenue and supports core service delivery.

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.





Risk Implications

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

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Internal Consultations

Not applicable.

External Consultations

Council's investment advisor, Arlo Advisory Pty Ltd.

Community Consultations

Not applicable.

Policy Implications

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

Financial Implications

Council's return on investments is exceeding budget, and a budgetary adjustment will be made as part of the December Quarterly Budget Review to reflect current market rates and interest forecast.

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 POL25/9.



Mathew Badcock

Date: 10 February 2026

CL26.27

CL26.28 Investment Report - January 2026

HPERM Ref: D26/46930

Department: Finance

Approver: Katie Buckman, Director - City Performance

Attachments: 1. Monthly Investment Review - January 2026 (under separate cover) [⇒](#)
2. Statement of Investments - January 2026 (under separate cover) [⇒](#)

Purpose:

To advise Councillors and the community of Council's investment portfolio and performance as at 31 January 2026.

The report also ensures compliance with Section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation 2021, which require a written report to Council detailing all funds invested.

Summary and Key Points for Consideration:

- Council's total Investment Portfolio returned 4.55% per annum in January 2026.
- This result outperformed the AusBond Bank Bill Index benchmark of 3.64% p.a. by 91 basis points (0.91%).

Recommendation

That Council receive the Record of Investments for the period ending 31 January 2026.

Community Strategic Plan:

- 4 Transparent leadership with good governance
 - 4.1 Financial Sustainability

Delivery Program / Operational Plan

- 4.1.1 Support Council's sustainable delivery of projects and corporate services through sound financial management and control

Background

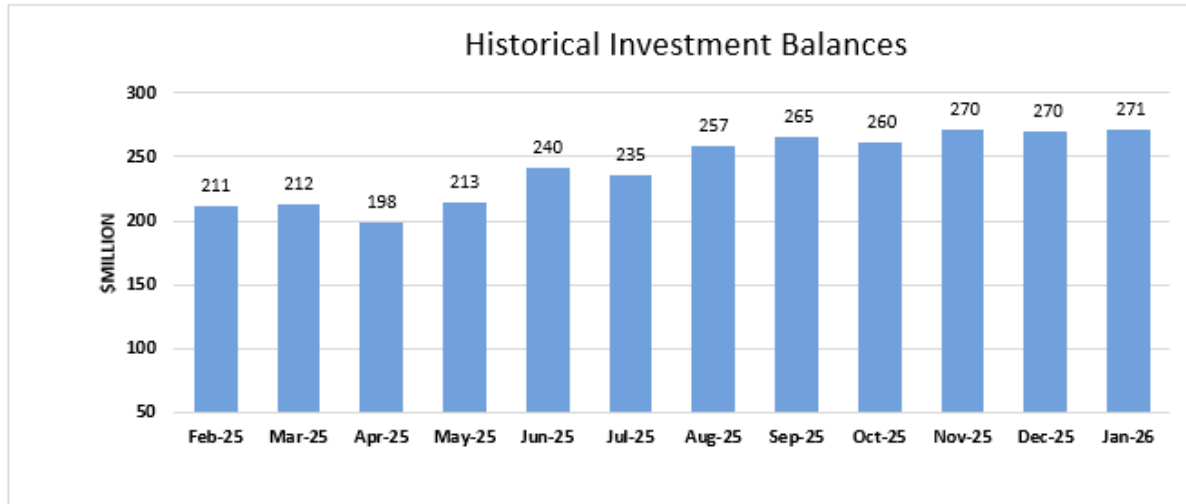
Investment Portfolio

Council's investment balance as at 31 January 2026 totalled \$270.93 million and consisted of the following types of investments:

Investment type	Invested (\$)
Cash	64,579,642
Term Deposits	166,000,000
Floating rate notes	40,350,000
Total	270,929,642

The details of each investment held by Council as at 31 January 2026 is included in the Statement of Investments at Attachment 2.

The graph below shows Council's investment balances over a rolling 12-month period. Fluctuations occur throughout the year due to the timing of major expenditures, rate receipts, and grant funding. A \$1.4 million grant received from Transport for NSW contributed to the increase in Council's investment portfolio in January.



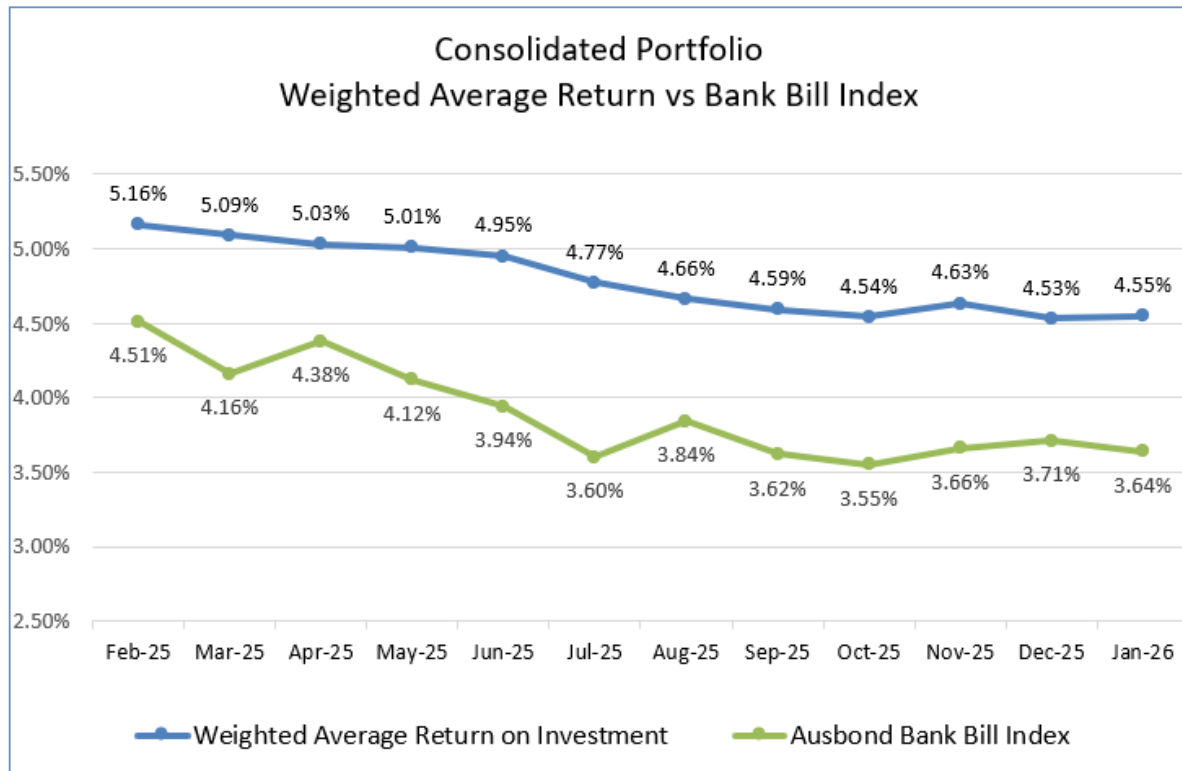
CL26.28

Portfolio Return

For January, the total investment return was 4.55% p.a., outperforming the AusBond Bank Bill Index (3.64%) by 91 basis points.

Investments

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



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Investment Interest Earned – January 2026

A significant portion of Council's cash holdings is subject to restrictions that limit how those funds may be used. These restrictions arise from several sources:

- External bodies, such as specific-purpose grants that remain unspent
- Legislation, including developer contributions, domestic waste management charges, and water and sewer funds
- Council resolutions, which establish internally restricted reserves for designated purposes

Under the relevant legislation, interest earned on externally restricted cash must be attributed back to the specific external restrictions to which the funds relate.

The following two tables present the allocation of interest income across the applicable Funds.

Table 1 below, shows the interest earned for the month of January 2026.

Table 1 - Interest Earned for the Month of January 2026

Fund	Monthly Budget \$	Actual Earned \$	Difference \$
General	454,713	613,660	158,947
Water	175,045	211,260	36,215
Sewer	113,691	181,080	67,389
Total	743,449	1,006,000	262,551

The interest earned for the month of January 2026, was \$1,006,000 compared to the monthly budget of \$743,449.

Investment Interest Earned - Year to Date

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

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

Fund	Total Annual Budget \$	Actual YTD \$	% Achieved
General	5,353,884	3,944,278	74%
Water	2,061,012	1,436,181	70%
Sewer	1,338,624	1,116,469	83%
Total	8,753,520	6,496,928	74%

As at the end of January, Council has earned \$6,496,928, representing 74% of the full-year budget.

Within the General Fund total of \$3,944,278:

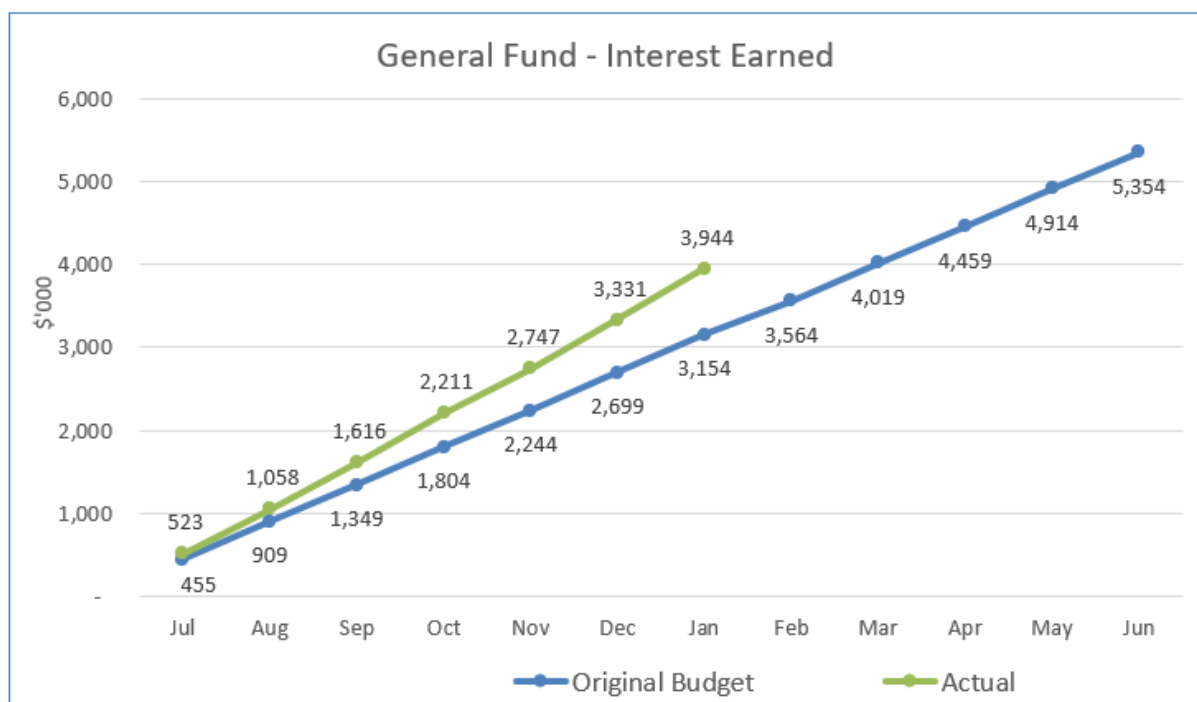
- Interest on unspent s7.11 developer contributions: \$902,832
- Interest on Domestic Waste Management reserves: \$547,245

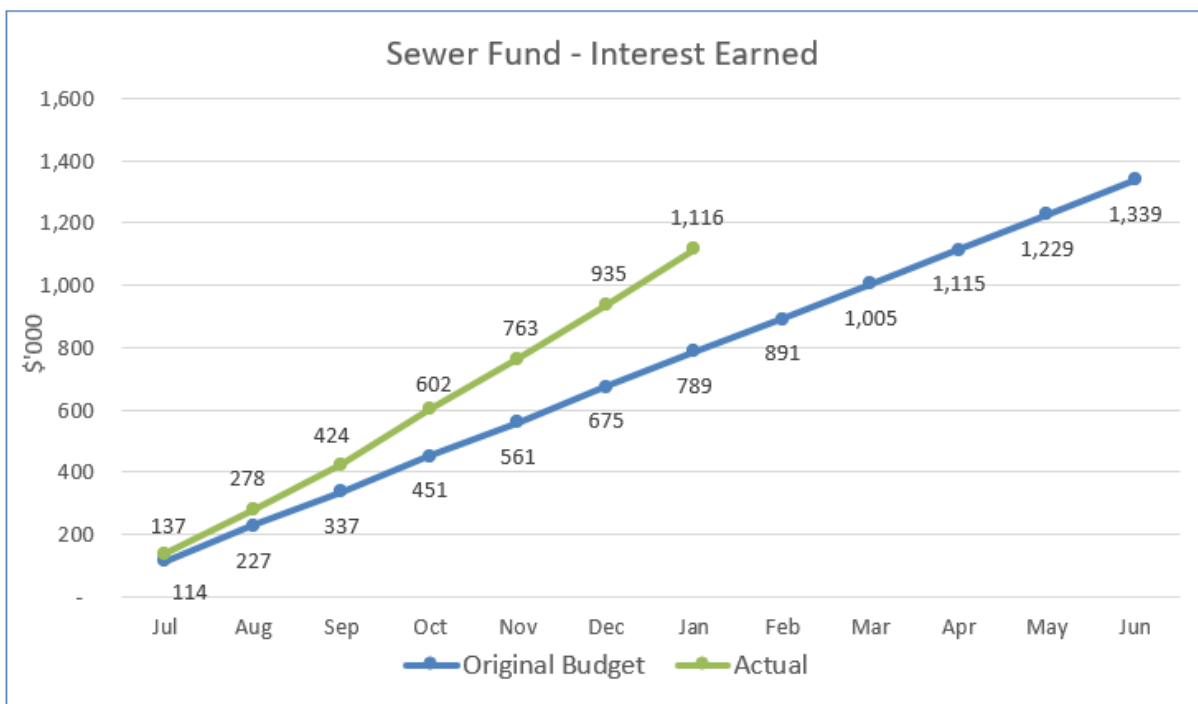
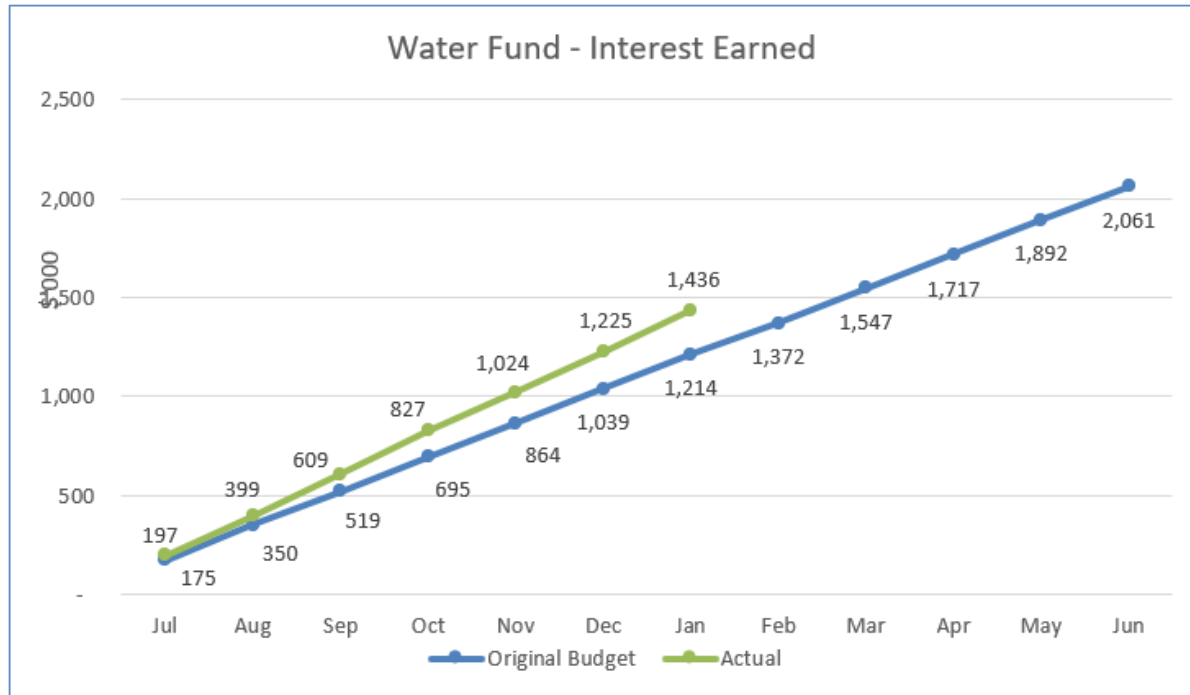
After accounting for these externally restricted components, the remaining \$2,494,201 is unrestricted.

All investment earnings on externally restricted funds continue to be allocated in accordance with legislative requirements. Interest from unrestricted funds is included in Council's budget and contributes to Council's general revenue and supports core service delivery.

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.





CL26.28

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

Council's return on investments is exceeding budget, and a budgetary adjustment will be made as part of the December Quarterly Budget Review to reflect current market rates and interest forecast.

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 POL25/9.



Mathew Badcock

Date: 10 February 2026

CL26.28

CL26.29 Proposed Grant of Easement to Endeavour Energy for Community Battery - Part Lot 36 DP 258600, Jacobs Drive, Sussex Inlet

HPERM Ref: D25/576289

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

Purpose:

The purpose of this report is to seek approval for the grant of an easement for a proposed community battery installation and associated compensation.

Endeavour Energy have provided Council with notice of their intention to conduct works on Council Community land, known as Jacobs Drive Reserve, Lot 36 DP 258600, Jacobs Drive, Sussex Inlet for the installation of a community battery.

Endeavour Energy requires the grant of an easement for ongoing access and maintenance over the Council owned Community land for the battery installation.

Recommendation

That Council:

1. Grant an easement for construction and maintenance of a community battery pursuant to Section 46(1)(a1) of the *Local Government Act 1993*, approximately 18m² area (subject to final survey) over Council owned Community land known as Lot 36 DP 258600, Jacobs Drive, Sussex Inlet in favour of Endeavour Energy as shown on Figure 2 to this report.
2. Accept payment in the amount of \$8,000 (excluding GST) including compensation for the grant of easement.
3. Consent to Endeavour Energy being responsible for preparation of the plan of easement including plan registration with NSW Land Registry Services.
4. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any document required to be sealed and delegates authority to the Chief Executive Officer or Delegate to sign any documentation necessary to give effect to this resolution.

Background

Proposal

Endeavour Energy has approached Council seeking an easement for a proposed community battery installation on Council land. Lot 36 DP 258600, Jacobs Drive, Sussex Inlet (Jacobs Drive Reserve) is Council owned Community land shown on Figure 1.

CL26.29

Figure 1 – Proposed location of community battery (red)



The community battery consists of a 50kW battery bank unit with a separate switchboard control panel. The battery and switchboard will be installed on a concrete pad at existing ground level and earthing will be localised in accordance with AS/NZS 3000 requirements.

There will be minor excavation required to install the concrete culvert on which the equipment will be positioned as well as underground electricity cabling between the battery and power pole located in the footpath of Jacobs Drive.

The Community Battery Scheme

In conjunction with the Federal and NSW State Governments, Endeavour Energy is proposing to install community batteries around sites in the Shoalhaven. Endeavour Energy have undertaken consultation with Council with respect to their Community Battery Project including the site identified in this report.

Community batteries store energy generated by the sun to be shared by homes within a neighbourhood. Solar energy is collected via roof-top solar installations on individual homes and transferred to the battery, for individual use when required. Community batteries provide people without roof top solar panels with access to renewable energy. Community batteries can lower household electricity costs and reduce the carbon footprint. They also reduce pressure on the electricity grid and improve the reliability of the electricity network and thereby reduce the cost of electricity for customers.

Easement

Endeavour Energy may enter Council land to undertake the installation works for the community battery and ongoing maintenance without consent pursuant to Section 45 of the *Electricity Supply Act 1995 (NSW)*.

Endeavour Energy has requested an easement be granted by Council to ensure permanent access and formalising maintenance of the battery located on Council land. Future maintenance and liability obligations of the community battery will be the responsibility of Endeavour Energy.

The subject land is classified as Community land and categorised as Park pursuant to the *Local Government Act 1993*. Section 46(1)(a1) of the Act gives Council the power to grant easements over Community land for the purpose of providing pipes, conduits or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the Council or other public utility provider.

Council has previously granted a similar easement to Endeavour Energy for the construction and maintenance of a community battery at Cambewarra.

The proposed easement will have minimal impact upon the public's current use and amenity of the land and has commensurate size to existing electricity supply power poles and transformers across the area.

The total easement area is approximately 18m² subject to final survey as shown in red on Figure 2.

Figure 2 – Proposed easement plan (subject to final survey)



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Risk Implications

It is normal practice to allow for an interest in land in the form of an easement with compensation determined by valuation. Council's interests have been considered and there is minimal risk associated with the recommended grant of easement.

Internal Consultations

Internal consultation has been undertaken with the following sections of Council:

- Environmental Projects & Sustainability
- Community Infrastructure Planning
- Civil Infrastructure Planning
- Open Space & Recreation
- Shoalhaven Water

External Consultations

Council has engaged a certified practicing valuer to determine the compensation amount for the proposed easement.

Community Consultations

Community consultation on the installation of the battery was undertaken in April 2025 by Endeavour Energy as part of the environment assessment and determination process.

Endeavour Energy will be the determining authority under Part 5 of the *Environmental Planning and Assessment Act 1979* for this project. Endeavour Energy directly notified

owners/occupiers adjoining the community land of the proposal under s45 of the *Electricity Supply Act 1995 (NSW)*.

Council has also conducted statutory notice of the proposed grant of easement over Council's Community land pursuant to the *Local Government Act 1993* including publication of the proposed grant of easement on Council's website, letter drop to surrounding residents and a notice/sign being placed on the subject land.

Two submissions were received during the public notification period. The issues raised primarily related to the proposed battery installation rather than the granting of the easement. The submissions were subsequently forwarded to Endeavour Energy as the determining authority for consideration.

Policy and Statutory Implications

Council's Development and/or Disposal of Council Lands policy (POL22/47) has been considered.

Financial Implications

Council engaged a suitably qualified valuer to undertake a valuation for compensation payable by the applicant to Council for the grant of an easement. The amount of compensation was assessed at \$4,000 (excluding GST).

Endeavour Energy has offered to pay compensation to Council in good faith for the grant of the easement of \$8,000 excluding GST. This amount includes the costs incurred by Council in procuring the valuation report (\$1,500 excluding GST). Accordingly, Council will receive net compensation of \$6,500(excluding GST) for the grant of the easement which exceeds the amount recommended by Council's valuer.

The applicant will be responsible for all costs in the creation of the easement including survey plan and registration at NSW Land Registry Services.

Compensation received by Council will be allocated to the Easement right of use income and the surplus deposited into Council's general fund.

CL26.30 Temporarily Extension of Memberships - Northern and Central Floodplain Risk Management Committees

HPERM Ref: D26/42140

Department: Technical Services

Approver: Kevin Norwood, Director - City Services

Purpose:

To extend the memberships of the Northern and Central Floodplain Risk Management Committees until the committees have endorsed the Lower Shoalhaven River Floodplain Risk Management Study and Plan (FRMS&P), and the St Georges Basin FRMS&P for Council adoption.

Recommendation

That Council extend the membership of the Northern and Central Floodplain Risk Management Committees until the committees have endorsed the Lower Shoalhaven River FRMS&P and the St Georges Basin FRMS&P for adoption.

Community Strategic Plan:

- 1 Vibrant, active and safe communities
 - 1.5 Preparedness for disasters and emergencies

Delivery Program / Operational Plan:

- 1.5.2 Provide effective flood management to prevent or minimise the impacts of flooding

Background

Council resolved in the Ordinary Meeting on 29 July 2025 ([CL25.221](#) and [MIN25.357](#)) to extend the memberships of the Northern and Central Floodplain Risk Management Committees by six month until 31 March 2026 to ensure the current committees can oversee the completion of the Lower Shoalhaven River and the St Georges Basin FRMS&Ps, currently underway.

Further, Council resolved in Ordinary Meeting on 23 September 2025 ([CL25.315](#) and [MIN25.528](#)) to disestablish the Coastal Management Program Advisory and Floodplain Risk Management Committees and establish project-specific focus groups, including relevant Terms of Reference(s), on an 'as-needs' basis at the commencement of a new project starting from 1 April 2026.

The commencement of the public exhibition and community consultation of the draft Lower Shoalhaven River and the St Georges Basin FRMS&Ps was delayed. However, it is currently underway and will close on 15 March 2026. This will leave only one week to review the community feedback received, update and finalise all reports and maps based on the feedback, prepare agendas for committee meetings and hold a committee meeting prior to the committees are disestablished on 31 March 2026. It is, therefore, recommended that the memberships of the committees are extended until the committees have endorsed the final

CL26.30

studies for Council adoption to ensure these critical studies can appropriately incorporate feedback received during the public exhibition period.

Risk Implications

If the memberships of the Northern and Central FRM Committees are not extended this can have implications on Council's ability to finalise the Lower Shoalhaven River and St Georges Basin FRMS&Ps in accordance with the grant deed.

It has taken significant time, resources and efforts by Council, relevant committees, and the NSW Government to deliver the Lower Shoalhaven River and St Georges Basin FRMS&Ps. Further delays in completing these projects may cause community and industry frustration. Delivering these projects have been many years in the making and they are getting very closed to being finalised.

Internal Consultations

Governance has been consulted when preparing this report.

External Consultations

No external consultation has been undertaken when preparing this report.

Community Consultations

No community consultation has been undertaken when preparing this report.

Policy and Statutory Implications

Since the release of the NSW Flood Prone Land Package in June 2021 there has been significant changes to flood planning requirements in NSW. The completion of the Lower Shoalhaven River and St Georges Basin FRMS&Ps will provide contemporary and clear guidance, in accordance with current best practice, to the development industry, community, and Council in relation to flood risk, how it is planned to be managed, and how new developments in these catchments can comply with the current legislative requirements and relevant guidance.

The Lower Shoalhaven River and St Georges Basin FRMS&Ps has been undertaken in accordance with the NSW Flood Risk Management Manual (2023). The Plans will include a list of recommended flood risk mitigation measures for Council implementation to appropriately manage flood risk within these areas. Once adopted, these Plans will replace the currently adopted Floodplains Risk Management Plans from 2011 and 2013 for Lower Shoalhaven River and St Georges Basin respectively. Furthermore, the recommendations in the new Plans will inform future updates of Council's Development Control Plan Chapter G9 (Development on Flood Prone Land), G10 (Caravan Parks in Flood Prone Areas), and G11 (Subdivision). Currently, Council is working ad-hoc when assessing new developments, which requires significant resources both from Council and the development industry.

Council is primarily responsible to manage flood risk within the Shoalhaven Local Government Area in accordance with the NSW Flood Prone Land Policy. By making decisions and providing advice relating to flood prone land in accordance with the NSW Flood Risk Management Manual (2023), Council is exempt from liability as per Section 733 of the Local Government Act 1993.

Financial Implications

Both projects are 2/3 funded by the NSW Floodplain Management Grant program, subject to Council meeting grant milestones requirements in accordance with the grant deed. Under this program, Council can only claim grant funding retrospectively once milestones have been met and will have to cover the costs internally until grant funding is received. Should Council fail to meet the requirements of the grant deed, allocated grant funding may be lost, and Council would have to fund any remaining project costs. Council's 1/3 contribution is funded through general funds. The State Government is currently providing \$130,000.00 (excl. GST) towards the Lower Shoalhaven River FRMS&P and \$111,153.00 (excl. GST) towards the St Georges Basin FRMS&P.

CL26.30

CL26.31 Bereavement Services - EOI Outcome

HPERM Ref: D25/601529

Approver: Kevin Norwood, Director - City Services

Purpose:

To inform Council of the outcome of the Expression of Interest process for the operation of Council's Bereavement Services.

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 the Expression of Interest (EOI) process, 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 Description

Council completed a Service Review of Shoalhaven Bereavement Services to assess financial sustainability and operational efficiency. Through engagement with the Finance Review Panel on the outcomes of the Service Review, Council resolved on 10 June 2025 ([MIN25.289](#)) to explore alternative delivery models through an EOI.

In October 2025, Council issued an EOI to explore market capability and potential service delivery models for outsourcing Bereavement Services.

Expression of Interest

Council called for Expressions of Interest for Bereavement Services Operation – Crematorium and Cemetery Services, which closed at 10:00 am on 5th November 2025. Six submissions were received from four Vendors at the time of closing. Submissions were received from the following:

Vendor
Mountain View Crematoria Pty Ltd
Invocare Australia Pty Ltd
Murstone Pty Ltd
Harnwell Group Pty Ltd

Details relating to the evaluation of the EOI are contained in the confidential report.

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Risk Implications

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

Internal Consultations

The EOI Evaluation Panel included representatives across Council (Open Space and Recreation - Bereavement Services, Finance, Procurement, and Customer & Community Services).

External Consultations

No external consultation was undertaken during the EOI evaluation process.

Community Consultations

No community consultation was undertaken during the EOI evaluation process.

Policy Implications

Nil.

Financial Implications

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

CL26.32 Exhibition Outcomes and Finalisation - 2024 Berry Heritage Review - Shoalhaven Local Environmental Plan 2014 (PP075) and Shoalhaven Development Control Plan 2014 Amendments

HPERM Ref: D25/556408

Department: Strategic Planning

Approver: Emma Struys, Director - City Development

Attachments:

1. Draft DCP Chapter N2 - Town of Berry - Post Exhibition version (under separate cover) [⇒](#)
2. Draft DCP Dictionary Amendment - Post Exhibition Version (under separate cover) [⇒](#)
3. Submission Summary - Planning Proposal PP075 - Berry Heritage Review (under separate cover) [⇒](#)
4. Submission Summary - Draft DCP Chapter N2 Town of Berry (under separate cover) [⇒](#)

Purpose:

This report provides details the outcomes from the public exhibition of the 2024 Berry Heritage Review Planning Proposal (PP075) to amend the Shoalhaven Local Environmental Plan 2014 (LEP) and draft new Shoalhaven Development Control Plan 2014 (DCP) Chapter N2: Town of Berry and seeks Council's endorsement to finalise both via the outlined amendments.

Recommendation

That Council

1. Adopt the Planning Proposal (PP075) largely as exhibited, with the removal of 45 Prince Alfred Street, Berry that will not proceed to be heritage listed.
2. Request the NSW Department of Planning, Housing and Infrastructure to draft and finalise the amendment to the Shoalhaven Local Environmental Plan (LEP) 2014 Schedule 5 to introduce the new Heritage Conservation Area (HCA) in the area of Princess Street, Berry and the additional new heritage items (nine) within the HCA and (eight) outside the HCA, but within the area of Berry east of the Princes Highway, Berry.
3. Endorse the new Chapter N2: Town of Berry and supporting documents at **Attachment 1** and the Dictionary amendment at **Attachment 2**, inclusive of the post-exhibition amendments highlighted throughout both Attachments, for incorporation into the Shoalhaven Development Control Plan (DCP) 2014.
4. Update Supporting Map 2: Heritage Conservation Area Contributory Item Map of DCP Chapter N2: Town of Berry, as required, to remove properties that become heritage listed items in accordance with 2 above.
5. Publish a public notice advising that the amendment to Shoalhaven DCP 2014 will commence on 24 March 2026.
6. Advise key stakeholders, relevant landowners and submitters of this resolution.

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Community Strategic Plan:

- 2 Sustainable environments and liveable communities
 - 2.2 Liveable neighbourhoods and sustainable development
- 4 Transparent leadership with good governance
 - 4.3 Effective collaboration and engagement

Delivery Program / Operational Plan:

- 2.2.1 Facilitate sustainable development that considers current and future needs of our community and environment
- 4.3.1 Develop community trust and respect through transparent interactions and reporting
- 4.3.2 Provide opportunities for the community to have genuine engagement on Council planning and decision making

Background

On 11 September 2023 Council resolved ([MIN23.496](#)) to prioritise the introduction of a new Heritage Conservation Area (HCA) in the vicinity of Princess Street, additional new heritage listings into the LEP and also a new DCP Chapter for Berry, east of the Princes Highway, as part of Stage 1 of the new Shoalhaven Land Use Planning Scheme.

The Council resolution responded to community requests, including from the Berry Forum in 2022, to strengthen the local character and heritage considerations/protections, arising from community concerns about the impact of unsympathetic development in Berry.

From late 2023 to June 2024, Council engaged independent consultants to review the heritage proposals and undertake early community engagement to inform the new DCP Chapter. Following this, Council resolved on 29 July 2024 ([MIN24.396](#)) to proceed to prepare a Planning Proposal (PP) for the heritage related amendments to the LEP and to prepare the new draft DCP Chapter, with the work to be undertaken 'in-house' by Council staff.

The NSW Department of Planning, Housing and Infrastructure (DPHI) subsequently issued a favourable Gateway determination for the PP on 19 June 2025, but did not give Council delegation to finalise the LEP amendment.

On 29 April 2025 Council considered the draft new DCP Chapter N2: Town of Berry and supporting Dictionary amendment and resolved ([MIN25.205](#)) to place them on public exhibition with the PP to enable community review/feedback – see the 'Community Consultations' section of the report below for further discussion on exhibition outcomes.

Risk Implications

There is no direct risk to Council in finalising the PP and DCP Chapter.

Not progressing to finalise the heritage and planning controls as recommended may limit Council's ability to manage unsympathetic development through the assessment process, which could impact on the existing heritage significance and character of Berry and would contradict community expectations and raise concern.

Internal Consultations

Internal consultation was undertaken with Council's asset planners and managers in relation to land owned or managed by Council that is directly affected by the proposed HCA and heritage listings.

Consultation was also undertaken with staff in Council's City Services and City Development directorates during the development of the draft DCP Chapter.

External Consultations

Council referred the PP to Heritage NSW in December 2024 (prior to submitting to DPHI) and the NSW Rural Fire Service (RFS) in accordance with the conditions of the Gateway determination.

Heritage NSW provided support for the PP and the RFS raised no objections to the PP. The submissions received from both agencies are linked below under Community Consultation.

Community Consultations

The Planning Proposal (PP075) and the draft DCP Chapter were publicly exhibited concurrently for 45 days from 6 August to 19 September 2025 (inclusive) on [Council's website](#).

The exhibition material for Planning Proposal (PP075) included:

- [Explanatory Document](#)
- [Planning Proposal](#)
- [Heritage NSW Submission](#)
- [NSW RFS Submission](#)
- [Gateway Determination & Cover Letter \(DPHI\)](#)
- [FAQs](#)
- [Public Notice](#)

The exhibition material for the draft DCP Chapter included:

- [Explanatory Document](#)
- [Draft Chapter N2: Town of Berry](#)
- [Draft Supporting Map 1 – Berry Town Centre](#)
- [Draft Supporting Map 2 – Heritage Conservation Area Contributory Items](#)
- [Draft Dictionary amendment](#)
- [FAQs](#)
- [Public Notice](#)

Notification letters were sent to all landowners within the proposed DCP area and/or affected by the heritage proposals (in the PP).

Notifications were also sent to relevant community groups and subscribers who had previously registered their interest in this project (via Council's 'Get Involved' page).

Two community 'drop-in' information sessions were held during the exhibition period on the 19 August 2025 - one in Broughton Court, Berry and one at the Berry School of Arts.

34 submissions were received in total via Council's website, email and feedback forms completed at the drop-in sessions. Approximately half of the submissions made comments

on both the PP and draft DCP Chapter. The submissions and resulting proposed changes are discussed further below.

Planning Proposal (PP075) - Submissions

30 submissions commented on or responded to the PP and an overview of this feedback is provided below in **Table 1**.

Table 1: PP submissions

Key submission points / comments	Total	% of submissions
Supports the proposal	15	50%
Does not support the proposal – affected landowner or landowner representative	10	33%
Provided feedback only	3	10%
Does not support the proposal – other stakeholder	2	7%
	30	100%

Of the submissions stating non-support, eight were received from/or on behalf of owners whose properties are proposed for individual heritage listing. It is noted that each of these properties had previously been identified for heritage listing via the 2019 Berry Heritage Amendment (PP056) but the landowners at the time objected and Council resolved not to proceed to list them. Two submissions stating non-support were received from landowners within the proposed Princess Street HCA.

A more detailed summary of submissions and staff comments on them is provided at **Attachment 3**.

Copies of the submissions received will be available in the Councillors Room prior to the meeting.

Proposed post-exhibition changes - PP075

Two submissions objected to the proposed heritage listing of 45 Prince Alfred Street - one from the property owner and the other from an experienced heritage consultant engaged by the owner. The heritage consultants submission argues that the building has a low level of intactness due to previous, extensive building modifications which detract from its heritage significance. This submission provides detailed supporting evidence. Upon review of this evidence and the historical building files for the property, both Council staff and Council's independent heritage consultant concur with the findings presented in the submission. As a result, it is recommended that 45 Prince Alfred Street be removed from the PP and not be heritage listed.

A number of submissions objected to the proposed heritage listing of other properties and disagreed with the assessed significance and intactness of the items. From a review of available building files and external visual inspections these properties appear to retain a high level of original historic building fabric, consistent with the heritage assessments, which support their retention in the PP. As such, no other changes are recommended to the PP.

Draft new DCP Chapter N2: Town of Berry – Submissions

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A total of 22 submissions were received that commented on the draft DCP Chapter. The majority (16 submissions - 73%) provided support for the draft DCP Chapter.

The submissions commented on specific development controls as well as the broader function and purpose of the DCP. A more detailed summary of submissions and staff comments on them is provided at **Attachment 4**.

Copies of the submissions received will be available in the Councillors Room prior to the meeting.

Proposed post-exhibition changes - draft new DCP Chapter N2: Town of Berry

Changes are proposed to the draft DCP Chapter, supporting maps and supporting draft Dictionary amendment following consideration of matters raised in submissions. The changes generally seek to provide an appropriate balance between flexibility and robustness in the development controls, improve clarity and readability, and address identified issues.

The proposed changes are summarised in a Table of Changes at the beginning of the draft DCP Chapter (**Attachment 1**) and draft Dictionary amendment (**Attachment 2**). The actual proposed changes are highlighted blue throughout both attachments.

Policy and Statutory Implications

The PP helps deliver on Council's Community Strategic Plan action for liveable neighbourhoods and sustainable development in the Delivery Program Operational Plan 2025-26. Operational Plan Action 2.2.1.02 specifically prioritises this piece of work to complete contemporary development and heritage controls for Berry during 2025-26.

If the proposed HCA and heritage listings are endorsed by Council as recommended and ultimately finalised, they will be provided statutory recognition and higher protection in the LEP. The use of the 'complying development' pathway is restricted on land mapped as a heritage item or within an HCA, in which case a development application and consideration of Council's DCP will be required.

If finalised as recommended, the draft new DCP Chapter N2: Town of Berry will replace the existing chapter N2: Berry Town Centre in Shoalhaven DCP 2014 and become a relevant consideration in future development applications within the applicable expanded part of Berry.

It is proposed that the new DCP Chapter become effective on 24 March 2026. Ideally the amendment to the LEP will be finalised alongside this, but this cannot be guaranteed given that this is out of Council's control. Regardless, the new DCP Chapter can stand by itself and guide development if there is a time lag.

Financial Implications

There are no immediate financial implications for Council.

The finalisation of the amendment to the LEP and the adoption of the new DCP chapter will continue to be resourced from the Strategic Planning operational budget.

CL26.33 1 Wharf Road Shoalhaven Heads - Lot 2, DP701597 - Cost Analysis Report - Land and Environment Court Hearing

HPERM Ref: D25/444921

Department: Development Services

Approver: Judy Clark, Acting Director City Development

Recommendation

That Council receive and note the report.

On 23 September 2025 the Council resolved as follows:

That Council provide a full detailed report and cost analysis outcome over the Land and Environment Court hearing into Lot 2, DP701597 - 1 Wharf Road, Shoalhaven Heads (DA23/1825). The cost analysis should include an audit of council staff hours over the more than 2 and half years of this disputed DA, alongside court costs. [MIN25.374].

Background

Development Application

Development Application DA23/1825 was lodged with Council on 13 October 2023 seeking consent for a proposed two-storey dwelling house with associated earthworks and fill, driveway, landscaping and the removal of a tree ('the DA'). The DA related to 1 Wharf Road, Shoalhaven Heads, legally described as Lot 2 DP 701597 ('the Site').

The Site and proposal are properly described in the report to the Ordinary Meeting on 15 April 2025 [CL25.118] [Agenda of Ordinary Meeting - Tuesday, 15 April 2025](#)

A brief chronology of the matter is provided in **Table 1** below:

Table 1 Chronology

Date	Event	Details
13/10/2023	DA lodged with Council	Proposed new two-storey dwelling.
19/10/2023	Council issued a request for information to the Applicant (First RFI)	Further details requested regarding the driveway for compliance with the SDCP.
24/10-09/11/2023	Public Notification.	No submissions received.
28/10/2023	Response to First RFI	Provision of revised plans.
17/11/2023	Council issued a request for information to the Applicant (Second RFI)	Applicant required to demonstrate flood planning compliance in accordance with Clause 5.21 of the SLEP and Chapter G9 of DCP.
25/06/2024	Response to Second RFI	Submission of flood risk management plan dated 20 June 2024 and revised architectural plans dated 16 June 2024.

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Date	Event	Details
06/09/2024	Council issued a request for information to the Applicant (Third RFI)	Repeated request to demonstrate compliance with Clause 5.21 of the SLEP and Chapter G9 of DCP.
08/11/2024	Response to Third RFI	Submission of revised flood risk management plan dated 7 November 2024.
12/2024	Council engaged Rhelm, independent consultant	Engagement for an independent review of flood-related aspects of the DA and its assessment.
13/12/2024	Council met with the Applicant	Discussions on flooding issues associated with DA.
19/12/2024	Council received report from Rhelm	Rhelm report concluded that: <i>“the proposed development is not considered to be compatible with the flood function or flood characteristics of the land. The supporting documentation has not demonstrated that the risk to life and property associated with flooding can be managed appropriately or meet the objectives of Clause 5.21 of the Shoalhaven LEP 2014”.</i>
20/12/2024	Rhelm report was provided to the applicant	Report was provided to the Applicant. No further information was received to address compliance with Clause 5.21.
21/01/2025	Council resolved to call in the DA for determination by Council	Ordinary Meeting [MIN25.8]. Called in for determination due to the public interest.
12/02/2025	Applicant corresponded with Council	Advised that no further information would be supplied to support the DA and to continue the assessment based on the information submitted.
14/03/2025	Legal proceedings filed	Applicant filed Class 1 proceedings in the Land and Environment Court appealing deemed refusal.
15/04/2025	Council determined the DA	The DA was reported to Council recommending refusal. Council resolved to refuse the DA [MIN25.179].
17-18/07/2025	Conciliation and Hearing	S34AA Conciliation and hearing before Acting Commissioner Moore. All matters with the exception of flooding were agreed as resolved at the Conciliation. The only contention that proceeded to hearing was the flooding contention.
11/09/2025	Judgment and Orders	The Court ordered that: (1) The appeal be upheld. (2) Development consent is granted to development application DA23/1825 for a proposed two-storey dwelling house with associated earthworks

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Date	Event	Details
		and filling of land, driveway and landscaping, and the removal of one tree subject to the conditions.

On 15 April 2025 the application was determined by Council having been called in. The application was refused as recommended, principally on the basis of a lack of technical information on key issues (particularly evacuation). This information was crucial as the wording of Clause 5.21 of the Shoalhaven LEP 2014 requires that development consent must not be granted unless the consent authority is satisfied on a number of measures (the reasons for refusal are included in the attached Council Report).

Insufficient Information

As detailed in Table 1 above, despite numerous requests the Applicant did not provide information demonstrating compliance with clause 5.21 of the Shoalhaven Local Environmental Plan 2014 (SLEP) and/or Chapter G9 of the Shoalhaven Development Control Plan (SDCP). Instead, following the matter being called in by the Council, the Applicant requested that the Council determine the DA based on the information already provided.

Examples of shortcomings in the material provided included:

1. The Applicant's flood risk documentation:
 - (a) considered outdated standards/guidelines and did not adequately assess the flood risk and hazard exposed to the proposed development.
 - (b) did not consider the site to be over a watercourse which is inconsistent to the Lower Shoalhaven River Flood Study 2022.
 - (c) contained no quantitative modelling to demonstrate that no adverse impacts on flood behaviour were likely to occur as a result of the development.
 - (d) did not provide a flood evacuation plan that demonstrated safe occupation and efficient evacuation.
2. In relation to the design, the proposed development:
 - (a) did not utilise flood compatible materials and finishes which could increase flood impacts and result in property damage.
 - (b) due to the structural characteristics did not minimise the likelihood of damage due to inundation, would not likely withstand flooding and/or restrict flow behaviour of flood waters.

Due to the inadequacy of the information provided, Council staff did not have before them the satisfactory level of information necessary to enable a determination.

Court Proceedings

On 14 March 2025, following the matter being called in by Council and prior to the matter being determined, the Applicant lodged a Class 1 Appeal with the Land and Environment Court on the deemed refusal of the DA.

As the proposed development was for a detached single dwelling s34AA of the *Land and Environment Court Act 1979* (the LEC Act) applies. Pursuant to s 34AA of the LEC Act the Court must list the matter for conciliation conference and hearing, generally over a minimum of 2 days. The conciliation conference takes place on the first day. If no agreement is reached, then in accordance with s34AA(b) of the LEC Act, the Commissioner who presides over the conciliation conference must terminate the conciliation conference and commence the hearing on day 2.

During the Court process, additional information was provided. On 26 June 2025, the Applicant provided an updated Evacuation Plan, revised Architectural plans, revised Basix Certificate, Hydraulic Engineer's Report and the Applicant's Statement of Facts and Contentions in Reply. This further material enabled agreement on certain matters.

On 17 July 2025 a s 34AA conciliation conference was held before Acting Commissioner Moore on site and in Council offices. During this process the parties reached agreement on a number of issues which limited the remaining matters in contention for the hearing held in Sydney on 18 July 2025 to flood evacuation.

Judgment

On 11 September 2025, the Court upheld the appeal and granted development consent subject to conditions.

The Court was satisfied that the proposal appropriately addressed all relevant planning controls, including flood risk, acid sulfate soils, and other site constraints, and that consent could be granted subject to conditions. It should be noted that the Court approved proposal incorporated flood design changes that differed substantially from the deficient application refused by Council on 15 April 2025.

The Court's findings can be summarised as follows:

1. The development is permissible with consent in the R2 Low Density Residential zone and is consistent with the objectives of the zone.
2. In relation to flooding, the Court was satisfied that the proposal meets the requirements of clause 5.21 of the Shoalhaven Local Environmental Plan 2014 (SLEP), noting that:
 - (a) The development can withstand relevant flood forces with appropriate engineering detail.
 - (b) The impact of the development on flood behaviour is limited to minor, localised changes.
 - (c) The development is compatible with the flood function and behaviour of the land.
 - (d) Conditions of consent require adherence to an approved evacuation plan, which the Commissioner found to include appropriate measures to manage risk to life, enable efficient evacuation, and avoid exceeding the capacity of local evacuation routes.
 - (e) Given the site's location approximately 40m from the Shoalhaven River and the flat natural ground level, the development will not result in avoidable erosion, siltation, damage to riparian vegetation, or instability of riverbanks or watercourses.
3. The Court relied on the following key documents and evidence:
 - (a) The Flooding Joint Expert Report.
 - (b) The Flood Evacuation Plan prepared by SMEC (dated 25 June 2025).
 - (c) Council's Ordinary Meeting Minutes (15 April 2025).
 - (d) The Lower Shoalhaven River Flood Study by Cardno (2022).
 - (e) Expert evidence from the Applicant's engineer confirming the development can withstand a 0.2% AEP flood level of 3.7m and a design velocity of 1.3 m/s.

Design Changes/Improvements

The development that was submitted to Council in 2023 was for a dwelling with an enclosed ground floor that was likely to become inundated in flooding events and be structurally compromised by not allowing adequate waterflow through the structure.

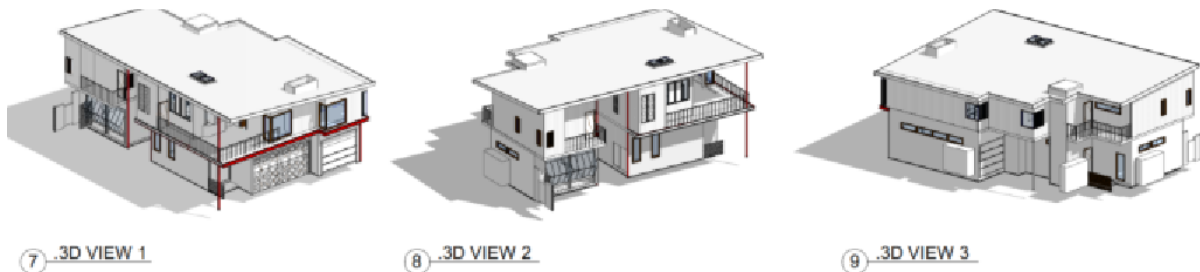


Figure 1: Design submitted with the DA in 2023

Approved and improved design changes that were introduced during the Appeal process now include the following:

1. raised boat storage area by 0.3m to 1.65m AHD.
2. deleted workshop at ground floor.
3. perforated garage roller doors and appropriate windows at ground floor level.
4. removed filling from the rear of the dwelling.
5. confirmed maximum fill of 250mm.
6. an open first floor balcony facing Wharf Road to provide easier access for emergency services.
7. confirmed the use of flood compatible construction materials below the Flood Planning Level.
8. increased openings and design at ground floor to mitigate extreme flood loads on walls and to allow flood water to flow unrestricted.



Figure 2: Amended design submitted to the Court on 26 June 2025 and subsequently approved by the Court

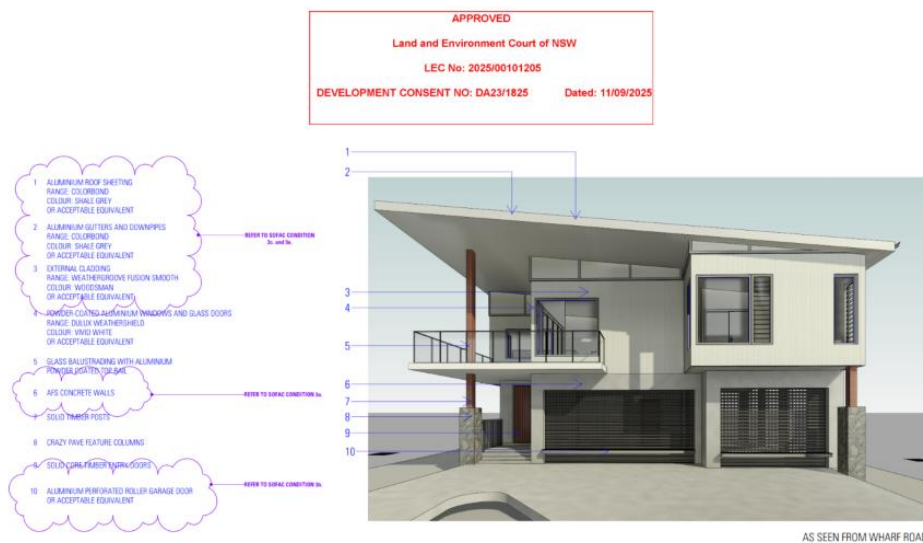


Figure 3: Amended front elevation submitted to the Court on 26 June 2025 and subsequently approved by the Court

Costs

The legal expenses for the Class 1 Appeal total approximately \$72,000 (including solicitors and barristers fees and exclusive of GST). A further \$12,000 (excl. GST) was incurred in external expert fees.

This has been further broken down to include all expenses in considering the Applicant's amended documentation up to and including 17 July 2025 (the point at which agreement could not be reached between the Applicant's and Council's flood experts), being approximately \$61,000 in legal costs and approximately \$10,000 in expert fees. **The matters that could not be agreed between the experts after the proposal was amended cost approximately \$13,000 and is the true reflection of the cost of the matters in dispute.**

Staff costs or time are not recorded and therefore are not able to be quantified. Staff time was spent assessing the development application, including the assessment of the amending material that was provided during the Court process. This is time that would have been expended irrespective of the Court proceedings.

Council's General Counsel was the only staff member directly involved in the Court proceedings.

Risk Implications

There is a risk to Council in determining development applications without sufficient information, especially where jurisdictional matters are raised.

Internal Consultations

Development Services and Legal Services teams were consulted in the preparation of this report.

External Consultations

No external consultation was required for the preparation of this report as all information and expertise is available within Council.

Community Consultations

Community consultation was not necessary for the preparation of this report as the report involves information available to Council staff and is for information only.

Policy and Statutory Implications

Not applicable. Report is to be received for information only.

Financial Implications

Not applicable. Report is to be received for information only. If Council seeks further information to that provided in this report, further staffing costs will be incurred.

CL26.34 Acquisition - Easement for Drainage of Sewage - Part Lot 76 DP 755907 - 66 Wrights Beach Rd, Bream Beach

HPERM Ref: D25/564196

Department: Water Asset Planning & Development

Approver: Andrew McVey, Director - Shoalhaven Water

Purpose:

The purpose of this report is for Council to consider the proposed acquisition of an easement for drainage of sewage over part Lot 76 DP 755907, 66 Wrights Beach Rd Bream Beach, by compulsory acquisition, under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991. The report also seeks Council's consideration to rescind MIN19.30, adopted on 29 January 2019, as the previously proposed acquisition of an easement for water supply will no longer proceed.

Recommendation

That Council:

1. Rescind MIN19.30.
2. Under the Land Acquisition (Just Terms Compensation) Act 1991 compulsory acquire from Crown Land an easement for drainage of sewage variable width, approximately 1145m² in area (subject to final survey) over part Lot 76 DP 755907, Wrights Beach Rd, Bream Beach.
3. Agrees to pay compensation and costs associated with the acquisition, in accordance with the determination of the Valuer General under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.
4. Endorse funding for this acquisition from the Shoalhaven Water - Sewer Fund.
5. Make the necessary application to the Minister for Local Government and the Governor for approval of the compulsory acquisition under the Local Government Act 1993.
6. Authorise the common seal of the Council of the City of Shoalhaven be affixed to any documentation required to be sealed and delegates authority to the Chief Executive Officer to sign any documentation necessary to give effect to this resolution.

Community Strategic Plan:

- 2 Sustainable environments and liveable communities
 - 2.2 Liveable neighbourhoods and sustainable development

Delivery Program / Operational Plan:

- 2.2.2 Plan for sustainable and resilient water and wastewater infrastructure

Background

At its meeting held on 29 January 2019, Council resolved MIN19.30 as follows:

1. *To compulsorily acquire the following easement for Council infrastructure over Crown and Lot 76 DP 755907, subject to resolving Native Title interests, at compensation determined by the Valuer General:*
 - a. *An Easement for Water Supply and Sewerage variable width, shown in yellow and marked 'E' on the attached plan.*
2. *To pay compensation and costs associated with the acquisition from Shoalhaven Water's Sewer and Water Funds. Compensation determined by the Valuer General to be in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.*
3. *That the necessary application be made to the Minister for Local Government and the Governor. The acquisition is to be carried out under the Local Government Act 1993.*
4. *That the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.*

Since that time, Council had not received written consent from the perpetual leaseholder, Erowal Bay Holiday Co-operative Limited, as required by Crown Lands to proceed with the acquisition. Concerns continued to be raised by the leaseholder regarding the potential impact of the proposed easements on cabin and van sites, particularly in relation to the pipeline's location and its implications on future development and the ongoing use and enjoyment of these sites.

To confirm the exact location of the pipeline's, Council engaged specialist survey services to accurately identify and map the alignment within the site. The survey confirmed that part of the water pipeline traverses some sites and runs beneath certain vans and associated infrastructure. While the sewer pipeline did not cross under any structures, it was found to run in close proximity to some infrastructure and site boundaries.

Further consultation was undertaken, along with additional survey works to physically mark and illustrate the proposed easement onsite to provide a clear visual representation of the location to representatives of the leaseholder. It was then mutually agreed that Council would acquire an easement over the sewer pipeline only, and not the water pipeline as originally proposed.

Although Council's preference is to secure easements over its infrastructure to ensure legal rights to access for repair and maintenance, it was agreed that Council would not be denied access should the water pipeline require repair or maintenance. Provisions under the Local Government Act also allow Council to enter the site for such purposes.

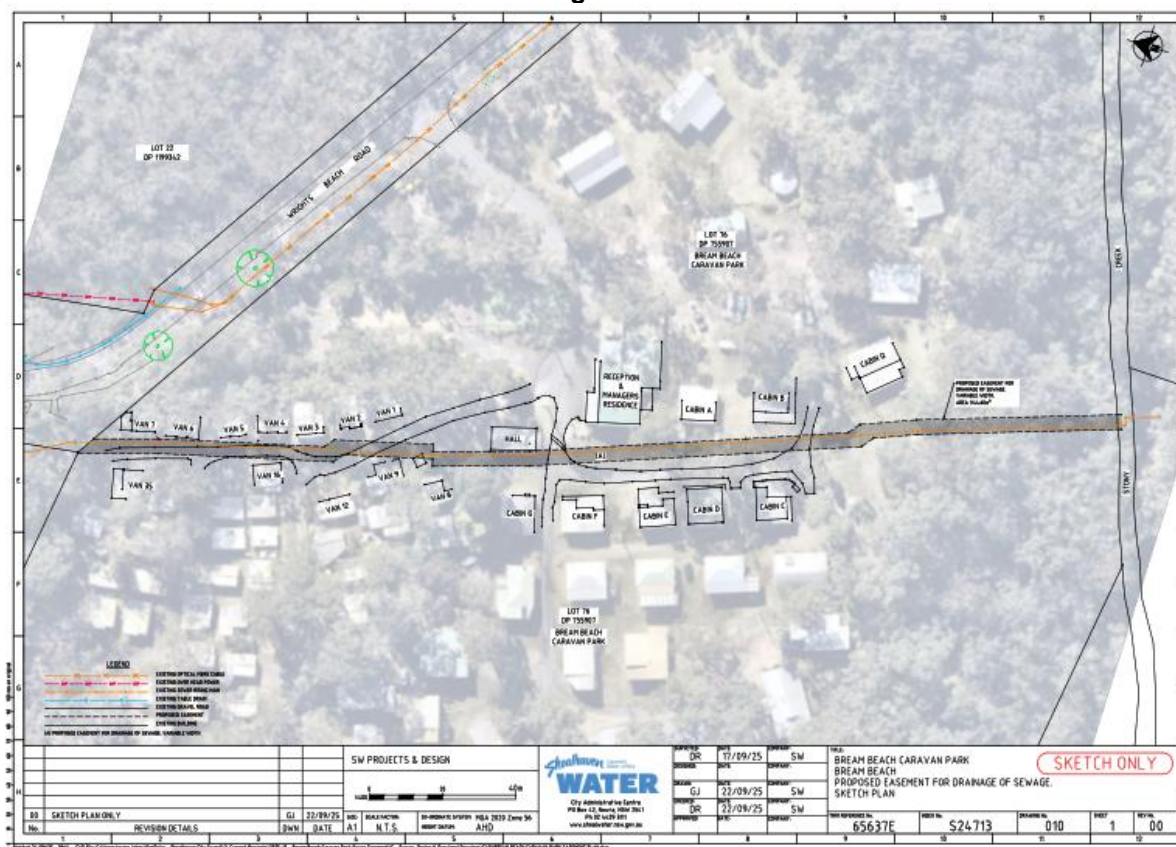
Council has since received written consent from Erowal Bay Holiday Co-operative Limited to proceed with the easement acquisition. It should be noted that the easement acquisition is an administrative activity to formalise the existing pipeline, which was constructed circa 1983-1994. No construction works will be undertaken.

Crown Land has issued Council an updated consent for the proposed easement for drainage of sewage only. Updated Native Title and Aboriginal Land Claim searches have been completed, confirming the site remains subject to an undetermined Native Title Claim.

Council's Native Title Manager has reassessed the proposed easement creation under the Future Act regime and considers the activity to be consistent with the provisions of the Native Title Act 1993. Accordingly, NTSCorp, representatives of the claimant, the South Coast People, has been formally re-notified. This notification aligns with procedural rights under the Act, including the issuance of a Proposed Acquisition Notice (PAN), which formally provides notification to interest holders of Council's intention to compulsorily acquire an interest in land.

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Figure 1



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Easement acquisition is necessary to ensure Council's legal rights to access, repair and maintain essential public infrastructure.

Internal Consultations

External Consultations

Consultation is ongoing with the Crown Lands and all relevant interest holders, including Native Title holders and NTSCorp.

Community consultation is not required for operational purposes such as an easement acquisition.

The acquisition of the easement will be undertaken in accordance with Council's Acquisition of Land by Shoalhaven City Council.

Financial Implications

Compensation and associated acquisition costs will be funded through the Shoalhaven Water - Sewer Fund.

The compensation amount will be determined by the Valuer General in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

Compensation may be payable to the Department of Planning, Housing and Infrastructure – Crown Land and Native Title Interest Holders.

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CL26.35 Easement Acquisition - Crown Land - Part Lot 377 DP 755952 and Part Lot 7310 DP 1165171

HPERM Ref: D26/19851

Department: Water Asset Planning & Development

Approver: Andrew McVey, Director - Shoalhaven Water

Purpose:

The purpose of this report is for Council to consider the compulsory acquisition of an easement for drainage of sewage over Crown Land at part Lot 377 DP 755952, Yalwal Road Mundamia, and part Lot 7310 DP 1165171, Rainford Road West Nowra, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

Recommendation

That Council:

1. Under the Land Acquisition (Just Terms Compensation) Act 1991 compulsory acquire from Crown Land an easement for drainage of sewage 5 metres wide over:
 - a. part Lot 377 DP 755952, Yalwal Road Mundamia
 - b. part Lot 7310 DP 1165171, Rainford Road West Nowra
2. Agrees to pay compensation and costs associated with the acquisition, in accordance with the determination of the Valuer General under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.
3. Endorse funding for this acquisition from the Shoalhaven Water - Sewer Fund.
4. Make the necessary application to the Minister for Local Government and the Governor for approval of the compulsory acquisition under the Local Government Act 1993.
5. Authorise the common seal of the Council of the City of Shoalhaven be affixed to any documentation required to be sealed and delegates authority to the Chief Executive Officer to sign any documentation necessary to give effect to this resolution.

Community Strategic Plan:

- 2 Sustainable environments and liveable communities
 - 2.2 Liveable neighbourhoods and sustainable development

Delivery Program / Operational Plan:

- 2.2.2 Plan for sustainable and resilient water and wastewater infrastructure

Background

Shoalhaven Water is proposing the construction of new gravity sewer infrastructure to service approximately 2,000 homes within the Mundamia and Cabbage Tree Lane Urban Release Areas (URA). These URAs were identified in the Nowra Bomaderry Structure Plan (2006) and were recognised as key growth areas. This project will deliver essential

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wastewater infrastructure to support the continued growth and development in these areas, ensuring sustainable urban expansion and improved service provision for future residents.

Due to topographical constraints and the need to maintain gravity flow for efficient sewer network operation, the alignment of the proposed sewer gravity main has been determined through detailed assessments of land gradients, environmental considerations and engineering feasibility. This alignment minimises the reliance for mechanical pumping and supports long term operational efficiency. Consequently, the sewer main will traverse the subject Crown Land parcels.

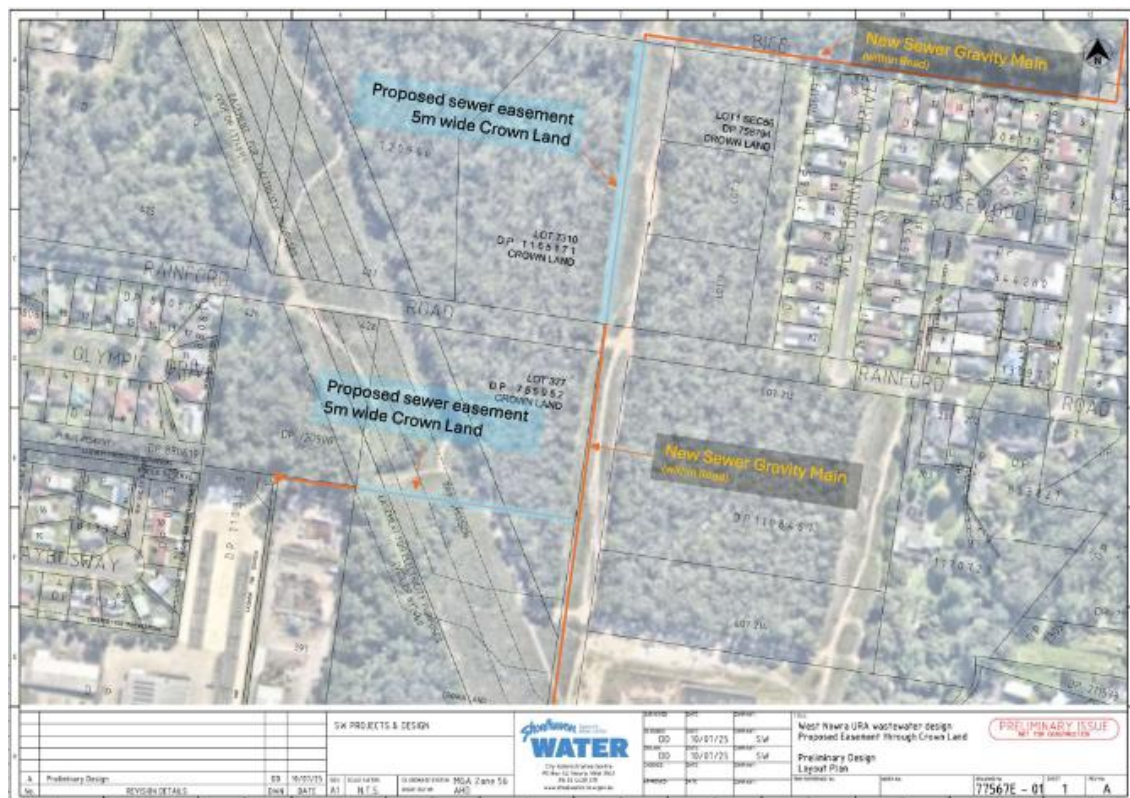
An application has been submitted to Crown lands seeking consent for the compulsory acquisition of the required easements. Upon receiving consent and registering the proposed acquisition plan on title, an application will be lodged with the Minister to progress the acquisition.

The proposed easement locations are subject to undetermined Aboriginal Land Claims. Council has formally written to both the NSW Aboriginal Land Council and the Nowra Local Aboriginal Land Council, seeking their concurrence in the form of non-objection to the proposed infrastructure works and associated easement acquisitions. Should concurrence not be provided, the proposed works and easement acquisition will not proceed.

The sites are also subject to an undetermined Native Title Claim. Council's Native Title Manager has assessed the proposed works and easements creation under the Future Act regime and considers the activity to be consistent with the provisions of the Native Title Act 1993. Accordingly, NTSCorp, representatives of the claimant, the South Coast People, has been formally notified of Council's intention to undertake the works and establish the easements. This notification complies with procedural rights under the Act, including the issuance of a Proposed Acquisition Notice (PAN), which formally advises interest holders of Council's intention to compulsory acquire an interest in the land.

Figure 1 illustrates the proposed sewer easements (shaded in blue).

Figure 1



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Risk Implications

Easement acquisition is necessary to ensure Council's legal rights to access, repair and maintain, essential public infrastructure.

Council interests have been considered and the proposed acquisition presents minimal risk.

Internal Consultations

Consultation has taken place within Shoalhaven Water.

External Consultations

Consultation is ongoing with the Crown Lands and all relevant interest holders, including Native Title holders and Aboriginal Land Councils including NTSCorp, NSW Aboriginal Land Council and Nowra Local Aboriginal Land Council.

Community Consultations

Community consultation is not required for operational purposes such as an easement acquisition.

Policy and Statutory Implications

The acquisition of the easement will be undertaken in accordance with Council's Acquisition of Land by Shoalhaven City Council.

Financial Implications

Compensation and associated acquisition costs will be funded through the NSW Planning Accelerated Infrastructure Fund and Shoalhaven Water Sewer Fund.

The compensation amount will be determined by the Valuer General in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

Compensation may be payable to the Department of Planning, Housing and Infrastructure – Crown Land, Native Title Interest Holders, and the relevant Aboriginal Land Councils.

CL26.36 Australian Local Government Womens Association Conference 2025 (ALGWA) Report

HPERM Ref: D26/47791

Submitted by: Cllr Gillian Boyd

Attachments: 1. ALGWA Conference Report [↓](#)

Purpose

To provide a report (Attachment 1) from Cllr Gillian Boyd on the Australian Local Government Womens Association Conference 2025 (ALGWA) held in Griffith NSW, 4-6 September 2025 in accordance with clause 6.32 of Councillor Expenses and Facilities Policy.

Recommendation

That Council receive the report from Cllr Gillian Boyd on the Australian Local Government Womens Association Conference 2025 (ALGWA) for information.

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Report from Australian Local Government Women's Association (NSW Branch) Conference, 2025

In September 2025, I attended the Australian Local Government Women's Association (NSW Branch) Conference in Griffith NSW. The Conference was hosted by Griffith City Council.

The City of Griffith is a local government area in the western Riverina region of NSW. The LGA comprises 1,640 square kilometres and is located in the Murrumbidgee Irrigation Area (MIA).

The theme of the Conference was *Taste the Inspiration* reflecting "the potential for motivation and empowerment, encouraging Councillors to embrace fresh ideas and innovative approaches to leadership." Taste the inspiration also reflects that Griffith is a key urban centre in a dominant food and wine growing region that reportedly contributes 60% of NSW food production.

As of August 2025, The City of Griffith LGA had a population of 27,000 with 21,600 living in the town of Griffith. It is the major town in the LGA with surrounding towns serving as dormitory and agricultural centres. The major industries are rice, cotton, poultry, almonds, wine grapes, cereal production, manufacturing and food processing. These industries are supported by a young and culturally diverse population, with 22 % of the population being born outside Australia. Griffith is serviced by an effective transport system and has a thriving retail and service sector providing employment, cultural, medical and educational services to the surrounding area. The housing challenge is to provide housing for the growing permanent population and the burgeoning temporary housing for key workers such as seasonal agricultural workers and workers associated with the current hospital redevelopment.

The Conference opened with a presentation from the local Cook Islands cultural group held in an amphitheatre linked to the Griffith Regional theatre. This was followed by a presentation by Emma Norbiata, an award-winning winemaker at Calabria Wines and practitioner of sustainable wine making.

The next full day of the conference began in earnest with a spirited discussion on the Murray Darling Basin Scheme. Panellists included the local State Member and Irrigator, Helen Dalton, Local Federal Member and Leader of the Opposition Sussan Ley, Zara Lowlen CEO of the National Irrigation Council and a representative of a regional environmental group. As expected, the discussion focussed on the economic needs of irrigators to improve productivity versus the return of water to the environment to sustain river and wetlands ecosystems. The NIC representative was focused on the importance of including townspeople dependent on the river for water and other social needs, to be included in the debate on water allocation.

The afternoon session brought together the NSW Minister for Housing, Rose Jackson (online), a local community housing provider, and Serena Hardwick Regional Director of Business NSW. The Minister promoted modular housing as a ready solution to producing high quality housing as quickly as possible. Business NSW was keen to see the government provide funding for research and development of the modular housing industry to assure quality and sufficient skilled workers to allow the sector to grow and deliver the required housing. There was also discussion on the need to expedite licensing of demountable housing estates to supply low-cost housing and temporary worker accommodation.

The second day of the Conference opened with a walking tour of the Griffith's Mural Trail and features of a recently completed town improvement project undertaken by the Council with State Government Funding. The tour was led by the Council's Community Services Director who was justifiably proud of these projects.

The Mural Project was developed to improve the appearance of Banna Lane , a lane running along the rear of shops fronting the main shopping street. The murals are painted on the rear and side walls of shops and outbuildings. Initially, the murals were funded by Community Arts funding, but more recent murals have been commissioned and funded by local businesses who see the murals as a valuable investment in the town's future. There are currently 37 murals in this area.

The town improvement project took place in the same area. The area is at the back of the shopping Centre and leads to an irrigation canal over which lies a large residential area comprising mainly social housing with a high CALD population, as well as the local high school. The area provides the main pedestrian access to the township for this population. As most of these residents and students do not have cars, they are dependent on this access to town.

On-site consultations involving walks through the area with residents and users of this space revealed that there were major personal safety concerns, especially on winter evenings. This resulted in beautification of the area along the canal and removal of vast amounts of litter and rubbishy scrubland plus installation of solar powered lighting along the pedestrian pathways and the bridge across the canal. The bus stops used by high school students were made more substantial with solar roof panels so kids could charge their phones while waiting for the bus. A children's park across the bridge was redeveloped to include a barbecue and picnic tables so community members could gather.

This tour was a highlight of the conference, for me, and showed what could be done with effective consultation and commitment from the local Council. I had walked through the area two years previously and was gratified by the complete change to the area.

The remainder of the conference focused on providing an overview of the impact of Public Office on Councillors' health and well-being and providing the tools to lessen the inevitable impact and any negative outcomes of the representative role, especially in relation to women.

Main Learning: It is much easier for a Council to provide effective services to the LGA where there is only one major town and, with the majority of residents in the LGA dependent on that town to sustain their lifestyle and livelihood.

Examples of the murals along the Griffith Mural Trail

Further examples of these works can be viewed on the Griffith Mural Art Trail website, which provides full artist credits and additional background information.

<https://visitgriffith.com.au/resource/griffith-mural-art-trail/>

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.