

Ordinary Meeting

Meeting Date: Tuesday, 24 March, 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.

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

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

Statement of Ethical Obligations

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

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

Agenda

1. Acknowledgement of Country

Walawaani (welcome),

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

Walawaani 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 - 24 February 2026	
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Reports

- CCL26.3 Tenders - West Nowra and Nowra Hill Sewer and Water Project
Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.
- CCL26.4 Tenders - Call for Applications - Approved Suppliers List - Recovered Material
Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

MM26.4 Mayoral Minute - Condolence Motion - Margaret Lang

HPERM Ref: D26/107966

Recommendation

That Council notes the passing of Margaret Lang, acknowledging her significant contribution to the community and extend our condolences to her family.

Details

Margaret Lang, born in 1956, passed away peacefully on Sunday, 8 March 2026, after a short battle with cancer. She was a well-known and dearly loved wife of Wayne “Langy” Lang.

A Burrill Lake local since the 1970s, Marg was a huge part of our local community. She was the much-loved mum of Terri, Richard, and Steven, and a cherished nan to her many adored grandchildren. We also extend our deepest condolences to the Gumley families.

Marg was always present when issues affecting our town needed fixing, discussing, or protesting for the better. She was a strong advocate for the desperately needed Burrill Lake Bridge and fought tirelessly for improvements that benefitted everyone. Marg worked passionately to raise funds for countless community projects, including support for locals experiencing hardship or tragedy.

Whenever someone needed a hand, Marg was already there. She was a pillar of strength, compassion, and kindness. To many, Marg was everyone’s mum or nan, and anyone who knew her was touched by her presence at some point in their lives.

Marg will be remembered for her unwavering compassion, her determination, and her love for Burrill Lake. Her contributions to the Milton Ulladulla region will continue to be felt for years to come.

Our sincere thoughts go out to Wayne and the entire family during this difficult time.

MM26.4

CL26.39 Notice of Motion - Car Parking and Landscaping Controls for Medium Density – Proposed Amendment to the Shoalhaven Development Control Plan 2014

HPERM Ref: D26/84727

Submitted by: Cllr Luciano Casmiri

Purpose / Summary

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

Recommendation

That the Shoalhaven Development Control Plan 2014 be amended as follows:

1. Chapter G13 Section 5.1.4 (Landscaping) Acceptable solutions A6.1 – A6.5 amended as follows:
 - a. A6.1 At least 10% of the site area is to be deep soil landscaping, which;
 - i. Has a minimum dimension of 3m in any direction.
 - ii. Is not fragmented by sub-surface drainage infrastructure.
 - b. A6.2 In addition to the formal landscaping area required at A6.1, a further area of at least 20% of the site is to be provided, which:
 - i. Has a minimum dimension of 1m in any direction.
 - ii. Can include permeable surfaces, such as gravel, mulch, turf or similar.
 - iii. Can include, decks, terraces, alfresco areas, swimming pools or other recreation areas / structures.
 - c. A6.3 At least 35% of the front setback is to be landscaped.
 - d. A6.4 The landscaping provided at A6.1, A6.2 and A6.3 excludes any areas used for storage, clothes drying, and water tanks.
 - e. A6.5 Retaining walls greater than 0.6m within the front setback are to be softened by planting for a minimum depth of 600mm on the low side of the retaining wall, for the entire length of the retaining wall.
2. Section 5.3.3 (Private Open Space) Acceptable Solution A17.3 and A17.5 amended as follows:
 - a. A17.3 Where the private open space of a dwelling is provided at the ground level, it shall:
 - i. Include a defined hardstand area (e.g. concrete, paving, decking) of usable space which:
 - Is setback at least 1m from an external boundary.
 - Has a minimum area of 12m² with a minimum dimension of 3m, of which 8m² shall be covered to provide shade and protection from rain.
 - ii. Have a minimum dimension of 2m for all other areas.

CL26.39

- iii. Have a gradient no steeper than 1:20.
 - iv. Be adequately screened to provide privacy to residents.
 - v. Not be wet for prolonged periods following rainfall.
 - b. A17.5 Private open space areas including courtyards, upper-level balconies and decks may be located within the front setback area subject to being adequately screened to provide privacy to residents.
3. Chapter G21 of the Shoalhaven Development Control Plan Section 5.1 (car parking schedule) be amended as follows:
- a. For Attached dwellings (fronting a public road), Dual occupancy, Semi-detached dwelling:
 - i. 1 space per one bedroom dwelling.
 - ii. 1.5 spaces per two bedroom dwelling.
 - iii. 2 spaces per dwelling containing three or more bedrooms.
 - iv. Delete the current notes and replace as follows:
 - The parking rates specified include provision for visitor parking.
 - At least 1 parking space for each dwelling must be provided behind the building line. Additional spaces may be provided forward of the building line, in a tandem arrangement, with the other space, where the setback is at least 5.5m to promote accessibility and to accommodate the vehicle wholly within the site.
 - A bedroom includes a room or rooms capable of use as a bedroom.
 - b. For Attached dwellings (not fronting a public road) Multi dwelling housing, Residential flat buildings Shop top housing, car parking be required as follows:
 - i. 1 space per one bedroom dwelling.
 - ii. 1.5 spaces per two bedroom dwelling.
 - iii. 2 spaces per dwelling containing three or more bedrooms.
 - iv. Delete the current notes and replace as follows:
 - The parking rates specified include provision for visitor parking.
 - Where a dwelling has frontage to a public road, at least 1 parking space for each dwelling must be provided behind the building line. Additional spaces may be provided forward of the building line, in a tandem arrangement, with the other space, where the setback is at least 5.5m to promote accessibility and to accommodate the vehicle wholly within the site.
 - A bedroom includes a room or rooms capable of use as a bedroom.

CL26.39

Background

Having attended the Future of Housing Summit in Wollongong, according to the Hon Minister Scully and the State Government response to the Regional Housing Task Force," it's projected the population of regional NSW will only continue to grow, and an additional 127,000 new homes will be needed over the next decade. It's vital we in Shoalhaven have the right planning settings and programs to ensure residents in our Shoalhaven have an adequate choice of homes now and into the future".

In February 2024, the Council adopted amendments to the Development Control Plan that essentially made it more difficult for diverse housing projects to gain consent. The DCP was amended in such a way to require:

- a. Excessive landscaped areas on medium density sites, and
- b. Excessive car parking requirements.

This has only resulted in less diverse and less affordable housing being delivered at a time when we need it most.

The aim of this NOM proposal is to therefore go back to the DCP controls for landscaping and car parking back to similar previous settings for medium density development. Changes are also proposed to private open space requirements which are currently impractical. The proposed amendments aim to improve the ability to supply diverse and more affordable housing whilst ensuring that the reasonable needs of residents are met, and that development does not have an unacceptable impact on the built environment.

CL26.40 Notice of Motion - Woollamia Boat ramp

HPERM Ref: D26/90146

Submitted by: Cllr Luciano Casmiri

Purpose / Summary

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

Recommendation

That Council gives consideration to establish and publish purpose and use of the Hardstand areas and:

1. Sell/remove the onsite container.
2. Sell the Roodberg trailer.
3. Consult with the Mako Dragon Boat club with the aim to provide access across the Multi-Use Hardstand.
4. Develop Operating Procedures for the Hardstands and the Loading Wharf by consulting with the regular users and not limited to; Jervis Bay Boat storage, Jervis Bay Sailing charters, South Coast Mariculture, Woebegone Freedive, Jervis Bay Catamaran, General Yachts Shipwrights, Huskisson Sailing Charters, Jervis Bay Cruising Yacht Club and Marine Rescue NSW.

Background

The Masterplan for Woollamia Boat Ramp Precinct (WBRP), drawing Revision H, was adopted 25 February 2020 and was used for the scope of construction works and further reports regarding operation of the area including CL21.154 in July 2021. Masterplan drawing H includes an area at the southern end nominated as MINOR BOAT MAINTENANCE FACILITY, with this area comprising two zones, MAIN HARDSTAND and OVERFLOW HARDSTAND

Mako Dragon Boat Club had expressed an interest in relocating their vessels from the wetland area to the OVERFLOW HARDSTAND to improve environmental outcomes for the wetland area and allow the club to continue its growth in providing for community recreation.

CL26.40



CL25.217

CL26.40

**CL26.41 Notice of Motion - Call in DA2026/1106 -
Kingsbarns Lane, Sussex Inlet - Lot 262 DP
1276796**

HPERM Ref: D26/98946

Submitted by: Clr Bob Proudfoot

Purpose / Summary

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

Recommendation

That Council move that, due to considerable public interest, "call in" DA2026/1106, with the proposal being for the construction of a two-storey childcare centre for 39 children including a ground-level carpark, landscaping and associated works.

Background

Nil

CL26.41

CL26.42 Notice of Motion - Revised Policy - Unscheduled Kerb and Guttering Works

HPERM Ref: D26/98975

Submitted by: Cllr Bob Proudfoot

Attachments: 1. Letter to ratepayer - Unscheduled Kerb and Guttering Works [↓](#)

Purpose / Summary

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

Recommendation

That Council staff consider developing a revised policy on community member requests for unscheduled kerb and guttering works. The previous policy could be used as a guide and be tailored to better meet the needs of the community and council's current financial position.

Background

See the attached correspondence to some ratepayers.

CL26.42



Address all correspondence to: The Chief Executive Officer,
PO Box 42, Nowra NSW 2541 Australia
shoalhaven.nsw.gov.au/contact | 1300 293 111

shoalhaven.nsw.gov.au    

Council Reference: 2837E (D26/72059)

19/02/2026

Tullio and Deborah Lazzarini
[REDACTED]

Dear Mr and Mrs Lazzarini

Kerb & Guttering [REDACTED] Walmer Avenue Sanctuary Point

Dear Mr and Mrs Lazzarini

Thank you for your letter dated 28 January 2026 requesting an update on the construction of kerb and guttering at [REDACTED] Walmer Avenue, Sanctuary Point, and seeking information regarding cost-assistance options.

I note your earlier correspondence of 23 June 2025, which was considered by Council following a representation from Councillor Proudfoot and the subsequent Council resolution (MIN25.333). After reviewing the matter again, I can advise that your request has been fully reconsidered; however, it is not supported at this time.

The primary reason your request cannot be supported is that no funding has been allocated for kerb and gutter construction at this location. In addition, Council does not currently have any strategies or forward programs that include installing kerb and guttering along this section of Walmer Avenue.

Council's Ratepayer Financing Policy for Kerb and Gutter Construction (POL22/111) is intended to allow residents to bring forward works only where the construction is already identified within Council's normal Capital Works Program. To be eligible, the works must already be planned and funded through Council's Delivery Program and Operational Plan (DPOP). As kerb and guttering at [REDACTED] Walmer Avenue are not identified as future works in the DPOP, the request does not meet the policy requirements.

Furthermore, even if Council were to consider a ratepayer advance arrangement, there is no future capital allocation available to repay the advance or to fund Council's required contribution. For this reason, the mechanism provided under POL22/111 cannot be applied in this case.

In summary: because kerb and guttering at your location is not included in Council's forward capital works program and is currently unfunded, Council is unable to progress the works or utilise the ratepayer advance system.

Regarding your request for additional information on costs, I can confirm that any applicable arrangements would be in accordance with section 3.1 of POL22/111. There are currently no grants or subsidies available that I am aware of. Costs for kerb and gutter construction are shared between Council and the adjoining landowners under the Roads Act 1993. These charges are

outlined in Council's Fees and Charges, available at:
<https://www.shoalhaven.nsw.gov.au/Council/Fees-and-charges>

The process and timeline for assessment and construction are generally determined on a case-by-case basis. However, as noted above, a request must first align with POL22/111 before it can progress further.

Thank you for bringing this matter to Council's attention.

Sincerely,



Michael Berzins
Manager - Works & Services

CL26.43 Notice of Motion - GIPAs, Staff Time, Referrals To OLG, Court Costs and Related Costs

HPERM Ref: D26/105447

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

That Council provide a report on the following:

1. The number of GIPA requests council has received from October 2024 to date
2. Which council ward are most of the GIPA requests originating from
3. Full breakdown costs to council on the following:
 - a. Conduct reviewers
 - b. Resources i.e. staff hours and equation of dollar cost
 - c. Preparation
 - d. Photocopies etc
 - e. Legal costs
4. How many codes of conduct from October 2024 to date in each ward, individual councillors and other
5. How many GIPAs from each applicant

Background

In the interests of cost cutting and financial savings, there seems to be a lot of GIPA requests and code of conduct. An investigation into the source/resources, may help to identify costs and savings to be looked at in this area.

Note by the CEO

Section 125 of the Government Information (Public Access) Act 2009 (GIPA Act) requires agencies (including councils) to include GIPA compliance information in their Annual Reports, consistent with GIPA statistics and compliance data outlined in 8 of the GIPA Regulation 2018. The 2024-2025 Annual Report including that information can be viewed on the Council's Website [here](#).

In accordance with Section 11.1 of the *Procedures for the Administration of the Code of Conduct* specified statistics concerning complaints made about Councillors and the CEO are required to be reported to Council within 3 months of the end of September each year. The Annual Statistical report for the period of 1 September 2024 to 31 August 2025 was provided to the Council for consideration at the 11 November 2025 Ordinary Meeting (CL25.387). The Report and statistical return can be viewed on the Council's website [here](#).

CL26.43

Councillors are reminded that the *Code of Conduct* and *Procedures for the Administration of the Code of Conduct* require that matters be dealt with confidentially. Part 12 of the *Procedures* outlines the confidentiality requirements and provides at Clause 12.1 “*Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.*”

CL26.43

CL26.44 Notice of Motion - Creation of Big Spotty Flora Reserve

HPERM Ref: D26/106078

Submitted by: Cllr Debbie Killian

Purpose / Summary

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

Recommendation

That Council support the permanent protection of Big Spotty in the North Brooman State Forest and development of increased opportunities to visit Big Spotty by:

1. Urging the NSW Government in writing to declare creation of a Big Spotty Flora Reserve as proposed by the Nature Conservation Council of NSW and Forest Alliance NSW;
2. Seek further commitment from the NSW Government to work with Traditional Owners, tourism providers and the community to deliver:
 - a. A 50 metre boardwalk and viewing platform at Big Spotty;
 - b. Clearly marked car parking and signage next to Four Mile Road;
 - c. Signage explaining the forest's ecological, cultural and historic significance;
 - d. A shallow boot bath to disinfect visitors' boots

Background

Big Spotty is a Spotted Gum tree approximately 500 years old and calculated to be 72 metres tall – thought to be the tallest of its species on the planet. It is located in the North Brooman State Forest in the southern Shoalhaven. The Brooman Forest is one of the areas in NSW where native trees many hundreds of years old are logged for timber, a practice which under recently passed Federal environment protection laws should be ceased altogether within a few years.

Local people from Jervis Bay to Bega and beyond have been actively engaged for several years in trying to save Big Spotty, but although an exclusion zone of 60 – 100 metres has been created around the tree this is not sufficient to protect it. Big Spotty needs the forest around it to protect it from wind and from the area drying out but areas close by are set for logging in the coming months and its protection is now becoming urgent.

The Nature Conservation Council for NSW have proposed the creation of The Big Spotty Flora Reserve (https://www.nature.org.au/protect_big_spotty_forest) of nearly 3,000 hectares including to the south of Big Spotty on the Clyde River and north on Middle Ridge Road. The proposal also includes measures to give access to tourists to safely visit the exceptional natural beauty of Big Spotty by creation of a boardwalk and viewing platform, safe and signposted parking nearby Four Mile Road, signage explaining the forest's importance and a shallow boot bath to disinfect visitors' boots for the protection of the forest.

Big Spotty is a well-known and much loved feature of our beautiful forest area. By supporting its preservation, the Council will be protecting the interests of our community, many of whom place great value on the giant tree and the benefits the forest provides. These benefits include support for wildlife, carbon storage, and attracting tourists to southern Shoalhaven.

CL26.44

CL26.45 Question on Notice - Greening Our City Grant for 102 Trees – Process & Implementation

HPERM Ref: D26/96377

Submitted by: Cllr Luciano Casmiri

Attachments: 1. Table [↓](#)

Question

If the aim of the project was to provide shading in our parking areas via the use of “grant money”, I do understand and support the objective, however my questions are:

1. What other form of shading structures have we evaluated and costed (including return in the investment) for providing the shading i.e. structures with solar panel to generate power for our use at the car parks and sporting fields.
2. My understanding is that the grant is \$488,000 for planting 102 trees, can you please provide the proposed location of the trees and a breakdown of costs for the \$4,784 per tree.

Response

1. The Greening our City Grant funding is specifically targeted to "mitigate the impacts of urban heat and climate change by increasing urban tree canopy and urban biodiversity". As such, Council did not investigate alternative shading options as this infrastructure would not meet the funding guidelines.
2. Specifics of the project including costings and locations are subject to change following detailed design and prior to commencement. Maintenance costs are for 12-month establishment only. The attached table highlights the estimated cost breakdown for each location including installation costs and maintenance costs.

CL26.45

Suburb	Proposed Works (Scope)	Number of Trees	Pot Size	Supply/Tree	Install/Tree	Tree Removal Total Cost	Maintenance/Tree/Year	Total Supply & Install Cost	Total Maintenance Cost per Tree/Year
NOWRA CARPARKS									
Stewart Place Carpark	Install in new tree pits	6	100L	\$250.00	\$7,500.00		\$400.00	\$46,500.00	\$2,400.00
Stewart Place Carpark	Refurbish existing pits	4	100L	\$250.00	\$800.00		\$400.00	\$4,200.00	\$1,600.00
Stewart Place Carpark - Southern Side	Install in existing grass	7	100L	\$250.00	\$500.00		\$400.00	\$5,250.00	\$2,800.00
Stewart Place Carpark - Access Road (west)	Install in the grass verge	3	100L	\$250.00	\$500.00		\$400.00	\$2,250.00	\$1,200.00
Stewart Place Carpark - Access Road (east)	Install in Linear Pit or in car space	5	100L	\$250.00	\$7,500.00		\$400.00	\$38,750.00	\$2,000.00
Worrigeer Street Carpark	Install tree pits/linear carpark	10	100L	\$250.00	\$7,500.00		\$400.00	\$77,500.00	\$4,000.00
Worrigeer Street Carpark	Install in the grass verge	3	100L	\$250.00	\$500.00		\$400.00	\$2,250.00	\$1,200.00
NOWRA - Total		38						\$176,700.00	\$15,200.00
ULLADULLA/MILTON CARPARKS									
Ulladulla Sports Complex	Install in grass verges perimeter of CP	20	100L	\$250.00	\$500.00		\$400.00	\$15,000.00	\$8,000.00
Ulladulla Sports Complex	Refurbish existing pits	7	100L	\$250.00	\$1,500.00		\$400.00	\$12,250.00	\$2,800.00
Ulladulla Aquatics Centre	Install in grass (Warden St)	5	100L	\$250.00	\$500.00	\$2,500.00	\$400.00	\$6,250.00	\$2,000.00
Ulladulla Aquatics Centre - Carpark	Install new pits	12	100L	\$250.00	\$7,500.00		\$400.00	\$93,000.00	\$4,800.00
Ulladulla - South Street	In Grass	6	100L	\$250.00	\$500.00		\$400.00	\$4,500.00	\$2,400.00
Behind Bendigo Bank - Milton	Install new pits in the car park	4	100L	\$250.00	\$7,500.00		\$400.00	\$31,000.00	\$1,600.00
Ulladulla - Total		54						\$162,000.00	\$21,600.00
VINCENTIA									
Bay and Basin Leisure Centre	Install in new tree pits	4	100L	\$250.00	\$7,500.00		\$400.00	\$31,000.00	\$1,600.00

Suburb	Proposed Works (Scope)	Number of Trees	Pot Size	Supply/Tree	Install/Tree	Tree Removal Total Cost	Maintenance/Tree/Year	Total Supply & Install Cost	Total Maintenance Cost per Tree/Year
Bay and Basin Leisure Centre	Install in the grass verge	6	100L	\$250.00	\$500.00		\$400.00	\$4,500.00	\$2,400.00
Vincentia - Total		10						\$35,500.00	\$4,000.00
PROJECT SUB TOTAL		102						\$374,200.00	\$40,800.00

PROJECT ESTIMATE SUMMARY

Total supply and install 135 trees		\$374,200.00
Total Maintenance/year		\$40,800.00
Project Design and investigation	Engineering, Landscape Design & Service location	\$25,000.00
Project Management	Project Management including consultation, procurement and contract management	\$40,000.00
PROJECT SUB TOTAL		\$480,000.00
Project Contingency	10% of overall project cost	\$48,000.00
PROJECT TOTAL		\$528,000.00

CL26.46 Report Back - Notice of Motion - Review of Cost Controls of Media Spend

HPERM Ref: D26/80431

Department: Communication & Community Engagement
Approver: Andrew Constance, Chief Executive Officer

Purpose:

Report to Council the annual print media advertising spend and any related regulatory requirements in response to Notice of Motion CL25.100.

Recommendation

That Council receive and note the report as a response to its Notice of Motion CL25.100 Notice of Motion - Review of Cost Controls of Media Spend.

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

Spending on media advertising has been reviewed and reduced since February 2024, as part of financial savings measures of the organisation to reduce operational costs. Immediately, advertising spending was scrutinised by managers applying strict budget controls.

A review of all media spending was completed in July 2024 as part of the staff-initiated efficiency program known as the 3% Challenge, and included an investigation into expenditure, source of content and legislative requirements to advertise.

Report findings

Print media advertising 2023-24

A review of Council budgets identified that in total, the spend on newsprint advertising in 2023-24 was \$173,425.36 across 39 finance projects for 160 print advertisements. Of which, 91% of these were placed with Australian Community Media publications (South Coast Register and Milton Ulladulla Times) with the remainder spent with Sydney Morning Herald and Canberra Times.

A total of 59% of the advertisements placed were to promote Development Applications and the 41% was for other subjects, such as road closure notifications, street naming, planning consents, leases and licenses and tenders.

Legislative requirements

As part of the review in June – July 2024, analysis of the legislative requirements for advertising was conducted and confirmed that in 2021, the Newspaper Advertising Guidelines of the Local Government (General) Regulation had been updated to lift the requirement for mandatory print media publication and instead allow councils to advertise regulatory and operational matters on the Council website. These include public notices, development applications, policy changes and changes to annual financial reports.

Regulation 77 – Public notice of draft local approvals policies states that the required public notice must: “a) be published – (i) on the website of the council and (ii) in any other manner that the council considers necessary to bring it to the attention of members of the public in the area of the council.”

Current expenditure on print media advertising and staff practices

Council staff have taken deliberate steps to reduce expenditure on print media advertising, shifting toward the use of Council’s website to promote development applications and other public notices. However, advertising in print media remains a viable channel to broaden the reach to community members who may not engage with digital platforms. As such, print media advertising is currently used to promote some items of particular community interest such as tenders, expressions of interest for leases and some items on public exhibition.

Annual comparison

Financial Year	Total bookings	ACM Bookings	SMH & CT	Advertising DAs	Advertising Other *	Total spend
2023-24	160	91%	9%	94	66	\$173,425.36
2024-25	91	97%	3%	68	23	\$30,142.75
2025-26 (YTD)	10	80%	20%	5	5	\$6,716.46

*Other: Tenders, road closures and planning proposals.

Acronyms: ACM – Australian Community Media. SMH – Sydney Morning Herald. CT – Canberra Times.

Risk Implications

Nil.

CL26.46

CL26.47 Illawarra Shoalhaven Joint Organisation - NSW Government Review

HPERM Ref: D26/109576

Approver: Andrew Constance, Chief Executive Officer

Attachments: 1. ISJO - 2025 Year in Review (under separate cover) [⇒](#)

Purpose:

The report is presented to Councillors to confirm Shoalhaven City Council's position on its ongoing membership in the Illawarra Shoalhaven Joint Organisation (ISJO) following the NSW Government's review and refresh of the Joint Organisation (JO) framework. The Minister for Local Government has requested advice from councils on future JO membership (a copy of Minister Hoenig's letter is enclosed). This report outlines the value ISJO provides in regional collaboration, strategic planning and shared service delivery. The report asks councillors to endorse a response that confirms Council's commitment to the ISJO and acknowledges the organisation's strong collaborative history.

Recommendation

That Council delegates to the CEO to write to Minister Hoenig confirming the following:

1. Shoalhaven City Council's ongoing commitment to the Illawarra Shoalhaven Joint Organisation (ISJO) and commending the 2025 Year in Review report.
2. Notes that Shoalhaven City Council is working constructively with Illawarra and Macarthur Councils on the 'LG8 Strategic Partnership' focusing on advocacy and collaboration.
3. Requests the NSW Government to consider opportunities to expand and enhance the operational and governance model for the Illawarra Shoalhaven Joint Organisation to include the Macarthur and Southern Highland Regions.

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

In 2017, the NSW Parliament passed the Local Government Amendment (Regional Joint Organisations) Act 2017 to establish a network of joint organisations. JOs are local government entities with legal powers to enable councils to work together at a regional level, and with state agencies and other organisations, to achieve better planning, economic development and service delivery outcomes in regional NSW.

Council has received a letter from Minister Hoenig regarding a refresh to the framework that governs Joint Organisations in NSW. Minister Hoenig is seeking advice from councils on

membership of joint organisations and providing an opportunity for council-driven solutions to regional collaboration.

Purpose of Joint Organisations

JOs are statutory local government bodies under the NSW *Local Government Amendment (Regional Joint Organisations) Act 2017 No 65* and the Local Government Act. They provide a way for local councils and the NSW Government to work together to deliver what matters most to regional communities. Joint organisations represent a long-term commitment to developing a shared vision for a region.

The core functions of a JO are:

- Regional strategic planning, including high-level planning across the quadruple bottom line
- Intergovernmental collaboration through working closely with the NSW Government, the Commonwealth Government, other councils and other joint organisations
- Regional leadership and advocacy, and acting as the regional voice for our councils and communities
- Enhancing strategic capacity by supporting their member councils in delivering services to their communities. Joint organisations may also provide services directly to and on behalf of their members.

Illawarra Shoalhaven Joint Organisation

The ISJO is the umbrella organisation for local government in the Illawarra Shoalhaven Region. The ISJO has four Member Councils: Shoalhaven City Council, Wollongong City Council, Shellharbour City Council and Kiama Municipal Council. The current structure of the ISJO is that the Wollondilly Shire Council is an Associate Member.

The ISJO was proclaimed in 2018 under the Local Government (Regional Joint Organisations) Proclamation 2018 and has operated under the NSW Local Government Act since then.

Please find attached the “2025 Year in Review” report of ISJO that includes:

- Development of the Statement of Strategic Regional Priorities 2035
- Regional Project tackling FOGO contamination and capacity challenges
- Natural Hazards snapshot report and assessment of the implications of severe weather events on the local and regional road network
- Disaster resilience – guidance and building resilience, frameworks, tools, planning and funding
- Installation of multi-hazard monitoring and sensor network
- Circular plastics initiatives
- Supporting councils to deliver EV charging infrastructure
- Progressing the legal panel for procurement
- Shared cyber/information security resource
- Illegal dumping, biosecurity and weed eradication programs

Local Government 8 Collaboration

Most recently, the ISJO have been collaborating with a broader group of Councils, including the following:

1. Camden
2. Wollondilly
3. Wingecarribee
4. Campbelltown
5. Wollongong
6. Shoalhaven
7. Kiama
8. Shellharbour

This group has met on a few occasions to discuss growth, infrastructure, assets and collaboration. The meetings have been productive and have evidenced a strength in commonalities on key advocacy matters for residents of these areas. This partnership brings together councils from the Illawarra Shoalhaven Region, Macarthur Region, and Southern Highlands, a super-region of national significance.

The aim of the Local Government 8 (LG8) Strategic Partnership is to enable local government to work collaboratively with the State and Commonwealth to support nationally significant population, housing and job growth in this wider region.

The LG8 councils are demonstrating a commitment to work together strategically to support our growing communities.

Conclusion

ISJO is working regionally to the benefit of Shoalhaven City Council. By creating a larger, more powerful regional voice in advocacy matters and by combining the wisdom and experience of the members, councils will benefit the Shoalhaven City Council. Confirming Shoalhaven City Council's ongoing commitment to the ISJO entity is recommended to Council, as well as supporting the formation of the larger JO.

Risk Implications

Nil

Internal Consultations

Nil

External Consultations

Nil

Community Consultations

Nil

CL26.47

Policy and Statutory Implications

Nil

Financial Implications

Council is a member of the Illawarra Shoalhaven Joint Organisation (ISJO). The 2024-25 contribution was \$63,000. Conversely, ISJO has managed to secure substantial grant funding for disaster resilience, cybersecurity, coastal management, and weed management to support all its members in recent years, which represents a significant cost benefit to Council.

CL26.47

CL26.48 Report of the Financial Review Panel - 19 February 2026

HPERM Ref: D26/96747

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

Attachments: 1. Minutes - Financial Review Panel 19 February 2026 [↓](#)

Purpose:

The minutes of the Financial Review Panel 19 February 2026 (**attachment 1**) are provided to Council for information according to the adopted [Terms of Reference](#). There are no recommendations for Council resolution arising out of these minutes.

Recommendation

That Council receive and note the minutes of the Financial Review Panel of 19 February 2026.

Community Strategic Plan:

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

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

The Financial Review Panel Terms of Reference specify that the minutes "*will be included as a report in the Agenda of Ordinary Meetings of the Council for consideration of recommendations for resolution. The resolutions of the Council will be published in the Minutes of the Ordinary Council Meetings*".

Risk Implications

There are no risk implications associated with this report.

Internal Consultations

Internal Consultation not required as part of this report.

External Consultations

External Consultation is not required as part of this report.

Community Consultations

Community Consultation is not required as part of this report.

Policy and Statutory Implications

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

Financial Implications

There are no financial implications associated with this report.

CL26.48

MINUTES OF THE FINANCIAL REVIEW PANEL

Meeting Date: Thursday, 19 February 2026
Location: Jervis Bay Room, City Administrative Centre, Bridge Road, Nowra
Time: 3.00pm

The following members were present:

Mayor Patricia White - Chairperson
Clr Peter Wilkins – left at 4:56pm (Remotely)
Clr Jemma Tribe
Clr Brett Steele
Clr Karlee Dunn (Remotely)
Clr Gillian Boyd (Remotely)
Clr Denise Kemp (Remotely)
Clr Selena Clancy (Remotely)
Clr Debbie Killian
Clr Luciano Casmiri
Mr Mark Crowther
Mr Peter Dun
Mr Stuart Coughlan

The following non-voting members were present:

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

Others present:

Mr Kevin Norwood – Director City Services
Mr Andrew McVey – Director Shoalhaven Water
Ms Emma Struys – Director City Development

Apologies / Leave of Absence

Nil

Confirmation of the Minutes

RESOLVED (By consent)

That the Minutes of the Financial Review Panel held on Thursday 13 November 2025 be confirmed.

CARRIED

Declaration of Interests

Nil

REPORTS

FR26.1 Action Table Report - Financial Review Panel - 19 February 2026

HPERM Ref:
D26/56519

In relation to item FR25.10, it was noted that Council has engaged an additional Accounts Receivable Officer on a casual basis to investigate debtors. It was further noted that staff have experienced difficulty in employing a Rates Supervisor.

In relation to the aged debt report, Mr Peter Dun expressed concern that some of the debtors in the 90 day timeframe still have credit being extended to them by Council. Mr Dun noted that his assumption was that Council would cut off credit and require payment in cash for services.

Staff advised that this is certainly the case for some debtors, but are unsure whether it is the standard Policy for all debtors. It was further advised that staff will raise this matter with the relevant Managers.

In relation to pensioner debtors, Mr Peter Dun queried whether Council is securing debt at 17 years.

Staff advised that they will confirm with the Rates Manager that Council is doing this.

In relation to FR25.40 Waste Micro Factory, Mr Mark Crowther noted that he would like to access the Outcome of Proposal to Creditors, which has been lodged on the Australian Securities and Investments Commission (ASIC) website.

Staff advised that they will obtain access to the document, but also noted that the initial report to creditors stated that the members voted to put it into liquidation, which would indicate that there is no proposal to creditors.

The Panel discussed the ownership of the Waste Micro Factory machines and staff advised that they will be fighting for full ownership. It was further advised that the machines do not hold much carrying value as they are used for a singular purpose and are extremely heavy to move.

Recommendation (Item to be determined under delegated authority)

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

RESOLVED (By consent)

That the Financial Review Panel

1. Accept and receive the Action Table Report on outstanding actions (Attachment 1) for information.
2. Receive a copy of the Outcome of Proposal to Creditors in relation to the liquidation of the Waste Micro Factory.

CARRIED

FR26.2 Shoalhaven Entertainment Centre – Review

**HPERM Ref:
D26/41829**

The CEO advised that Council is seeking to get as much information as possible in relation to Councils civic assets, as well as the development interests centred around the Nowra CBD, prior to reporting the outcome of this review back to Council. On this basis, the CEO advised that option 1 is his preferred option for moving forward.

Mr Peter Dun noted that as part of a previous presentation to the Panel on the current service reviews, options were presented for making changes to the operation of the Shoalhaven Entertainment Centre. Mr Dun recommended option 1 with a second part of considering some of the possible operational changes recommended in the service review to assist in minimizing the financial subsidy provided by Council.

The Director City Performance noted that a new Arts & Culture Lead will be starting with Council shortly, and that he will be responsible for managing Libraries, the Art Gallery and the Shoalhaven Entertainment Centre. It was noted that it would be beneficial to give him some time to consider the options outlined in the current service reviews from a commercial operational perspective, with a view to coming back to the Financial Review Panel with more potential options.

Recommendation

That the Finance Review Committee resolve to recommend progressing Option 1 or 2 as outlined:

Option 1

Place the SEC EOI on hold to prioritise key strategic planning work, and to identify the strategic and financial benefits of co-locating complementary Council services within the SEC.

Option 2

Progress an EOI to test the feasibility of engaging an alternative operator for the SEC service, consistent with the SEC service review's proposed next steps.

RECOMMENDATION (By consent)

The Financial Review Panel recommend that Council:

1. Place the SEC EOI on hold to prioritise key strategic planning work, and to identify the strategic and financial benefits of co-locating complementary Council services within the SEC.
2. Consider some of the possible operational changes recommended in the service review to assist in minimizing the financial subsidy provided by Council.

CARRIED

GENERAL BUSINESS

FR26.3 Items for Discussion - Financial Review Panel 19 February 2026

**HPERM Ref:
D26/63662**

The following discussion took place in relation to each of these items, as requested to be included for this meeting:

1. Confidentiality of Meetings

Mr Mark Crowther expressed concern in regard to the leaking of confidential information on social media in relation to the resignation of members, and questioned how the Panel can continue in confidence to discuss matters of a confidential nature in light of information leaks.

The Mayor echoed the same concerns, noting that she first read about member resignations on social media.

The CEO advised that if information comes to light regarding the leak of information, that it will be

dealt with in accordance with the Code of Conduct.

Mr Mark Crowther expressed further concern regarding the inference that was made at the November meeting in relation to his research on the cost of electricity and the Flow Power contract, inferring that the research was orchestrated by another party. Mr Crowther noted section 2(f) of the Terms of Reference, which outlines that part of the Panels purpose is the *“identification of specific financial concerns and matters.”*

Mr Peter Dun noted that it is to be expected that the Financial Review Panel would review an expense as large as the Flow Power contract.

The Mayor commended the Financial Review Panel on doing such an excellent job in bringing very valuable information to the Council, and noted that they do not deserve some of the negative comments going around on social media. The Mayor apologised to the Panel members on behalf of Council for the confidential information leak.

With respect to the confidentiality leaks, Clr Wilkins queried the outcome members would like to see on this matter.

Mr Peter Dun responded and advised that members need to have the ability to discuss sensitive information without the fear of their discussions being leaked into the public sphere.

Clr Wilkins echoed the Mayors comments and commended the members on the great contribution they are making.

2. Replacement of Community Members

The CEO advised that the process from here will be to report an updated Terms of Reference to Council and then put out an Expression of Interest (EOI) for new members.

The Financial Review Panel reviewed the proposed updates to the Terms of Reference and made some minor amendments. The updated Terms of References, with these amendments included, is attached to these minutes.

The Financial Review Panel accepted the amended version of the Terms of Reference, with the additional changes, and recommended referral to Council for Adoption.

3. Update on Land Sales 25/26 and update on review of strategic CBD Holdings and potential income from under-utilised land holdings (paid parking tourism areas)

Mr Mark Crowther noted that Council should have a plan b for next year in relation to selling land not already identified as part of the Land Sales strategy to ensure Council reaches its goal for unrestricted cash. Mr Crowther further noted that he has previously commented that he believes there is land in the Nowra CBD which doesn't hold strategic value that could be considered for sale as part of a plan b, and expected a report would be drawn up detailing strategic and non-strategic land holdings in the Nowra CBD.

In response to Mr Crowthers comments, the CEO noted that Council does need to do a deeper dive in considering strategic land sales.

Mr Mark Crowther further discussed under-utilized Council land holdings in tourist hot spots, such as parking in Hyams Beach, and noted that Council should re-consider the option of turning these into a revenue producing asset.

The CEO advised that staff will gather as much information as they can and provide professional advice to the Council on this matter.

4. Update on MRF operations and affect on 25/26 budget projections

The CEO highlighted to the Panel that staff have negotiated with Bega Valley Shire Council, and Eurobodalla Shire Council in relation to usage of the Materials Recovery Facility (MRF). It was noted that Bega Valley Shire Council have resolved to undertake discussions with Shoalhaven with regards to the possibility of using the MRF.

Staff provided an update regarding MRF operation, noting that it will be about a Month before full operation. It was further advised that the MRF will be powered by solar.

5. DPOP 26/27 and involvement of FRP members

Mr Stuart Coughlan shared and discussed the following information with the Panel:

- Employee and materials / services costs by quarter
- Group 5 council 2026 employee costs comparison

The information presented will be attached to these minutes.

In relation to Council employee costs, Cllr Tribe clarified for those present who were not previously part of these conversations that the reduction in employee costs must be viewed in light of the fact that Council had been holding essential roles in vacancy to retain those savings in a financially critical time.

Noting that Council is currently holding 130 vacancies, Mr Peter Dun queried whether Council is still having difficulty in recruitment.

The CEO confirmed that Council is struggling in the area of recruitment.

Mr Peter Dun discussed the Financial Review Panel having more input in the preparation of the Delivery Program Operational Plan (DPOP) & Budget prior to Council adoption, in the hopes to avoid last minute consultation and recommendations. Staff noted the tight deadline and constraints they experience around reporting this to Council. Mr Dun further noted that he understands the time constraints that staff face, and that he would like the Financial Review Panel to have more opportunity for input around concepts and proposed strategies in the preparation of the DPOP and Budget.

Mr Mark Crowther shared the 2026 Quarter 2 results with the Panel. The information presented will be attached to these minutes.

6. Dates for future meetings to tie in with quarterly reporting to Councillors

Mr Mark Crowther noted that the members have an issue with future meeting dates not coinciding with quarterly reporting to Council, and noted that they will discuss alternative meeting dates with Staff.

7. EOI of Entertainment Centre and discussion of findings from Batemans Bay Councils Leisure and Entertainment Centre

It was noted that this item had been discussed under the previous item.

8. AI/Technology and efficiencies

Noting the time, the members requested this item be deferred to the next meeting.

9. Review of Progress on Aged Debtors collection

It was noted that this item had been discussed earlier in the meeting.

10. Bereavement EOI-Lessons learned

Mr Mark Crowther shared the Bereavement Services draft December 2025 operating results from the Committee SharePoint. It was noted that the Panel agrees with the recommendation going to Council on 24 February 2026, but that the following points should be noted by Staff:

- In relation to interment rights, it was not what made clear during the EOI process who was going to collect the money already paid to Council for interment rights.
- In relation to burial plots, the IPART report noted that some councils are not correctly accounting for the costs of their plots against the sale of the plots. This may be something we need to investigate.
- Recent reporting from Bereavement Services indicates that they are trading more profitably due to increased charges.

The CEO noted that over the next 12 months staff will look over the information gained from the service review, including the points noted in relation to interment.

FR26.4 Additional Item - Updated Terms of Reference - Financial Review Panel

The recommendation below was made during discussion on the previous item.

RECOMMENDATION (By Consent)

That The Financial Review Panel Accept The Amended Version Of The Terms Of Reference (Attached To These Minutes) And Recommend To Council For Adoption.

CARRIED

Note: This recommendation was reported to the Ordinary Meeting 24 February 2026 by a separate report from the Director City Performance.

There being no further business, the meeting concluded, the time being 5:05pm.

Mayor Patricia White
CHAIRPERSON

CL26.49 Ongoing Register for Pecuniary Interest Returns - February 2026

HPERM Ref: D26/92358

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 February 2026 to 28 February 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 February 2026 to 28 February 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
City Services	Alejandro Silio Arce	16 February 2026	27 February 2026

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*.

CL26.49

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.

CL26.49

CL26.50 Appointment of Board Director of Southern Water Services Pty Ltd

HPERM Ref: D26/67493

Department: Finance

Approver: Katie Buckman, Director - City Performance

Purpose:

To appoint the Director – City Performance as the Board Director of Southern Water Services Pty Ltd to expedite the voluntary deregistration process.

Recommendation

That Council appoints the Director - City Performance as the Board Director of Southern Water Services Pty Ltd.

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

Southern Water Services Pty Ltd is a Council-owned company established in 1998 with the approval of the Minister of the day. Under its constitution, the Company was formed to undertake the provision of water, sewerage, and related services. The Company currently has no operational or staffing relationship with Shoalhaven Water.

At its meeting on 28 November 2022, Council resolved to appoint the Chief Executive Officer as the Board Director of Southern Water Services Pty Ltd, in accordance with the Company's obligations to the Australian Securities and Investments Commission (MIN22.898).

Council has now resolved to bring the company to a formal close. This decision was made at the Council meeting on 23 November 2025, where Councillors resolved to "cease the operation of Southern Water Services Pty Ltd and commence the process to wind up the company" (MIN25.496).

As part of this process, Council is required to complete several administrative steps, including finalising tax obligations, cancelling the company's registrations, and lodging an application with the Australian Securities and Investments Commission (ASIC) for voluntary deregistration.

To ensure these steps can be completed efficiently, it is recommended to appoint the Director – City Performance, who has a current Director ID (which is a mandatory requirement), as the company's Board Director. This role is necessary to finalise the deregistration process with the Australian Taxation Office (ATO) and ASIC. Council previously resolved that the Director – City Performance was to be the Company Secretary. Current ASIC records reflect this appointment.

CL26.50

Risk Implications

Non-compliance with the requirements of the Australian Taxation Office and Australian Securities and Investments Commission .

Internal Consultations

Chief Executive Officer

External Consultations

Australian Securities and Investments Commission

Australian Taxation Office

Community Consultations

Nil

Policy and Statutory Implications

Closing Southern Water Services Pty Ltd involves a voluntary deregistration in line with the requirements of the Australian Taxation Office and Australian Securities and Investments Commission .

Financial Implications

An attempt to deregister the company will be made by Council staff at a cost of \$50 to lodge the appropriate form, if this is not able to be done due to the company not meeting the requirements, a liquidator would need to be appointed at a cost not exceeding \$10,000.

CL26.50

CL26.51 Investment Report - February 2026

HPERM Ref: D26/98289

Department: Finance

Approver: Katie Buckman, Director - City Performance

Attachments: 1. Monthly Investment Review (under separate cover) [⇨](#)
2. Statement of Investments (under separate cover) [⇨](#)

Purpose:

To advise Councillors and the community of Council’s investment portfolio and performance as at 28 February 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 4.62% per annum in February 2026.
- This result outperformed the AusBond Bank Bill Index benchmark of 3.76% p.a. by 86 basis points (0.86%).

Recommendation

That Council receive the Record of Investments for the period ending 28 February 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 28 February 2026 totalled \$284.31 million and consisted of the following types of investments:

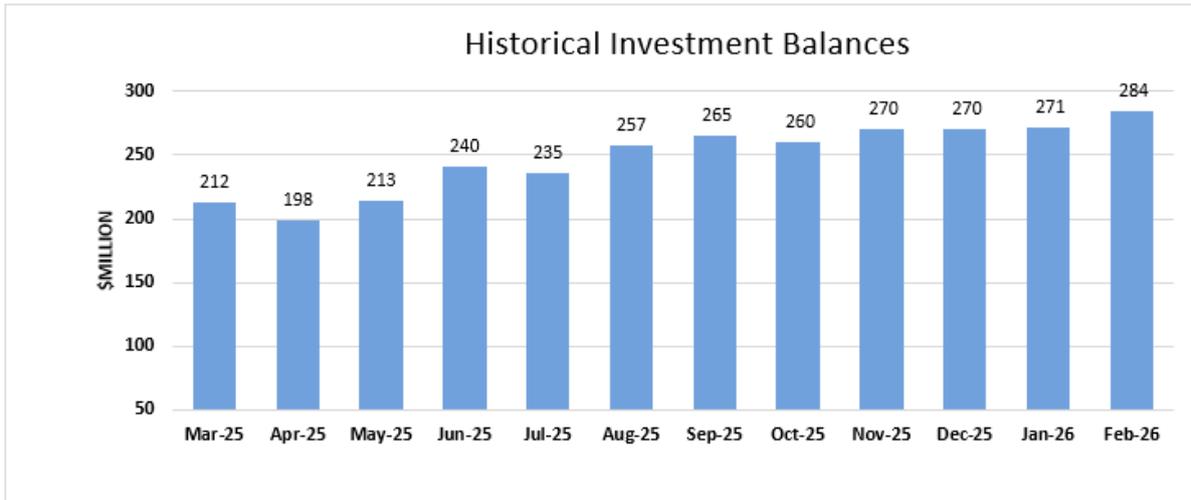
Investment type	Invested (\$)
Cash	50,058,249
Term Deposits	196,000,000
Floating rate notes	38,250,000
Total	284,308,248

CL26.51

The details of Council’s investment holdings as at 28 February 2026 are provided in the Statement of Investments at Attachment 2.

The graph below shows the natural fluctuations in Council’s investment balance over a rolling 12-month period, reflecting the timing of major expenditures as well as the receipt of rates and grant funding.

Council’s investment portfolio increased by approximately \$13 million in February, primarily due to the receipt of the third rates instalment.



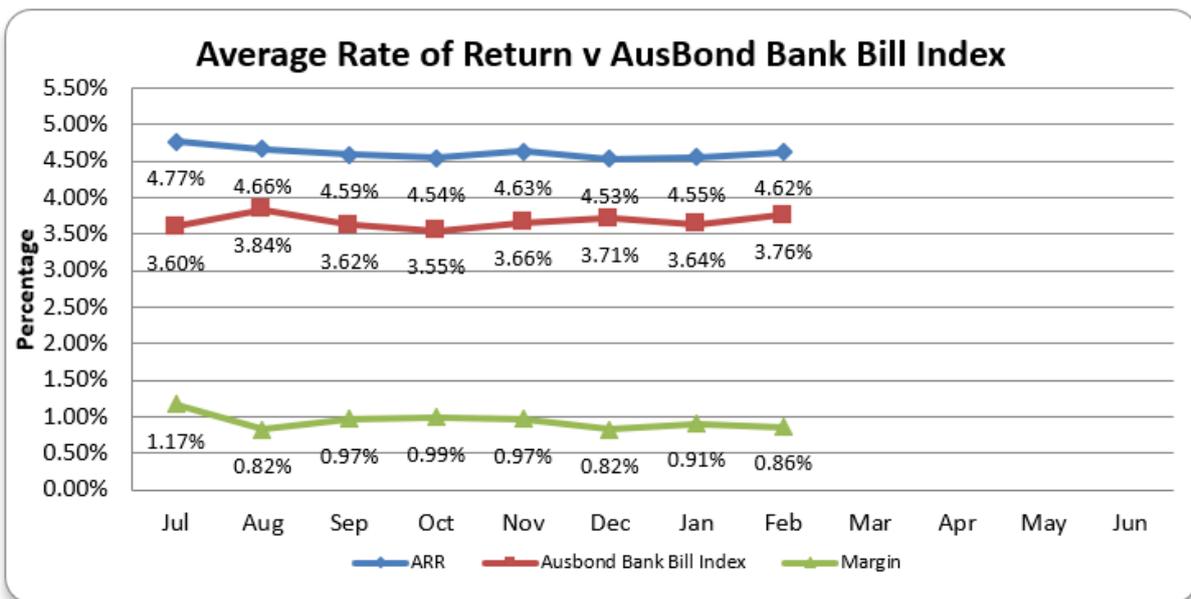
CL26.51

Portfolio Return

For February, the total investment return was 4.62% p.a., outperforming the AusBond Bank Bill Index (3.76%) by 86 basis points.

Investments

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



Investment Interest Earned – February 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

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 February 2026.

Table 1 - Interest Earned for the Month of February 2026

Fund	Revised Monthly Budget \$	Actual Earned \$	Difference \$
General	565,146	550,786	-14,360
Water	191,218	186,556	-4,662
Sewer	155,196	151,022	-4,174
Total	911,560	888,364	-23,196

The interest earned for the month of February 2026, was \$888,364 compared to the revised monthly budget of \$911,560.

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 Revised Annual Budget ¹ \$	Actual YTD \$	% Achieved
General	6,983,884	4,495,065	64%
Water	2,461,012	1,622,738	66%
Sewer	1,938,624	1,267,491	65%
Total	11,383,520	7,385,294	65%

¹ As part of the December Quarterly Budget Review, it was resolved to increase the annual budget for interest income by \$2.63M. This is because the interest rates on investments are higher than originally forecast and Council is earning more interest than originally budgeted

As at the end of February, Council has earned \$7,385,294, representing 65% of the full-year budget.

Within the General Fund total of \$4,495,065:

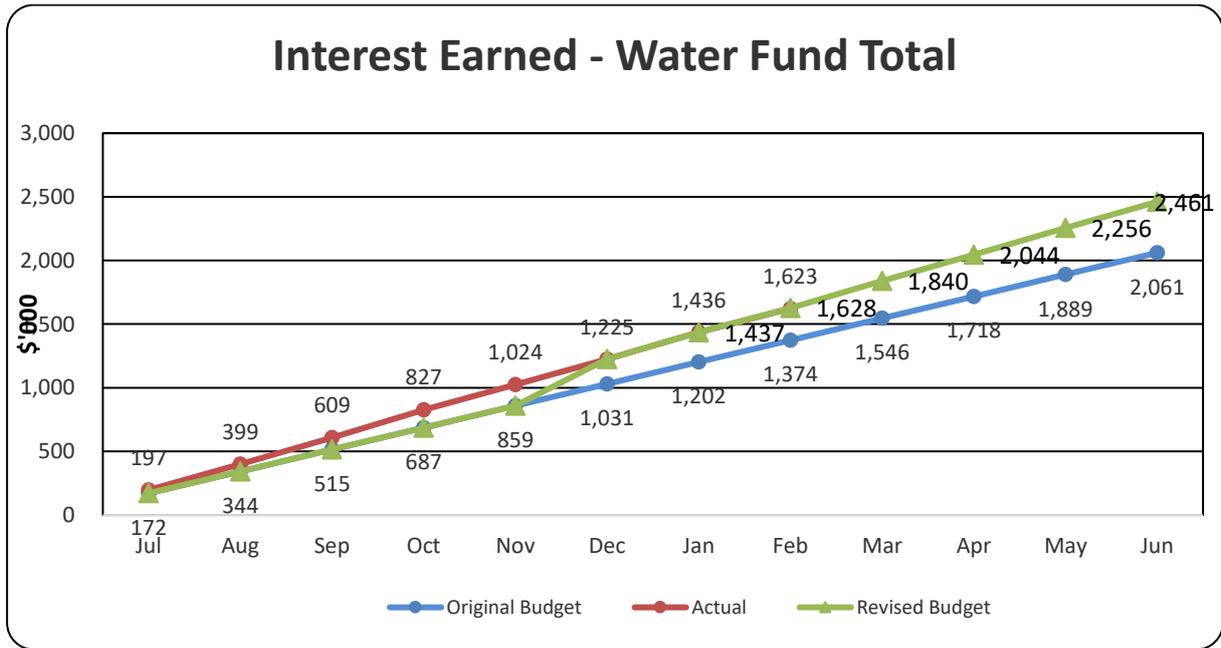
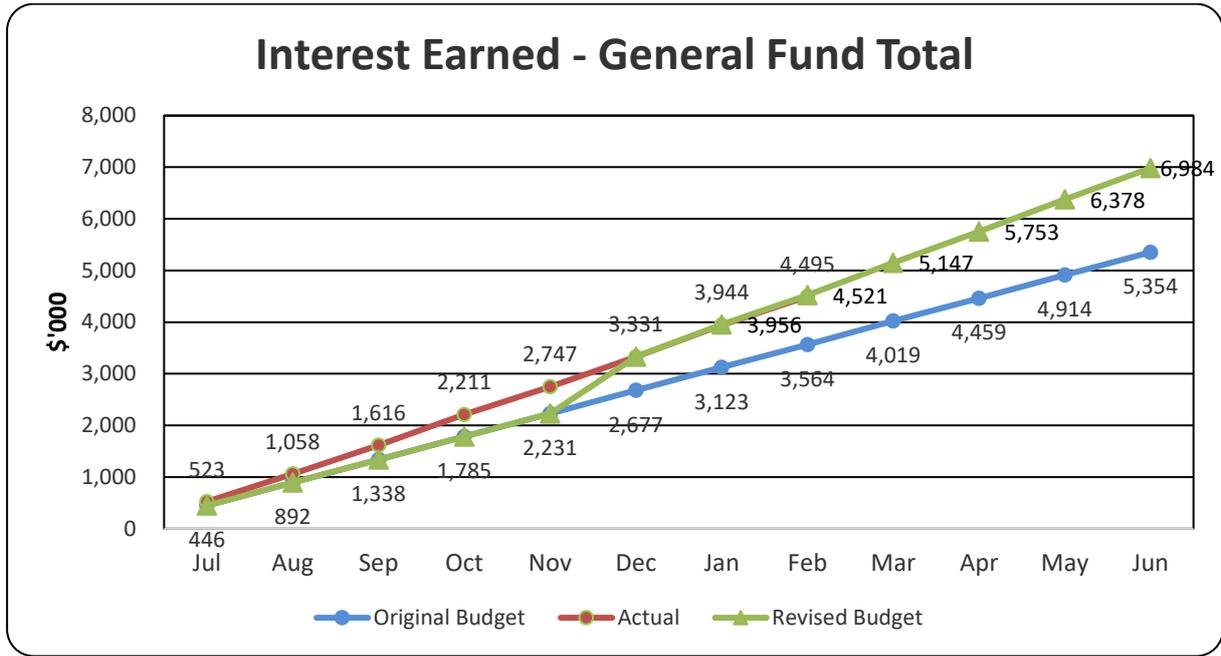
- Interest on unspent s7.11 developer contributions: \$1,009,436
- Interest on Domestic Waste Management reserves: \$609,430

After accounting for these externally restricted components, the remaining \$2,876,199 is unrestricted.

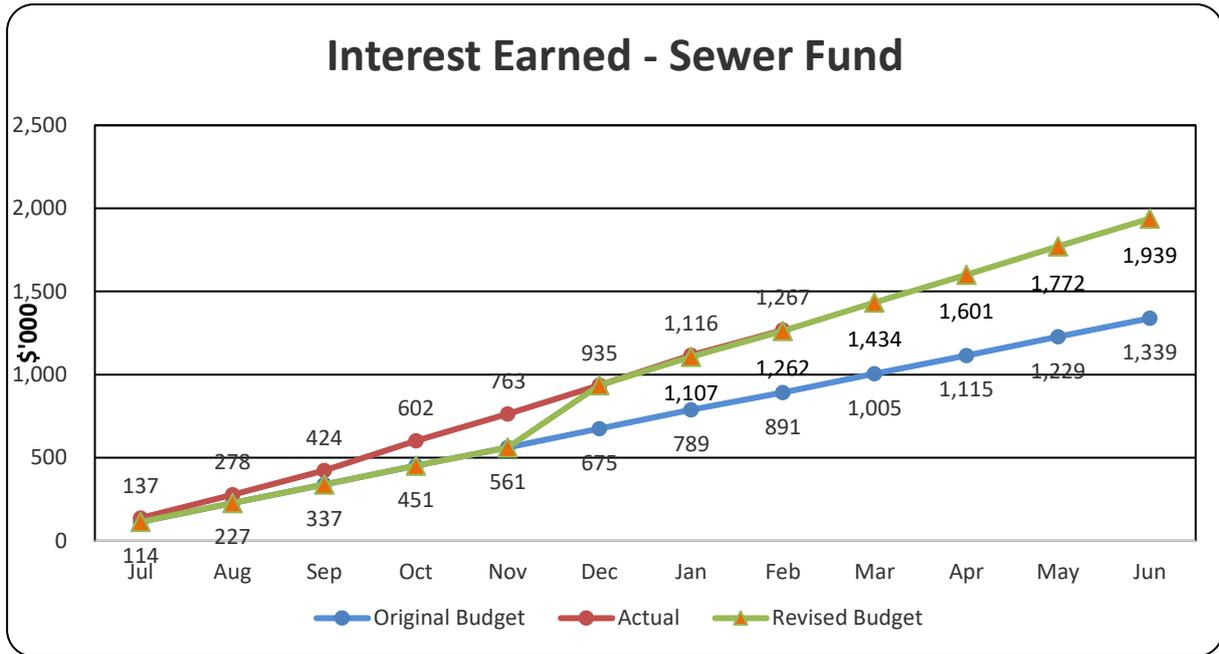
Graph 2 (3 separate graphs) below, illustrates the cumulative interest earned for the year for each fund (General, Water and Sewer) against budget:

CL26.51

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



CL26.51



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 investment return was slightly below the revised monthly budget because February is a shorter month.

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.

CL26.51



Mathew Badcock

Date: 11 March 2026

CL26.51

CL26.52 Request for Plaques and Memorials

HPERM Ref: D26/38137

Department: Open Space & Recreation
Approver: Kevin Norwood, Director - City Services

Attachments: 1. Detailed Information (councillors information folder) [⇒](#)

Purpose:

The purpose of this report is to seek Council's approval for the installation of two memorial seats with plaques in Callala Bay and Vincentia, in accordance with Shoalhaven City Council's Plaques and Memorials Policy.

Recommendation

That Council, in accordance with the Plaques and Memorials Policy:

1. Approve the installation of a memorial seat with plaque at Plantation Point, Vincentia (as at **Attachment 1**).
2. Approve the installation of a memorial seat with plaque at Marine Parade, Callala Bay (as at **Attachment 1**).
3. Direct the CEO (Director – City Services) to advise the applicants of Council's determination.

Community Strategic Plan:

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

Delivery Program / Operational Plan:

- 2.2.3 Maintain liveability through provision of infrastructure, services and facilities across the city

Background

Requests are regularly received to install memorial seats in memory of deceased persons on Council owned and/or managed land.

This report presents two requests to install a new memorial seat with a plaque, at the applicant's cost, in the following locations:

1. Marine Parade, Callala Bay
2. Plantation Point, Vincentia

The seats and plaques are of a design that is standard to Council's managed reserve areas. Both requests align with the provisions of the adopted Policy.

Additional details are provided in **Attachment 1 (councillor's information folder)**.

Risk Implications

To protect the intended purpose and aesthetic appearance of public spaces, Council's Plaques and Memorials Policy includes provisions to ensure that social, cultural, environmental and planning considerations are addressed. The siting or appearance of a plaque or memorial balances commemoration of events or individuals with the community's ongoing enjoyment of visually uncluttered public spaces, and must not negatively impact the aesthetic, social, cultural, or environmental uses or values of public space.

Internal Consultations

The memorial proposals have been developed in consultation with the relevant functional managers of these reserves.

External Consultations

As the memorials align with the adopted Policy, no additional consultation was required, beyond liaison with the deceased persons' families.

Community Consultations

As the memorials align with the adopted Policy, no additional consultation was required, beyond liaison with the deceased persons' families.

Policy and Statutory Implications

Requests for memorials are assessed in line with the provisions of the adopted [Policy](#). In accordance with the Policy, a Council resolution is required to approve the installation of the memorial seats.

Each application described in this report is consistent with the Policy and both proposals are therefore recommended to the Council for approval (further information is provided in **Attachment 1**).

Financial Implications

In accordance with the Policy, all costs associated with the design, construction and installation of the infrastructure would be fully funded by the successful applicants, including the memorial seat, plaque, concrete slab and all labour for installation.

Installed plaques and memorials become the property of Shoalhaven City Council and are entered into Council's Asset Register. Council assumes responsibility for ongoing maintenance and operational costs, in line with other reserve infrastructure. The relevant functional managers have approved each request. Maintenance costs are reduced by installing seats that are standard to Council's managed reserve areas, and will be managed within existing operational budgets.

The seats and plaques will be retained in place for as long as practicable. Council does not guarantee to retain plaques and memorials in perpetuity.

CL26.53 Request - Minor Locality Boundary Adjustment - Between Wollumboola & Callala Bay Localities

HPERM Ref: D25/541986

Department: Strategic Planning
Approver: Emma Struys, Director - City Development

Attachments: 1. Supporting Letter from Sealark P/L [↓](#)

Purpose:

The purpose of this report is to seek Council's endorsement to undertake a minor administrative boundary adjustment of Wollumboola and Callala Bay localities to align with Callala Beach Road.

Recommendation

That Council endorse a minor administrative boundary adjustment of the Wollumboola and Callala Bay localities so that it aligns Callala Beach Road, as outlined in this report.

Background

Locality boundaries should generally or wherever possible follow identifiable natural or man-made geographical markers like rivers or roads and avoid dividing properties ([NSW Geographical Names Board](#)).

Council has received a request from Sealark Pty Ltd to adjust the current boundary between the Wollumboola and Callala Bay localities. The boundary between these localities generally aligns with the eastern edge of Callala Beach Road, except for at the southern end, where it currently follows the eastern edge of the paper subdivision lots.

These vacant paper subdivision lots were rezoned from rural to a mix of environmental conservation, public recreation and general residential land uses as part of the Planning Proposal for Sealark's land at Callala Bay, Wollumboola and Kinghorne, that was finalised by the State Government in 2022.

Figure 1 below shows the existing and proposed boundaries overlaid on the aerial photograph and land use zoning.



Figure 1: Current and proposed locality boundaries at Callala Beach Road

CL26.53

At some point, the residential-zoned land will be subdivided for housing (subject to a future development application and associated processes). The residential-zoned land is currently identified as Urban Release Area (URA) in the Shoalhaven Local Environmental Plan 2014 (LEP) mapping, meaning that Part 6 of the LEP must be satisfied before the land can be subdivided for housing.

Clarification was sought from the Geographical Names Board on the process to make this minor boundary adjustment. The advice received is outlined below:

Although the proposed boundary adjustment involves 20+ lots, it is important to note that only one owner is affected. Under the AP3.3 framework (Chapter 8 NSW Address Policy and User Manual - [NSW Addressing policy and user manual](#)), the classification is based on the number of parcels OR owners/occupiers affected, not just the number of lots.

Given that there is only one owner of the affected land this proposal would fall under AP3.3a

“Less than 10 parcels or owners/occupiers affected – Delegated Authority for Secretary’s Approval. No advertising is required for this proposal subject to all parties being in agreement and the proposal having the full support of the Local Government.”

To progress the proposal through administratively, we would require written support from the elected council and additionally, written support from the owner of the lots being readjusted. This information, along with a well defined map can be submitted through our proposal system, as a place name, then the option of a address locality amendment.

As such, given its minor nature the proposed adjustment can be undertaken administratively without the need for public consultation, subject to Council’s endorsement and the

landowner's support. The landowner's letter supporting the proposed locality boundary adjustment is provided as **Attachment 1**.

Risk Implications

Nil

Internal Consultations

Nil

External Consultations

Nil

Community Consultations

No community consultation is required for this minor administrative change to the locality boundaries.

Policy and Statutory Implications

The proposed approach follows advice from the NSW Geographical Names Board.

Financial Implications

The proposed adjustment is of a minor nature and will be undertaken within the existing Strategic Planning budget.

CL26.53



17 November 2025

Shoalhaven City Council
PO Box 42
NOWRA NSW 2540

Attention: Strategic Planning Manager

REQUEST TO MODIFY LOCALITY BOUNDARY BETWEEN CALLALA BAY AND WOLLUMBOOLA

The Callala Bay Urban Release Area (URA) currently includes land in the localities of both Callala Bay and Wollumboola.

The map in Attachment 1 (taken from the SCC mapping website) shows the current locality boundary in blue aligned with the eastern side of Callala Beach Rd in the north and south of the URA, but in the centre of the western edge of the URA, the boundary is aligned with the rear of a number of smaller lots fronting Callala Beach Rd.

Sealark Pty Limited (Sealark) is the registered owner of these smaller lots, along with other land in the area including all the URA land.

Sealark formally requests the locality boundary be re-aligned in this area to follow the eastern side of Callala Beach Rd. This will result in rationalisation of the locality boundary and will place all the URA land within the locality of Callala Bay.

We understand there is a formal process to go through within Council and then within the NSW Geographical Names Board before this matter can be resolved.

Yours faithfully,

Matt Philpott
Managing Director – Land and Development

Phone: 02 9283 3399 | sealark.com.au

Sydney Office:
Suite 1006, 99 Bathurst Street
Sydney NSW 2000

Sealark Pty Ltd ABN 81 075 795 587

GPO Box 2678 Sydney NSW 2001
PO Box 12 Culburra Beach NSW 2540
office@sealark.com.au

CL26.53 - Attachment 1

Attachment 1



CL26.53 - Attachment 1

CL26.54 Post Exhibition Report - Planning Proposal (PP079): 28 Bowen Street and 34-38 Hawke Street, Huskisson

HPERM Ref: D26/64595

Department: Strategic Planning

Approver: Emma Struys, Director - City Development

Attachments: 1. Summary of Submissions (under separate cover) [⇨](#)

Purpose:

To report the feedback received from the public exhibition of this Planning Proposal (PP) that proposed amendments to the Shoalhaven Local Environment Plan (SLEP) height of building planning control at the subject site and propose the finalisation of the PP.

Property Address	28 Bowen Street and 34-38 Hawke Street, Huskisson
Property Details	Lot 1 Sec 5 DP 758530 and Lot/s A, B & C DP 33476 (Huskisson Bayside Resort)
Proponent	Jervis Bay Town Planning
Owner	Nejla and Ibrahim Mehme
Current land use zoning	R3 Medium Density
Current LEP building height limits	7.5m (28 Bowen Street) & 11m (34-38 Hawke Street)
Proposed LEP building height limit	12 m

CL26.54

Recommendation

That Council finalise the Planning Proposal for 28 Bowen Street and 34-38 Hawke Street, Huskisson as exhibited, that will amend and set a 12-metre building height limit for the subject properties in the *Shoalhaven Local Environmental Plan 2014*.

Community Strategic Plan:

- 1 Vibrant, active and safe communities
 - 1.1 Community life, civic engagement and community support
- 3 Resilient local economies and enabling infrastructure
 - 3.1 Economic opportunity and diversity

Delivery Program / Operational Plan:

- 1.1.1 Deliver plans and strategies which help to create an inclusive community and improve equitable access to opportunities
- 3.1.4 Promote and service the Shoalhaven as a diverse year-round tourist destination

Background

The PP applies to the land shown in **Figure 1**. The existing Bayside Resort (tourist and visitor accommodation) currently operates at the site. It is intended that the site will continue to operate as tourist and visitor accommodation (subject to the outcome of this PP and a future application for development consent).



Figure 1 – Subject Land highlighted in red

The PP application was reported to Council on 17 June 2025 (CL25.206). In response, Council resolved (relevant components) as follows:

1. *Support the Planning Proposal (PP) request to amend the Clause 4.3 Height of Building development standard related to the subject land to 12 metres within the Shoalhaven Local Environmental Plan 2014.*
2. *Prepare and submit the required PP document to the NSW Department of planning, Housing and Infrastructure (DPHI) for initial Gateway determination.*
3. *If significant public interest is received during the required public exhibition, following Gateway determination, receive a report back to consider its finalisation.*

The report, attachments and full Council resolution can be viewed via the following links.

1. [Link to business paper](#) containing the report (CL25.206)
2. [Link to Minutes](#) (MIN25.318)

The NSW Department of Planning, Housing and Infrastructure (DPHI) issued a Gateway Determination on 9 January 2025 that requires the PP and resulting LEP amendment to be completed by 12 May 2026.

The issues and objections raised during the public exhibition and referral stages of this proposal have been addressed and considered accordingly. Concerns regarding the future use of the site can be further examined if the PP proceeds and a development application is lodged for the intended use of tourist and visitor accommodation.

Risk Implications

There are no direct risks implications associated with this matter.

Internal Consultations

As summarised in the previous report on this matter, referrals were sent to and received from Councils Economic Development Officer, Environmental Health Officer and Development Services. The comments received as part of these referrals have been considered in the review of the PP.

External Consultations

The PP application was initially sent to DPHI at the Scoping Proposal stage, where comment was received regarding the strategic merit of the proposal.

There was, however, no further comment provided by DPHI during the PP stage of the application. No other Government Agency input was required or sought.

Community Consultations

The PP was publicly exhibited from 17 September to 17 October 2025 on Council's website. The following documents made up the exhibition package:

1. [PP078 – Explanatory Document](#)
2. [PP078 – Planning Proposal](#)
3. [PP078 – Gateway Determination](#)
4. [PP078 – Public Notice](#)

Adjoining landowners, the Huskisson Woollamia Community Consultative Body (CCB), Huskisson Heritage Association, Jerrinja Local Aboriginal Land Council, Jerrinja Tribe and Huskisson Chamber of Commerce were formally notified of the exhibition arrangements.

Twelve (12) community submissions were received from adjoining landowners, community groups and stakeholders raising concerns with the proposal.

The matters raised are summarised and discussed/considered below:

1. Concern of change of character and established precedence.

Staff Comment: Noted. The proposed change in building height control across most of the site is relatively minor in nature, consisting of a 1m increase to the current maximum building height.

28 Bowen Street has a historic maximum building height of 7.5m that is not generally consistent with the remainder of the Huskisson streetscape and character. The proposed building height is not a significant increase from current settings and therefore acceptable within the broader streetscape of the Huskisson Town Centre.

2. Overshadowing concerns.

Staff Comment: Concerns regarding overshadowing of a future development will be subject to the assessment and outcome of a development application (DA) when an eventual proposal is known. As part of a future DA, the design and the intended use of the site will be assessed accordingly. As part of this, shadow diagrams will need to be indicated that show the extent of any overshadowing impacts on neighbouring properties to ensure this matter is appropriately considered and assessed in the detailed design of the building.

3. Impact on Sight Lines

Staff Comment: Noting the relatively minor increase in height proposed, the concerns regarding sightlines will be addressed in a future DA when the actual intended design is known and any impacts can be considered/addressed. In this regard it is noted that there is currently a tourist and visitor accommodation centre operating on the site that impacts on the sightlines related to neighbouring properties. It is also noted that a visual impact assessment was part of the proponents PP.

4. Future DA Problems

Staff Comment: Concerns have been raised regarding the intended use of the site as a tourist and visitor accommodation centre. This matter is not relevant to the current PP and will need to be considered if needed in the subsequent DA process, should an application be submitted for a new tourist and visitor accommodation centre.

5. Impact to the heritage value of surrounding sites

Staff Comment: A heritage assessment was provided as part of this PP application and any future DA will require further heritage assessments to be undertaken to support proposals. The Huskisson Church site is positioned diagonally (to the Northwest) across from the subject site and is classified as a place of heritage significance. The proposed height amendment is not expected to result in any additional adverse impacts to this heritage item.

6. Comments in support of the proposal

Staff Comment: Noted

Copies of the actual submissions received will be available for review if needed in the Councillors Room prior to the meeting.

Policy and Statutory Implications

Nil. The PP is considered minor in nature.

Financial Implications

The PP has been funded by the landowner in accordance with the applicable fees for proponent-initiated PPs.

CL26.54

CL26.55 Development Application DA2025/1209 – 25 Beach St Vincentia – Lot 262 & DP 25099

DA. No: DA25/1209/4

HPERM Ref: D26/17905

Department: Development Services

Approver: Emma Struys, Director - City Development

Attachments:

1. Assessment Report (under separate cover) [↗](#)
2. Architectural Plans (under separate cover) [↗](#)
3. Draft Determination - Consent (under separate cover) [↗](#)

Description of Development: Demolition of existing dwelling, proposed new attached dual occupancy with secondary dwellings

Owner: Beach Street Getaways P/L

Applicant: Mr Reginald Hawkins

Notification Dates: 12 March 2025 to 26 March 2025

No. of Submissions: 1

Purpose / Reason for consideration by Council

Variation to principal standard lodged under Clause 4.6 of the Shoalhaven Local Environmental Plan (SLEP) 2014. Staff do not have delegation to determine a variation exceeding 10% of the principal standard

Recommendation

That Development Application DA25/1209 to vary the minimum lot size in Clause 53(2) of the State Environmental Planning Policy (Housing) 2021 at 25 Beach St Vincentia be approved subject to the conditions of consent listed in the Draft Determination Notice at Attachment 3.

CL26.55

Background

Proposed Development

The proposal includes:

- Stage 1: construction of a two-storey attached dual occupancy at the front of the property.
- Stage 2: Undertaking of a two lot torrens title subdivision (under a separate DA25/1210) creating 382.26m² lots.
- Stage 3: construction of secondary dwellings on each lot.

Refer **Attachment No. 2** – Submitted Plans.

Subject Land

The development site comprises Lot 262 DP 25099 (25 Beach Street Vincentia). Refer to Figure 2 above.

Site & Context

The site:

- Has a total area of 765.11m²
- Is located within Zone R1 – General Residential pursuant to the Shoalhaven Local Environmental Plan (SLEP) 2014.
- Achieves legal and practical access to Beach St to the east.
- Is constructed with a two-storey dwelling which is proposed for demolition.
- Is serviced by reticulated sewer and water, accessed by mains within the rear western portion of the site.
- Has a topography that has a slight slope to the rear.
- Is located within an area constructed with a predominantly residential development, which includes a mix of detached residential and medium density residential development (including multi-dwelling housing developments).

Issues

Clause 4.6 – Variation Request (Variation to Clause 53(2) of the State Environmental Planning Policy (Housing) 2021

This applicant (Reginald Hawkins from Reggie's Design P/L) has lodged a variation request in accordance with Clause 4.6 – Exceptions to Development Standards of the Shoalhaven Local Environmental Plan (SLEP) 2014.

The variation sought is to Clause 53(2) of the State Environmental Planning Policy (Housing) 2021 and the following provides a description of the nature of the variation sought:

Clause 53(2) states the following:

53 non-discretionary development standards - the Act, s 4.15

(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies

a. for a detached secondary dwelling - a minimum site area of 450m².

The subject site measures 765m². Given that the site needs to be 900m² in order to subdivide and achieve the required 450m² there is a shortfall of 135m² which represents a

15% variation to the principal development standard reflected in Clause 53(2) of the State Environmental Planning Policy (Housing) 2021.

In accordance with Clause 4.6(3) of the SLEP 2014, development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated compliance with the following listed provisions described as (a) and (b):

- a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Applicant's Submission – Summary

The applicant submitted a request to contravene the development standard by demonstrating compliance with clause 4.6(3) of the SLEP. A summary of the applicant's submission is provided below:

A. compliance with the development standard is unreasonable or unnecessary in the circumstances

In demonstrating compliance with part (a) the applicant has referenced the five tests established under *Wehbe v Pittwater Council [2007] NSWLEC 827*. The applicant asserts that contravening the numerical standard is acceptable by demonstrating compliance with the principles of the State Environmental Planning Policy (Housing) 2021 (the SEPP) (as there are no specific objectives relevant to the standard to be contravened), as follows:

- a) *enabling the development of diverse housing types, including purpose-built rental housing,*

The development provides two housing types, being primary and secondary dwellings.

- b) *encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,*

The proposed secondary dwellings provide an affordable accommodation alternative in the area.

- c) *ensuring new housing development provides residents with a reasonable level of amenity,*

The development complies with Council's controls regarding residential amenity.

- d) *promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,*

The development is served by existing infrastructure.

- e) *minimising adverse climate and environmental impacts of new housing development,*

The development complies with BASIX and provides good solar access and ventilation.

- f) *reinforcing the importance of designing housing in a way that reflects and enhances its locality,*

The development achieves good design and amenity and is compatible with the character and built form of the surrounding area.

- g) *supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,*

The dwellings can be used for short-term accommodation.

h) mitigating the loss of existing affordable rental housing.

The development will not result in the loss of affordable housing.

Council assessment

The five tests established under *Wehbe* are as follows:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard.*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.*
4. *The development standard has been virtually abandoned or destroyed by the Councils of actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone. Of particular assistance in this matter in establishing that compliance with a development standard is unreasonable or unnecessary is 'Method 1' and 'Method 4'.*

As the standard does not have objectives, tests 1-3 are not relevant. The applicant states that the development standard has not been abandoned and does not assert that the zoning is unreasonable or inappropriate. As such, the test under *Wehbe* is not applicable. Notwithstanding, CJ Preston in his decision (and supported by the Department of Planning, Housing and Infrastructure's Guide to Varying Development Standards) notes that the test is not exhaustive and that other matters can be relied upon to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances.

The applicant has referenced the principles of the SEPP to support the contravention. Specific to the circumstances of this development, assessment against the principles of the SEPP is supported, and the applicant has demonstrated that the development is consistent with these principles. As the development complies with all other relevant built form and amenity controls, and contributes affordable housing to the area, requiring compliance with the numerical standard is unreasonable and unnecessary.

B. there are sufficient environmental planning grounds to justify the contravention of the development standard.

In demonstrating compliance with part (b) the applicant has justified the contravention on the grounds that the development:

- complies with Council's built form and amenity controls
- is compatible with the scale and density of development in the surrounding area
- the development meets the objects of the *Environmental Planning and Assessment Act 1979*, notably that the development promotes (b) the supply, delivery and maintenance of housing, including affordable housing and (k) the orderly and economic use and development of land
- is consistent with the objectives of the zone

Council assessment

The development can comply with all other applicable built form and amenity controls and, in accordance with the Guide to Varying Development Standards, has successfully demonstrated that the development achieves relevant objects of the *EP&A Act*. Non-compliance does not result in any adverse impacts to the character, amenity and environment of the surrounding area and the contravention is specific to the site. As such, the applicant has demonstrated that there are sufficient environmental planning grounds to justify the contravention of the development standard.

Conclusion

As such, the applicant's request to contravene Clause 53(2) of the State Environmental Planning Policy (Housing) 2021 is supported.

Note: While unusual in the Shoalhaven context, the proposed contravention to a development standard under a State Environmental Planning Policy is not unique. A review of DPHI's Variations Register notes that Clause 53(2) has been amended by multiple councils and to varying extents.

Planning Assessment

The DA has been assessed under Section 4.15(1) of the Environmental Planning and Assessment Act 1979. Please refer to Attachment 1.

Policy Implications

The subject variation is to a clause 53(2) of the Housing SEPP. There are no implications on Council's Environmental Planning Instruments (SLEP2014 or DCP2014) and the proposed variation is unlikely to undermine the standard.

Internal Consultations

Shoalhaven Water

Support. Advice provided that a Water Development Notice is required to be issued for the development, in the event the Application is determined by way of approval.

GIS Unit

Support. Advice provided giving recommended street addressing for the development, in the event the Application is determined by way of approval.

Development Engineer

Support. Advice given regarding matters not limited to stormwater disposal, rainwater tank and onsite detention, easements, and public works including driveway and footpath. Conditions recommended in the event the Application is determined by way of approval

Community Consultations

One public submission was received in relation to Council's notification of the development and is discussed further in **Attachment 1**. The submission objected to the development on specific aspects that could impact on the objector. Each item of the objection has been considered, and design amendments have been requested and submitted by the applicant. The amended development is considered to satisfactorily address the raised concerns.

Financial Implications

There are potential cost implications for Council in the event of a refusal of the application. Such costs would be associated with defending an appeal in the Land and Environment Court, should the applicant utilise appeal rights afforded under the EP&A Act.

Legal Implications

Pursuant to the *Environmental Planning and Assessment Act 1979* (EP&A Act), a decision of the Council may be subject to a section 8.2 review or an appeal to the Court against the determination under section 8.7 of the EP&A Act.

Summary and Conclusion

This application has been assessed having regard for Section 4.15 (Matters for consideration) under the *Environmental Planning and Assessment Act 1979*. As such, it is recommended that the Development Application (DA2025/1209) be approved subject to the conditions of consent recommended at Attachment 3.

CL26.55

**CL26.56 Development Application - DA25/1836 - B270
Princes Highway JASPERS BRUSH - Lot 200 DP
1219020**

DA. No: DA25/1836/4

HPERM Ref: D26/80117

Department: Development Services
Approver: Emma Struys, Director - City Development

Attachments:

1. Site Plan (under separate cover) [⇨](#)
2. Applicants 4.6 Variation Statement (under separate cover) [⇨](#)
3. s4.15 Assessment Report (under separate cover) [⇨](#)
4. Submission from Department of Primary Industries and Regional Development (under separate cover) [⇨](#)
5. Draft Determination Refusal (under separate cover) [⇨](#)
6. Draft Determination for Approval (under separate cover) [⇨](#)

Description of Development: Proposed Dwelling and Ancillary Access

Owner: Rogers Security Pty Ltd (Gavin Rogers)

Applicant: Allen Price Pty Ltd

Notification Dates: 25 July 2025 to 8 August 2025

No. of Submissions: NIL

Recommendation

That development application DA2025/136 to vary this minimum lot size from 40ha to 23.25ha for the purpose of erecting a dwelling at B270 Princes Highway Jaspers Brush, Lot 200 DP 1219020, be refused for the reasons detailed in this report and attachments.

CL26.56

Location Map



Figure 1 - Locality Map



Figure 2 - Aerial imagery of the subject site

Background

The application is seeking to vary the development standard for the minimum lot size for a dwelling house under Clause 4.2D of SLEP 2014 by 41.875%. The applicant has submitted a written request in accordance with Clause 4.6 of SLEP 2014.

CL26.56

Proposed Development

The proposal includes:

- Clause 4.6 variation request to vary clause 4.2D of SLEP 2014 for the minimum lot size for a dwelling house on RU1 Zoned land (Primary Production)
- Construction of a new dwelling house
- Associated On-site Effluent Management System
- Partial associated driveway access

Refer **Attachment No.1** – Site Plan

Subject Land

The development site comprises Lot 200 DP 1219020 (B270 Princes Highway Jaspers Brush). Refer to Figure 2 above.

Site & Context

The subject site is an operational Turf Farm and contains an existing farmhouse, office/amenities, and associated sheds. The site slopes southeast towards the Princes Highway and is traversed by easements for electricity and a ROW that has been partially built over. Refer to Figure 3.

Lot 200 DP 1219020 (**The Site**) is currently **legally landlocked** as it does not have a functional/legal access to the Princes Highway as the former access was closed off by TfNSW Highway Bypass upgrade around 2020.

The site is accessed informally via an existing driveway over the adjoining Lot 201 DP 1219020 from the Princes Highway. There is a registered Right of Way (ROW) over Lot 200 DP 1219020 (development lot) from the Princess Highway that is no longer functional as a result of the Princess Highway bypass upgrade and a number of buildings have been erected over and obstruct this ROW.

The submitted DA form and Statement of Environmental Effects (SEE) indicate that no ROW is being requested over adjoining Lot 201 to benefit Lot 200 for the current DA. There is also no reference to lot 201 on the DA form, no owners consent or MOU from the owners of lot 201 agreeing to a ROW over Lot 201 to benefit Lot 200. There are concept easements for ROW on the site plan that are not part of the current application.

It is acknowledged that the owners of the two lots could make arrangements outside of a DA process to address legal and practical access for lot 200.

Unfortunately, such easements and arrangements have not been carried out at the time of preparing this report and as such, this fails to address the current mandatory jurisdictional requirement to satisfy council that **suitable vehicular access is available or that adequate arrangements have been made to make the access available** under clause 7.11(d) for the SLEP 2014 prior to granting any development consent.



Figure 3 - Existing easements, ROW (yellow polygons)

The surrounding area is rural in character, and the site is adjoined by rural lands to the north, south and west with the Princes Highway to the east.

History

In 2002 the site had an area of 33.87ha. Development Consent was granted for the Demolition of the existing farmhouse and the construction of a new dwelling, swimming pool and tennis court. Refer to Figure 4



Figure 4 - new dwelling & associated structures (blue polygon)

In December 2002, a further application was granted for a Turf Farm and Use of the old farmhouse as an office/amenities and new machinery shed under SLEP 1985.

In 2007 a subdivision/boundary adjustment (**SF9980**) was approved in which the new house, swimming pool and tennis court were separated from the turf farm under *Clause 11(3) of the SELP 1985*. Refer to Figure 4

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The SEPP 1 Variation Concurrence letter from the Department of Planning (Ref:W07/00159) supported the creation of lots 301 & 302 under clause 11(2)(a) while noting in relation to the residual land (lot 303 blue polygon and subject site of the current DA):

*“The proposed subdivision/boundary **adjustment will not result in any new lots or dwelling entitlements.** The Department does not support the creation of additional lots with or without dwelling entitlements, in rural, coastal or environmentally sensitive areas where the lots have an area below the development standards”*

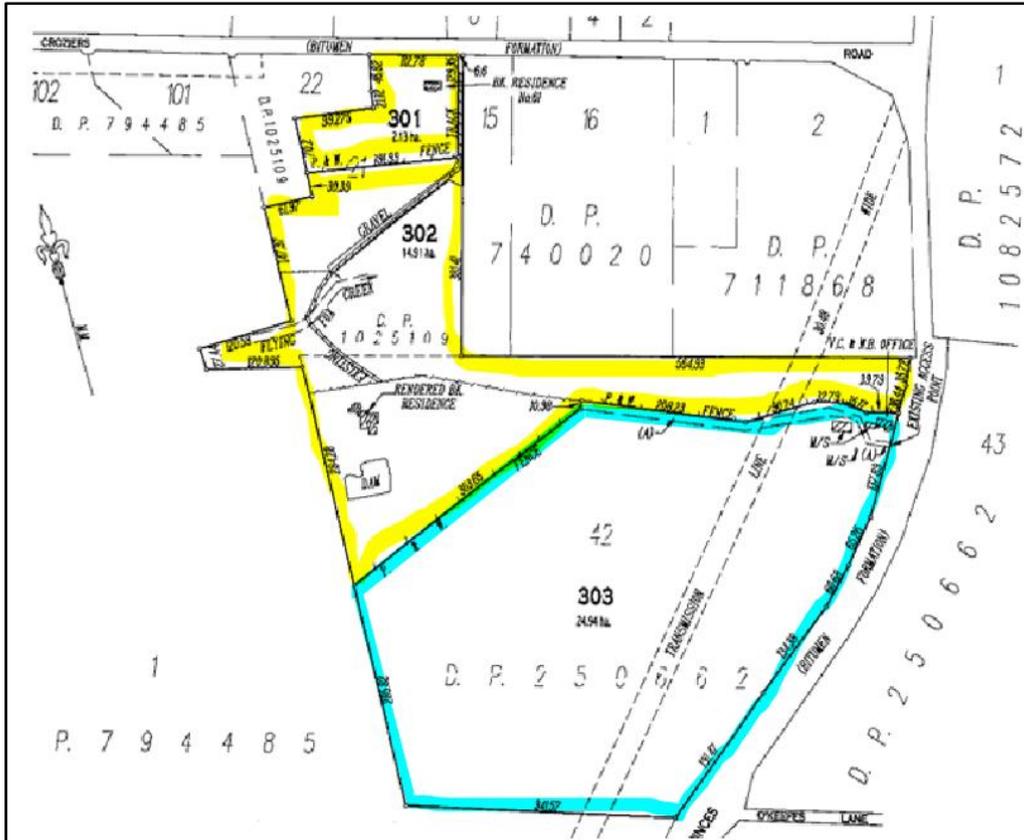


Figure 5 - Approved SF9980 subdivision plan

Issues

4.2D Erection of dual occupancies (attached) and dwelling houses on land in certain rural, residential and conservation zones

(1) The objectives of this clause are as follows: -

- to minimise unplanned rural residential development,
- to enable the replacement of lawfully erected dwelling houses in certain rural, residential and conservation zones,
- to control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.

This clause applies to the lot as it land Zoned RU1 Primary Production

Clause 4.2D (3) (a) applies to the subject lot and states:

(3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the land-

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(a) *is a lot that has at least the minimum lot size shown on the Lot Size Map in relation to that land*

The lot is **23.25ha** and therefore the applicant is requesting to vary the lot size by **41.875%**.

The applicant has submitted a written request to justify the contravention of the development standard. Council is required to consider subclauses (3) of clause 4.6. Clause 4.6(3) is extracted from SLEP 2014 below:

(3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

(a) ***compliance with the development standard is unreasonable or unnecessary in the circumstances, and***

(b) ***there are sufficient environmental planning grounds to justify the contravention of the development standard***

The consent authority must form the positive opinion that the applicant has adequately addressed those matters required to be demonstrated by clause 4.6(3)(a). The applicant must demonstrate that compliance with the development standard is unreasonable and unnecessary in the circumstance.

Applicant's Submission

The argument submitted in the Applicants Clause 4.6 variation statement is summarised as follows:

- *Prior to Amendment 127 of the former SLEP 1985 a single remaining concessional allotment had not been taken up by the then owners and as such the proposed dwelling is consistent with the historical concessional arrangements for subdivision that existed prior to the amendment and is therefore not unplanned rural residential development*
- *The existing historic subdivision pattern comprises many lots below 40 Ha standard and as such council has abandoned the 40 Ha development standard*
- *The dwelling can be established with minimal impact on the land. The proposal utilizes existing access and servicing arrangements, does not require vegetation to be cleared to satisfy construction or bushfire requirements, The dwelling is clustered with existing development on the site and will not fragment agricultural land and establishment of a permanent dwelling on the site will support the ongoing use of the land for agricultural purposes by providing for round the clock on-site management of the land.*

Refer **Attachment No.2** – Applicants 4.6 Variation request

Council assessment

S4.6(3)(a) - Compliance with the development standard is unreasonable or unnecessary in the circumstances, and

The five tests established under *Wehbe* are as follows:

- 1) *The objectives of the standard are achieved notwithstanding non-compliance with the standard.*
- 2) *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.*
- 3) *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.*

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- 4) *The development standard has been virtually abandoned or destroyed by the Councils of actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.*
- 5) *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone. Of particular assistance in this matter in establishing that compliance with a development standard is unreasonable or unnecessary is 'Method 1' and 'Method 4'.*

The applicant's variation request only addressed tests 1 and 4 which are considered below.

Council staff do not agree that the objectives of the clause 4.2D(3)(1) development standard are achieved notwithstanding non-compliance with the development standard. The objectives of clause 4.2D are as follows:

- a) To minimise unplanned rural residential development
- b) *To enable the replacement of lawfully erected dwelling houses in certain rural, residential and conservation zones*
- c) *To control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.*

Objectives b) & c) above do not apply to the subject case.

With regard to objective (a) clause 4.2D establishes a minimum lot size (or other criteria) for dwelling entitlements in rural and environmental zones with the objective of minimising unplanned rural residential development.

Unplanned rural residential development occurs when the existing and continued viability of rural land is eroded by residential development that reduces the area of rural land, limits clear opportunities for amalgamation or lease with larger rural land holdings, and detracts from rural uses due to potential rural residential conflict.

As discussed above, the Department of Planning was clear in the application and assessment of **SF9980** for 3 Lot Rural Subdivision – Boundary Adjustment under Clause 11(2)(a) pursuant to SEPP 1 & One lot for an Approved Turf Farm under Clause 11(3), the approved turf farm does not benefit from a dwelling entitlement.

In 2002 the original lot 42 had an area of 33.87 Ha. DA02/1295 approved a new dwelling, swimming pool and tennis court and the demolition of the existing farmhouse. DA02/3007 approved Turf Farm, change of use dwelling (farmhouse) to office/amenities and new machinery shed.

SF9980 approved the subdivision of Lot 200 (the site) for a Turf Farm and the residue lot containing the lawfully erected dwelling under DA02/1295.

It is clear from the assessment of SF9980 and Clause 11(3) of Shoalhaven LEP 1985 which applied at the time, Lot 200 was created for agriculture only and restricted its use to prevent residential accommodation and not grant consent for a dwelling entitlement.

Accordingly, the use of the land for rural residential development as proposed by the current application DA25/1836 was not planned, intended or accounted for by the Department of Planning or the then Council.

DA25/1836 is not consistent with objective (a) of clause 4.2D and the application has not demonstrated that compliance with the development standard is unreasonable or unnecessary.

Although the applicant's clause 4.6 states that *"the proposal does not alienate or fragment resource lands"* Council assessment staff and the Department of Primary Industries and

Regional Development (DPIRD) disagree (see **Attachment 4**). While physical fragmentation of agricultural land is not caused by subdivision as the lot already exists, the addition of a dwelling house use on the turf farm lot could have a similar fragmentation effect as the property could be sold and separated from the existing turf farm operations which may cause the removal of approximately 23ha of Class 3 agricultural land. In addition, the establishment of a new residential dwelling automatically sterilises a buffer of agricultural land around the dwelling to address building, APZ and effluent footprint and spray drift separation from agricultural practices.

Class 3 land is land that is suited for grazing or pasture improvement. Land use is largely restricted and a valuable agricultural resource.

In Jaspers Brush, a dwelling entitlement is the primary driver of land value, often creating a significant price difference compared to land without dwelling entitlement.

If Council decided to approve this application, the corresponding increase in land value for the subject site would be a very strong driver for the property to be sold off and used as a lifestyle block, causing the eventual loss of local land stock from viable agricultural use.

Under clause **4.2D(6)** of the SLEP the consent authority must:

- (a) consider whether the land is predominantly prime crop and pasture land, and
- (b) be satisfied that the dwelling house is essential for the proper and efficient use of the land for agriculture (including turf farming).

Although Council staff confirm the land is predominantly class 3 prime crop and pasture land, share the view with the DPIRD of which is not satisfied the proposed dwelling house is essential for the proper and efficient use of the land for agriculture (see DPIRD response below and attached).

In response to the applicant's contention that: "*The development standard has been virtually abandoned or destroyed by the Councils of actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable*", staff note that concessional Lot subdivision historically allowed farmers to subdivide up to 3 small lots for a family member without triggering the strict 40+ hectare minimum lot size required for standard rural subdivisions.

Concessional lots were part of the former Interim Development Order 1964, and the Shoalhaven LEP 1985 until the gazettal of Amendment #127 of the LEP removed them on 16 July 1999. The original holding for the subject land included land on both sides of the highway upon which more than 4 dwellings have already been erected and as such any argument contending that the applicant is owed an outstanding concessional lot is erroneous.

Subdivision of RU1 zoned land in the vicinity of Jaspers Brush prior to the 1999 LEP change is a historical legacy while subdivision post the 1999 LEP change is the relevant standard for consideration.

A review of Council's SEPP 1 and clause 4.6 variation request registers for RU1 zoned land in the Jaspers Brush area from 1999 to 2026 has revealed only 1 application exceeding a 10% variation (**SF9980 – which includes the current site**) which related to a boundary adjustment between Lots 42 DP250662 Princes Highway and Lot 21 DP1025109 Croziers Road, Jaspers Brush (adjacent land to north). All of the remaining lots identified by the applicant's consultant for variation occurred historically prior to the 1999 LEP amendment and as such are not relevant to the current application. Therefore, there is no evidence that Council has abandoned the 40 Ha development standard in Jaspers Brush.

The proposal does not promote the orderly and economic use and development of land, in that the proposal facilitates unplanned rural residential development in areas not intended to do so. Similarly, the proposal is not consistent with the underlying objectives of clause 4.2D,

rather it is contrary to objective (a) in clause 4.2D in that it facilitates unplanned rural residential development on an allotment that was not intended to do so.

All new development applications require assessment and determination under the relevant planning provisions in operation on the date the DA is lodged. There is no suitable justification that compliance with the development standard is unreasonable or unnecessary in this case.

This was further reiterated in the current correspondence from DPIRD which does not support the proposal, citing reasons including:

The existing turf farm (the site) could be adversely restricted in their production, if a new sensitive land use, such as a dwelling is introduced. There is a high potential for land use conflicts between the residence proposed and agriculture on the remaining land. Values of residences and farmers differ, with residents often dissatisfied with the noise, dust, odour and chemical sprays from the normal operations of farms, with farms often required to address those issues, often at considerable cost.

Shoalhaven LGA has significant pressure for dwelling houses on rural zoned land in the Shire and that it has the potential to have a considerable cumulative impact on agriculture in the LGA. The development of a Rural Land use Strategy would enable a comprehensive appraisal of agricultural land across the LGA to ensure that the highest quality agricultural land is protected, and that the social, financial and physical aspects of the agricultural contribution to the community and cumulative impacts from any loss of agricultural land are clearly understood.

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S4.6(3)(b) - Sufficient environmental planning grounds to justify the contravention of the development standard

The application contends benefits of improved site management and minimal impacts to the surrounding built and natural environment from the proposed dwelling on an undersized agricultural lot however it has not demonstrated that there are any relevant site-specific environmental planning grounds to justify contravening the clause 4.2D development standard.

Planning Assessment

The DA has been (or will be) assessed under s79C of the Environmental Planning and Assessment Act 1979. Please refer to **Attachment 3**.

Internal Consultations

Strategic Planning

This application applies to a lot in the RU1 zone that is less than the minimum lot size of 40ha, as such requires careful consideration as part of the assessment regarding permissibility, justification, precedent etc.

External Consultations

Department of Primary Industries and Regional Development (DPIRD)

DPIRD does not support the proposal, noting compliance with the development standard of 40ha is both reasonable and necessary and is justified on environmental planning grounds of agricultural quality. Refer **Attachment 4** – Department of Primary Industries and Regional Development response

The site has a land and soil capability (LSC) of class 3 and class 5 under the Land and Soil Capability Assessment Scheme. Class 3 land is land that is suited for grazing or pasture improvement, with some cultivation possible and moderate limitations. The land is mostly situated on class 3 land and is currently used for turf farming as part of a larger turf farm. Class 3 land is the highest class of agricultural land in the Shoalhaven local government area (LGA) and with only 4% of land mapped as Class 3, it is considered to be a limited resource. The proposal may cause the removal of approximately 23.25ha of the Class 3 agricultural land.

DPRID considers that the following matters outline why variation of the control is not reasonable or necessary for the following reasons:

1. Land use conflicts

The existing turf farm could be adversely restricted in production, if a dwelling is introduced. There is increased potential for land use conflicts between the residence proposed and agriculture on the remaining land (spray drift etc).

2. Farm fragmentation

The dwelling house could end up in separate ownership and have a fragmentation effect because the property could be sold or rented under separate title and the lot will be separated from the existing turf farm operations.

3. Better management with a permanent residence

A residence on the subject land will not guarantee continued agricultural use of the land and it would be more likely that prime agricultural land will be converted to lifestyle purposes resulting in the fragmentation of the turf farm and the removal of high-quality agricultural land from production.

4. Clustering the dwelling on the farm

Clustering the development into the northwest corner of the subject land may not assist in maintaining the land in agricultural production. While clustering enables greater versatility of farm operations, land use conflicts with surrounding agriculture and potential severance from the remaining turf farm (as above) is still an issue, resulting in a negative impact on agriculture.

5. The proposed dwelling is consistent with the historic concessional lot arrangements for the land.

Concessional lots that were part of the Interim Development Order – Shoalhaven, which ceased in 1985. Additionally, the State Environmental Planning Policy (Rural Lands) 2008 (Rural SEPP) changed the law in December 2008 to cease new concessional lot subdivision. Any proposed dwelling application requires approval under the current LEP.

Endeavour Energy

The application was referred to Endeavour Energy who have no objection to the proposal.

Community Consultations

No public submissions were received in relation to Council's notification of the development. The notification was made in accordance with Council's Community Consultation Policy with letters being sent within a Number 100m buffer of the site. The notification was for a two (2) week period from 25 July 2025 to 8 August 2025.

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Financial Implications

There are potential cost implications for Council in the event of a refusal of the application. Such costs could be associated with defending an appeal in the Land and Environment Court of NSW.

Legal Implications

Pursuant to the *Environmental Planning and Assessment Act 1979* (EP&A Act), a decision of the Council may be subject to a section 8.2 review or an appeal to the Court against the determination under section 8.7 of the EP&A Act.

Summary and Conclusion

Assessment staff have considered the proposed dwelling house and resultant dwelling use would be incompatible with the preferred and predominant use of the land given the lot size and location.

The proposal has the potential to have a considerable cumulative negative impact on scarce high quality agriculture land in the Shoalhaven by undermining the objectives of the Shoalhaven Local Environmental Plan 2014 and result in a negative social and environmental impacts by setting an undesirable precedent for the erection of dwellings on other undersized lots in rural and environmental zones and contribute to unplanned rural residential development.

The application has not demonstrated that compliance with the development standard is either unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to the justify the contravention.

Council staff recommend that the application be determined by way of refusal.

Refer **Attachments 5 & 6** - DRAFT Determinations

CL26.57 Shoalhaven Water Drought Management Plan

HPERM Ref: D26/88533

Approver: Andrew McVey, Director - Shoalhaven Water

Attachments: 1. Summary of Water Saving Guidelines (under separate cover) [⇒](#)
2. Drought Management Plan (under separate cover) [⇒](#)

Purpose:

This report proposes that Council consider and approve the following changes to Shoalhaven Water's Drought Management Plan:

- Establish permanent water conservation measures aligning the Shoalhaven with Sydney Water and other water utilities in the state.
- Adopt the new Drought Management Plan which highlights a change in water supply protocols to ensure water supply security to the Shoalhaven.

Recommendation

That Council approve the changes to the Drought Management Plan and enact a Water Saving Guideline to align Shoalhaven Water users with Sydney Water and other water utilities who have carried out similar across the state.

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 proposes to update the Drought Management Plan to simplify the water protocols for water extraction and implement permanent water conservation measures in line with standard industry practice.

Permanent Water Conservation

Standard industry practice is for water utilities to have permanent water conservation measures in place to encourage residents to be water conscious all of the time not just during periods of drought. These water conservation measures are not considered restrictions but a guide to better water usage practices.

Shoalhaven Water will implement the permanent water conservation measures after community consultation, with ongoing communication and education to support residents to adopt good water conservation practices. Water restrictions will be implemented when Shoalhaven River flows are below threshold of 90MI/D for 90 consecutive days in total as

noted in the Drought Management Plan. Restriction levels 1, 2 and 3 will commence after each 90 days of less than 90ML/day flow in the Shoalhaven River.

Currently water restrictions commence depending on water levels in Bamarang Dam. By changing the water supply and aligning with Sydney Water guidelines, this will eliminate the ever-present confusion that occurs when tourists and visitors descend on the Shoalhaven and are not aware of the restriction status (vast majority of tourists to the area are from Sydney).

A summary of the Water Saving Guidelines is attached to the report (Attachment 1).

Changes to Water Extraction Protocols

Shoalhaven Water has a very robust water supply agreement that ensures water security for the Shoalhaven. Shoalhaven Water has been working with WaterNSW to enhance the water extraction protocols as part of the Drought Management Plan to further increase the Shoalhaven water security.

Current guidelines advise water utilities should not go into water restrictions more than once every 10 years on average. The Shoalhaven has gone into water restrictions 9 times in the past 27 years.

Water security for the Shoalhaven is to be enhanced by modifying the water release protocols to request water from Tallowa Dam based on river flows and maintain Council's water reserves at close to maximum (Danjera full at all times), Bamarang within 0.5m from full). Previous practice was to extinguish Shoalhaven owned dams to low levels before requesting water releases from Tallowa Dam.

The proposed change has formally agreed writing by WaterNSW who are the custodians of Tallowa Dam.

By carrying out the above, the Shoalhaven will secure a sustainable water supply and not enter water restrictions as often.

Results from a Risk Assessment completed by Shoalhaven Water, post the 2017-20 drought and fires of 2019 paired with Secure Yield Estimate report in 2022 (WREMA), highlighted the need to modify the previous Drought Management Plan with regards to water releases from Tallowa dam.

Previous practice of drawing down Bamarang and Danjera dams have left Shoalhaven Water and Council with limited usable water supplies when these dams fall to lower levels. Once this occurs the water supply to the Shoalhaven is solely relied upon water releases from Tallowa Dam by WaterNSW.

Should there be maintenance activities or equipment failures at Tallowa Dam, the Shoalhaven is unable to fulfill its water consumption needs with limited water in reserve. During the 2019 bushfires Danjera Dam was supplying water for the Shoalhaven and had to be shutoff due to bushfire encroachment stopping field staff from accessing the dam.

Current process of exhausting Shoalhaven Water's dams before requesting water from Tallowa Dam increase the risk of Shoalhaven Water not being able to supply water to the region and not having access to water for firefighting.

By drawing on Tallowa Dam from the outset when water is required, it enables the Shoalhaven to have both Bamarang and Danjera dams as backup water supplies should Tallowa Dam water supply be compromised.

Factoring in that during times of drought the risk of bushfires also increases, having water supply in storage at both dams, ensures the Shoalhaven can use these dams as emergency water supply and also for firefighting activities in the region.

The Shoalhaven Water Access Licence and Raw Water Supply Agreement refer directly to Council's Drought Management Plan (Appendix D - Schedule 1) for supply details during drought. WaterNSW have agreed to the proposed change.

Risk Implications

The proposed changes will reduce the risk of water shortages and enhance Shoalhaven's water security and resilience.

During the drought and Currowan bushfire in 2019/20 the Shoalhaven had almost exhausted its own water supply. The current protocols required Council to draw down its supply within its off-stream storage dam at Bamarang to 50% before requesting water from Danjera and later on from WaterNSW. This highlights a high risk to Council as there is only 6 weeks supply left at 50% and any system fault (pumps, pipelines) could cause water shortages.

By endorsing these proposed changes the Shoalhaven will enhance its water security/resilience and significantly reduce water supply risk. Council owned Danjera Dam will become an emergency supply only dam enhancing our water security. Shoalhaven dams will remain full, and water will be extracted from the larger WaterNSW owned Tallowa Dam.

Internal Consultations

Internal consultation has occurred with key stakeholders within Council and all parties have agreed to the proposed changes.

External Consultations

External consultation has been carried out with key representatives from WaterNSW who are the custodians of Tallowa Dam. WaterNSW have agreed to the proposed changes.

Community Consultations

Community consultation is required and the changes will be advertised on Shoalhaven Water's / Council's website and also made available from Council offices upon request.

Policy and Statutory Implications

This report is to seek Council's support to modify the protocols for Shoalhaven City Council's drinking water releases from Tallowa Dam (Appendix D - Schedule 1) which pertains to Water Access Licence Number – WAL 25350, specifically Shoalhaven River – Approval No. 10CA102367.

Financial Implications

It is envisaged that by endorsing this change, ever rising electricity costs will be reduced due to the daily water usage only needing to be 'topped up' in Bamarang Dam from the Shoalhaven River and full pumping rates will not be needed as water will continually be made available by Water NSW at Tallowa Dam. Bamarang Dam level will remain within 0.5m from full and during normal operation will not need to be lowered more than this. By maintaining a dam near capacity, the pumps at Burrier will not be required to run as long each day, therefore reducing pump maintenance and electricity costs.

There is no additional costs by requesting water from WaterNSW's Tallowa Dam.

CL26.58 Payment of Shoalhaven Water Dividend 2024-2025 Financial Year Results

HPERM Ref: D26/6840

Department: Water Business Services

Approver: Andrew McVey, Director - Shoalhaven Water

Purpose:

The adoption of this report will enable Council's General Fund to receive a dividend from its Water and Sewer Funds' operating surplus.

Recommendation

That Council:

1. Has effective, evidence-based strategic planning in place under the NSW Regulatory and Assurance Framework for Local Water Utilities (July 2022) and the dividend \$1,702,050 will be paid from the Water Fund as declared in 2024-2025.
2. Has effective, evidence-based strategic planning in place under the NSW Regulatory and Assurance Framework for Local Water Utilities, (July 2022) and the dividend \$1,622,460 will be paid from the Sewer Fund as declared in 2024-2025.

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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

Council has previously resolved to adopt the *Best Practice Management of Water Supply and Sewerage Guidelines (2007)* (Best Practice) as its guiding document for the management of the Shoalhaven Water business of Council. Since its adoption, Shoalhaven Water has consistently achieved substantial compliance with the requirements of Best Practice, therefore enabling dividends to be paid to General Fund when operational surpluses are achieved by the Water and/or Sewer Funds.

In July 2022, the Regulatory and Assurance Framework for Water Utilities was introduced by the NSW Department of Planning and Environment (now NSW Department of Climate Change, Energy, the Environment and Water NSW (DCCEEW) for all NSW Local Water utilities replacing the Best Practice Guidelines.

The Regulatory Framework guides Council as a Local Water Utility in the operation of our water and sewerage business, specifically the framework identifies 12 key strategic outcomes. Shoalhaven Water staff were strong advocates for the framework and therefore support this "outcomes based" approach to strategic planning as it gives more flexibility for each Local Water Utility to determine planning methodologies best suited to them.

Since the introduction of the new Regulatory and Assurance Framework the Department has repeatedly through their assessments confirmed Shoalhaven Water has continued to demonstrate *that Council’s Local Water Utility (Shoalhaven Water) has Effective strategic planning in place for the purpose of paying a dividend under s409 of the Local Government Act 1993*. The Department publishes on their website the results of their assessment of each Local Water Utility; this can be viewed at:

<https://www.water.dcceew.nsw.gov.au/our-work/local-water-utilities/water-utility-strategic-planning>

The image below indicates the website published results.

Strategic Planning Assurance Results

Council: (All) | Strategic Planning status: (All) | Date of latest assessment: (All) | Next Action Date: NA | Last Refreshed: 24 November 2025

LWU	Strategic Planning status	Status comments	Date of latest assessment	Next action	Next Action Date
Murrumbidgee Water Utilities	Not participating	Has not requested an initial assessment.	NA	Request initial assessment	NA
Orange Council	Not participating	Has not requested an initial assessment.	NA	Request initial assessment	NA
Orange City Council	Not participating	Has not requested an initial assessment.	NA	Request initial assessment	NA
Parkes Shire Council	Not participating	Has not requested an initial assessment.	NA	Request initial assessment	NA
Fort Macquarie-Hastings Council	Effective strategic plan.	Currently under assessment.	Before 1/07/2022	Pending assessment outcome	NA
Queanbeyan-Palerang Regional Co.	Not participating	Has not requested an initial assessment.	NA	Request initial assessment	NA
Richmond Valley Council	Not participating	Has not requested an initial assessment.	NA	Request initial assessment	NA
Riverina Water County Council	Effective strategic plan.	Currently under assessment.	Before 1/07/2022	Pending assessment outcome	NA
Ross County Council	Not participating	Has not requested an initial assessment.	NA	Request initial assessment	NA
Shoalhaven City Council	Effective strategic plan.	Currently under assessment.	1/07/2023	Pending assessment outcome	NA
Singleton Council	Effective strategic plan.	Currently under assessment.	Before 1/07/2022	Pending assessment outcome	NA
Snowy Monaro Regional Council	Not participating	Has not requested an initial assessment.	NA	Request initial assessment	NA
Snowy Valleys Council	Not participating	Has not requested an initial assessment.	NA	Request initial assessment	NA

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The key document to Shoalhaven Waters Strategic Planning is our recently updated Strategic Business Plan published on Shoalhaven Waters Website.

Risk Implications

The risk category of Financial is the key risk category that has been considered in the report options and implications.

Internal Consultations

In consultation with the Finance team the dividend calculations for the Water and Sewer funds have been confirmed. And are based on the Audited Financial statements and accompanying Special Purpose Financial Reports of the Water and Sewer funds.

External Consultations

Shoalhaven Water staff are in regular contact with the regulator of Local Water Utilities - Department of Climate Change, Energy, the Environment and Water NSW (DCCEEW) and actively participate in their annual “Check - in” assessment.

Community Consultations

No community consultation has been undertaken in relation to the recommendation to pay the proposed dividends to Council General fund.

Policy and Statutory Implications

In accordance with Section 409 (7b) of the *Local Government Act 1993*, the Council must indicate in an open meeting that the Guidelines have been complied with, prior to paying the dividend. This Report serves that purpose referencing the assessment by the DCCEEW that “Effective Strategic Planning is in place” for Council’s Local Water Utility (Shoalhaven Water). Following Council’s adoption of this report, Council will submit a “*Statement of Compliance*” and “*Statement of Dividend Payment*” to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) to finalise this matter, prior to payment being made to the General Fund before the end of this current financial year.

Financial Implications

The Guidelines for payments of dividends to Council General Fund from either the Water or Sewer Funds must meet the following eligibility:

- Dividend for Tax Equivalents (All Local Water Utilities (LWU’s) must pay this dividend). This is calculated at \$3 per assessment.
- Dividend from Surplus (only payable if the annual capital expenditure does not exceed 3% of the current replacement cost)

Confirmation of Eligibility

Fund	Dividend for Tax Equivalents	Capital Expenditure (Capex) (2024/2025)	3% of Current Replacement Cost (2024-25)
Water	\$170,205	\$14.772M	\$32.126M
Sewer	\$162,246	\$23.670M	\$35.366M

The dividend payable from each fund is set out in the guidelines as the lower of the following three calculations:

1. 50% of the fund surplus (before dividends)
2. Number of Assessments connected x \$30, less the dividend for tax equivalents.
3. Cumulative surplus before dividends for the three years to June 2025, less the cumulative dividends for the two years to June 2024.

Based on the above 3 calculations the dividend payable from the 2024-25 financial year from the Water Fund is option 2 – Number of assessment x \$30 per assessment. The dividend payable from the Sewer Fund is option 2 - number of assessments multiplied by \$30.

Summary of the Calculated Total Dividend

Fund	Tax Equivalent	Surplus Dividend	Total Dividend
Water	\$170,205	\$1,531,845	\$1,702,050
Sewer	\$162,246	\$1,460,214	\$1,622,460
Total	\$332,451	\$2,992,059	\$3,324,510

The total calculated dividends are \$1,459,710 more than the budgeted amount and relevant budget adjustments have been recommended in the March Quarterly Budget Review. Providing this additional revenue to Council General fund. The table below compares actual dividends with 2025/26 adopted budget:

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Fund	2025/26 Adopted Budget (inc. tax equivalents)	Actual Calculation (Inc. tax equivalents)	Variance
Water	\$300,000	\$1,702,050	\$1,402,050
Sewer	\$1,564,800	\$1,622,460	\$57,660
Total:	\$1,864,800	\$3,324,510	\$1,459,710

CL26.58

CL26.59 Transfer of Crown Roads to Shoalhaven City Council

HPERM Ref: D26/42588

Department: Water Asset Planning & Development

Approver: Andrew McVey, Director - Shoalhaven Water

Purpose:

The purpose of this report is for Council to consider the transfer of various Crown roads, both formed and unformed, to Council in accordance with section 152I of the *Roads Act 1993*.

Recommendation

That Council:

1. Approve the transfer of the Crown roads described in this report and shown in figures 1 and 2 to Shoalhaven City Council, pursuant to section 152I of the *Roads Act 1993*.
2. Authorise the making of the necessary application to NSW Department of Planning, Housing and Infrastructure (DPHI) - Crown Lands for approval of the transfer of the Crown roads under the *Roads Act 1993*.
3. Acknowledge that upon gazettal of the transfer, Council will assume responsibility as the road's authority for the transferred roads, including their ongoing management and maintenance.
4. 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.

CL26.59

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

The proposed transfer consists of six separate parcels of Crown Road. Two parcels are formed roads located along Yalwal Road, West Nowra, which are currently used by the public and maintained by Council. The remaining four parcels are unformed road reserves located north of Yalwal Road, West Nowra, three of which are situated within Rainford Road, Bice Road and Osborne Street and contain existing critical water infrastructure.

The subject formed and unformed Crown roads have been identified by Shoalhaven Water through its Wastewater Servicing Strategy as necessary to support planned development within the Mundamia and Cabbage Tree Lane Urban Release Areas. These areas were identified in the *Nowra–Bomaderry Structure Plan (2006)* as key growth areas and are

expected to accommodate approximately 2,000 new dwellings, requiring significant upgrades to wastewater infrastructure.

The proposed transfer will enable Council, as the roads authority under the *Roads Act 1993*, to effectively manage the road corridors in the long term, protect and maintain existing water assets and facilitate the delivery of essential sewerage infrastructure. The alignment of the proposed gravity sewer main has been determined through detailed engineering and environmental assessments, with consideration of topographical constraints to maintain gravity flow and minimise reliance on mechanical pumping. As a result, the sewer infrastructure is proposed to be located within the six Crown Road corridors subject to transfer, as illustrated in Figures 1 and 2.

Figure 1 – Parcels of formed Crown roads proposed for transfer to Council

- a. The part of Yalwal Road shown in purple (known as Lot 4 DP 720046)
- b. The part of Yalwal Road shown in orange (known as Lot 5 DP 720046)



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Figure 2 – Parcels of unformed Crown roads proposed for transfer to Council

- c. The part of Bice Road shown in yellow
- d. The part of Rainford Road shown in green
- e. The part of Yalwal Road shown in blue
- f. The part of Osborne Street shown in red



CL26.59

Risk Implications

Transfer of the subject roads presents minimal risk and provides Council with clear statutory authority under the *Roads Act 1993* to access, manage and maintain essential public roads and infrastructure.

Internal Consultations

Internal consultation was conducted and no objections were identified. Engagement with the Property Unit was recommended and has been completed, with no concerns or objections raised.

External Consultations

External consultations have occurred with Crown Lands and InfoTrack to determine the status of the roads, with ongoing engagement for the proposed transfer continuing with Crown Lands.

Community Consultations

Community consultation is not required for operational matters, including the transfer of roads.

Policy and Statutory Implications

The transfer of Crown roads will be undertaken in accordance with Council's Acquisition of Land by Shoalhaven City Council (POL22/120), Council's Due Diligence for Land Transactions Procedure (PRD16/284), and Council's Asset Management Policy and Asset Management Strategy.

Financial Implications

No compensation is payable in relation to the transfer of Crown roads. Any administrative costs associated with the transfer will be funded by Shoalhaven Water through the Sewer Fund and/or Water Fund.

Shoalhaven Water will assume responsibility for all operational and maintenance costs associated with the unformed roads that support water and sewer infrastructure. Shoalhaven Water will continue to meet all associated operational and maintenance expenses until future roads are formalised.

Formed roads that are currently in use by the public, will remain the responsibility of the Works & Service Section for operations and maintenance and Technical Services Section for planning. These sections will continue to be responsible for all ongoing maintenance, management and operational activities associated with these roads, including all related costs.

CL26.59

CL26.60 Tenders - West Nowra and Nowra Hill Sewer and Water Project

HPERM Ref: D26/82872

Department: Water Asset Planning & Development

Approver: Andrew McVey, Director - Shoalhaven Water

Purpose:

To inform Council of the tender process for the West Nowra and Nowra Hill Sewer and Water project.

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

Recommendation

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

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

The required works form part of planned major wastewater and water infrastructure upgrades to support the ongoing growth/development of the Mundamia Urban Release Area (URA), Cabbage Tree Lane URA located in West Nowra, and the Links Road industrial area located in Nowra Hill.

The project consists of 6 separable portions of work, being:

- Separable Portion A: SPS26 Upgrade Design Package 2

Sewer Pump Station (SPS) 26 Upgrade Design Package 2 entails the upgrade of SPS26 (University of Wollongong Shoalhaven Campus) incorporating retrofitting of new pumps and associated pipework and fittings within the existing wet well, a new valve chamber, new emergency storage tank and associated internal pipework and ancillaries.

- Separable Portion B: SPS26 SRM Design Package 2 & Cabbage Tree Lane SRM Design Package 3

Sewer Pump Station (SPS) 26 Sewer Rising Main (SRM) Design Package 2 entails the installation of approximately 600m of 180mm SRM to replace the existing 100mm SRM from SPS 26 to Northern side of Yalwal Road. The installation of approximately 875m of 180mm SRM to replace the existing 100mm SRM from Southern side Yalwal Road up to the new discharge manhole MH02 adjacent to Filter Road.

Cabbage Tree Lane Sewer Rising Main (SRM) Design Package 3 entails the installation of approximately 2,075m of 315mm SRM from Cabbage Tree Lane, along Yalwal Road up to the new discharge manhole MH01 adjacent to Filter Road.

- Separable Portion C: SGM MH01 to MH12 Design Package 4

Sewer Gravity Main (SGM) and manholes MH01 to MH12 Design Package 4 entails the construction of new discharge manholes, adjacent to Filter Road. The installation of approximately 940m of 375mm, SGM from the discharge manhole adjacent to Filter Road along Yalwal Road to upstream stub connection at manhole MH12.

- Separable Portion D: SGM MH12 to SPS3 Design Package 4

Sewer Gravity Main (SGM) and manholes from manhole MH12 to Sewer Pump Station (SPS) 3 for Design Package 4 entails the installation of approximately 1200m of 525mm SGM from Yalwal Road to Sewer Pump Station 3 at St Anns Street. This will involve trenchless microtunnelling, the upsizing of the existing connection at SPS3 and installation of approximately. 220m of 225mm SGM extension from SPS21 to manhole MH16 including a new aqueduct between manholes MH28B and MH28C.

- Separable Portion E: Mundamia SGM Design Package 5 & Mundamia Water Lead-in Design Package 6

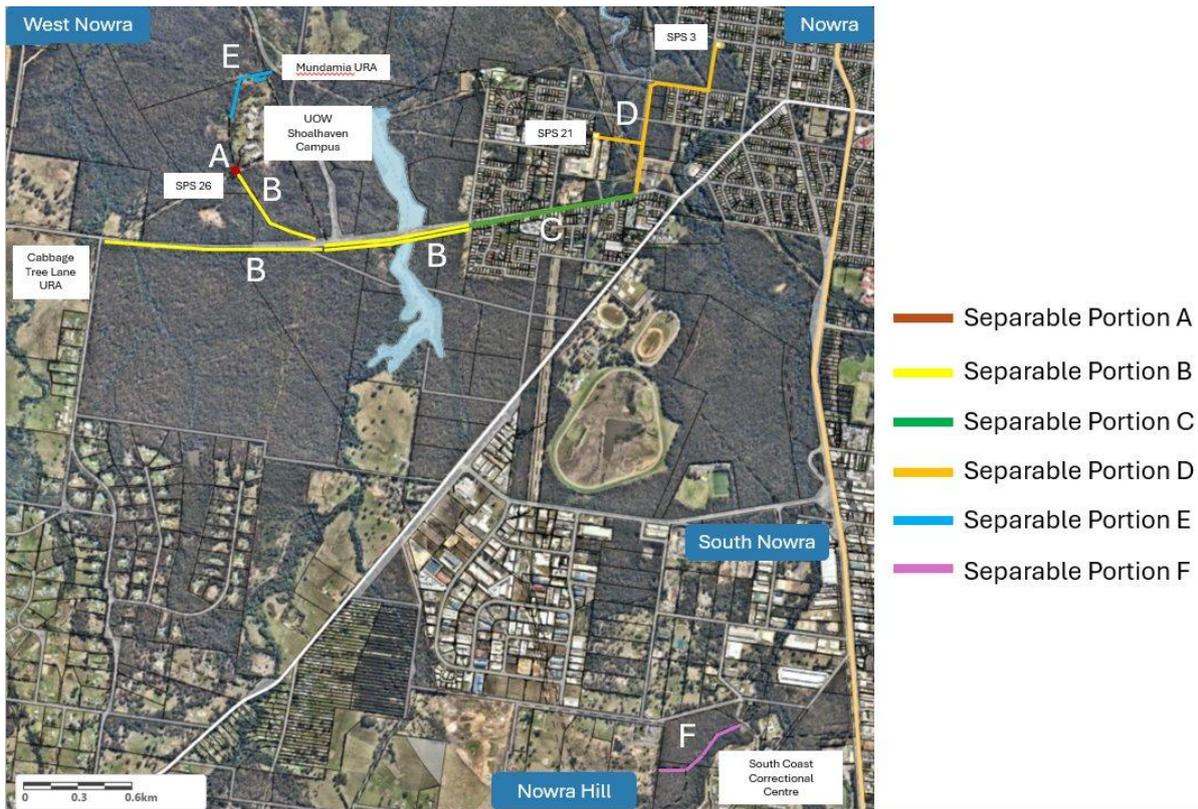
Mundamia Sewer Gravity Main (SGM) and manholes for Design Package 5 entails the installation of approximately 375m of 225mm SGM from manhole MH26A/6, adjacent to the University of Wollongong (Shoalhaven Campus) up to manhole MH26A/11 for the Mundamia URA.

Mundamia Water Lead-in Design Package 6 entails the installation of approximately 160m of 250mm Water lead-in from existing DN675 AC/C Water Trunk Main to Mundamia URA.

- Separable Portion F: Links Road SGM Design Package 7

Links Road Sewer Gravity Main (SGM) and manholes for Design Package 7 entails the installation of approximately. 560m of 225mm SGM from existing manhole MH29A/3 to a new manhole MH29A/10 for the Links Road industrial development adjacent to the South Coast Correctional Centre.

Figure 1 Separable Portions Mapping



CL26.60

Tendering

Council called tenders for West Nowra & Nowra Hill Sewer & Water projects on 19th December 2025 which closed at 10:00 am on 16th February 2026. Five (5) tenders were received at the time of closing. Tenders were received from the following:

Tenderer	Location
Hisway Pty Ltd T/A Hisway Earthmoving	Tenderlink
Ironbuilt Infrastructure Pty Ltd	Tenderlink
Jirgens Civil Pty Ltd	Tenderlink
Killard Infrastructure Pty Ltd	Tenderlink
SNG Engineering Pty Ltd	Tenderlink

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

Risk Implications

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

Internal Consultations

Council’s Procurement Team has been consulted throughout the procurement process, providing oversight and guidance regarding financial limitations, delegations, and statutory requirements relevant to the procurement of the works.

Internal design undertaken by Shoalhaven Water’s Projects and Design Unit was utilised for the design and documentation of Separable Portions E and F.

Consultation with impacted Council Asset Custodians has also been completed to ensure coordination with planned works across the organisation.

Shoalhaven Water's Property Officer has provided support in progressing land-related matters, including Native Title considerations, land claims, Crown Lands processes, and the preparation of access and construction agreements.

Review of Environmental Factors (REF) documentation for Separable Portions A, B, C, D, E, and F has been provided to Council's internal Environmental Officers for assessment and comment.

External Consultations

External design by Stantec Pty Limited was utilised for Separable Portions A, B, C and D.

As part of the project, the Project Team and Shoalhaven Water's Property Officer engaged with the NSW Aboriginal Land Council, Nowra Local Aboriginal Land Council, NSW Crown Lands, Forestry Corporation of NSW, Sell & Parker Holdings Pty Ltd, Minister for Education & Training, University of Wollongong Shoalhaven Campus, National Parks & Wildlife, Epsilon Distribution Ministerial Holding Corporation, InfoTrack for a range of land matters.

Community Consultations

Community and stakeholder engagement has been ongoing throughout the design process and will continue both prior to and during construction. A dedicated project webpage will be established under Council's *Major Projects & Works* portal, accompanied by a mailout to directly affected residents.

Key stakeholders along the proposed alignments including, but not limited to, residents, developers, and nearby educational facilities such as the University of Wollongong Shoalhaven Campus will receive initial project notification letters.

Consultation with statutory bodies, including Crown Lands, Native Title claimants, and Local Aboriginal Land Councils, has been completed as part of the Review of Environmental Factors process and to support the establishment of access agreements and easements.

Policy and Statutory Implications

Not applicable. The tender process has followed the requirements under the provisions of the Local Government Act 1993. The tenders were assessed in accordance with Council's *Local Preference Policy*.

Financial Implications

Sufficient funds have been allocated in the Sewer Fund and Water Fund for the West Nowra and Nowra Hill Sewer and Water project budgets for the 2025-26 financial year onwards. Funding is available to cover the tender amount including other project costs. Details relating to the Financial Implications are contained in the confidential report.

CL26.61 Tenders - Call for Applications - Approved Suppliers List - Recovered Material

HPERM Ref: D26/87509

Department: Waste Services

Approver: Andrew McVey, Director - Shoalhaven Water

Purpose:

To inform Council of the tender process for Tenders – Call for Applications – Approved Suppliers List – Recovered Material.

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

Recommendation

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

Background

Project Description

The Council's Waste Services Department is seeking long term Approved Suppliers List (ASL) agreements with suitable providers of purchasing, processing and walking floor transportation services for material being recovered from operations at its 10 Shoalhaven recycling and waste depots, and imminently from its new Material Recovery Facility being commissioned at West Nowra.

Under the ASL agreements, Council Approved Suppliers will be selected from time to time to bid or tender for packages of various service combinations of purchasing and collecting, collecting and processing, receiving and processing, on site processing, or transporting for processing, of various types and quantities of recovered material as nominated by the Approved Suppliers.

The service packages will be service periods to fit in with the operations, over a 10-year term.

The ASL agreements will form the basis of procuring sales, recycling and recovery processing and transport of the majority of Council's depot and MRF recovered material outputs into the foreseeable future.

Tendering

Council called tenders for **Tenders – Call for Applications – Approved Suppliers List – Recovered Material** on 7 November 2025 which closed at 10:00 am on 17 December 2025.

Details relating the evaluation of the tender applications are contained in the confidential report.

CL26.61

Risk Implications

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

Internal Consultations

The Waste operations and Procurement teams were consulted during the tender process.

External Consultations

Council's Waste Services Department has sufficient expertise to engage with the relevant service providers.

Community Consultations

The Shoalhaven 2035 Community Strategic Plan reveals that the following matters are important to the community regarding *Pillar 2: Sustainable environments and liveable communities*:

- Addressing and building resilience to climate change
- Transition to sustainable/renewable energy
- Better ways to recycle and reuse waste

It is anticipated that Approved Suppliers will provide services that positively contribute to these community desires.

Policy Implications

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

Financial Implications:

Sufficient funds have been allocated in the Approved Suppliers List – Recovered Material budget for FY2026. Funding future years of the Approved Suppliers List will be included in the Waste Services Budget.

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.