

# Ordinary Meeting

**Meeting Date:** Tuesday, 26 May, 2026  
**Location:** Studio Room, Shoalhaven Entertainment Centre  
**Time:** 5:30 PM

## 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 - 28 April 2026
- Extra Ordinary Meeting - 30 April 2026

**7. Declaration of Interests**

**8. Presentation of Petitions**

**9. Mayoral Minute**

Mayoral Minute

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Notices of Motion / Questions on Notice

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### Reports

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*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.*

CCL26.12 Culburra Beach - Roads & Road Reserves

*Local Government Act - Section 10A(2)(g) - Advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to prejudice any court proceedings by revealing matter prepared for the purposes of or in relation to current or future proceedings or prejudice the fair trial of any person, the impartial adjudication of any case or a person's right to procedural fairness.*

CCL26.13 Tenders - Linen Hire, Supply & Laundering to Holiday Haven Parks

*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.*

## **MM26.7      Mayoral Minute - Condolence Motion - Ballina Shire Council and Marine Rescue NSW Ballina**

**HPERM Ref:**      D26/200555

### **Recommendation**

That Council write to:

- (a) Mayor of Ballina Shire Council, Sharon Cadwallader,
- (b) Marine Rescue Ballina Unit Commander, Peter Hill,
- (c) NSW Marine Rescue Commander, Todd Andrews

To express our deepest condolences on behalf of the City of Shoalhaven following the tragic loss of life on Monday, 4 May 2026, involving Marine Rescue NSW volunteers on the Ballina coastline.

### **Details**

On Monday, 4 May 2026, Marine Rescue NSW Ballina volunteers William “Bill” Ewen (78) and Frank Petsch (62) tragically lost their lives while responding to a distress call from a solo yachtsman near the Ballina Bar. Sadly, the mariner aboard the distressed yacht also lost his life.

During the response, the Marine Rescue vessel capsized while attempting to cross the bar in treacherous conditions. Four crew members survived the incident.

On behalf of the Shoalhaven community, Councillors and staff, I extend sincere condolences to Mayor Sharon Cadwallader, Ballina Shire Council, Unit Commander, Peter Hill, Marine Rescue Ballina, and the families and loved ones of all those who lost their lives.

Additionally, our sincere condolences to all Marine Rescue volunteers across the NSW Coastline and acknowledge the amazing service they undertake for our coastal communities and boaties.

**MM26.7**

## **MM26.8      Mayoral Minute - Ulladulla Physical Culture Club (UPCC) - Fees - Ulladulla Civic Centre**

**HPERM Ref:**      D26/204816

### **Recommendation**

That Council:-

1. Honour the previous rates of hire at the Ulladulla Civic Centre prior to the March 2026 determination for Ulladulla Physical Culture Club and maintain this rate until the 31 December 2026.
2. Request the CEO (Director) to negotiate increases in hire fees over the next three calendar years (i.e.2027/28/29) in October of each year to phase in hire fees increases.
3. Notify the Ulladulla Physical Culture Club of points 1 & 2 above

### **Details**

Ulladulla Physical Culture Club (UPCC) has hired the Civic Centre (Hall) since its inception in 1976 some 50 years.

Unfortunately, for Ulladulla Physical Culture Club, Council has created an extremely difficult situation for the UPCC with changes in hire fees in March of this year. UPCC operates on a calendar year and set their fees in late 2025 for the preceding year and they were unaware that hire fees were going to increase due to Council administration matters. In January UPCC requested a meeting with the appropriate Council staff to help UPCC understand what was proposed for 2026 and no meeting occurred as a result of the Club not hearing back from Council. Previously Council communicated efficiently and effectively for a period of 9 years.

UPCC is a not-for-profit organisation one of UPCC main objectives is to make this vital sport affordable for all members. They set club registrations and term fees affordable to cover the insurance, hire fees and payment to One Music.

If the proposed increase was a known factor at the beginning of the year decisions would have been very different as members have signed-up to charges advertised at the beginning of 2026.

During the last 50 years of hiring the Civic Centre the club has dealt with Mayors and Federal Ministers who have all been very helpful and showed their genuine positive interest in the continuous ability of the club to operate our classes at the Civic Centre with financial assistance.

UPCC have never, not once, asked or applied for fee reduction, the reduction was always graciously set for our club. UPCC feels Council will impact the club badly - a club who has been more than successful in promoting disciplined, healthy, well-mannered successful females ranging from 3 years to 70+ years.

UPCC has never left the hall where Council needed to have cleaners come in. They have actually many times helped put tables/chairs away and cleaned floors so we could hold classes after a previous event.

UPCC have on numerous occasions been unable to hold our classes in the normal hired rooms in order to accommodate other bookings. They have never complained when needing to contact our members quickly because the hall was double booked.

**MM26.8**

Please note; Mayors and Federal Members Ulladulla Physical Culture Club have successfully dealt with over the past years.

- Bob Wilson 1976-1977
- Greg Watson 1977-1978
- Gordon Ravell 1978-1979
- Greg Watson 1979-1982
- Harry Sawkins 1982-1987
- Max Atkins 1987-1999
- Greg Watson 1999-2008
- Paul Green 2008-2012
- Joanna Gash 2012-2016
- Shelley Hancock MP South Coast
- Joanna Gash MP Gilmore
- Ann Sudmalis MP Gilmore

Ulladulla Physical Culture Club have dealt with the following very efficient, awesome Civic Centre Managers during my 50 years -

- Noel Hilder (deceased)
- Sunnee Ord
- Eliza McCabe
- Michelle Babbington

All Managers were very aware of our approved discount.

Over the past 50 years more than 6,000 plus members have been registered with the club. UPCC are proud to report they have had 3 and 4 generations of families registered during the 50 years. All our Associates and helpers are volunteers, happy to spread the tradition of the Ulladulla Physical Culture Club.

The club will not survive with the exorbitant/excessive rate rise in the hourly rate of hire for the upstairs auditorium. The club is prepared for increasing in hiring fees but they need to work with Council to phase in increases over a calendar year and not financial year.

## **CL26.65 Notice of Motion - Protecting Communities right to access Community Areas and Protect Our Logging Workers**

**HPERM Ref:** D26/160865

**Submitted by:** Cllr Brett Steele

**Attachments:** 1. Forestry Corporation letter [↓](#)

Note: This item was deferred from the Ordinary Meeting 28 April 2026.

### **Purpose / Summary**

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

### **Recommendation**

That Council write a supporting letter asking for the permanent protection of community access to The Brooman State Forest (North as well as South) as well as committing to the continuity of the current management practice and loggers employment stability by:

1. Acknowledging the great job that has already been done in protection management for not only Big Spotty, but the whole of The Brooman State Forest both North as well as South.
2. Seek further commitment from the NSW State Government to continue working with the community in ensuring employment stability for our community members involved in logging.
3. Assuring the communities rights to enjoy the forests for fee-free day visits and fee-free camping will continue in current areas and at current levels at least.
4. Ask the NSW Forestry Corporation to consider the possibility of funding a 50 metre boardwalk and viewing platform at "Big Spotty" along with signage detailing the significance of "Big Spotty" both ecologically and culturally if they see fit.
5. If at any time in the future the NSW State Government do in fact decide to commit to winding up logging in NSW State Forests including Brooman State Forest the following be undertaken;
  - a. That the current road network within the forests be kept open and maintained along with camping on an ongoing and free basis to the public.
  - b. Rehabilitation of current community members involved in logging into new employment suited to their skills and appropriate to their residential and individual situations.
  - c. State Forest Corporation pay for restoration of logging over the years by funding point 4 as well as 5A and 5B above.
  - d. That the State Government along with The Forestry Commission will not take steps to or support attempts to restrict public access to these areas by way of the creation of "Flora Reserves" or any other zone title which may result in this area being restricted from public access and vehicular access by the public.
6. That council utilize its existing planning and policy frameworks to maintain community access to Brooman State Forest (North and South) without incurring additional infrastructure costs by;

CL26.65

- a. Maintain the current primary production/forestry zoning within the Shoalhaven LEP. Council explicitly refuses to support any rezoning to environmental conservation for these two compartments.
  - b. Investigate the terms of reference for Shoalhaven City Councils DIAP 2026-2030 framework to include a formal policy position that the Shoalhaven City Council opposes the removal of existing vehicle access to natural heritage sites with the outcome reported back to council.
  - c. Requiring that any proposed land tenure change in the Brooman area be subject to a council reviewed "Social-Economic Impact Statement" highlighting the risk to 300-400 of our communities logging families in this region being replaced by unethical high emission timber imports.
  - d. Assess the potential loss of income to any affected primary producers and the impact on them, and take this into account in any future decision-making process.
7. That council requests any State Forest or Crown Lands tenure change to be developed in formal partnership with the RFS, ensuring written concurrence that no gates or road closures will impede heavy tanker access, volunteer safety, or the mobility rights of residents.
  8. That Council note the attached letter from Forestry Corporation in relation to the management of Brooman State Forest.

### **Background**

Following recent community concerns it is important that not only does council support local industry, but it must also take steps to protect the wellbeing of local industry and its workers into the future. For the second time in just three years The logging industry has had its future threatened in the Shoalhaven region by way of a notice of motion to create a "Flora reserve". In a time when we, as a community, are already facing a cost of living crisis as well as a housing crisis. Given this, our community need to be reassured that keeping local industries running, as well as securing the employment opportunities that come from those industries, will not play second consideration to party political ideologies that would mean the loss of yet another industry to Australia, increasing again our reliance on overseas suppliers and increasingly unreliable supply chains.

CL26.65



Forestry Corporation of NSW 408 43 141 697 812  
Hardwood Forests Division  
Crown Street, Batemans Bay, NSW 2536  
PO Box 42, Batemans Bay, NSW 2536  
T 1300 880 548  
F 02 4472 6557  
www.forestrycorporation.com.au

10/04/2026  
Ref No.: F26/71

Clr Brett Steele  
Shoalhaven City Council  
Via email: Brett.Steele@shoalhaven.nsw.gov.au

Dear Clr Steele

**Re: Management of North Brooman State Forest**

Thank you for contacting Forestry Corporation seeking information about the management of North Brooman State Forest, tourism and timber on the south coast. I have provided some background information on these matters below and would welcome the opportunity to meet you to discuss forest management and our operations in more detail.

Management of State forests and sustainable forestry

NSW's forests are managed through an integrated statewide framework that brings together different laws, agencies and management approaches to achieve long term environmental, social and economic outcomes. Through the Regional Forest Agreements between the NSW and Commonwealth Governments, different parts of the forest estate are managed for different purposes based on their conservation values, landscape context and long-term sustainability.

Most public forest land is managed within national parks and conservation reserves, where conservation is the primary focus. Other areas are managed as State forests under strict environmental rules that require ecologically sustainable forest management including ongoing protection of key environmental values. This approach recognises that forests can deliver a range of outcomes — environmental, social and economic — and that careful, regulated management across the whole landscape is essential to achieving those outcomes over the long term.

Multiple-use public forests, or State forests, account for less than ten per cent of the forest in NSW but deliver essential benefits to local communities. As well as contributing to the conservation estate, they also provide the community with access for a wider range of recreational pursuits than any other land tenure and support primary industries including apiary and the renewable timber industry. Each area of State forest has been classified under the Forest Management Zoning (FMZ) system, which establishes eight separate management zones based on the conservation value of each forest area. The management intent and permitted activities for each part of each forest is informed by the FMZ zone.

Flora Reserves are areas within State forests that have been identified and declared by the Minister administering the *Forestry Act 2012* for the preservation of native flora. Alongside national parks, Flora Reserves form part of Australia's National Reserve System. Flora Reserves are classified as FMZ1, which denotes areas managed primarily for conservation

where activities such as timber harvesting, grazing or quarrying may not occur, and special conditions may be required for other activities. Forestry Corporation is the appointed land manager for most Flora Reserves, however the National Parks and Wildlife Service has been appointed as the land manager for some State forest flora reserves.

North Brooman State Forest and Big Spotty

North Brooman State Forest, like all areas harvested for timber in NSW State forests, is a multiple-use forest that has been harvested for timber and regrown many times before. The forest covers approximately 3,000 hectares, and Forestry Corporation has been appointed to manage it for multiple uses including conservation, community access and renewable timber production.

The tree known as Big Spotty within this forest is well known to Forestry Corporation, is permanently protected and will never be harvested.

For operational purposes, State forests are mapped into compartments. Big Spotty is situated in Compartment 50A of North Brooman State Forest. There are currently no plans to harvest this compartment.

While there are operations on the schedule for other compartments in North Brooman State Forest, the closest operations on the short-term schedule are more than 2.5 kilometres away from this tree. Many adjoining private properties, including the township of Brooman, are much closer to the tree.

Any operations Forestry Corporation does carry out to harvest renewable timber must comply with NSW's detailed environmental regulations, which were developed with the input of expert scientific panels. Prior to every operation a months-long planning process must be completed to ensure environmental features and habitat are identified and protected. Any future operations will be planned in line with these robust regulations and the ongoing protection of the tree known as Big Spotty will be assured.

Tourism

As a land manager, Forestry Corporation facilitates public access to forests and provides a wide range of recreation and tourism opportunities and assets. The extensive State forest road network is maintained primarily for forest management, but is freely available to the public, complementing the shire road network, providing alternative routes for property access and inter-town travel, and facilitating access to State forests.

The management objectives of State forests provide for a wider variety of recreational activities than land tenures managed solely for conservation. For example, State forests can facilitate activities such as horse riding, camping with dogs, four wheel driving, trail biking, fossicking and hunting. Forestry Corporation has a permit system by which sports clubs including pony clubs, archery clubs, pistol clubs and mountain bike clubs can situate facilities or hold major events such as car rallies in State forests, taking pressure off council facilities.

State forests support a larger network of mountain bike trails than any other land manager, with local clubs building and maintaining hundreds of kilometres of mountain biking networks under permits. In the Shoalhaven LGA, these include Woodburn MTB park managed by Milton Ulladulla Districts (MUD) Mountain Bikers Club and the Coondoo, Superbowl and Butterfly networks managed by South Coast United MTBers Club (SCUM) across Shoalhaven, Nowra and Currumbene State Forests.

Aside from the road and mountain bike network, Forestry Corporation's tourism assets in the Shoalhaven LGA include Yadboro Flat in Yadboro State Forest, popular for camping, fishing, four wheel driving and trail biking, and lookouts in Clyde and Boyne State forests.

Beyond the public road network, Forestry Corporation does not currently have designated tourism sites in the vicinity of Big Spotty, but would be happy to consider proposals or partnerships to expand tourism in this forest, including any available funding opportunities.

Timber and forestry industry on the south coast

Under the Forestry Act, Forestry Corporation has a statutory obligation to produce renewable timber from State forests, having regard to a range of factors and in line with relevant regulations. Around one per cent of State forests are harvested for timber and regrown each year, which equates to 0.01 per cent of the public native forest in NSW.

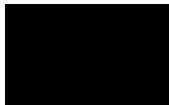
Operations take place in line with the robust rules set by the NSW Government in the Coastal Integrated Forestry Operations Approval (CIFOA), which contain conditions designed to protect and maintain wildlife habitat, forest flora, water quality and biodiversity across the landscape.

Forestry Corporation engages contracted harvest and haulage businesses to conduct these operations and the logs from State forests are sold to mills throughout regional NSW where they are processed locally into a wide range of timber products that communities rely upon for applications such as power poles, bridge decking, wharf piles, flooring and furniture.

For further information about the local businesses who carry out harvesting, haulage and processing and the jobs in these industries, we would recommend you contact their representative peak bodies, the Australian Forest Products Association, the Australian Forest Contractors Association and Timber NSW.

I trust this information is of assistance. I would be happy to meet with you to discuss these matters and our operations in the Shoalhaven LGA. Please contact me on 0432 670 214 if you would like to arrange a meeting.

Yours sincerely



**Ashleigh Abercrombie**  
Regional Manager, Southern

## **CL26.94 Notice of Motion - Enhancing Environmental Management for Fisherman's Paradise and Lake Conjola Village**

**HPERM Ref:** D26/202904

**Submitted by:** Clr Brett Steele

### **Purpose / Summary**

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

### **Recommendation**

That Council

1. Immediately resume water quality testing at the Fisherman's Paradise Boat Ramp (E54) as was done up to 15th June 2023.
2. Investigate reasons behind decision to cease surface water sampling and testing at Fisherman's Paradise Boat Ramp and other sites close by, and bring these findings to the Conjola Community Association Inc (CCA) Executive Committee as well as Fisherman's Paradise Community Committee.
3. Agree to review findings in collaboration with Conjola Community Association Inc (CCA) Executive Committee as well as Fisherman's Paradise Community Committee.
4. Agree to make available Conjola Regional Sewer Scheme (CRSS) Monitoring Reports (Earth 2Water Environmental & Groundwater Consultants) to Conjola Community Association Inc (CCA) Executive Committee as well as Fisherman's Paradise Community Committee.
5. Agree to adoption of the updated National Health & Medical Research Council Guidelines for Managing Risks in Recreational Water 2008 (NHMRC Guidelines) relying on established thresholds, health and wellbeing benefits therein to reinstate the "Captains Call" becoming an option to exercise at 0.7m AHD and above.
6. Negotiate the Captains Call to 0.7m AHD with Crown Lands to enable the appropriate action to prevent ecological biodiversity impacts (foreshore erosion and sediment loads and water quality thresholds as determined by updated NHMRC Guidelines).

### **Background**

Community concerns with prolonged inundation of the entire Lake Conjola waterways foreshore and surface water quality at Fisherman's Paradise are correlated, the impacts of which are linked to current management practice. Residents need the security of knowing bureaucratic red tape will not hinder the wellbeing of community members and property as it should be.

CL26.94

## **CL26.95 Notice of Motion - Legal and Consulting costs for determining refused Development Applications**

**HPERM Ref:** D26/179945

**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

1. The Chief Executive Officer (CEO) furnish a detailed report on the Legal and Consultants costs in relation to Development Applications being referred to the Land and Environment Court for determination during December 2019 to December 2024.
2. The report include the names of legal firm/s and consultants, stating the costs to SCC for each case as a result of the legal firm and consultants presented defence for SCC.

### **Background**

Disclosing total legal and consulting costs excluding internal staff costs for accountability and transparency in the public and rate payer's interest.

### **Note by the CEO**

1. Costs incurred and costs recovered associated with legal proceedings including, but not limited to, development appeals are reported annually in Council's annual reports. The costs (excluding internal costs) reported for the periods sought are listed below. The full reports may be found on Council's website at <https://www.shoalhaven.nsw.gov.au/Council/Publicly-available-information/Organisation/Annual-Report-Previous-Years>:
  - (a) 2019/2020 – Costs incurred: \$366,742; Costs recovered: Nil
  - (b) 2020/2021 – Costs incurred: \$544,439; Costs recovered: Nil
  - (c) 2021/2022 – Costs incurred: \$827,735; Costs recovered: \$10,000
  - (d) 2022/2023 – Costs incurred: \$1,349,899; Costs recovered: \$30,000
  - (e) 2023/2024 – Costs incurred: \$1,149,433; Costs recovered: \$422,181
  - (f) 2024/2025 – Costs incurred: \$1,128,248; Costs recovered: \$158,320
2. Information relating to the costs of external legal firms and consultants may not be disclosed publicly as this information is commercially sensitive and subject to commercial-in-confidence obligations. This information may be provided to councillors on a confidential basis only. Complete costs incurred by use of internal resources are not recorded for individual matters.

CL26.95

## **CL26.96 Notice of Motion - Bay and Basin Sports and Community Hub Project**

**HPERM Ref:** D26/183454

**Submitted by:** Clr Bob Proudfoot  
Clr Luciano Casmiri  
Clr Selena Clancy

**Attachments:** 1. Letters of support - Bendigo Bank / BCR Communities [↓](#)

### **Purpose / Summary**

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

### **Recommendation**

That Council provides a matching contribution of \$8000 in collaboration with Sanctuary Point Bendigo Bank, towards the initial stage of the Bay and Basin Sports and Community Hub Project, being a community led initiative. Staff can offer their assistance in identifying a possible funding source, which may include recent Shoalhaven Water dividends or even interest from untied investments. This project has widespread community support as well as support from both Bendigo Bank and BCR Communities.

### **Background**

See the attached letters of support.

### **Note by the CEO**

This Notice of Motion was lost at the Ordinary Meeting 28 April 2026. It is included in this agenda in accordance with clause 17.6 of the Code of Meeting Practice, as shown below.

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

CL26.96

Community Bank  
Sanctuary Point

 Bendigo Bank

11/03/2026

Subject: Confirmation of Conditional Co-contribution for the Bay & Basin Sporting & Community Hub Project

Dear Councillors,

On behalf of Community Bank Sanctuary Point & Districts, I am pleased to formally confirm our conditional approval to provide \$8,000 in funding for the next critical stage of the Bay & Basin Sporting & Community Hub project.

This approval is contingent upon a matching co-contribution of \$8,000 from Shoalhaven City Council. Together, these funds will provide the \$16,000 requested by BCR Communities to prepare professional concept plans and cost estimates, marking a significant step forward for the project.

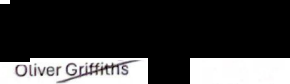
Bendigo Bank is proud to support this vital, community-led initiative. We recognise the significant positive impact the proposed redevelopment of the Francis Ryan Reserve will have on youth engagement, community participation and local employment opportunities.

The progress the steering committee has made to date—from establishing a dedicated committee to securing early financial support from local businesses—is a testament to the strong community backing and the clear need for this project.

We are confident that with this combined support, the steering committee will be well-positioned to proceed with the Development Application (DA) and secure subsequent funding.

We look forward to witnessing the project's progression and continuing our partnership to strengthen the future of the Bay & Basin community.

Sincerely,



Oliver Griffiths  
Director, Community Bank Sanctuary Point & Districts  
Bendigo Bank

[bendigobank.com.au](http://bendigobank.com.au)

Bay & Basin Community Financial Services Limited ABN 62 105 756 063  
Franchisee of Bendigo and Adelaide Bank Limited ABN 11 068 049 178 AFSL 237879  
1/200 Kerry Street, Sanctuary Point NSW 2540 Phone 02 4443 9825 Fax 02 4443 9935

CL26.96 - Attachment 1



Dear Shoalhaven City Council Councillors,

On behalf of the Bay & Basin Sporting & Community Hub Committee and BCR Communities, we invite Shoalhaven City Council to partner with Bendigo Bank in supporting the next critical stage of the Bay & Basin Sporting & Community Hub project.

We respectfully request a collaborative contribution of \$8,000, to be matched by Bendigo Bank, to raise the \$16,800 (plus GST) required to prepare professional concept plans and cost estimates. The remaining amount will be funded from existing BBSCH Inc. funds (up to \$3,500). These plans will enable us to progress toward lodging an application under Shoalhaven City Council's Community Led Projects program and pursue future funding opportunities.

The Bay & Basin region continues to experience significant growth, yet community and sporting infrastructure has not kept pace with demand. The proposed Hub will support youth engagement, community participation, and importantly create employment and training pathways that help young people remain in the Bay & Basin as our community grows.

The project has already achieved several important milestones:

- Establishment of a dedicated committee of seven members representing more than 15 local community organisations
- Launch of the project website (BayBasinHub.com)
- Development of a community survey to ensure the Hub reflects local needs and priorities
- Formation of a Building Design Committee working toward a master plan
- Incorporation of the organisation with banking established through Bendigo Bank

We are also grateful for the early support of respected local businesses including LJ Hooker Sanctuary Point & Vincentia, IGA Sanctuary Point and Mook & Jandos, who have collectively provided \$12,000 in initial sponsorship, demonstrating strong grassroots support from the local business community.

BCR Communities has a long history of supporting initiatives that deliver meaningful outcomes for the Bay & Basin community. In addition to projects such as the new Sanctuary Point Library, this proposal represents an opportunity to create much-needed community infrastructure that supports Shoalhaven City Council's strategic priorities of fostering vibrant, active and safe communities while strengthening resilient local economies. By expanding access to sporting, training and community facilities, the Hub will help build social connection, increase participation, and support pathways into employment and local enterprise for young people and residents across the Shoalhaven.

Your support would play an important role in unlocking further community engagement and future funding opportunities, while demonstrating Shoalhaven City Council's commitment to strengthening the social and economic future of the Bay & Basin region.

Yours sincerely,

Michael Nurmi BCR Executive Manager Community & Business Development  
On behalf of the Bay & Basin Sporting & Community Hub Committee  
and BCR Communities

1300 222 748 | [BCRcommunities.com](http://BCRcommunities.com) | [927fm.com.au](http://927fm.com.au)  
18 Sanctuary Point Road, Sanctuary Point, NSW 2540 | ABN 54 425 754 519

CL26.96 - Attachment 1

## **CL26.97 Question on Notice - Financial Assistance Grants**

**HPERM Ref:** D26/196748

**Submitted by:** Cllr Jemma Tribe

### **Question**

The increase to the Shoalhaven's Financial Assistance grants in 25/26 appears to be lower than that of comparative councils. Has any analysis been conducted on the potential reasons why, which may assist with our 26/27 submission?

### **Response**

No major analysis has been conducted into the reasons why the increase in FA grant received by Shoalhaven Council was 2.79% compared to an aggregate increase across all councils of 4.56%. A fact sheet [2025–26 Financial Assistance Grants – Fact Sheet](#) produced by the NSW Local Government Grants Commission, provides only generic information, but it does advise that Grant distribution is based on operating expenditure.

Given the significant reductions in operating expenditure reported in the financial report for the year ended 30 June 2025, it is not surprising that the increase in Grant revenue received/receivable in the 2025-26 financial year by Shoalhaven Council was below average.

Further, more specific information has been requested from the Office of Local Government regarding Shoalhaven's 2025-26 increase, which will be provided upon receipt.

CL26.97

## CL26.98 Question on Notice - Closure of Banksia St Vincentia for selling the land as residential lot/s

HPERM Ref: D26/198703

Submitted by: Cllr Luciano Casmiri

### Question

Please provide an update on status for:

- a. Council expenditure in resources on surveyors for Banksia St prior to the final decision to close the road in September and expenditure to date
- b. Why is Council spending more resources on more survey work and preparing the Plans for LRS about title and easements details, when it is my understanding that there is an appeal process for the road closure decision yet to be completed?
- c. Isn't it premature to finalising the easement Plan to lodge with LRS prior to Gazettal? and
- d. When do you anticipate sending out the confirmation of Gazettal and notification of appeal rights to the four adjoining neighbours?
- e. Is council aware of recent court of appeal for In Ours Not Mines v Hauraki District Council (NZ), a 40-year license to place mining infrastructure within an unformed road was held to be unlawful. The issue wasn't whether councils can grant licenses or sell the land, but whether they can allow long term occupation that interferes with the public's right of passage. A timely reminder that, for councils, ownership of road land is always subject to a primary obligation: protecting public access.

### Response

- a) Council expenditure in resources on surveyors for Banksia Street prior to the final decision to close the road in September and expenditure to date.  
**\$11,110 (the accepted fee proposal for services of registered Surveyor to achieve registered plan of subdivision, following Council's resolution to close the road September 2025).**
- b) Why is Council spending more resources on more survey work and preparing the Plans for LRS about title and easements details, when it is my understanding that there is an appeal process for the road closure decision yet to be completed?  
**Any appeal to the Land & Environment Court on the road closure can only occur after Gazettal notice of the road closure. For gazettal to take place, a registered plan of subdivision is required to be prepared by Surveyor and registered with NSW Land Registry Services. The Surveyor engaged by Council is in the process of preparing this plan for registration, as resolved by Council.**
- c) Isn't it premature to finalising the easement Plan to lodge with LRS prior to Gazettal?  
**No, refer above**
- d) When do you anticipate sending out the confirmation of Gazettal and notification of appeal rights to the four adjoining neighbours?  
**Post gazettal**
- e) Is council aware of recent court of appeal for In Ours Not Mines v Hauraki District Council (NZ), a 40-year license to place mining infrastructure within an unformed road

CL26.98

was held to be unlawful. The issue wasn't whether councils can grant licenses or sell the land, but whether they can allow long term occupation that interferes with the public's right of passage. A timely reminder that, for councils, ownership of road land is always subject to a primary obligation: protecting public access.

**Council is aware that different jurisdictions may have considered issues relating to road use and public access.**

**However, the current matter is governed by NSW legislation, primarily the Roads Act 1993, along with applicable NSW case law. Decisions from New Zealand courts are not binding in NSW and are not directly applicable to this process.**

**Council's actions are being undertaken in accordance with the relevant legislative framework, which specifically provides for the closure of public roads and subsequent disposal or management, subject to statutory procedures and rights of appeal.**

## **CL26.99 Report of the Finance and Infrastructure Review Panel - 11 May 2026**

**HPERM Ref:** D26/206968

**Attachments:** 1. Minutes - Finance and Infrastructure Review Panel 11 May 2026 [↓](#)

### **FR26.5 Inflation and Fuel Costs for the Year ended 30 June 2027**

**HPERM Ref:**  
**D26/182644**

#### **Recommendation**

That, due to impact of fuel costs, Councils consolidated budget be increased as follows:

1. Fuel Costs in the FY2026/27 budget by \$1.8M to \$6,292,394
2. Materials and Contracts in FY2026/27 budget by \$1,997,393

### **FR26.8 Additional Item - Debt/Grants/Cash modelling for Sewer and Water projects over the next 5 years**

#### **Recommendation**

That the Finance & Infrastructure Review Panel recommend Council requests the CEO to:

1. Prepare an updated Shoalhaven Water Pricing Strategy that gives an estimated annual charge and usage charge for the next 5 year period.
2. Include the latest estimated capital works program for both Water & Sewer Funds into an updated 20 Year Financial Plan for both Water & Sewer Funds.
3. Prepare funding options to finance the major capital works as part of the updated plans.
4. Ensure that funding options include a mixture of revenue & loan sources in an attempt to “smooth out” any significant pricing increases and to ensure that significant capital costs are amortised over the life of the works.
5. Ensure that the financial models incorporate the impact that any potential grant funding may have on pricing as an option.
6. Set a target date of September 2026 for the financial models to be considered by Council.

### **FR26.9 Additional Item - Paid Parking - Mollymook, Huskisson, Hyams Beach & Berry**

An additional item was presented for consideration regarding the introduction of paid parking in high-demand tourist locations. Mr Mark Crowther spoke to the proposal, noting strong comparative outcomes from the Blue Mountains, where a similar model has generated significant revenue. It was suggested that Shoalhaven could realise substantial income, particularly from locations such as Hyams Beach, to support infrastructure investment.

Mr Crowther recommended utilising existing technology, such as the NSW “Park’nPay” app, rather than installing physical parking meters, and suggested engagement with Blue Mountains Council to leverage their experience. The CEO noted that options, including app-based systems and other technologies, would require further investigation.

**CL26.99**

Clr Steele queried the potential impact of paid parking on local businesses and any associated flow-on effects. Mr Crowther advised that evidence from comparable locations indicated minimal impact on visitation despite increased parking charges.

Clr Kemp sought clarification on the scope of the proposal, including specific locations such as Mollymook Beach car parks and the extent of on-street parking at Hyams Beach, noting that parking at Hyams Beach largely comprises on-street parking across multiple streets with limited off-street capacity. Clr Kemp also queried how a paid parking system would operate in practice, including hours of operation and enforcement. The Chairperson noted that these matters would require further investigation by Council.

Clr Boyd expressed support for the concept of paid parking but emphasised the importance of ensuring a simple, user-friendly system and positive customer experience. The Director City Services noted that a range of technologies are available and would need to be considered.

Clr Casmiri raised the need to consider potential taxation implications, including GST and fringe benefits tax. Mr Crowther advised that these matters had previously been considered and are understood to fall within applicable thresholds

**Recommendation**

That the Finance & Infrastructure Review Panel recommend Council requests the CEO to:

1. Immediately update the 24 March 2020 Report (SA20.37) which recommended paid parking to the then Strategy and Assets Committee.
2. Include Mollymook Beach Car Park, Huskisson Car Parks, Hyams Beach on street parking and Boongaree Park Car Park Berry in the report.
3. Submit the revised report to Council in July 2026 to consider introducing paid parking commencing in December 2026 for non-residents of the Shoalhaven.
4. Benchmark the report against Blue Mountains Council, which in 2024/25 collected more than \$3M from tourists.

CL26.99

## MINUTES OF THE FINANCE AND INFRASTRUCTURE REVIEW PANEL

**Meeting Date:** Monday, 11 May 2026  
**Location:** Jervis Bay Room, City Administrative Centre, Bridge Road, Nowra  
**Time:** 3.05pm

The following members were present:

Mayor Patricia White - Chairperson  
Clr Peter Wilkins (Remotely)  
Clr Brett Steele  
Clr Jemma Tribe  
Mr Mark Crowther (Remotely)  
Mr Stuart Coughlan  
Mr Peter Dun

The following non-voting members were present:

Mr Andrew Constance - Chief Executive Officer  
Mr Mathew Badcock - Chief Financial Officer  
Mr Gerard Nelson – Director City Performance (Acting)

Others present:

Clr Selena Clancy  
Clr Denise Kemp (Remotely)  
Clr Gillian Boyd (Remotely)  
Mr Kevin Norwood – Director City Services  
Mr Andrew McVey – Director Shoalhaven Water (Remotely)  
Ms Emma Struys – Director City Development  
Ms Thao Nguyen - Manager - Budgeting & Analysis  
Ms Sara McMahon – Manager – Business Assurance & Risk

### Apologies / Leave of Absence

An apology was received from Ms Katie Buckman – Director City Performance

### Confirmation of the Minutes

**RESOLVED** (By consent)

That the Minutes of the Finance and Infrastructure Review Panel held on Thursday 19 February 2026 be confirmed.

CARRIED

### Declaration of Interests

Nil

## REPORTS

### FR26.5 Inflation and Fuel Costs for the Year ended 30 June 2027

HPERM Ref:  
D26/182644

The CEO provided an update on the financial impacts of fuel price volatility, noting that mitigation measures implemented in March, including carpooling, increased working from home, and operational adjustments, have reduced fuel usage. Despite these efforts, Council is factoring an estimated \$1.8 million impact on the upcoming budget and continues to advocate to State and Federal Government for support, particularly regarding the waste levy. Ongoing engagement with regional emergency management groups was also noted.

The Chairperson advised that, based on discussions at the Rural and Regional Summit, councils across regional areas are experiencing significant increases in fuel costs, estimated at \$1.8–\$2 million per week collectively, with strong advocacy underway for financial relief. Concerns were also raised regarding fuel theft in regional areas.

The CFO outlined uncertainty in forecasting fuel costs and volumes, particularly in warmer months or in the event of rationing.

Members emphasised the importance of a conservative budgeting approach given the uncertainty.

Council staff noted that recent Fair Work Commission decisions relating to fuel levies have added complexity, particularly for contractor arrangements, and that unlike private enterprise, Council has limited ability to pass on increased costs.

Members suggested that Part 2 of the Recommendation include a specific figure, with consideration given to increasing the Materials and Contracts allocation in the FY2025/26 budget to account for the impact of fuel costs.

### Recommendation

That

1. Council increase Fuel Costs in the FY2026/27 budget by \$1.8M to \$6,292,394.88
2. The Finance and Infrastructure Review Panel consider the impact on Materials and Contracts in the FY2026/27 Budget due to the flow on impact of fuel costs on Council suppliers, and provide a recommendation for an increase to the FY2026/27 Budget.

### RECOMMENDATION (By consent)

That, due to impact of fuel costs, Councils consolidated budget be increased as follows:

1. Fuel Costs in the FY2026/27 budget by \$1.8M to \$6,292,394
2. Materials and Contracts in FY2026/27 budget by \$1,997,393

CARRIED

<b>FR26.6</b>	<b>Action Table Report - Finance &amp; Infrastructure Review Panel - 11 May 2026</b>	<b>HPERM Ref: D26/183139</b>
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The CFO advised that the draft Delivery Program and Operational Plan (DPOP) includes financial statements for 2028 and 2029, in line with legislative requirements, and noted that these were added late to the documentation. It was raised that these statements were not visible in the version currently on public exhibition, and the CFO confirmed this would be reviewed.

In relation to Financial Review action FR26.1, the CFO advised that discussions with the Rates and Revenue Manager confirmed Council has a significant number of debtors, and that further review is required to better understand and manage the number of accounts held.

Members emphasised the importance of ceasing the extension of credit to customers who do not pay their accounts, noting that while progress has been made in debt recovery, overstating debtor balances may result in an inaccurate representation of Council's financial position. It was noted that a significant amount of debtor balances and work in progress (WIP) will be written off in the current financial year, which will impact the profit and loss statement.

Further discussion occurred regarding the management of long-term pensioner debt, including the potential to secure debt through legal judgement after 17 years. The CFO advised that this matter is currently under investigation, with further information to be provided

**Recommendation (Item to be determined under delegated authority)**

That the Finance & Infrastructure Review Panel

1. Accept and receive the Action Table Report on outstanding actions (Attachment 1) for information.
2. Acknowledge the following actions (Attachment 2) as complete and remove from the action table:
  - a. Financial Review Panel - Additional Item - Expenditure - Contractors and Full Time Staff - Inclusion in Quarterly Budget Review report.
  - b. Action Table Report - Financial Review Panel - 19 February 2026 - Report Received - Outcome of Proposal to Creditors - Waste Micro Factory.

**RESOLVED** (By consent)

That the Finance & Infrastructure Review Panel

1. Accept and receive the Action Table Report on outstanding actions (Attachment 1) for information.
2. Acknowledge the following actions (Attachment 2) as complete and remove from the action table:
  - a. Financial Review Panel - Additional Item - Expenditure - Contractors and Full Time Staff - Inclusion in Quarterly Budget Review report.
  - b. Action Table Report - Financial Review Panel - 19 February 2026 - Report Received - Outcome of Proposal to Creditors - Waste Micro Factory.

CARRIED

## GENERAL BUSINESS

<b>FR26.7</b>	<b>Items for Discussion - Finance &amp; Infrastructure Review Panel - 11 May 2026</b>	<b>HPERM Ref: D26/188053</b>
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The Panel discussed the following items as requested to be included on the agenda for this meeting of the Finance & Infrastructure Review Panel:

### 1. Debt/Grants/Cash modelling for Sewer and Water projects over the next 5 years

In regard to the above item, Mr Peter Dun made the following recommendation:

*That the Finance & Infrastructure Review Panel recommend Council requests the CEO to:*

1. *Prepare an updated Shoalhaven Water Pricing Strategy that gives an estimated annual charge and usage charge for the next 5 year period.*
2. *Include the latest estimated capital works program for both Water & Sewer Funds into an updated 20 Year Financial Plan for both Water & Sewer Funds.*
3. *Prepare funding options to finance the major capital works as part of the updated plans.*
4. *Ensure that funding options include a mixture of revenue & loan sources in an attempt to "smooth out" any significant pricing increases and to ensure that significant capital costs are amortised over the life of the works.*
5. *Ensure that the financial models incorporate the impact that any potential grant funding may have on pricing as an option.*
6. *Set a target date of September 2026 for the financial models to be considered by Council.*

Mr Dun spoke to recommendation, noting community concern regarding rising water prices and the need for an updated water pricing strategy incorporating the latest capital works program, funding options (including borrowing), and potential grant impacts. The intent is to provide Council with clearer modelling of pricing outcomes, including options to smooth increases and better reflect intergenerational equity.

The CEO acknowledged the recommendation and advised that significant advocacy is underway with State and Federal Government, including upcoming meetings with the State Treasurer and Water Minister. Opportunities for grant funding, including Defence related infrastructure and potential Community Service Obligation (CSO) reforms to improve borrowing rates, are being actively pursued. It was noted that major water infrastructure projects are significant in scale, require further development of strategic business cases, and the priority is to ensure projects are "shovel ready" to maximise funding opportunities.

The Director Shoalhaven Water advised there were no issues with the recommendation and confirmed work is progressing on strategic business cases. It was noted that while borrowing may assist in funding delivery, it would reduce Council's overall borrowing capacity, particularly given anticipated borrowing requirements within both water and sewer funds.

The CFO supported the recommendation as reasonable and highlighted the need to consider Council's overall financial position, including competing capital demands within the General Fund. It was emphasised that intergenerational equity should be modelled alongside broader financial impacts to ensure an appropriate balance between current and future costs.

Members reiterated the importance of modelling funding options, including borrowing and grant scenarios, to support advocacy efforts and inform decision-making.

### 2. DPOP Issues - Land Sales (Plan B)

Mr Peter Dun raised concerns that the proposed land sales target is overly optimistic, noting a gap between forecast and achievable sales based on previous performance and current projections. He emphasised that unrealistic targets may misrepresent Council's financial position and expressed particular concern regarding the timing of potential sales.

The CFO clarified that the total budget figure includes both land and fleet sales, with actual land

sales estimated at approximately \$14.4 million, and noted that additional potential properties had not been included in earlier estimates. It was advised that proceeds from land sales in 2026/27 are not allocated to specific projects and will contribute to cash reserves if realised.

The CEO acknowledged the concerns and advised that Council is taking a more strategic and disciplined approach to asset sales, including identifying additional opportunities, pursuing asset recycling into local communities, and considering leasing options where appropriate. It was noted that while opportunities exist, progressing land sales is influenced by factors such as community expectations, planning requirements and the need for endorsed master planning, which can impact timeframes.

Clr Tribe supported the concerns raised, noting that the process of converting land and addressing associated community impacts, including provision for existing community and homelessness services, is complex and time-consuming, and that estimates should remain conservative. Clr Clancy similarly acknowledged the risks but advised that staff are appropriately considering these issues, including ensuring suitable alternative provisions where required.

The Director City Services advised that a more strategic and evidence-based approach to land has been developed since 2024, including identification of additional parcels for potential sale, while noting that adjusting targets may create community expectations regarding retention of land.

Mr Peter Dun reiterated that while opportunities exist, timing remains the key concern and requested that the independent members' concerns regarding land sale targets be formally noted. Members noted that there are concerns regarding the achievability and timing of land sales targets, while acknowledging the need to progress asset sales to support Council's financial position.

*Note: The remaining items were deferred to the next meeting as follows:*

1. *DPOP Issues*
  - a. *Cashflow from Operations*
  - b. *Reduced Revenue from MRF \$500k*
  - c. *Debt Collection not reflected in Cashflows*
2. *Update on AAPT*
3. *MRF April 2026 KPI (Monthly KPI's to be uploaded to portal for monitoring)*
  - a. *Update on MRF productivity and Third Party Contracts*
4. *SEC Review*
5. *Steps being taken by SCC to implement AI into operations, examples of other council's implementations*
6. *Status of new Community Members EOI for membership of FRP*
7. *Comparison of Operating Expenses with selected Group 5 Councils 2024/25*

**FR26.8 Additional Item - Debt/Grants/Cash modelling for Sewer and Water projects over the next 5 years**

The following recommendation was made during discussion of this item under FR26.7

**RECOMMENDATION** (By consent)

That the Finance & Infrastructure Review Panel recommend Council requests the CEO to:

1. Prepare an updated Shoalhaven Water Pricing Strategy that gives an estimated annual charge and usage charge for the next 5 year period.
2. Include the latest estimated capital works program for both Water & Sewer Funds into an updated 20 Year Financial Plan for both Water & Sewer Funds.
3. Prepare funding options to finance the major capital works as part of the updated plans.
4. Ensure that funding options include a mixture of revenue & loan sources in an attempt to “smooth out” any significant pricing increases and to ensure that significant capital costs are amortised over the life of the works.
5. Ensure that the financial models incorporate the impact that any potential grant funding may have on pricing as an option.
6. Set a target date of September 2026 for the financial models to be considered by Council.

CARRIED

**FR26.9 Additional Item - Paid Parking - Mollymook, Huskisson, Hyams Beach & Berry**

An additional item was presented for consideration regarding the introduction of paid parking in high-demand tourist locations. Mr Mark Crowther spoke to the proposal, noting strong comparative outcomes from the Blue Mountains, where a similar model has generated significant revenue. It was suggested that Shoalhaven could realise substantial income, particularly from locations such as Hyams Beach, to support infrastructure investment.

Mr Crowther recommended utilising existing technology, such as the NSW “Park’nPay” app, rather than installing physical parking meters, and suggested engagement with Blue Mountains Council to leverage their experience. The CEO noted that options, including app-based systems and other technologies, would require further investigation.

Clr Steele queried the potential impact of paid parking on local businesses and any associated flow-on effects. Mr Crowther advised that evidence from comparable locations indicated minimal impact on visitation despite increased parking charges.

Clr Kemp sought clarification on the scope of the proposal, including specific locations such as Mollymook Beach car parks and the extent of on-street parking at Hyams Beach, noting that parking at Hyams Beach largely comprises on-street parking across multiple streets with limited off-street capacity. Clr Kemp also queried how a paid parking system would operate in practice, including hours of operation and enforcement. The Chairperson noted that these matters would require further investigation by Council.

Clr Boyd expressed support for the concept of paid parking but emphasised the importance of ensuring a simple, user-friendly system and positive customer experience. The Director City Services noted that a range of technologies are available and would need to be considered.

Clr Casmiri raised the need to consider potential taxation implications, including GST and fringe benefits tax. Mr Crowther advised that these matters had previously been considered and are understood to fall within applicable thresholds

**RECOMMENDATION** (Mark Crowther / Peter Dun)

That the Finance & Infrastructure Review Panel recommend Council requests the CEO to:

1. Immediately update the 24 March 2020 Report (SA20.37) which recommended paid parking to

the then Strategy and Assets Committee.

2. Include Mollymook Beach Car Park, Huskisson Car Parks, Hyams Beach on street parking and Boongaree Park Car Park Berry in the report.
3. Submit the revised report to Council in July 2026 to consider introducing paid parking commencing in December 2026 for non-residents of the Shoalhaven.
4. Benchmark the report against Blue Mountains Council, which in 2024/25 collected more than \$3M from tourists.

AGAINST: Cllr Tribe

CARRIED

There being no further business, the meeting concluded, the time being 4:15pm.

Mayor Patricia White  
CHAIRPERSON

## **CL26.100 Proposed Accredited Community Forums Model of Engagement**

**HPERM Ref:** D26/200448

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

**Attachments:** 1. ACF Policy and Operating Model (under separate cover) [⇒](#)  
2. ACF Model Engagement Summary (under separate cover) [⇒](#)

### **Purpose:**

The purpose of this report is to seek Council's endorsement of a new place-based community engagement model, to be known as Accredited Community Forums (ACF), to replace the existing Community Consultative Bodies (CCB) framework.

### **Recommendation**

That Council:

1. Adopt the Accredited Community Forums (ACF) Policy and Operating Model to replace the existing Community Consultative Bodies (CCBs) from 1 July 2026.
2. Endorse the transition pathway for existing CCBs, including automatic ACF accreditation for the initial year, only.
3. Provide the remaining CCBs that have not yet achieved incorporation status with a grace period until 1 October 2026 to become incorporated.
4. Abolish the existing Community Consultative Body Guidelines (POL23/44) on 30 June 2026.

### **Community Strategic Plan:**

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

### **Delivery Program / Operational Plan:**

- 4.3.2 Provide opportunities for the community to have genuine engagement on Council planning and decision making

### **Background**

On 16 December 2025 (Min CL25.418), Council resolved to transition from the Community Consultative Bodies (CCB) model of engagement from 1 July 2026 and to conduct community consultation to determine the most appropriate long-term alternative engagement model.

The resolution also included providing administrative and financial support to assist any CCB to become an incorporated community group before 1 July 2026. Since Council's decision, one CCB has sought support to become incorporated, bringing the current total to 17 of the 22 groups. In March, Sussex Inlet CCB notified Council that it had been dissolved.

Council acknowledges the valuable role of community-led, place-based engagement and providing a forum for local issues, advocacy and information-sharing between communities and Council.

### **Development of the Accredited Community Forums Model**

The development of the Accredited Community Forums (ACF) model took place between January and March, in collaboration with existing CCB representatives and led by a working group established on behalf of the CCBs.

A discussion paper outlining four model options (**Attachment 1**) was subsequently drafted and workshopped with Councillors on 27 February 2026, before being distributed to all CCB members. The paper then informed three ward-based workshops held on 10, 11 and 12 March 2026, involving 53 CCB representatives, which explored governance, accreditation, funding and participation arrangements and provided a structured opportunity for feedback.

Feedback from these sessions underpinned the development of the preferred model, resulting in the proposed ACF model that was released for public consultation.

### **Key Elements of the ACF Model**

The ACF model establishes a clear and consistent framework that supports place-based engagement between local communities and Council, defines accreditation and withdrawal processes, and provides sound governance and legal certainty. The Council, under this model, has no responsibility whatsoever for any matters relating to the operation of an ACF, including governance arrangements, legal and liability matters, and any complaints levelled against a forum. All forums are not for profit and operate independently of Council.

Some of the primary functional differences between the ACF model and the CCB model include a defined accreditation process that involves an annual compliance checklist to be completed between 1 May and 30 May each year. Should an ACF fail to meet the requirements at any time, accreditation will be withdrawn at the discretion of the CEO, in consultation with the governance team at Council.

The checklist is as follows:

- Must be incorporated or auspiced by an incorporated body under the AIA NSW 2009.
- Has a Code of Conduct in place.
- Invites all Councillors to attend and speak at meetings.
- Conducts a minimum of four public meetings per year.
- Must not have three complaints against the ACF by either Councillors and/or staff within a 12-month period.
- Operates on a non-party political basis and must not hold election forums or endorse political candidates for any tier of government election.

### **Community Consultation**

Public consultation on the proposed ACF model was conducted from 19 March to 19 April 2026 via an online survey, detailed in a summary report (**Attachment 2**).

A total of 406 completed surveys were received, 59% currently participate in a CCB, while a further 14% are involved in other community groups. A total of 27% report no current participation in a community group.

Overall sentiment towards the ACF model is positive:

- 60% support (39% support and 21% strongly support)
- 23% neutral or unsure
- 17% oppose (9% oppose, and 8% strongly oppose)

The most common reasons selected in the survey for participants supporting the new model are providing clearer standards for community forums (29.3%), better alignment with community needs (26.5%), and stronger governance and accountability (18.1%).

Concerns for those less supportive or uncertain included whether the model adequately reflects community needs (9.6%), resistance to replacing the existing CCB structure (9.8%), and a lack of understanding of the model (6.8%).

### Key Themes, Number of Times Raised and Response

Key Theme	No.	Response
<b>Single Forum per Geographic Area</b>	12	The proposed ACF model (Section 6) included a provision for areas with populations greater than 1,000 to have more than one ACF. Community concerns raised about fragmentation, competition for funding, and the need for cohesive and effective place-based representation have been considered, and the model has been amended to maintain the current arrangement of one accredited representative group per geographic area, based on locality, village, or town.
<b>Attendance of elected officials</b>	7	Some concerns have been raised about the requirement to invite all Councillors to ACF meetings if they wish to attend (Section 5). The provision of access for Councillors to meetings ensures a direct two-way exchange of information. It enables elected representatives to be informed by local perspectives when making decisions on behalf of the community.
<b>Certainty of Funding and Support</b>	6	A theme of concern about the use of ‘may’ in relation to Council funding and support (Section 10) has been raised. Respondents argued that accredited forums should receive guaranteed support once they are granted accreditation.  The word ‘may’ has been replaced by ‘will’ in the ACF model to confirm Council’s provision of grant funding.
<b>Complaints Management</b>	6	Feedback was received regarding Council’s review process (Section 12) and complaints handling (Section 13) of the ACF model.  As incorporated bodies, ACFs would be responsible for their own governance and decision-making, including the management of complaints in accordance with their constitutions and relevant legislative requirements, thereby maintaining their independence.  Updates have been made to the ACF model to clearly articulate the review process by Council in Section 12 and includes reference to the Associations Incorporation Act 2009 for Complaints Management (Section 13).
<b>Membership Term Limits</b>	1	Feedback was received regarding Council mandating term limits for elected CCB representatives.  Section 13 of the ACF model establishes that, as independent incorporated bodies, ACFs are responsible for managing their own membership and governance arrangements in accordance with their

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	<p>constitutions and relevant legislation. This includes determining appropriate tenure and succession practices for office bearers.</p> <p>Prescribing term limits through the ACF model would not be consistent with the autonomy of incorporated entities or their legal governance framework. Accordingly, no change to the current approach is proposed.</p>
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**Transition Arrangements**

It is proposed to provide all current CCBs with automatic Accredited Community Forum status for the initial year of the new model to maintain continuity and the established community representation.

Of the 22 existing Community Consultative Bodies, 17 are now incorporated. Staff have received correspondence from four of these groups, who are progressing their applications to become incorporated by 1 October 2026, and it is proposed to offer them a grace period until then as well as related accreditation.

**Financial Support**

The updated ACF model includes provisions for limited financial support of up to \$650 for administrative and insurance costs. This would be provided to the ACFs from 1 July 2026 and will need to be applied for as a grant each year. The grants will open 1 July and close on 30 July each year.

Council will also provide ACFs with no-charge access to Council-owned halls, meeting rooms, or community facilities, as per the model guidelines.

**Risk Implications**

Risks associated with transition, community fragmentation and disengagement have been mitigated through consultation-informed amendments and the introduction of a structured transition pathway.

**Internal Consultations**

Council’s staff have been advised of the community consultation program.

**Policy and Statutory Implications**

The adoption of the Accredited Community Forums (ACF) – Policy and Operating Model supports Council’s strategic objectives of the Community Engagement Strategy and Framework relating to community participation, transparency, governance and place-based engagement.

The Policy will be a public policy of the Council and reviewed as required.

**Financial Implications**

Funding for Accredited Community Forums will be provided within existing community engagement budget allocations.

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## **CL26.101 DPOP 2025/26 Quarterly Performance Budget Report (January - March)**

**HPERM Ref:** D26/182710

**Department:** Customer & Community Services  
**Approver:** Andrew Constance - CEO

**Attachments:**

1. DPOP 25-26 Q3 Performance Report (under separate cover) [⇒](#)
2. Quarterly Budget Review Report - March 2026 (under separate cover) [⇒](#)
3. Uncompleted Notices of Motion Report (under separate cover) [⇒](#)
4. Completed Notices of Motion Report (under separate cover) [⇒](#)

### **Purpose:**

The purpose of this report is to include the Quarter 3 (January to March 2026) performance report on the 2025-26 Delivery Program and Operational Plan and present the proposed budget adjustments in the March 2026 Quarterly Budget Review for adoption.

### **Recommendation**

That Council:

1. Receive the March Quarterly Performance Report on the 2025-2029 Delivery Program and 2025-26 Operational Plan and publish on Council's website.
2. Receive the March 2026 Quarterly Budget Review Report.
3. Adopt the budget adjustments as outlined in the March 2026 Quarterly Budget Report Document.
4. Pay \$750,127.37 in additional loan repayments from unspent loan borrowings prior to 30 June 2026 for the Ulladulla Skate Park project, which has been suspended (loan 1240)
5. Receive the Uncompleted and Completed Notices of Motion/Mayoral Minutes Reports.

### **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**

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

Clause 203 of the Local Government (General) Regulation 2021 requires the Responsible Accounting Officer (Chief Financial Officer) to prepare and submit to the Council a Quarterly Budget Review Statement that shows, by reference, the estimates of income and

expenditure set out in the Operational Plan and a revised estimate of the income and expenditure for the full financial year.

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

The March 2026 Quarterly Budget Review Statement (QBRS) includes an analysis of the year-to-date results and the reasons for the adjustments from the previously adopted budget by fund. Any proposed changes to the budget are included in the attached December Quarterly Budget Review Statement.

Summary of Delivery Program Operational Plan 2025-26 Q3 Performance

**Table 1** below provides a breakdown of performance as at 31 March 2026 across each of the key themes outlined in the Community Strategic Plan - Shoalhaven 2035.

**Table 1: Action performance as at 31 March 2026 by Community Strategic Plan 2035 Theme area**

CSP Pillar	Progress Snapshot
Vibrant, active and safe communities	96% actions on track or completed
Sustainable environments and liveable communities	85% actions on track or completed
Resilient local economies and enabling infrastructure	88% actions on track or completed
Transparent leadership with good governance	95% actions on track or completed

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Of the 122 DPOP actions, two actions were completed in the first and second quarters. By the end of the third quarter, a total of four actions had been marked as 'Completed'.

- 4.1.1.01 Annual review and update of Council's Workforce Plan to ensure strategies are updated and implemented.
- 4.1.1.05 Implement an effective business partnership structure in supporting corporate information systems.
- 4.1.1.11 Meet legislative and statutory requirements for financial reporting.
- 4.1.1.13 Complete review and update of the key strategic business documents and plans of Shoalhaven Water as required under the framework for local water utilities.

Key Highlights

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

The complete DPOP Quarterly Performance Report (January - March) is included as **Attachment 1**.

Significant achievements between January and March 2026 include:

- Insights from 2025 Disability Inclusion Access Plan (DIAP) engagements with the community and Council staff were analysed to identify key themes, priorities and actions, informing the draft DIAP 2026–2030. The Social Planner also engaged with local service providers and community groups to share information on Council's DIAP and Reconciliation Action Plan and hear community concerns. These learnings were shared with the Inclusion and Access Advisory Committee on 30 March 2026.

- Project planning has been completed for the Playground Renewal Program, Moss Vale Road (URA) Stage 3 Open Space at Badagarang, the Nowra Riverfront Precinct, Sanctuary Point Library, and the playground renewal and half-court basketball court at Arthur Jones Reserve, Lake Conjola. Project planning is also underway for additional projects proposed for consideration in the 2026–27 DPOP, including further playground renewals and other discrete capital works projects.
- Council's Technical Services team has supported communities to deliver community-led projects on land owned or managed by Council, in line with the Community-Led Projects policy. To date, over 30 applications have been received, with 20 supported for further investigation and/or delivery, and 7 subject to assessment. These projects support community participation by making it easier for local groups to use Council land to deliver projects that meet local needs.
- Over 900 seniors participated in free or low-cost Seniors Festival 2026 events across the Shoalhaven, promoting social connection, wellbeing and healthy ageing. Council delivered 12 events and is working with community partners to expand year-round senior activities.
- The draft Lower Shoalhaven River and St Georges Basin Floodplain Risk Management Studies and Plans were placed on public exhibition for six weeks. Five community consultation drop-in sessions were completed over two weeks, attended by 140 residents. All feedback received during this period is being considered as part of finalising the studies. The Broughton Creek Flood Study (2025) has been adopted by Council, and the information produced as part of the study now informs flood certificates, planning certificates, and strategic decision-making.
- Progress on the Bamarang to Milton water pipeline and options report for the Northern Recycled Water Plant is progressing as planned. Ulladulla Sewer Treatment Plant (STP) progressed to the design phase and is close to completion. Delivery phase to commence FY27. Outcomes from the other process reviews completed at Berry STP and Bamarang Water Treatment Plant will be used to develop budget allocations and timing, enabling the projects to transition into the delivery phase over the next 5 to 10 years.
- In the period between Q2 and Q3, the Capital Project spend achieved by the Project Delivery team increased from 36% to 64%, above the target of 60% for Q3. Major projects completed this quarter include the Material Recycling Facility, the Reid Park Playground, and the refurbishment of the Francis Ryan Clubhouse.
- Year to date, Council has submitted 51 grant applications to external funding sources, with 14 applications being reported successful and 25 applications still awaiting outcomes. The successful grants have brought in \$4,499,584 in additional funding to help deliver projects.
- Council's Voice of the Customer program continues to perform strongly, with Q3 phone customer satisfaction reaching 89.9%—well above the 85% target and industry benchmarks. This result aligns with a high first-contact resolution rate of 85%, reflecting effective, high-quality customer service delivery.

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### Requires Attention

**Table 2** below outlines the seven Action items that have been reported as 'requires attention' as at 31 March 2026. Full performance comments are in the attached report, and remedial actions have been reported to senior management.

**Table 2: DPOP Actions rated as ‘requires attention’ as at 31 March 2026**

Ref.	Action	Quarter 2 Comment (summary) Full comments in the attached report
2.1.3.02	Review and update Council's Waste Reduction Management Strategy	The Waste Management Strategy is currently under review. Progress is dependent on the outcome of an application to amend the Development Approval for the West Nowra landfill, submitted in August 2025, which will influence waste disposal options and the overall strategy timeline.
2.2.1.01	Finalise the local planning documents to guide the development of the Moss Vale Road North Urban Release Area (URA)	The new DCP Chapter for the URA (Amendment No.56) commenced on 1 April 2026. During the quarter, Council staff continued working with the Major Landowners Group to progress an agreed infrastructure planning approach to support development in the URA.
2.2.1.06	Resolve Subdivision and Subdivision Works Certificates to meet applicant and community expectations	Council exceeded its target, with 82% of subdivision certificates determined within the statutory 14-day timeframe. Timeframes for Subdivision Work Certificates remain close to target and are expected to improve following the filling of recent development engineering vacancies.
2.2.2.02	Plan for Sewer and Water infrastructure to support West Culburra and Mundamia Urban Release Areas	Culburra Sewer Treatment Plant upgrades are currently in the delivery phase and are expected to be completed early FY 27. The West Nowra Urban Release Area project is to be reported to Council in the last quarter of 2026; however, risks have increased due to material supply availability and cost increases. These risks may have a significant impact on the project cost and timing. Risk mitigation measures have been implemented; however, risks are still significant.
2.2.3.02	Undertake required actions to revise the suite of Asset Management Plan documents	Preliminary data analysis and the establishment of infrastructure service categories have progressed across most asset classes. Further document development was delayed due to competing priorities associated with revaluation and capitalisation of works in progress.
3.1.2.04	Progress work with the NSW Government and others to unlock the economic growth and employment-generating opportunities of zoned but undeveloped land in the South Nowra Employment Precinct	Work progressed on a potential interim Development Control Plan for the precinct. Council also made representations to the NSW Planning Minister regarding the South Nowra Precinct Profile and future development potential and lodged a submission to the Draft Statewide Policy on Industrial Lands.

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Ref.	Action	Quarter 2 Comment (summary) Full comments in the attached report
4.2.1.07	Deliver Council's Service Review Program	Council resolved not to proceed with outsourcing Bereavement Services following the EOI process, with services to remain in-house, and issued Requests for Quotation to engage a consultant to conduct the Holiday Haven service review in Q4.

On Hold

**Table 3** below outlines the four Action items that have been reported as ‘on hold/deferred’ as at 31 March 2026. Full performance comments are in the attached report, and remedial actions have been reported to senior management.

**Table 3: DPOP Actions rated as ‘on hold/deferred’ as at 31 March 2026**

Ref.	Action	Quarter 2 Comment (summary) Full comments in the attached report
1.2.2.01	Progress project planning for a new Library at Sanctuary Point in line with adopted position of Council	Council adopted a resolution regarding the subject site and scope of works at the Ordinary Council Meeting held on 28/10/2025 (ref. MIN25.554). Project on hold pending outcome of Variation Request submitted to Dept. of Infrastructure 22/12/2025 (response remained outstanding as at 31 March 2026).
2.2.3.05	Review and update the Bereavement Services Business Plan to reflect updated licencing requirements and legislation	The completion date has been revised to 30 June 2027 following the EOI process and the decision to retain Bereavement Services within Council, allowing time to review and update the Business Plan to reflect current operations and licensing requirements.
3.1.3.03	Maintain Council's Key Projects Advocacy Document as a living prospectus to drive government investment	The CEO's office at Council will manage any advocacy projects and government relations going forward.
4.1.1.19	Develop a fair and equitable rating system that also improves Council's financial sustainability	This action did not commence in 2026FY as intended because of inopportune timing associated with Council's receipt of new values in Q2 dated 01 July 2025 for use for rating from 01 July 2026. A redistribution of Rates occurs in the year following a revaluation, and this revaluation effect makes rating comparisons between the former new year (2025/26) and the new (2026/27) year less meaningful. This action will be deferred to 2027FY, ensuring a review of rating equities is best timed when meaningful rating comparisons (increases/decreases in rates) can be properly derived and analysed. Despite deferral to next year, a small change to Council's long-standing rates structure was proposed in Q4 via draft 2027FY DPOP (in relation to rates equity), whereby it is proposed to maintain the total yield for the Business Nowra [CBD] sub-category by not applying the 3.1% rate-peg to these ratepayers, and

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Ref.	Action	Quarter 2 Comment (summary) Full comments in the attached report
		to apply the rate-peg increase component for the sub-category ~\$58,000 to the Business Commercial/Industrial sub-category, in addition to the rate-peg already applied to the latter category. This is a first step in a phased approach to reducing rates paid by Nowra CBD ratepayers, who have historically paid much higher rates than commercial business ratepayers.

The remaining 107 actions are rated as 'On Track'.

### March 2026 Quarterly Budget Results Overview

The budgeted consolidated operating result has improved further, increasing from a \$4.8M surplus at Quarter 2 to a \$8.1M surplus this quarter. This improvement is mainly due to salary savings, reduced materials and services, and other expenditure costs across all funds.

At 31 March 2026, Council's grants spent-in-advance balance had increased to \$2.9M, up \$1.0M from 31 December 2025. The increase is due to various projects under \$100K spent in advance and natural disaster works completed under the Private Works Authority (PWA), which are not subject to tripartite.

Council's unrestricted cash position has continued to strengthen, reaching \$15.3M at 31 March 2026, an increase of \$7.4M from the previous quarter. This improvement is primarily driven by vacancy savings and reduced spending on materials and services. However, the rate of increase in unrestricted cash is expected to moderate in the final quarter, mainly due to the timing of project deliveries and the receipt of contractor invoices. The unrestricted cash balance is projected to be \$15.9M at 30 June 2026.

It is noted that debtor write-offs and capital works in progress write-offs are expected to occur in Quarter 4 and have not been included in this quarter's budget projection. The quantum of these write-offs is yet to be determined and is anticipated to have a negative impact on Council's net operating result.

Council repaid \$3.45M in March 2026 of CBA loans taken out on 26 June 2024, in accordance with the resolution of Council at the meeting held on 24 February 2026 (**MIN26.42**). An additional remaining \$5.4M was repaid to T-Corp on 28 April 2026, resulting in a realised break gain of \$73K.

This quarter, it is proposed that Council repay an additional \$750,127.37 to T-Corp for Loan 1240, in addition to the scheduled repayment in June. This proposed early repayment relates to the Ulladulla Skate Park component of Loan 1240 (taken out on 28 June 2023), as this project has been placed on hold (**MIN24.187**). Given current economic conditions, the early repayment is expected to result in a break gain.

### Preliminary General Fund Year-End Results and Quarterly Review Movements

#### General Fund

Council's General Fund revised budget for FY2025-26 at the December QBR was projecting a deficit before capital of \$14M, or an Operating Performance Ratio of -4.6%. This quarterly review has identified a further improvement in the projected General Fund deficit, mainly due to salary savings, reduced materials and services, and other expenditure costs. The revised projected General Fund deficit is now \$9.8M, with an Operating Performance Ratio of -3.4%.

No adjustments to fuel costs are recommended for this FY in Council's general fund. At this stage, our estimates indicate that the existing fuel budget is adequate to meet increased fuel costs.

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The following table presents a high-level summary of the budget and movements for the General Fund for Quarter 3 2025-26:

**Table 4: General Fund budget movements for Quarter 3 2025-26**

(\$'000) Favourable / (Unfavourable)	Current Adopted Budget (QR2)	March QR Adjustments	March QR Revised Budget	YTD Actual
Net Operating Result including Capital Grants & Contributions	22,963	-4,085	18,879	64,438
Net Operating Result excluding Capital Grants & Contributions	-14,099	4,330	-9,769	40,916

Income is tracking in line with the full-year forecast, with operating income (excluding capital grants) at 84.0% of the total budget and capital income at 82.1% of the total budget as at this quarter. While user charges and fees and other income have decreased, primarily due to lower-than-expected waste tipping fees, development application income, and rangers' fine revenue, this has been partially offset by higher-than-expected dividend payments from Water and Sewer. The improved dividend outcome is attributable to a higher operating surplus in the Water Fund and higher growth of connections in the Sewer Fund in FY2024/25.

YTD expenditure is \$190.5M compared with a full year proposed revised budget of \$273.7M, representing 69.6% of the full year budget, which is considered an appropriate YTD spend.

YTD actual employee costs are currently 71.15% of the proposed revised budget. Termination payments resulting from the recent organisational restructure have been fully absorbed through vacancy savings and the remaining budget from disestablished positions. Council is on track to meet the full-year employee cost budget.

Materials and services expenditure represents 64.56% of the full-year budget and is on track to finish the financial year within budget. Due to the timing of project delivery and receipt of contractor invoices, expenditure is expected to be higher than the current YTD average in the final quarter of FY2026/27.

Performance Measures

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

**Table 5: Revised forecast of OLG Performance Measures**

Ratio	March Revised Forecast	Benchmark	Pass/Not Met	State Average 23/24
Operating Performance Ratio	-3.4%	>0%	Not Met	1.1%
Own Source Revenue Ratio	84.7%	>60%	Pass	58.6%
Debt Service Cover Ratio	1.9	>2.00	Not met	26.89
Infrastructure Renewal Ratio	60%	100%	Not Met	130%

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Note: Debt Service Cover Ratio has improved; however, it was still not met this quarter. This is expected due to the proposed early loan repayments. If the early loan repayments had not been made, the ratio would have been budgeted to be met. Staff will work with NSW Treasury Corp to detail the specifics surrounding this anomalous failed ratio.

Cash and Investments

Council held \$269.6M in cash and investments at 31 March 2026. This is split between externally restricted, internally restricted, and unrestricted amounts. Council’s cash and investments are reported in **Attachment 2** – Quarterly Budget Review Report - March 2026.

**Preliminary Water Fund Year-End Results and Quarterly Review Movements**

Council’s Water Fund’s revised budget for FY2025/26 at the December 2025 QBR was projecting a surplus before capital of \$5.5M and an Operating Performance Ratio of positive 11.1%. This quarterly review has identified a net unfavourable result in the Water Fund’s position to a projected surplus before capital of \$4.6M, and an Operating Performance Ratio of positive 9.7%.

This unfavourable result is due to a faulty water meter over-recording the water usage of a major customer (Manildra Group). This meter over-recorded water usage from June 2023 to March 2026, resulting in an unfavourable balance of \$1.9M. Water Fund has offset this unfavourable result with savings in operating costs realised through savings in employee costs and materials. The net unfavourable result is \$905K.

The following table presents a high-level summary of the budget and movements for the Water Fund for Quarter 3 2025/26:

**Table 6: Water Fund budget movements for 2025/26**

(\$'000) Favourable / (Unfavourable)	Current Adopted Budget	March QR Adjustments	March QR Revised Budget	YTD Actuals
Net Operating Result including Capital Grants & Contributions	14,478	-1,905	12,573	10,932
Net Operating Result excluding Capital Grants & Contributions	5,478	-905	4,573	4,975

**Preliminary Sewer Fund Year-End Results and Quarterly Review Movements**

Council’s Sewer Fund revised budget for FY2025/26, projected at the December 2025 QBR, a surplus before capital of \$15M, with an Operating Performance Ratio of positive 20.6%. This quarterly review has identified a favourable result in Sewer Fund’s position of a projected surplus before capital of \$16.3M, and an Operating Performance Ratio of positive 22.3%.

The increase in the projected surplus is due to the realised savings in materials in Water Operations and the organisational restructure, which has reduced Sewer’s apportionment of admin overhead costs, with some costs being reallocated to Waste. This results in a net favourable result of \$1.3M.

The following table presents a high-level summary of the budget and movements for the Sewer Fund for Quarter 3 2025/26:

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**Table 7: Sewer Fund budget movements for 2025/26**

(\$'000) Favourable / (Unfavourable)	Current Adopted Budget	March QR Adjustments	March QR Revised Budget	YTD Actuals
Net Operating Result including Capital Grants & Contributions	17,032	1,328	18,360	14,529
Net Operating Result excluding Capital Grants & Contributions	15,007	1,328	16,335	12,674

### Capital Projects Progress Overview

- The current adopted FY2025/26 capital works program consists of 365 projects with a total capital works program of \$121.9M. Projects by Fund are split as follows:
  - 328 General Fund projects totalling \$57.76M
  - 22 Water and Sewer Fund projects totalling \$52.5M
  - 15 Waste Reserve projects totalling \$11.64M
- The proposed program for adoption at Quarter 3 consists of 354 projects with a total capital works program of \$113.9M (\$7.9M decrease). Projects by fund are split as follows:
  - 321 General Fund projects totalling \$52.3M (\$5.2M decrease)
  - 22 Water and Sewer Fund projects totalling \$52.5M
  - 11 Waste Reserve projects totalling \$9.2M (\$2.7M decrease)
- Of the overall \$7.9M decrease
  - -\$8.8M relates to proposed carry forwards into FY2026/27 (refer below for further information)
  - +900K relates to other adjustments, notably a \$350K increase in property insurance claims; \$180K increase in new/additional natural disaster funding; \$153K for Moss Vale Rd Open Space Acquisitions; \$121K for Environmental works funded from Shoalhaven Starches as part of an Enforceable Undertaking issued by the NSW Environment Protection Authority.
- The YTD FY2025/26 capital works program is \$63.7M spent, which represents a completion of 55.89%. Completion by Fund is split as follows:
  - \$31.9M General Fund projects (61.0% Spent)
  - \$26M Water and Sewer Fund projects (49.53% Spent)
  - \$5.8M Waste Reserve projects (63.1%Spent)

A 61% capital expenditure for waste and general fund combined as of 31 March 2026 is in line with expectations. It is currently expected that Q4 will see an increased rate of expenditure due to some key projects, namely, the completion of physical works for the MRF, and continuation of the West Nowra Waste Cell 3H, Plant and Fleet Renewals, ENSA, Yalwal Road & George Evans Road intersection, road reseal program and 16 Berry St Nowra demolition. These projects collectively have \$6.7M of expenditure budget remaining this financial year. The road reseal program (\$5.7M) is currently at 59.2% and is expected to see continued spending into Q4 due to the timing of invoices for works delivered during Q4.

The Water and Sewer fund has completed 50% of its capital projects, as expected. There is an expected increased rate of expenditure during Quarter 4 due to the timing of delivery and contract payments.

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Expected significant expenditure in Q4 includes projects such as: Extension of Water Infrastructure to JBT; Water Mains Replacement Program; Bamarang Water Treatment Plant Electrical Refurbishment; Nowra South Residential Sewer Pump Station 179D; West Nowra URA Infrastructure; Culburra Wastewater Treatment Plant Upgrades; and Ulladulla Wastewater Treatment Plant Upgrades.

#### Proposed Carry Forwards for FY2025/26

A carry forward is a capital project that commenced in the 2025/26 financial year but will not be completed by 30 June 2026.

Council carry forwards into FY2026/27 to be considered at the March 2025 quarterly budget review (QBR3) are as follows:

- Carry forwards proposed at QBR3 total \$8.8M
- Waste carry forwards totalling \$1.83M, including the below notable projects:
  - MRF carry forward \$935K for testing and certification works (occurring during operations)
  - \$400K for Landfill Cell 3H
- General Fund carry forwards totalling \$6.98M, including:
  - \$2.9M in Roads and Transport, notably \$712k for the Shoalhaven Roads program and \$1.8M for Yalwal Rd/George Evans Rd Intersection
  - \$2.64M in Buildings, notably, \$400K for Holiday Haven cabin replacements, \$430K for 16 Berry St demolition, \$300K for IEMC Fire Hydrant Installations, \$264K for Nowra Admin Building Upgrades and replacements, and \$222K for the Nowra Library Awning Roof Replacement
  - \$784K for Coastal and Natural Areas, notably, \$247K for Terara Rd Levee Remediation, \$225K for Chapman St Beach Access remediation and \$166K for White Sands Park Foreshore Ramp
  - \$524K in stormwater, notably, \$257K for Wattamolla Rd and \$150K for Park Row, Culburra
- Of the \$6.98M general fund carry forwards, \$2.165M is loan funded, \$1.78M is grant funded, \$1.74M is unrestricted funding or SRV funded, \$980K is funded from reserves
- There are no Water or Sewer carry forwards for Q3 26FY

A more detailed list by program is provided in **Attachment 2** – Quarterly Budget Review Report – March 2026

Council will continue to refine the FY2025/26 capital works program throughout the June 2026 quarter. The Enterprise Project Management Office (ePMO) continues to actively monitor the appropriateness of budget phasing and the deliverability of projects. Any carry forwards identified in the June 2026 quarterly budget review will be considered in the recommended changes for Q1 FY2026/27.

#### **Financial Sustainability Update**

Council continues to progress the implementation of the Sustainable Financial Futures Plan (SFFP), with positive results achieved during FY26. The FY26 savings target of \$7.0 million has been exceeded, reflecting continued delivery of efficiency measures and improved financial discipline across the organisation.

### **Progress on Key Actions**

Implementation of the SFFP is progressing well, with most actions on track and several completed.

Improvements in asset and project management are strengthening data quality, renewal planning and capital delivery through better asset information and enhanced project governance.

In financial management, stronger budget processes, procurement practices and reporting are embedding greater financial discipline and supporting improved monitoring of savings and resource allocation.

Service planning continues to improve alignment between service levels, community needs and financial capacity, supporting more informed decision-making and reducing the risk of unfunded future liabilities.

### **Service Reviews Update**

Service reviews remain a key component of the financial sustainability program, providing insight into service performance, financial viability and future delivery models.

Holiday Haven Tourist Parks: The HHTP Service Review will commence in May, focusing on financial sustainability, operational performance, governance and compliance.

Shoalhaven Entertainment Centre: Consideration of this service remains linked to broader strategic land use and precinct planning work, including the Nowra Precinct Renewal Strategy, which will inform the future role and use of assets in the area.

While some planned reviews are currently on hold due to resourcing constraints, completed and ongoing reviews are contributing to improved understanding of service costs, risks and sustainability.

### **Community Infrastructure Strategic Plan (CISP)**

The Community Infrastructure Strategic Plan (CISP) is currently on exhibition and will guide future decisions on open space and community facilities.

It provides an evidence-based framework that links community demand, asset condition, and Council's financial capacity, supporting more sustainable and affordable long-term infrastructure planning.

### **Shoalhaven Development Contributions Plan 2026**

The Shoalhaven Development Contributions Plan 2026 (SDCP 2026) strengthens financial sustainability by ensuring infrastructure required to support growth is appropriately funded by development. This improves cost recovery, aligns infrastructure delivery with financial capacity, and reduces pressure on Council's General Fund.

Council continues to advance the Financial Sustainability Project through SFFP actions, service reviews, and key initiatives such as the CISP and SDCP 2026, thereby strengthening alignment among infrastructure planning, growth, and financial capacity. While some actions are constrained by resourcing and timing, overall improvements are building a more sustainable financial foundation for the future.

### **Quarterly Notices of Motion Reports**

The full reports of Uncompleted and Completed Notices of Motions are attached as Attachments 3 and 4, respectively.

### **Risk Implications**

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

### **Internal Consultations**

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

### **External Consultations**

No external parties were consulted to produce this report.

### **Community Consultations**

The community is consulted through public exhibitions as part of the development of the DPOP and the annual budget.

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

### **Policy and Statutory Implications**

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

### **Financial Implications**

The proposed changes result in a forecast unrestricted cash balance of \$15.9M as at 30 June 2026. The budgeted general fund operational and capital expenditures do not exceed general revenue and available internal and external restrictions of the Council; consequently, the adjustments conform to the requirement of no-cash-deficit budgeting.

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## CL26.102 Investment Report - April 2026

**HPERM Ref:** D26/182093

**Department:** Finance

**Approver:** Katie Buckman, Director - City Performance

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

### Purpose:

To advise Councillors and the community of Council’s investment portfolio and performance as at 30 April 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 4.78% per annum in April 2026.
- This result outperformed the AusBond Bank Bill Index benchmark of 4.24% p.a. by 54 basis points (0.54%).

### Recommendation

That Council receive the Record of Investments for the period ending 30 April 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 30 April 2026 totalled \$273.90 million and consisted of the following types of investments:

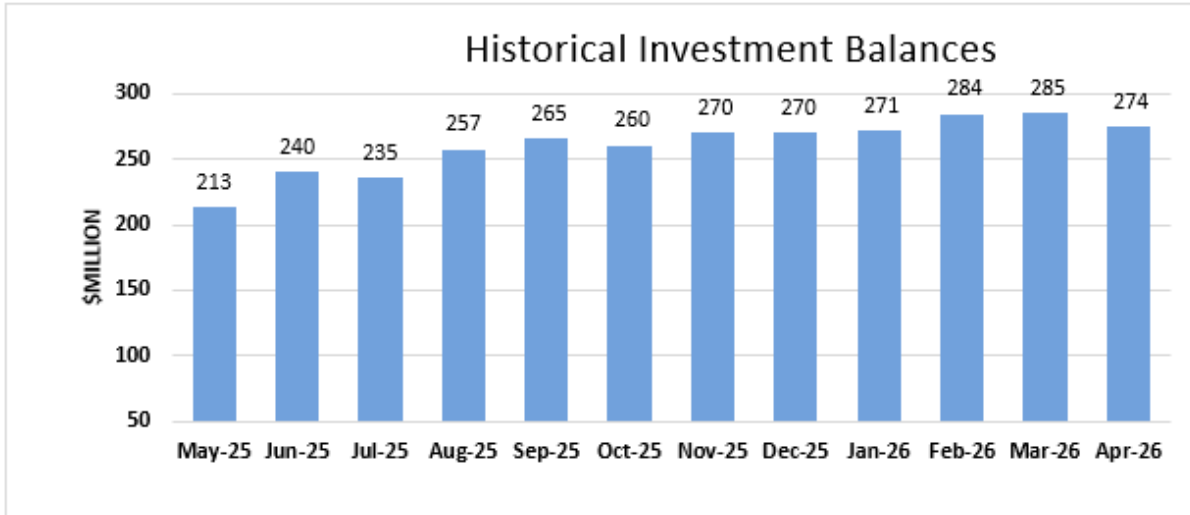
Investment type	Invested (\$)
Cash	32,690,440
Term Deposits	203,000,000
Floating rate notes	38,250,000
<b>Total</b>	<b>273,940,440</b>

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The details of Council’s investment holdings as at 30 April 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.

The \$11 million decline in the investment portfolio is attributed to scheduled loan repayments and the early repayment of a TCorp loan of \$5.3 million.



CL26.102

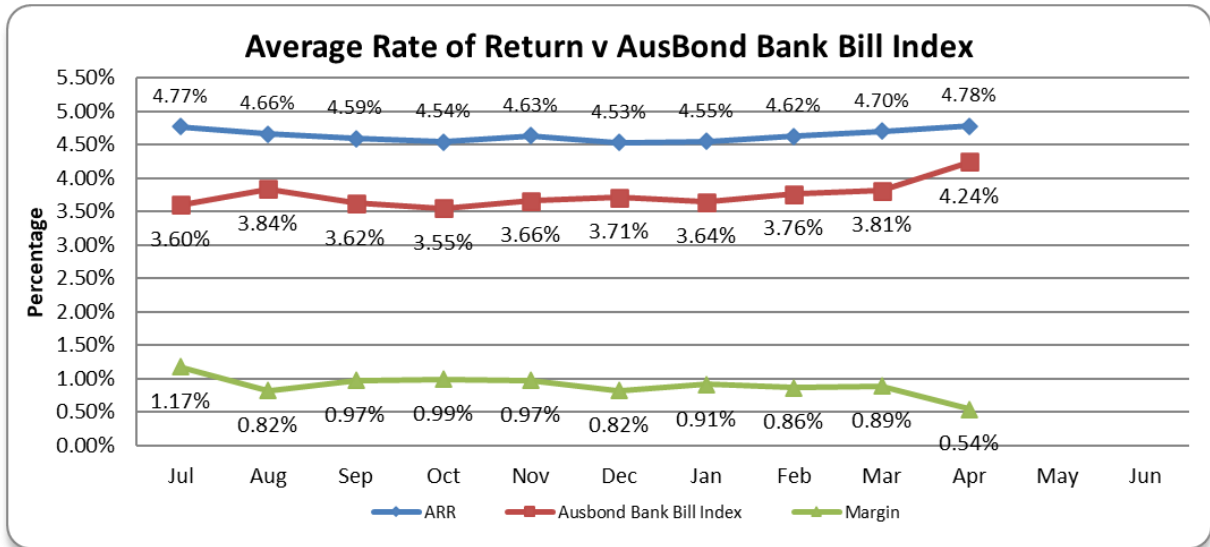
**Portfolio Return**

For April, the total investment return was 4.78% p.a., outperforming the AusBond Bank Bill Index (4.24%) by 54 basis points.

**Investments**

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

**Graph 1 - Council’s Investment Portfolio against the benchmark on a rolling 12-month basis.**



**Investment Interest Earned – April 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 April 2026.

**Table 1 - Interest Earned for the Month of April 2026**

Fund	Revised Monthly Budget \$	Actual Earned \$	Difference \$
General	605,514	686,098	80,584
Water	204,877	232,388	27,511
Sewer	166,282	188,124	21,842
<b>Total</b>	<b>976,673</b>	<b>1,106,610</b>	<b>129,937</b>

The interest earned for the month of April 2026, was \$1,106,610 compared to the revised monthly budget of \$976,673.

**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 <sup>1</sup> \$	Actual YTD \$	% Achieved
General	6,983,884	5,842,493	84%
Water	2,461,012	2,079,125	84%
Sewer	1,938,624	1,636,947	84%
<b>Total</b>	<b>11,383,520</b>	<b>9,558,565</b>	<b>84%</b>

<sup>1</sup> 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 April, Council has earned \$9,558,565 representing 84% of the full-year budget.

Within the General Fund total of \$5,842,493:

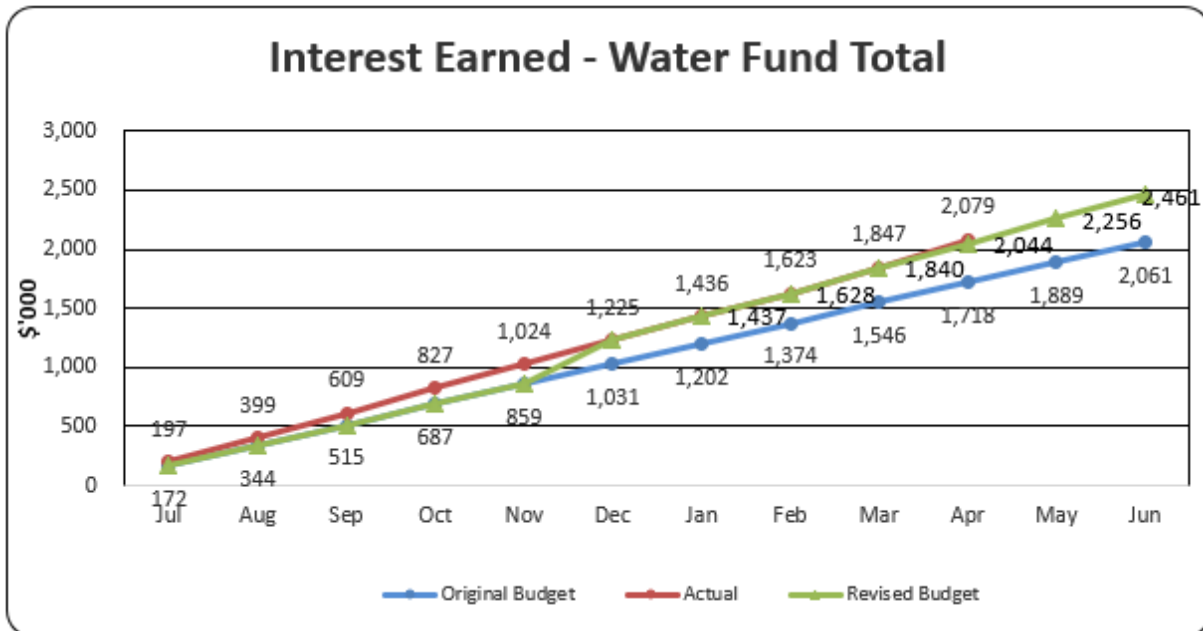
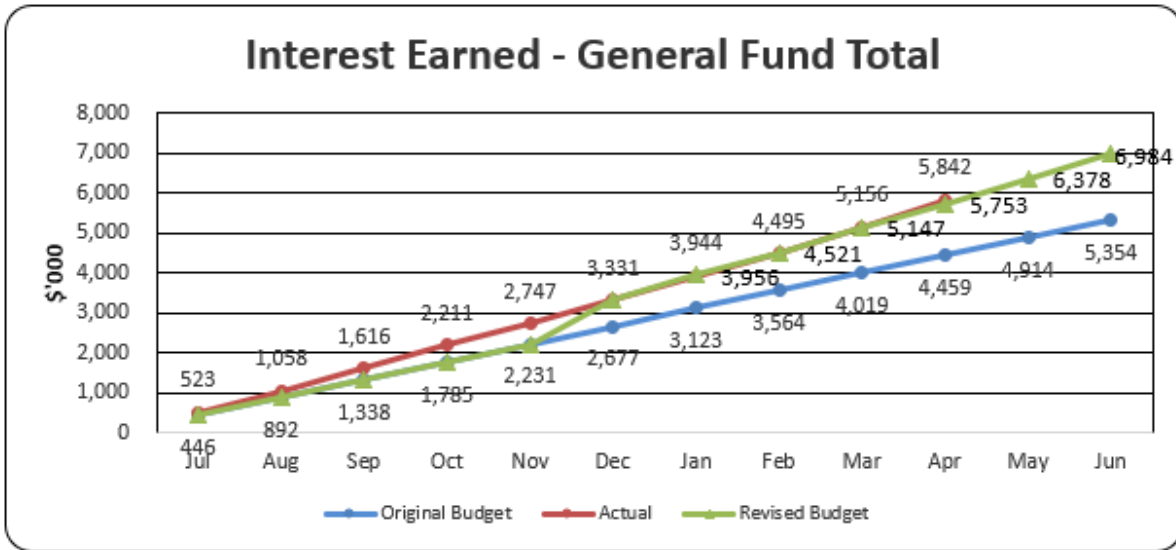
- Interest on unspent s7.11 developer contributions: \$1,270,228
- Interest on Domestic Waste Management reserves: \$761,559

After accounting for these externally restricted components, the remaining \$3,810,706 is unrestricted.

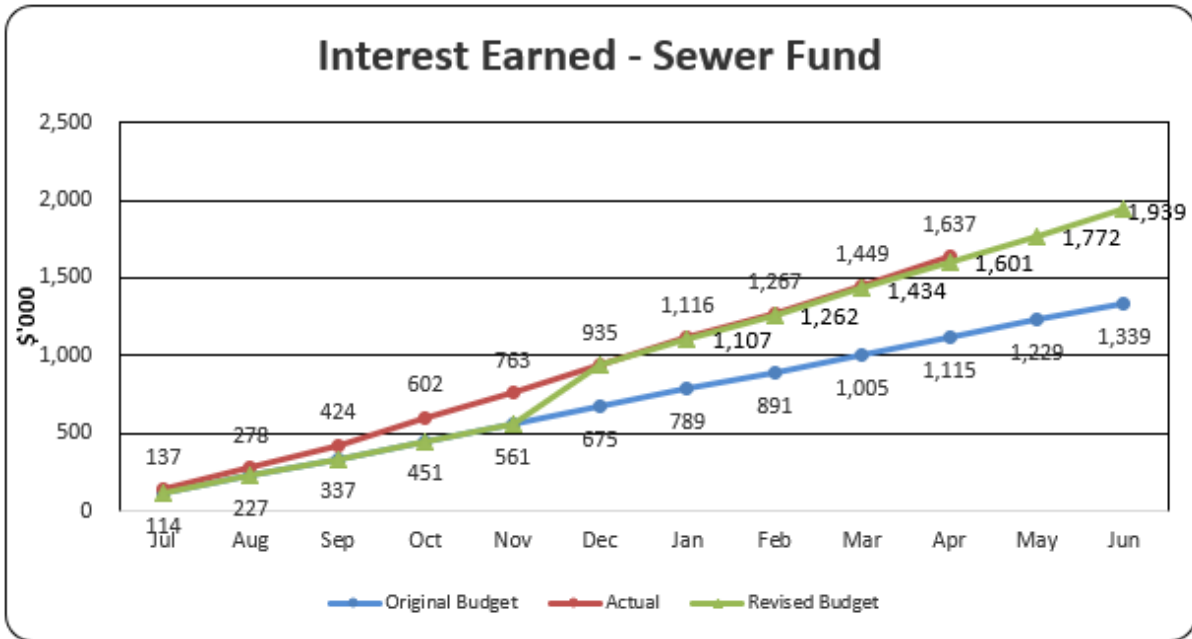
**Graph 2** (3 separate graphs) below, illustrates the cumulative interest earned for the year for each fund (General, Water and Sewer) against budget:

CL26.102

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



CL26.102



**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 above the revised monthly budget because interest rates in the fixed interest market have increased.

CL26.102

**Statement by Responsible Accounting Officer**

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulations 2021 and Council's Investments Policy POL25/9.



Mathew Badcock

Date: 8 May 2026

CL26.102

## **CL26.103 Bad Debts Write-off - Accounts Receivable**

**HPERM Ref:** D26/181379

**Department:** Finance

**Approver:** Katie Buckman, Director - City Performance

### **Purpose:**

The purpose of this report is to present 33 debts for Council's consideration for write off.

Section 213 of the Local Government (General) Regulation 2005 specifies restrictions on writing off debts owed to a council. Council resolved at its meeting on 01 August 2022, that the value of debts which can be written off under delegated authority be fixed at \$5,000.

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:**

- 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 is required to write off sundry debts that remain unrecoverable after all available debt recovery options have been exhausted.

### **Risk Implications**

Details relating to the risk implications are contained in the confidential report.

### **Internal Consultations**

Internal consultation has occurred via direct communications with the relevant business units, the Revenue/Accounts Receivable team, and the CFO.

CL26.103

### **External Consultations**

The write off of sundry debts is recommended to the Council as per legislative requirements. There is no requirement to engage externally in this regard, noting of course that Council's debt collection activities are supported by external mercantile agents.

### **Community Consultations**

The write off of sundry debts is recommended to the Council as per legislative requirements. There is no requirement to consult with the community in this regard.

### **Policy and Statutory Implications**

As per the Australian Accounting Standard AASB 9 - Financial Instruments, Council is required to make provision for doubtful debts on an annual basis.

The Local Government (General) Regulation 2021 prescribes that a council fix an amount above which debts to the council may be written off only by resolution of council. As per POL22/25 Rates and Other Monies – Delegation to Write Off policy, the amount is currently \$5,000.

### **Financial Implications**

The write off of sundry debts, as detailed in the confidential report, impact operating expenses for the 2025/26 financial year. Council's future cash flow estimate will be impacted by the same amount.

Each financial year, Council must make provision for amounts likely to remain unpaid and likely to become bad debts. To inform this process, it is best practice to review the outstanding sundry debt amounts annually and routinely write off any amounts that are determined to be doubtful, irrecoverable and/or uneconomic to pursue after all debt recovery options have been exhausted.

Many of the debts presented are noted individually in Council's existing provision for doubtful debts. The amount required to be maintained in the provision as of 30 June 2026 will be calculated after these 33 debts are written off and any new doubtful debts are added.

While writing off debt removes the Receivable from Council's books, the act of writing off itself does not extinguish the debt. Council is not prohibited from collecting written off amounts should future payments be received.

## **CL26.104 Proposed Road Closure and Dedication of Land as Public Road - Cumberland Avenue, South Nowra**

**HPERM Ref:** D26/121591

**Department:** Buildings & Property Services

**Approver:** Kevin Norwood, Director - City Services

**Purpose:**

The reason for this report is to seek Council resolution to commence the statutory road closure process for the unused portion of road reserve at Cumberland Avenue under the *Roads Act 1993* (identified as Lot 2 on Figure 1) and to dedicate a section of Council land as public road. Following the closure of the road, Council will consolidate the land with adjoining Lot 108 DP 1305372. The road closure will enable the consolidated lot to be sold.

### **Recommendation**

That Council:

1. Commence the road closure process under section 38A of the *Roads Act 1993* for the unused surplus road reserve located adjacent to Lot 108 DP 1305372 shown as Lot 2 on Figure 1 of this report.
2. Authorise the Chief Executive Officer that if no submissions are received following the statutory advertising process under section 38B of the *Roads Act 1993*, including any resolved requirements of notifiable authorities, that the road closure be approved by notice in the Government Gazette under section 38D of the *Roads Act 1993*.
3. Classify the closed section of road reserve at Cumberland Avenue shown as Lot 2 on Figure 1 of this report as Operational land with gazettal, following public notice of the proposed classification under the *Local Government Act 1993*.
4. Dedicate Lot 3 shown on Figure 1 of this report as public road under the *Roads Act 1993*, subject to existing easements and registration with NSW Land Registry Services.
5. Following completion of the road closure process, endorse the consolidation of the closed road reserve (Lot 2 on Figure 1) with adjoining Lot 108 DP 1305372 to form a single allotment.
6. Authorise the Chief Executive Officer or Delegate with authority to enter negotiations including acceptance of offer for purchase of the closed road in accordance with the amount assessed by independent certified valuer including adjustment to sale price of Lot 108 DP 1305372, subject to final survey.
7. Endorse that the costs incurred with the road closure process be funded through the proceeds from land sale of Lot 158 DP 1305372.
8. Delegate authority to the Chief Executive Officer or Delegate to sign any documentation necessary to give effect to this resolution.

### **Community Strategic Plan:**

- 3 Resilient local economies and enabling infrastructure
  - 3.2 Transport facilities and services

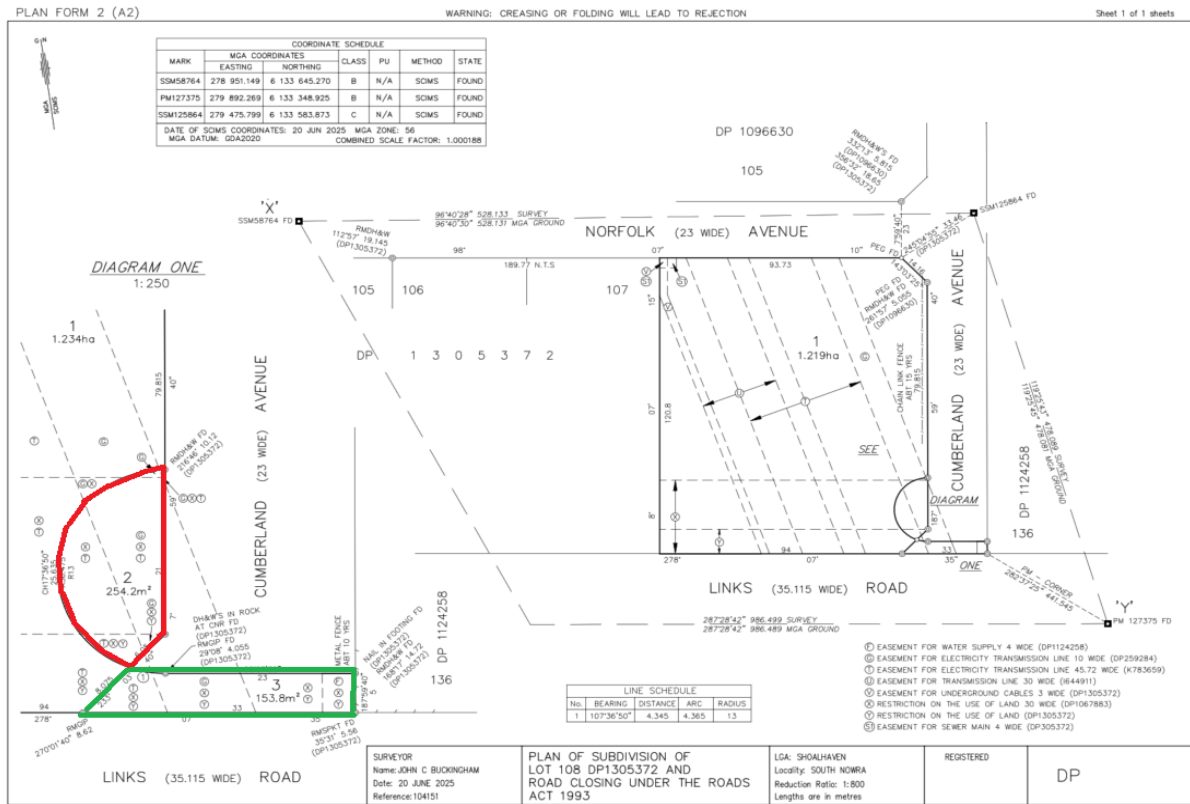
**Delivery Program / Operational Plan:**

3.2.1 Provide and maintain local roads, bridges, and parking infrastructure to allow safe and easy movement around our city

**Background**

In 2020, Council approved Development Application SF10765, which included a revised road design for the southern end of Cumberland Avenue South Nowra. Following construction of the new road infrastructure in accordance with the approved design, a small portion of Council owned land (part of Lot 108 DP 1305372) will be required to be dedicated as public road. This area is shown in Figure 1 identified a “Lot 3” (delineated in green). The dedication will be completed through a plan of subdivision registered with NSW Land Registry Services (LRS). This will create a continuous road link between Cumberland Avenue and Links Road.

**Figure 1 – Area delineated red to be closed and consolidated with Lot 108 DP 1305372. Area delineated green to be dedicated as public road.**



As a consequence of the new road connection, the existing road turning bulb (identified as “Lot 2” on Figure 2) is no longer required for road purposes. This section of constructed road is now redundant and Council approval to formally close this portion of public road under the *Roads Act 1993* is required. The closed section of road will be consolidated with the adjoining Council owned land, Lot 108 DP 1305372.

CL26.104

**Figure 2 – Aerial view of Cumberland Avenue constructed road proposed for closure (red) and land to be dedicated as public road (blue)**



CL26.104

### Proposed Road Closure

The road closure is required as the connected Cumberland Avenue/Links Road carriageway will leave a redundant section of road reserve (Lot 2) that will have no effective use or practical purpose as road and given its constraints in size is not suitable for independent sale or other use. The best outcome is to close the road (under the Roads Act) and consolidate it with adjoining Lot 108 DP1305372 as part of the committed land sale contract for Lot 108.

Under section 38A of the Roads Act, Council may propose the closure of a public road when:

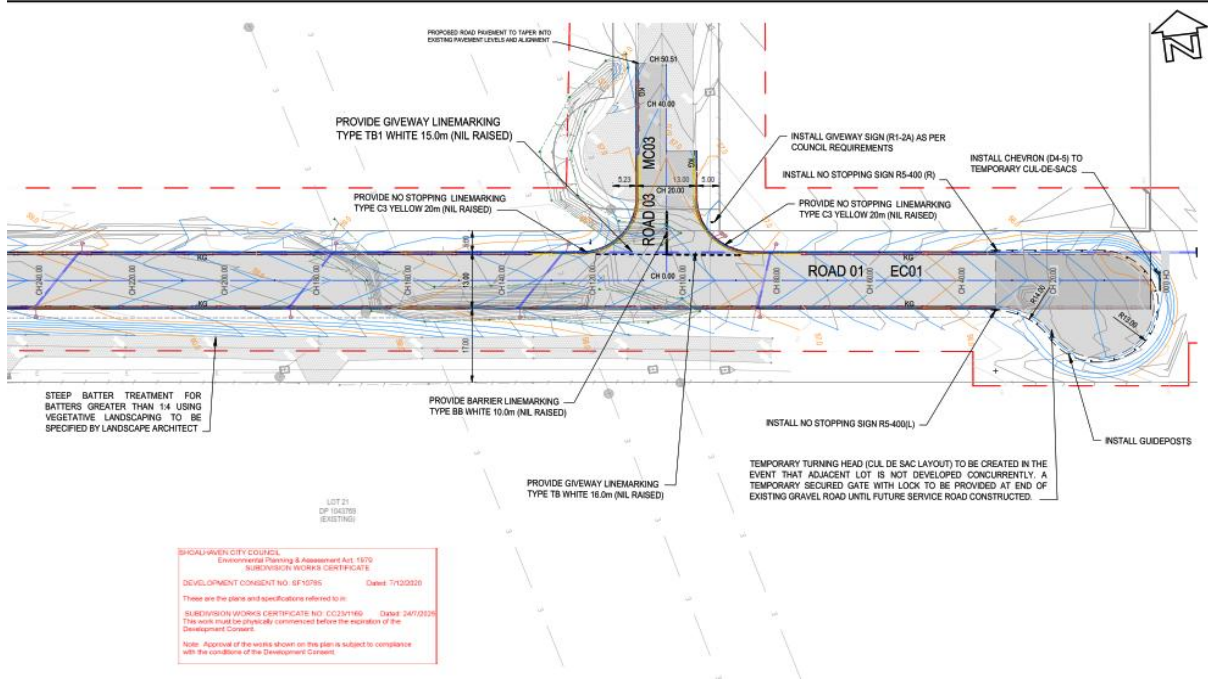
- (a) *the road is not reasonably required as a road for public use (whether for present or future needs), and*
- (b) *the road is not required to provide continuity for an existing road network, and*
- (c) *if the road provides a means of vehicular access to particular land, another public road provides lawful and reasonably practicable vehicular access to that land.*

The proposed section of road for closure satisfies the considerations of the *Roads Act 1993*.

At the same time, the land required for the extension of Cumberland Avenue to Links Road will be dedicated as public road and ensure delivery of the future road connection in accordance with the road design approved by Council under Development Application SF10765.

The newly constructed section of The Links Road immediately adjoining to the south will be terminated with a cul-de-sac providing for the appropriate turning movements for vehicles using the approved public road network (refer Figure 3).

Figure 3 – connection of Cumberland Avenue and The Links Road approved under SF10765



**Contract of Sale and Call Option Deed**

Lot 108 DP 1305372 is Council owned land that is currently subject to a Contract for Sale and a Call Option Deed. Under these arrangements, the purchaser holds conditional rights to acquire the land, however, legal ownership remains with Council until the option is formally exercised. The land subject to the Call Option Deed is shown in Figure 4.

Figure 4 - Lot 108 DP 1305372 subject to current Call Option Deed



CL26.104

Council has consulted with the purchaser and they are aware of the proposed closed section of road reserve to be consolidated with Lot 108 DP 1305372, and the identified part of Lot 108 to be dedicated as public road and connect Cumberland Avenue with Links Road. Following road closure gazette notice, registration of subdivision plan dedicating proposed Lot 3 as public road, and registered plan of consolidation (proposed Lot 2 and existing Lot 108), the Call Option Deed will be amended to reflect the increased land area, enabling the purchaser to acquire the consolidated land.

In accordance with the terms of the Option Deed, an independent valuation will be undertaken after consolidation to determine the value of the newly created land parcel.

### **Conclusion**

The existing section of the Cumberland Avenue road reserve (proposed Lot 2) is no longer required for road purposes and should be formally closed and consolidated with Lot 108 DP 1305372. This process is consistent with legislative requirements and supports the delivery of the connected road network (Cumberland Avenue and Links Road) as approved under Development Application SF10765.

### **Risk Implications**

The proposed closure and sale of surplus road reserve is standard Local Government process and presents a low procedural and governance risk to Council. However, in this case, the road closure plays a critical role in the broader land reconfiguration associated with Development Consent SF10765. While the road closure process itself remains low-risk, not proceeding would introduce strategic risks, including potential non-alignment of the road network considering approved subdivision layout SF10765, and delays to the Cumberland Avenue connection with future public road network.

### **Internal Consultations**

Property Services Manager

Strategic Property Manager

Lead – Development Engineering

Land Registration Officer

Manager Buildings & Property Services

Director City Services

### **External Consultations**

Consultation with adjoining affected landowners and notifiable authorities forms part of the statutory requirements for road closure under the *Roads Act 1993*. This consultation will be undertaken following resolution of Council and in accordance with legislative obligations.

### **Community Consultations**

Broader community consultation also forms part of the statutory road closure process under the *Roads Act 1993*. This will include the publication of a notice in a local newspaper to ensure the community is informed of the proposed road closure and will provide the public with an opportunity to make submissions.

### **Policy and Statutory Implications**

The adjoining land proposed for sale (Lot 108) including the section to be dedicated as public road (Lot 3) is Council owned Operational land. The area of road to be closed (Lot 2) and consolidated with Lot 108 is Council public road.

Council is conducting the proposed road closure under the *Roads Act 1993*. Council Policy 22/47 (Development and/or Disposal of Council Lands) is relevant for the sale of the land, following gazettal of the road closure.

The land associated with the road closure will be classified as Operational land in accordance with section 31 and 34 of the *Local Government Act 1993*.

### **Financial Implications**

The costs associated with the statutory road closure process (Lot 2) will be minimal and will be funded through the land sale proceeds of Lot 108 DP1305372. Costs include plan registration fees with LRS NSW and associated legal costs with the land transfer/dealings and is anticipated to be less than \$5,000.

The costs incurred for the dedication of road (Lot 3) is incidental with the plan registration process above.

The land proposed for closure is approximately 254m<sup>2</sup> (subject to final survey and registered plan) and will form part of the current contract for sale for Lot 108. An independent certified valuer will assess the value of the road closure land (Lot 2) in conjunction with Lot 108 under contract for sale (minus the area of the Lot 108 being dedicated as public road being approximately 154m<sup>2</sup> subject to final survey and registered plan) to determine the final contract sale price for the consolidated Lot 108.

## **CL26.105 Acquisition of Abernethy's Creek Drain - Lot 11 Sec 1 DP 3885, Bomaderry**

**HPERM Ref:** D26/160879

**Department:** Buildings & Property Services

**Approver:** Kevin Norwood, Director - City Services

### **Purpose:**

The reason for this report is to obtain the resolution of Council for the proposed acquisition of land known as Abernethy's Creek Drain being Lot 11 Sec 1 DP 3885 Bomaderry.

### **Recommendation**

That Council:

1. Acquire by agreement under the *Land Acquisition (Just Terms Compensation) Act 1991* the land described as Lot 11 Sec 1 DP 3885 Bomaderry for the purpose of a Drainage Reserve.
2. Accept the offer of Perpetual Trustee Company Limited of zero compensation payable to acquire the land, and Council pay all reasonable costs associated with the acquisition in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.
3. Delegate authority to the Chief Executive Officer or Delegate to make minor adjustments to the compensation figure (disturbance costs), if necessary, in accordance with consultation with Council's solicitor.
4. Classify Lot 11 Sec 1 DP 3885 as Operational land following public notice as required under the *Local Government Act 1993*.
5. Authorise the Common Seal of the Council of the City of Shoalhaven to be affixed to any document required to be sealed and delegate authority to the Chief Executive Officer or Delegate to sign any documentation necessary to give effect to this resolution.

### **Community Strategic Plan:**

- 1 Vibrant, active and safe communities
  - 1.5 Preparedness for disasters and emergencies
- 2 Sustainable environments and liveable communities
  - 2.2 Liveable neighbourhoods and sustainable development

### **Delivery Program / Operational Plan:**

- 1.5.2 Provide effective flood management to prevent or minimise the impacts of flooding
- 2.2.3 Maintain liveability through provision of infrastructure, services and facilities across the city

CL26.105

**Background**

Lot 11 Sec 1 DP 3885 known as Abernethy’s Creek Drain is approximately 1.13 hectares in area (refer Figure 1). The land is located between Edwards Avenue, Bolong and the Shoalhaven River and approximately 2.1km in length.

**Figure 1 – Lot 11 Sec 1 DP 3885 (in yellow)**



CL26.105

Currently Council holds established rights of care, control and maintenance over the drain asset itself, but no authority as landowner. Until such time as it acquires the land, Council is restricted in its ability to control development of the land and exercise full powers to ensure ongoing functionality as a Drainage Reserve.

Council resolved on 25 March 2024 (MIN24.161) as follows:

*That Council:*

1. *Support in principle the acquisition of Lot 11 Sec 1 DP 3885 Bolong Road, Bomaderry known as Abernethy’s Creek Drain for the purpose of securing the ongoing functionality as a Drainage Reserve now and into the future.*
2. *If budget for the proposed acquisition is approved through the 24/25 budget process:*
  - a. *Acquire by agreement Lot 11 Sec 1 DP 3885 Bolong Road, Bomaderry from Perpetual Trustee Company Limited, for the purpose of a Drainage Reserve;*
  - b. *Pay compensation of \$15,000 plus GST if applicable and reasonable costs associated with the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991;*
  - c. *Delegate authority to the Chief Executive Officer to make minor adjustments to the compensation figure, if necessary, in accordance with consultation with Council’s solicitor;*
  - d. *Classify Lot 11 Sec 1 DP 3885 as Operational land within the meaning of the Local Government Act 1993. Classification will be effected at the expiry of the 28 days public notice period, on the provision that no submissions are received, and*

*occurring prior to three months after Council acquisition. Should a valid submission be received during the public notice period then a separate report will be provided for consideration by Council.*

- e. Affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed, otherwise, the Chief Executive Officer is authorised to sign any documentation necessary to give effect to this resolution.*
3. *If budget for the proposed acquisition is approved in a future financial year's budget process receive a report including updated financial figures for consideration.*

Funding was not available with the 2024-25 budget process and as a result Item 2 of the 2024 resolution did not proceed. In accordance with Item 3 of the resolution, this report provides Council an opportunity to consider the acquisition based on current budget availability.

Perpetual Trustee Company Limited (PTCL), legally entitled to be recorded as the registered proprietor of the land, previously agreed to Council's offer of compensation based on independent valuation, per resolution Item 2b.

Recently, PTCL has approached Council with an offer to accept the acquisition of land at zero compensation, provided that Council incurs all associated costs with the acquisition.

### **Risk Implications**

PTCL approached Council with the offer of zero compensation. Due to limited utility, the land is considered surplus to their purpose. Council has been transparent in providing PTCL with the market valuation determined by independent valuer.

### **Internal Consultations**

The proposed acquisition as a Drainage Reserve is at the request and in consultation with Council's Functional Asset Planner.

### **External Consultations**

Council has procured legal advice regarding the land status and appropriate method of acquisition.

### **Community Consultations**

Acquisition for the purpose of a Drainage Reserve is an operational matter and no community consultation is required.

Acquiring ownership of the land will allow Council the authority and flexibility to manage any flood risks associated with Abernethy's Creek to the benefit of the community.

### **Policy and Statutory Implications**

This process has been carried out in accordance with Council's Policy 'Acquisition of Land by Shoalhaven City Council' (POL22/120).

The land will be classified as Operational land with acquisition following the statutory requirements of Section 31 and 34 of the *Local Government Act 1993*.

### **Financial Implications**

Council will benefit by acquiring the land at zero compensation in lieu of market value, which was determined by valuation at \$15,000 plus GST.

Council will remain liable for all associated costs to the acquisition as required under the *Land Acquisition (Just Terms Compensation) Act 1991*. Due to the complexity of the transactions required, associated costs including landowner and Council legal fees are estimated to be approximately \$23,000 to \$24,000 plus GST to complete this matter. Council's Enterprise Project Management Office (EPMO) has identified funding availability through current budget contingency.

## **CL26.106 Amendment to MIN22.131 - 100 St Vincent Street Ulladulla - Lease to Safe Waters Community Care Inc.**

**HPERM Ref:** D26/171562

**Department:** Buildings & Property Services

**Approver:** Kevin Norwood, Director - City Services

### **Purpose:**

The purpose of this report is to amend MIN22.131 associated with the report to Council 21 February 2022 for the use and occupation of No.100 St Vincent Street Ulladulla by Safe Waters Community Care Inc. under lease.

### **Recommendation**

That Council amend MIN22.131 as follows:

1. Agree to the use and occupation of Lot 1 DP 610880, 100 St Vincent Street Ulladulla by the Safe Waters Community Care Inc. (SWCC) under lease agreement.

### **Community Strategic Plan:**

- 1 Vibrant, active and safe communities
  - 1.4 Safe behaviour and relationships

### **Delivery Program / Operational Plan:**

- 1.4.1 Support communities to become safer and more resilient through positive and effective planning, partnerships and programs

### **Background**

Council resolved on 21 February 2022 to enter into a lease with Safe Waters Community Care Inc. for the use and occupation of part Lot 1 DP 610880 100 St Vincent Street Ulladulla as follows:

*“MIN22.131 –*

*That in respect to 100 St Vincent Street Ulladulla, Council:*

1. *Agree to the use and occupation of Section B, comprising of the whole building, by the Safe Waters Community Care Inc. (SWCC), for a five (5) year lease term with a five (5) year option, subject to any formal approval.*
2. *Agree to the use and occupation of Section A, comprising of a shed in the rear of the site, including an insulated office area, toilet and kitchenette, by the Milton Ulladulla Historical Society (MUHS), for a five (5) year lease term with a five (5) year option, subject to any formal approval.*
3. *Provide the following allocation in the 2022/2023 Building Services Operational Draft Budget:*
  - a. *Compliance and Improvement works \$390,000*
  - b. *Annual Maintenance and Operating Costs \$20,000.”*

CL26.106

The lease to Safe Waters Community Care Inc. commenced on 20 December 2024 for use of the property as safe housing and administration offices to support vulnerable people.

Safe Waters Community Care Inc. (the lessee) has since expressed interest in occupying a portion of the rear of the site that was previously identified for use by the Milton Ulladulla Historical Society. The proposal involves the installation of a modular building to be used exclusively for Safe Waters' administrative functions. These functions are currently accommodated within the main building (refer to Figure 1).

The provision of a separate administrative building would enable a larger area of the existing main building to be repurposed for emergency accommodation, thereby increasing capacity and improving service outcomes for vulnerable people.

**Figure 1** – 100 St Vincent Street Ulladulla



CL26.106

Milton Ulladulla Historical Society Inc. wrote to Council 29 November 2025 indicating that it was no longer pursuing potential future use of part of the property, acknowledging that Safe Waters is occupying the property under lease. Accordingly, it is appropriate for Safe Waters Community Care Inc. to be permitted to progress their plans for additional floor space/structures on the site, subject to separate approvals, under the existing lease for the site.

### **Risk Implications**

It is normal practice to allow for an interest in a property in the form of a lease. Council's interests have been considered and there is minimal risk associated with the recommendation. The lessee will procure the appropriate approvals for any new buildings on the site.

### **Internal Consultations**

No internal consultation has been undertaken as it is an existing lease.

### **External Consultations**

No external consultation has been undertaken.

### **Community Consultations**

No community consultation was required to be undertaken for this report.

**Policy and Statutory Implications**

Council Policy 25/49 (Occupation of Council Owned or Managed Land) has been considered. The property is Council owned Community land and Safe Waters has a current lease for the entire property.

**Financial Implications**

There are no financial implications associated with this matter.

CL26.106

## CL26.107 Culburra Beach - Roads & Road Reserves

**HPERM Ref:** D26/192759

**Department:** Business Assurance & Risk  
**Approver:** Kevin Norwood, Director - City Services

### Purpose:

The purpose of this report is to provide Council with an opportunity to consider a confidential report in relation to the dedication to Council of roads and road reserves within Title Volume 3433 Folio 244 within the Culburra Beach area.

Further information is provided in a separate confidential report in accordance with Section 10A(2)(g) of the *Local Government Act 1993*.

### Recommendation

That Council consider a separate confidential report in accordance with Section 10A(2)(g) of the *Local Government Act 1993* in relation to the transfer and/or dedication to Council of roads and road reserves in Culburra Beach.

### 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 1918, St Vincents City and Suburbs Ltd submitted plans to the then Clyde Shire Council showing the proposed opening of roads and subdivision of land at Culburra Beach legally referred to as Title Volume 3433 Folio 244.

On 9 September 1918, the Clyde Shire Council approved those plans at an Ordinary Meeting of Council. In 1921 much of the land was subdivided by the registration of Deposited Plans 12278, 11892 and 11893 (**Subdivision Plans**).

The Subdivision Plans depict hundreds of lots and other areas shaped like road as fronting the lots which bear notations describing them as streets and roads. The lots in the Subdivision Plans were subsequently sold and developed for residential purposes.

At the time of the registration of the Subdivision Plans the relevant legislation concerning the opening of public roads was s 327 of the Local Government Act 1919. Section 327 required that certain steps be taken prior to the dedication of a public road being recognised.

A question has arisen between Council and the current title holders of Title reference Volume 3433 Folio 244 regarding ownership of land within Title referene Volume 3433 Folio 244.

### **Risk Implications**

The risk implications to Council are contained within the confidential report.

### **Internal Consultations**

Consultation has taken place with relevant stakeholders within Council.

### **External Consultations**

Details relating to external consultations are contained in the confidential report.

### **Community Consultations**

Community engagement is not required to resolve this matter. However, it is noted that through Development Application:

- DA 25/1183 for a Torrens title subdivision to create one new lot at 22B Eastbourne Avenue, Culburra Beach NSW 2540 (Part of Volume 3433 Folio 244/ Deposited Plan 12278) was exhibited between 26 March 2025 - 9 April 2025.
- DA26/1051 for a Torrens title subdivision to create one new lot at Penguins Head Road, Culburra Beach NSW 2540 (Part of Volume 3433 Folio 244/Deposit Plan 12278) was exhibited between 2 March 2026 – 16 March 2026.

### **Policy and Statutory Implications**

Policy and statutory implications are contained in the confidential report.

### **Financial Implications**

Details relating to financial implications are contained in the confidential report.

## **CL26.108 Tenders - Linen Hire, Supply & Laundering to Holiday Haven Parks**

**HPERM Ref:** D26/168079

**Department:** Buildings & Property Services

**Approver:** Kevin Norwood, Director - City Services

### **Purpose:**

The purpose of this report is to inform Council that a competitive tender process has been conducted for the linen hire, supply, and laundering of guest linen for Holiday Haven Tourist Parks, ensuring compliance with Council’s procurement policies & principles.

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**

Council undertook a public tender process to engage a suitable service provider for the hire, supply, laundering, and delivery of guest linen across all 12 Holiday Haven Tourist Parks. The proposed contract will be established as a Schedule of Rates arrangement over an initial three-year term, with an estimated total value of \$2.2 million (including GST).

The existing contract has now expired, requiring Council to consider future arrangements to ensure the continued provision of linen services and the continuity of operations across the tourist park network. There is a limited number of service providers capable of operating at this scale and delivering services to the required standard across the Holiday Haven parks.

The intent of the procurement is to maintain service continuity following the expiry of the existing contract, meet peak seasonal demand, uphold required quality and hygiene standards, and achieve value for money. The engagement is structured to ensure operational reliability and cost certainty, with service providers assessed on their capacity, systems, experience in large-scale commercial linen operations, work health and safety compliance, and pricing.

### **Tendering**

Council called tenders for Linen Hire, Supply & Laundering to Holiday Haven Parks on Thursday 12 March 2026, which closed at 10:00 am on Thursday 9 April 2026. Two tenders were received at the time of closing. Tenders were received from the following:

CL26.108

Tenderer	Location
Alsco Pty Ltd	Port Kembla NSW
Shellbells Laundry Pty Ltd	Moss Vale NSW

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**

Internal consultation was not undertaken as part of this tender process, as it related to the procurement of an established operational service with clearly defined requirements. The service scope, specifications, and performance expectations were well understood through existing operational arrangements within the Holiday Haven Tourist Parks.

The tender was publicly advertised.

**External Consultations**

External consultation was not undertaken as part of this tender process, as it was not considered necessary. The procurement related to the continuation of an operational service required for the day to day functioning of Council managed Holiday Haven Tourist Parks. The service scope did not involve changes to service delivery, public access, policy settings, or community impacts. Accordingly, the matter was appropriately addressed through a competitive public tender process in accordance with Council’s procurement framework, without the need for broader external stakeholder consultation.

**Community Consultations**

Community consultation was not required for this tender process as it related to the procurement of an existing operational service with no change to service levels, public access, or guest experience.

**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 Linen Hire, Supply & Laundering to Holiday Haven Parks Operational Budget. Funding is available to cover the tender amount including other project costs.

CL26.108

## **CL26.109 Affordable Housing Strategy Implementation: Intended Exhibition - draft Affordable Housing Principles**

**HPERM Ref:** D26/171765

**Department:** Strategic Planning

**Approver:** Emma Struys, Director - City Development

**Attachments:** 1. Draft Affordable Housing Principles [↓](#)

### **Purpose:**

This report advises of the intention to publicly exhibit draft Affordable Housing Principles (**Attachment 1**) prior to including them in Council's Local Strategic Planning Statement (LSPS).

The draft Principles have been prepared in collaboration with Council's Affordable Housing Action Taskforce to implement Action 1.4 of the adopted Affordable Housing Strategy (AHS). The Principles will generally assist in guiding Council's ongoing contribution to increasing Affordable Housing supply in Shoalhaven.

### **Recommendation**

That Council:

1. Endorse the draft Affordable Housing Principles (**Attachment 1**) for public exhibition.
2. Adopt the Affordable Housing Principles post exhibition and embed them in Council's Local Strategic Planning Statement, if the number of submissions or matters raised in any community and stakeholder feedback received is not considered significant.
3. Delegate responsibility to the CEO to make minor adjustments to the draft Affordable Housing Principles to address community and stakeholder feedback prior to their inclusion in the Local Strategic Planning Statement.

### **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
  - 3.3 Housing for all

### **Delivery Program / Operational Plan:**

- 1.1.1 Deliver plans and strategies which help to create an inclusive community and improve equitable access to opportunities
- 3.3.1 Develop and implement plans which will enable a variety of affordable and appropriately serviced housing options within the City

## Background

The [Shoalhaven Affordable Housing Strategy](#) (AHS), adopted by Council in 2024, sets a short-term action (action 1.4) to prepare a set of Affordable Housing Principles (the Principles) and embed them into Council's Local Strategic Planning Statement (LSPS), known as *Our Shoalhaven 2040* into the LSPS.

The LSPS is a statutory document which sets out the work Council will do to identify and meet the land use planning needs of its communities. It sets out a 20-year vision and informs the review and update of local planning and development controls.

The aim of the Principles is to help guide Council's future land use planning decisions and activity to increase the supply of Affordable Rental Housing and improve the affordability of housing more generally. The Principles set out Council's expectations and goals, such as the preferred size, quality, and type of dwellings. Where relevant, they will guide development applications, Planning Proposals, planning agreements, and the use of Council-owned land.

The draft Principles were prepared in collaboration with and are supported by Council's Affordable Housing Action Taskforce (the Taskforce). Council staff presented a set of potential draft Principles to the March 2026 meeting of the Taskforce and a range of feedback was provided that has been incorporated into the current draft of the Principles provided at **Attachment 1**.

The draft Principles will now proceed to public exhibition to enable any broader community/stakeholder feedback. Once exhibited, the draft Principles will be adjusted in response to relevant feedback and either embedded in the LSPS (subject to the amount and nature of feedback) or reported back to Council for consideration.

## Risk Implications

Not proceeding to establish the Principles will be inconsistent with or delay the implementation of Action 1.4 of Council's adopted Affordable Housing Strategy. This would mean Council would not have a contemporary policy position for its land use planning decisions and activity associated with affordable housing, potentially leading to missed opportunities to increase the supply of affordable housing or inconsistent decision making.

## Internal Consultations

No internal consultations have been undertaken at this time.

## External Consultations

External consultations included collaboration with the Taskforce which provided feedback on the draft Principles from a range of industry experts and community members, including community housing providers and the development industry.

## Community Consultations

Community consultation on the draft Principles is proposed to include a 28-day public exhibition providing the community and other stakeholders an opportunity to provide feedback. Supporting resources will include a project webpage and online feedback opportunities.

**Policy and Statutory Implications**

The adopted Principles will be added to the LSPS to help provide a policy framework for continued work and activities to deliver or facilitate additional affordable housing outcomes.

**Financial Implications**

There are no direct financial implications related to this report.

The costs of undertaking the proposed public exhibition will be funded from the Strategic Planning team's budget.

1. **Location, Access and Connectivity:** Affordable housing should be located to reduce transport disadvantage, with convenient access to essential services such as public transport, employment areas, education, health services, and community infrastructure.
2. **Housing Size and Type Diversity:** Affordable housing should provide a diverse mix of dwelling sizes and types that reflects and responds to the assessed needs of the local community. The assessment of the communities' affordable housing need will use a range of inputs such as census and demographic data.
3. **Quality, Safety and Sustainable Design:** Affordable housing must meet or exceed building standards to ensure safety, accessibility, and amenity, while integrating environmentally sustainable and climate-resilient design. Innovations in building design, including modular housing and manufactured housing, are supported where they reduce costs and delivery timeframes. New homes will provide sufficient car parking to support shift, essential, and other workers who need to use private vehicles. Universal design and Crime Prevention Through Environmental Design principles should be incorporated to support ageing in place, meet accessibility needs, reduce crime, and enhance safety.
4. **Social Inclusion and Community Wellbeing:** Affordable rental housing should be designed and delivered in ways which fosters inclusive, connected, and resilient communities. Developments should support mixed tenures and diverse demographics, minimise social isolation, and integrate seamlessly into existing neighbourhoods.
5. **Long-Term Affordability and Security:** Mechanisms such as planning agreements, land covenants, or long-term arrangements with registered community housing providers should be used to secure affordable housing assets in perpetuity and ensure stable, long-term tenure.
6. **Partnerships and Collaborative Delivery:** Affordable Housing delivery should be underpinned by strategic partnerships between Council, community housing providers, Aboriginal housing organisations, other levels of Government and the development industry. These partnerships will prioritise collaboration on funding, land provision, planning pathways, and service delivery to maximise outcomes but also consider mechanisms which interact with or access the open market.
7. **Strategic Use of Council and Government Land:** Council and government-owned land should be used to enable or incentivise affordable rental housing where this delivers clear community benefit and aligns with these principles. Land

use and strategic property decisions should prioritise highest community value,  
not solely financial return.

## **CL26.110 Finalisation - Shoalhaven Development Contributions Plan 2026**

**HPERM Ref:** D26/57108

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

**Attachments:** 1. Public Exhibition Submission Summary - New Contributions Plan (under separate cover) [⇒](#)  
2. Amended Contributions Plan for Finalisation (under separate cover) [⇒](#)

### **Purpose:**

This report details the outcomes of the public exhibition of the draft Shoalhaven Contributions Plan 2026 and associated package and seeks Council's endorsement to finalise the process.

### **Recommendation**

That Council:

1. Adopt the following exhibited documents and progress to finalisation:
  - a. Shoalhaven Contributions Plan 2026, with the adjustments recommended at Attachment 1 and 2.
  - b. Voluntary Planning Agreement Policy.
  - c. Works in Kind Agreement Policy.
  - d. Chapter G21: Car Parking and Traffic of Shoalhaven Development Control Plan 2014 (Amendment 60).
2. Publish a public notice advising that the adjusted documents in Part 1 will commence on 1 July 2026, repealing:
  - a. Shoalhaven Contributions Plan 2019.
  - b. Voluntary Planning Agreement Policy (POL25/71).
  - c. Works in Kind Agreement Policy (POL25/70).
  - d. Chapter G21: Car Parking and Traffic of Shoalhaven Development Control Plan 2014 (Version 6 that commenced on 28 February 2024).
3. As part of the current Strategic Land Use Planning Program, commence amendments to Shoalhaven LEP 2014 and Shoalhaven DCP 2014 to align planning instruments with projects defined in the Shoalhaven Contributions Plan 2026 to support future delivery.
4. Advise key stakeholders, relevant landowners and submitters of this resolution.

### **Community Strategic Plan:**

- 2 Sustainable environments and liveable communities
  - 2.2 Liveable neighbourhoods and sustainable development
- 1 Vibrant, active and safe communities
  - 1.3 Active lifestyles
- 3 Resilient local economies and enabling infrastructure

- 3.2 Transport facilities and services
- 4 Transparent leadership with good governance
  - 4.3 Effective collaboration and engagement
  - 4.1 Financial sustainability

#### **Delivery Program / Operational Plan:**

- 2.2.3 Maintain liveability through provision of infrastructure, services and facilities across the city
- 2.2.1 Facilitate sustainable development that considers current and future needs of our community and environment
- 1.3.1 Provide and maintain recreation and leisure facilities and programs to meet community needs
- 3.2.1 Provide and maintain local roads, bridges, and parking infrastructure to allow safe and easy movement around our city
- 4.3.2 Provide opportunities for the community to have genuine engagement on Council planning and decision making
- 4.1.1 Support Council's sustainable delivery of projects and corporate services through sound financial management and control

#### **Background**

Development contributions are a key funding mechanism for infrastructure delivery under the provisions of the *NSW Environmental Planning and Assessment Act 1979*. The Act provides an opportunity for councils to collect funds from developers towards the provision, extension or augmentation by Council of public amenities and public services (or recoupment of funds for such) that is required because of that development. This ensures that new development pays an appropriate contribution towards the infrastructure that is required to support that development, rather than relying wholly on Council general funds.

In 2023, Council resolved to commence the preparation of a new Contributions Plan, as well as a broader policy/process review of Council's infrastructure contributions framework. Importantly, the AEC Financial Sustainability Review (2023) also recommended (No. 13) that: *Council should complete the review of its developer contributions plans, before undertaking any substantial asset programs to ensure that the current contribution levels are able to support the future development costs.*

At its 27 January 2026 meeting, Council resolved (MIN26.21) to proceed to publicly exhibit the draft Contributions Plan and related package, and report back following the conclusion of the public exhibition period to consider the feedback received and any recommended adjustments to the exhibition package, prior to finalising it.

The exhibition period ran from 18 February to 20 March 2026 (30 days inclusive) and the material was available on [Council's website](#). A total of 17 submissions were received in response. The 'External and Community Consultation' section below provides further information regarding the exhibition and a summary of adjustments recommended in response to submissions received.

The new draft Contributions Plan and related package is now reported to Council for adoption and finalisation as a priority.

## Risk Implications

The progression of a new Contributions Plan and agreement policy framework is critical to managing and resolving a range of risks that are currently present in this space, including adverse impacts on Council's cash flow, delayed infrastructure delivery and the limitations of the existing Contribution Plan and related framework.

It is important that:

- New development contributes towards the infrastructure demand it creates, rather than existing ratepayers.
- The projects are reflective of Council's current financial sustainability position. Importantly, Council must be able to afford its share of infrastructure proposed.
- The projects in the Plan are reflective of Council's delivery program. Projects must meet the needs of future development across the new plan horizon.
- Council can effectively recoup the costs of projects already completed by Council that will benefit development (i.e., repay internal loans back to the general fund).

Progression to finalisation moves Council closer to achieving the AEC recommendation to complete a new contributions plan.

## Internal Consultations

Significant internal consultation has been undertaken to date with all key stakeholders in the infrastructure contributions space.

The Development Contributions Advisory Group (DCAG), an internal governance group consisting of the CEO, Directors and key department managers, was briefed on the public exhibition outcomes in March 2026.

Council's new Land Use Planning & Development Advisory Committee was provided an update on 14 April 2026 in accordance with a previous Committee resolution. A workshop on this matter was also held with Councillors on 8 May 2026.

## External and Community Consultations

The exhibition package was available for a period of 30 days from 18 February to 20 March 2026 (inclusive) on [Council's website](#).

The public exhibition package included the:

- Public notice.
- Draft Shoalhaven Contributions Plan 2026.
- Draft Voluntary Planning Agreement Policy.
- Draft Works in Kind Agreement Policy.
- Draft Chapter G21: Car Parking and Traffic of Shoalhaven Development Control Plan (DCP) 2014.

The public exhibition package was supported by:

- An Explanatory Document.
- A Fact Sheet that identifies the Shoalhaven Contributions Plan 2019 projects that have not been carried across into the draft Plan. This was specifically requested by Council at its 27 January 2026 Ordinary Meeting (MIN26.21).
- The Frequently Asked Questions on the [Contributions Plan Get Involved Page](#).

The exhibition arrangements were notified via:

- The Public Notice on Council’s website.
- Written correspondence to all directly affected landowners, development industry representatives and community groups (former CCBs).
- Media release.
- Article in the Council ‘In your Neighbourhood’ Newsletter.
- Social media posts.
- Newsfeed post on the [Contributions Plan Get Involved Page](#).
- Notification sent to subscribers who had previously registered their interest in this project (via Councils ‘Get Involved’ page or other means).

Two community ‘drop-in’ information sessions were held during the exhibition period on 5 March 2026 at the Ulladulla Civic Centre and 6 March 2026 at the Nowra City Administration Centre. A total of three people attended these sessions.

18 submissions were received in total via Council’s website, email and ‘Get Involved’ Page surveys. Of the surveys received, 2 were industry, 3 community groups, 11 individual community members/landowners and 2 internal submissions (Strategic Planning and City Services). The submissions and resulting proposed changes to the Contributions Plan are summarised below, with a more detailed summary of the submissions and staff comments provided in **Attachment 1**.

- Index project costs and rates in accordance with CPI adjustments since drafting (4.4%).
- Include another contribution scenario for subdivision and where a residential development would generate both a 7.11 and 7.12 charge, for greater clarity for users.
- Reduction in size of the Mundamia URA benefiting area catchment, to align with the LEP urban release area layer, at the request of the Department of Planning, Housing and Infrastructure (DPHI) as part of the Mundamia cap increase request (see Financial Implications section below).
- Projects:
  - Add South Mollymook Coastal Protection works as a subproject in Plan project CMP1 Coastal Management Program.
  - Add the Owen and Sydney Street roundabout to the Plan project RDS9 Sydney/Bowen Street, Huskisson.
  - Remove 12R3 Carpenter Lane Service Lane (Huskisson) to allow contemporary review and community engagement.
  - Remove 12P2 Berry Town Centre as it is no longer viable and more efficient parking is proposed along North Street.
  - Remove grant component from CCF2 Sanctuary Point Library to reflect the current direction of the project.
  - Add the recoupment of the costs Council incurred in acquiring four lots in the Northern SCaRP precinct (Citywide project, 18% apportioned to development) as SPF5.
- Adjust the Plan so the funds collected from 7.12 levies is applied only to the 7.12 works schedule.

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- Minor clarifying adjustments that do not change the intent of the policy.

A track changed 'working' version of the Plan is at **Attachment 2**. Please note: only the maps with required changes have been included (all others will be as per exhibited version). The graphic version will be updated prior to commencement.

Based on the feedback received, no changes are recommended to the associated exhibited policies or Chapter G21 of Shoalhaven DCP 2014.

### **Policy and Statutory Implications**

The work on the new Contributions Plan has been a catalyst for the review and adjustment of the existing framework surrounding infrastructure contributions in Council, including a range of internal and external policies.

Future amendments will be required to the DCP to reflect various references to current and former contributions plans; however, this can be undertaken as part of Council's resolved work on the new land use planning scheme (MIN25.601, 25 November 2025).

### **Financial Implications**

The new contributions framework will result in significant financial benefits to the organisation and community, including a more efficient infrastructure focus and delivery program, better oversight of income and expenditure/delivery, better line of sight to long term financial planning and a more efficient resourcing strategy.

The exhibited draft Contributions Plan included 40 works items, with a total estimated cost of approximately \$247million (excluding grants), across a range of infrastructure typologies including recreation, roads and community facilities. Council's contribution to this infrastructure over the draft Contributions Plan horizon (2026-2046) is approximately \$86million. The adjustments to projects recommended (roundabout at Sydney/Owen Streets, Huskisson, Sanctuary Point Library and South Mollymook Coastal Protection) will increase Council's contribution over the 20-year period by around \$11.6 million (+ indexation). The proposed adjustments are not considered to be adverse as Council already intends to deliver these projects in due course, and the Plan will secure an appropriate contribution from Development towards delivery.

It is critical that any further adjustments to the works schedules be carefully considered to ensure the changes will not place Council in an adverse financial situation.

The 2026 Plan (project costs and section 7.11 contribution rates) will need to be indexed to reflect positive adjustments in CPI since drafting, which has recently been announced at 4.4%. This ensures the Plan remains as current as possible and reduces financial implications to Council in the future.

Regarding the delivery of infrastructure in the Mundamia Urban Release Area, a formal request has now been presented by DPHI to the NSW Minister of Planning and Public Spaces, to increase the cap (maximum amount Council can charge per dwelling or new residential lot) from \$20,000 to \$30,000, to ensure that the full cost of infrastructure delivery is covered by the new development in that area. DPHI are aware of the proposed 'go live' date for the new Contributions Plan.

Council will also consider a separate report to this meeting on the need for a Contributions Plan for the Moss Vale Road North Urban Release Area.

## **CL26.111 Preparation of Local Infrastructure Contributions Plan for Moss Vale Road North Urban Release Area**

**HPERM Ref:** D26/87162

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

**Attachments:**

1. Draft Local Infrastructure Development Contributions Plan (under separate cover) [↗](#)
2. DCP Figure 3 - Satisfactory Arrangements for Infrastructure (under separate cover) [↗](#)
3. Moss Vale Road North Owners Group Objection to draft Local Infrastructure Development Contributions Plan (under separate cover) [↗](#)

### **Purpose:**

This report seeks Council's endorsement to exhibit a draft Local Infrastructure Development Contributions Plan for the Moss Vale Road North Urban Release Area (URA). A settled contributions plan will appropriately secure the coordinated funding and delivery of the local infrastructure necessary to enable and support the progression of this significant URA and baseline needs of the future community.

### **Recommendation**

That Council:

1. Endorse the public exhibition of a draft Moss Vale Road North Urban Release Area Local Infrastructure Development Contributions Plan presented as **Attachment 1** of this report.
2. Note the draft Local Infrastructure Development Contributions Plan's costs exceeds the contributions threshold set by NSW Government (\$30,000).
3. Apply to the Independent Pricing and Regulatory Tribunal (IPART) to independently assess the draft Moss Vale Road North Urban Release Area Local Infrastructure Development Contributions Plan following public exhibition, subject to the scale and scope of submissions received in response to the exhibition of the draft Plan.
4. Note that a further report will be brought forward following the conclusion of the exhibition of the draft Plan and/or on receipt of IPART's assessment report.

### **Community Strategic Plan:**

- 2 Sustainable environments and liveable communities
  - 2.2 Liveable neighbourhoods and sustainable development
- 3 Resilient local economies and enabling infrastructure.
  - 3.3 Housing for all

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**Delivery Program / Operational Plan:**

- 2.2.1 Facilitate sustainable development that considers current and future needs of our community and environment.
- 2.2.3 Maintain liveability through provision of infrastructure, services, and facilities across the city.
- 3.3.1 Develop and implement plans which will enable a variety of affordable and appropriately serviced housing options within the City.

**Background**

The Moss Vale Road North Urban Release Area (URA) was identified and recognised as a future release area in regional and local strategic settings through both NSW Government's and Council's land use planning documents.

The URA is forecast to deliver more than 2,000 new homes over the next 10-15 years in the Nowra-Bomaderry area, making a significant contribution towards housing supply and meeting housing targets set by the NSW Government.

Two of the three required local planning documents supporting and guiding the delivery of the URA area in place. The current Local Environment Plan (LEP) planning controls were updated and finalised in 2023 and the Development Control Plan (DCP) Chapter was adopted in 2025 and became effective on 1 April 2026.

Council now needs to set an approach to local infrastructure planning and prepare a development contributions plan (the Contributions Plan). This is the final important land use planning document for the URA. It will coordinate the funding and delivery of the broad range of essential local infrastructure required to enable and support the URA and its future community such as roads, bridges, stormwater drainage, and open space.

Council publicly exhibited a local infrastructure development contributions Discussion Paper for the URA in 2024. This Paper identified a range of infrastructure relying on the recommendations of multiple traffic studies, an Integrated Water Cycle Assessment, and a Community Infrastructure Needs Analysis. It also identified an indicative cost of \$79 million based on early design work and similar projects. It listed a range of options to fund and deliver the infrastructure. These options included:

1. Reducing the amount and quality of infrastructure to lower the contribution per dwelling to below the NSW Government's \$30,000 per dwelling limit on local contributions.
2. Apply to the Independent Pricing and Regulatory Tribunal for an assessment of a Contributions Plan which includes essential and appropriate infrastructure, as such a plan would exceed the current limit.
3. Rely on Federal and State Government funding initiatives.
4. Development funding of all local infrastructure.
5. Council delivers a range of infrastructure, the cost of which meets the cap, with the remaining infrastructure delivered by development.

Various stakeholders made submissions, including community members, landowners, and a group of developers with an interest in a large part of the URA. This feedback broadly identified/recognised the need for a **coordinated approach to the funding and delivery of local infrastructure, including the acquisition of land for the essential infrastructure, across the URA**. The feedback also informed an updated list of infrastructure and the "satisfactory arrangements for infrastructure" development controls included in the DCP Chapter adopted in September 2025.

These satisfactory arrangements expanded the range of exhibited infrastructure to include more of the collector road network (increasing it from 3.9km to 7.7km), a range of intersection treatments, and a shared path network. An extract of the DCP (Figure 3 Satisfactory Arrangements for Infrastructure) is provided as **Attachment 2**, which indicates the necessary supporting infrastructure. This includes:

- A network of Collector Roads, roundabouts and other intersections, new and upgraded bridges (5), and traffic calming measures – a network which also provides an evacuation route to help manage flood risk. This includes external connections to the existing road network at Moss Vale Road, Bells Lane, and Pestells Lane.
- Drainage infrastructure including a wetland, a detention basin, eleven bio-retention basins and a selection of other devices (e.g. gross pollutant traps, sediment basins, trash racks) to restrict the flow and volume of stormwater run-off to pre-development levels and avoid increased flood risk downstream of the URA.
- A district park providing a multi-sports court, playground, amenities block and car parking, four local parks, access to natural areas, and a shared user path network.

Recently Council obtained expert advice from GLN Planning on the best way to proceed with local infrastructure planning for the URA. GLN Planning recommended the preparation of a Contributions Plan as the most appropriate mechanism to secure the funding and coordinated delivery of infrastructure. Such a plan:

- Ensures development within the URA contributes to the cost of infrastructure it generates demand for, helping to protect Council and existing communities from subsidising/funding the infrastructure costs.
- Enables timely delivery of infrastructure by securing funds and providing a range of mechanisms to coordinate the delivery of the infrastructure and acquisition of land.
- Improves transparency and accountability by detailing infrastructure need, cost estimates, and the link between development and infrastructure demand.
- Strengthens Council's financial planning and lessens risks with costed infrastructure, forecast capital works planning, and indexed rates for works and land acquisition.
- Enhances community confidence in development outcomes as the plan confirms development pays for infrastructure and delivers the necessary infrastructure.
- Reduces reliance on ad-hoc or changing planning agreements, avoiding case-by-case negotiations and the administrative burden of implementing and monitoring multiple agreements.
- Provides longer term certainty for developers by setting out contribution rates, what infrastructure requires funding, and how and when contributions are calculated and paid.

The preparation of a draft Contributions Plan would ideally have occurred at the same time as the DCP but was 'deferred' to allow collaboration with a group of developers with an interest in a large part of the URA. The developers were provided the opportunity to provide feedback on the proposed list of infrastructure and identify alternative designs for road and drainage infrastructure to potentially reduce the cost of this infrastructure. To date the developers have only focussed on alternative designs for road and drainage infrastructure.

Developers have already lodged development applications (2) for sites within the URA, and other owners are currently understood to be preparing applications. Until a Contributions Plan is in place, Council and Councils General Funds are at great financial risk of this area's development progressing without Contributions Plan or base level of infrastructure costs and funding options resolved. Legal advice and case law also confirms Council cannot necessarily refuse to issue its development consent, solely based on a lack of a Contributions Plan.

**The Recommended Approach**

In line with GLN Planning’s recommendations, a draft Contribution Plan with, an infrastructure schedule, needs to be exhibited as a matter of urgency. A draft Plan containing, amongst other things, an infrastructure schedule capturing essential local infrastructure, based on the adopted satisfactory arrangements provisions (in the DCP), is provided as **Attachment 1**.

The infrastructure schedule has been costed using industry benchmarks published by the NSW Independent Pricing and Regulatory Tribunal (IPART) and prepared by strategic cost advisory consultants and quantity surveyors. IPART’s consultants included Genus Advisory, Evans & Peck, and Stantec (formally Cardno). The benchmarks are based on methodologies to establish construction costs, adjustment factors for site specific considerations (location, proximity to raw materials, disposal of waste), and adjustments for contingency. The schedule was drafted with consideration to industry benchmarks and guidance published by IPART which affirm allowance must also be made for other infrastructure elements, including bus infrastructure and street lighting to support the future communities.

The identified costs currently include a 40% contingency to reflect the early planning status of the infrastructure and will be adjusted down as concept and detailed design work occurs. It is also current practice of most councils in NSW to include a 1.5% allowance in addition to the cost of works to fund Council’s administration of the Contributions Plan.

Englobo (undeveloped/not yet subdivided) property valuations have also been commissioned from Walsh & Monaghan which indicate approximately \$17.6m of land needs to be acquired to support infrastructure delivery. It is current practice to include a 5% just terms compensation allowance to cover elevated values associated with acquisition processes.

City-wide Development Contributions have been reduced from circa \$9,000 per dwelling charged under the current City-wide Development Contributions Plan to \$1,195 per dwelling to ensure alignment of infrastructure projects with the NSW Government’s essential works list (which restricts the types of infrastructure Council can collect contributions towards) and the proposed new City-wide Contributions Plan.

**This schedule indicates that over \$147m of infrastructure and land acquisition is required to support this URA.** This cost results in the following estimated contribution amounts for the various types of development anticipated in the URA. These amounts are indicative and are based on assumptions for yield (2,900 new homes), household size, and development mix.

Development Type	Contribution (\$)
New residential lot	48,290
Studio/1-bedroom dwelling	22,804
2-bedroom dwelling	27,499
3-bedroom dwelling	36,385
4+ bedroom dwelling	48,290
Commercial Land (per m <sup>2</sup> of undeveloped land)	67

These rates increase and decrease in relation to the scale and type of development proposed to be delivered as the forecast number of new homes. Regular review and updates of the plan will be necessary.

The infrastructure contributions required to support the Moss Vale Road North exceed the current \$30,000 cap the NSW Government has placed on local infrastructure contributions. To manage this restriction and allow Council to levy appropriate development contributions,

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Council can apply to IPART to independently assess and review the draft Contributions Plan following its exhibition. This process will:

- Provide independent scrutiny of the infrastructure scope, cost estimates, demand assumptions, and contribution methodology and reasonableness.
- Give greater certainty for Council and developers on infrastructure need and contribution rates.
- Enable funding of essential infrastructure beyond capped rates, noting the NSW Government has defined what is essential infrastructure (the draft Contributions Plan is consistent with the essential infrastructure list).

Many Councils in a similar position are choosing to apply for an IPART assessed Contribution Plan as standard practice to ensure funding is established and appropriate infrastructure is delivered to support new housing. Some recent examples include:

- Penrith City Council with contributions between \$107,000-\$137,000 per dwelling.
- Blacktown City Council with contributions between \$85,000-\$120,000 per dwelling
- Wollongong City Council with contributions averaging \$80,000 per dwelling.

Other features of a draft Contribution Plan can include:

- Flexibility to allow developers to deliver works-in-kind and make potential savings on development contributions.
- Delivery of certain Collector Roads as local roads (at reduced cost) until future residential growth is planned and occurs.
- Flexibility to allow out-of-sequence development to occur.
- Indexation of works and land values to ensure values remain contemporary.
- Mechanisms to allocate excess funds to other projects as projects are completed.

### **Options for Accelerating Development Consent and Subdivision Activity**

Lindsay Taylor Lawyers (LTL), experts in helping consent authorities and developers with development contributions and planning agreements, were engaged to help identify options to advance the potential determination of subdivision and development applications in parallel to assessment and resolve of the draft Contributions Plan.

LTL advised that developers seeking Council's development consent ahead of the finalisation of the Contributions Plan have the option of supporting applications with a Voluntary Planning Agreement (VPA) setting out appropriate monetary contributions or works-in-kind. Council will need to consider any proposed agreement(s) against the draft Contribution Plan.

LTL also strongly recommended that to manage any financial risks and align with the IPART assessment process, that any agreement(s) will need to include a mechanism which allows for additional developer contributions to be made and/or Council refunds of contributions paid which reflect IPART's final assessment of the draft Contribution Plan and the settled Contributions Plan. For example, a VPA could include monetary contributions of \$30,000-\$60,000 per dwelling and include a commitment to pay "top-up" contributions to meet the settled Contributions Plan.

### **Risk Implications**

The NSW Government's Housing Delivery Authority (HDA) now provides a streamlined State Significant Development pathway for housing proposals. Developers can submit an Expression of Interest to the Authority for major housing developments worth over \$30m. If a

nomination occurs and is accepted by the Authority, it could ultimately remove or reduce Council’s involvement in planning and managing the development and infrastructure outcomes for the release area. Having a settled CP would be beneficial in this circumstance.

The NSW Government is publishing Council League Tables in support of its 5-year Housing targets. This presents a reputational risk for Council if planning for the URA is delayed and impacts on Council meeting its target.

The ownership of land within the URA continues to change and evolve. This brings a range of additional expectations from landowners.

Some Developers have already lodged development applications (2) for sites within the URA, and other owners/developers are currently preparing their applications. Until a Contributions Plan is in place, Council is at financial risk from the need to fund the delivery of more than an equitable share of the infrastructure.

**Internal Consultations**

Council’s Strategic Planning Team collaborated with Strategic Transport, Flood Risk Management, and Open Space and Recreation Teams to prepare and refine the local infrastructure schedule. This included the use of and selection of appropriate benchmark costs from IPART’s industry benchmarks.

A Project Control Group of staff from a range of teams continues to work on the planning and delivery of the URA, coordinate the delivery of infrastructure, and manage applications for Council’s development consent.

**External Consultations**

Since March 2025, Council staff have been engaging with a group of owners and developers with an interest in a large part of the URA (the *Moss Vale Road North Owners Group*). This has included, amongst other things, the opportunity for the Owners Group to provide feedback on the infrastructure schedule and identify alternative designs for road, intersections, and drainage infrastructure to potentially reduce the cost of this infrastructure.

The Owners group has focussed on alternative designs for road, intersection, and drainage infrastructure, providing a range of proposed intersection treatments, an alternative drainage strategy, and costings for the road profiles settled in the adopted development controls. No feedback has been received to date on the scope, design, or cost of other infrastructure.

Council staff are currently considering the Owners Groups alternative infrastructure designs and will continue to do so as the draft Contributions Plan is exhibited and proceeds to finalisation. The developers, owners and stakeholders will have opportunity to provide feedback on the broader list of local infrastructure during public exhibition.

Council staff met with the Owners Group in early April 2026 to discuss progress on relevant matters, the draft Infrastructure Schedule and the intention for a Contributions Plan approach to be pursued. Disappointingly, the Owners Group provided what essentially amounts to a formal objection on 7 April 2026 (see **Attachment 3**). The grounds of objection and staff comments in response are provided in the following table.

No.	Objection	Staff Comment
1	Breach of the Settled Framework	<b>The Owners Group’s position is that the scope of local infrastructure be limited to the infrastructure list exhibited in the 2024 Discussion Paper. It has subsequently focussed its efforts, including the scope of works it issued to its consultants, on the design of roads, intersections, and</b>

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		<p><b>drainage.</b></p> <p>Council needs to consider and deliver a broader range of local infrastructure for the URA in the public interest. The 2024 version of the infrastructure list was updated and set through Council's adoption of the DCP (in 2025) which identified a more comprehensive list.</p> <p>The infrastructure list has evolved again, with the draft Schedule including refinements from industry benchmarks, contemporary land valuations, and the Owners Group's work on alternative intersection treatments.</p> <p>Reverting back to the initial (2024) infrastructure list that was released for discussion/comment could lead to a potential \$69m infrastructure funding shortfall and associated financial risks for Council.</p>
2	Failure of Consultation and Procedural Fairness	<p><b>The Owners Group is critical of the consultation which has occurred on the draft local infrastructure schedule.</b></p> <p>The purpose of the March 2026 meeting with the Owners Group was to provide an update on proposed next steps to develop a local infrastructure development contributions outcome for the URA, including the latest version of the draft Infrastructure Schedule.</p> <p>Earlier versions of the draft Infrastructure Schedule and the advice from GLN Planning and LTL have been shared with the Owners group.</p> <p>The exhibition of the draft Contributions Plan provides the formal consultation process, providing the Owners Group the opportunity to make a submission(s).</p>
3	Deliberate Triggering of the IPART Pathway	<p><b>The Owners Group is critical of the use of the IPART prepared industry benchmarks and the revised infrastructure list, claiming its being used to force the use of the IPART assessment process.</b></p> <p>An IPART assessed Contributions Plan is a readily available pathway to deliver robust contributions plans that need to exceed the NSW Government's cap to ensure the required infrastructure is delivered to support a URA. At least 13 councils in NSW have used this process to successfully prepare development contribution plans which exceed the cap.</p> <p>IPART has made improvements to its assessment process, identifying that current and future reviews are likely to be completed within 6-months.</p> <p>A referral of the draft contributions plan can only occur after exhibition of a draft Contributions Plan. The process has not commenced.</p>
4	Breach of the DCP Transition Strategy	<p><b>The Owners Group claims the draft infrastructure schedule fails to provide the certainty required for the DCP to function.</b></p> <p>The 6-month 'deferred' commencement of the DCP was intended to allow time for the preparation and completion of the local infrastructure development contributions approach for the URA.</p> <p>The DCP was adopted on 23 September 2025 and commenced on 1 April 2026. It includes an indicative infrastructure list and map, and notes that updates will occur as work continues on setting final</p>

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		<p>infrastructure arrangements for the URA.</p> <p>This period of time has been fully utilised by the Owners Group to prepare alternative designs and costings for road, intersection, and drainage infrastructure. The Group issued briefs to its engineering consultants at the end of 2025, and revised designs were submitted to Council in April 2026. These are now currently being considered.</p> <p>Developers, including those within the Owners Group, have already lodged development applications (2) for sites within the URA, and other owners are currently understood to be preparing applications. Until a Contributions Plan is in place, Council is at financial risk from the need to fund the delivery of more than an equitable share of the infrastructure. Legal advice and case law confirms Council cannot necessarily refuse to issue its development consent, solely based on a lack of a Contributions Plan.</p> <p>Unfortunately, despite the best efforts of staff, it was simply not possible, working and engaging with the Owners Group, to agree and finalise an infrastructure approach in the period September till April 2026.</p>
5	“Dual Track” Contributions Strategy approach	<p><b>Not an objection but an alternative Strategy proposed by the Owners Group of a capped contribution plan (up to \$30,000 per lot/dwelling) and a series of VPA’s to cover the shortfall of essential works that the capped plan cannot afford.</b></p> <p>LTL’s advice is that VPA’s can be proposed by developers, but that they need to include all proposed contributions or works (not just the shortfall), are consistent with any draft (or settled) contributions plan, and have mechanisms which allow for top-up payments to be made by developers and/or refunds to be made by Council to reflect the final contributions plan (as assessed by IPART).</p> <p>Either approach (the one recommended by staff or one favoured by the owners) still requires an Infrastructure Schedule to be settled. The ‘dual track’ approach of the owners is potentially also likely to be difficult to administer through time and could create a range of later challenges or risks.</p>
6	Ensuring Certainty and Successors in Title	<p><b>Not an objection but an outline of how proposed VPA’s will run with ownership of the land and be indexed to ensure contemporary construction costs.</b></p>

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Council staff have tried to collaborate with the Owners Group over many years, and this has often been challenging, problematic and a level of agreement has not been possible that meets their expectations/desires.

At this point It is contended that a Contributions Plan approach of the nature outlined in this report provides an appropriate level of longer-term protection and certainty to Council and the broader community and is thus be considered to be in the public interest.

**Community Consultations**

The *Environmental Planning and Assessment Act 1979* and associated Regulations and Council’s Community Participation Plan require the draft contributions plan to be publicly exhibited for a minimum of 28 days.

### Policy and Statutory Implications

The delivery of the URA will create a substantial supply of new homes, helping Council meet the NSW Government's Housing Targets.

The NSW Government's *Illawarra-Shoalhaven Regional Plan 2041* identifies the Nowra-Bomaderry Release Areas, which includes this URA, as being regionally significant. The Plan sets a strategy to support ongoing supply of housing in appropriate locations, such as the release area. Progressing the local infrastructure planning for the release area is consistent with this plan.

Progressing the local infrastructure planning for the release area will implement priorities identified in Council's Community Strategic Plan, including Priorities 2.2 *Liveable Neighbourhoods and Sustainable Development*, and 3.3 *Housing for All*.

Council's Local Strategic Planning Statement (*Shoalhaven 2040*) confirms the importance of delivering the release area in *Planning Priority 1: Providing homes to meet all needs and lifestyles*. Finalising the local infrastructure planning in a timely manner is a high priority project and current focus for Council's Strategic Planning Team.

### Financial Implications

Setting and coordinating a clear local infrastructure framework for the URA is essential to help secure the funding and coordinate the delivery of essential infrastructure. This substantially reduces the risk of Council having to largely fund the delivery of local infrastructure from its budget. Other funding and infrastructure delivery initiatives will be pursued to either support in funding the infrastructure or help facilitate its prompt delivery. These include Federal and State Government infrastructure funding initiatives that continue to emerge and agreements with owners/developers.

**The reversion to the initial (2024) infrastructure list, or an alternative reduced infrastructure list, could result in a significant infrastructure funding shortfall and associated financial obligations for Council to fund this shortfall.**

## **CL26.112 Review Resolution CL26.39 - Car Parking and Landscaping Controls for Medium Density – Proposed Amendment to the Shoalhaven Development Control Plan 2014**

**HPERM Ref:** D26/144693

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

**Attachments:**

1. Comparison of proposed amendments and the pre-amendment 51 DCP controls [↓](#)
2. Comparison of the proposed amendments and the current DCP controls [↓](#)
3. Review of proposed amendments against NSW Government provisions - Low Rise Housing Diversity & Pattern Book Development Codes [↓](#)

### **Purpose:**

This report is in response to Part 4 of this motion/resolution and provides the report back to Council from Council professional staff following a review of the proposed amendments to Shoalhaven Development Control Plan (DCP) 2014.

### **Recommendation**

That Council

1. Not proceed with MIN26.63 as resolved on 4 March 2026.
2. Consider appropriate amendments to Chapter G13: Medium Density and Other Residential Development, Chapter G21: Car Parking and Traffic, and other relevant chapters of Shoalhaven Development Control Plan (DCP) 2014, based on the intent of MIN26.63, as part of the resolved overall work on the new Land Use Planning Scheme broader (future DCP improvements).
3. Receive a further report at the appropriate point to consider the draft amendments prior to any formal public exhibition.

### **Community Strategic Plan:**

- 2 Sustainable environments and liveable communities
  - 2.2 Liveable neighbourhoods and sustainable development
- 3 Resilient local economies and enabling infrastructure
  - 3.3 Housing for all

### **Delivery Program / Operational Plan:**

- 2.2.1 Facilitate sustainable development that considers current and future needs of our community and environment
- 3.3.1 Develop and implement plans which will enable a variety of affordable and appropriately serviced housing options within the City

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## Background

Council resolved on 4 March 2026 (MIN26.63) to consider amendments to the DCP. This report specifically responds initially to the underlined point 4 of the full resolution 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 12m<sup>2</sup> with a minimum dimension of 3m, of which 8m<sup>2</sup> shall be covered to provide shade and protection from rain.*
    - ii. *Have a minimum dimension of 2m for all other areas.*
    - 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.*
4. *That the Chief Executive Officer arrange for Council staff as trained professionals to review the motion and report back to Council on this matter prior to progressing to public exhibition.*

#### **Recent Relevant Background - DCP Medium Density Provisions**

Chapter G13: Medium Density and Other Residential Development was introduced into the DCP in 2018. The chapter was then amended in 2019 following a Notice of Motion (MIN18.993) to adjust its contents related to setbacks, landscaping, storage and other provisions.

On 28 March 2022, following consideration of a Mayoral Minute, Council resolved (MM22.4) to undertake a review to consider issues raised and presented by the community regarding medium density development applications that had arisen since the new (and adjusted) chapter commenced and recommend a range of possible improvements that could be made to address community concerns.

Through the Medium Density Review various medium density development applications (primarily dual occupancy and multi dwelling housing) were considered/assessed across Shoalhaven from 2019 – 2022 that received considerable critical feedback.

More than 300 submissions on these applications were reviewed, relating to seven case study development applications. This review established some reoccurring dominant community concerns. The highest proportion of submissions identified or raised the following concerns:

- that the proposed development did not reflect or was not consistent with the dominant local character (setbacks, height, design)
- the interaction of the development with the public domain, associated with increased vehicle parking and manoeuvring (adequacy of parking, impacts on surrounding network, household storage, safety); and/or

- about amenity loss (Overlooking, noise, overshadowing, views).

Subsequently, on 12 September 2022, Council endorsed (MIN22.599) the preparation of a draft amendment to the DCP that sought to address these key concerns and to include good quality and contextually appropriate DCP provisions that promote well designed medium density development to increase community acceptance of this form of development.

On 28 August 2023 Council resolved (MIN23.457) to exhibit the draft Medium Density Amendment to the DCP and this occurred from 4 October to 3 November 2023.

Council notified 92 development industry representatives including architects and designers, surveyors, engineers, builders, developers and civil contractors via email of the exhibition. No submissions were received from the development industry.

The exhibition received one submission from a Community Consultative Body (CCB) which acknowledged and supported the consultation process but stated that the process did not go far enough to address impacts of urban densification on the unique character of individual localities.

On 12 February 2024 Council resolved (MIN24.55) to adopt the Medium Density Amendment (Amendment No.51) as exhibited, with the inclusion of a post exhibition change to Draft Chapter G1: Site Analysis, Site Design and Building Materials to respond to the single submission received during the exhibition period.

The Medium Density Review Amendment (current version) came into effect on 28 February 2024.

#### **Intention of the motion/recommendation**

It is understood that the intention of the recent motion/recommendation is 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.

In part this intended outcome relies on reverting some controls back to an earlier version of Chapter G13 and the version of Chapter G21 that was in force prior to the commencement of Amendment No.51 to the DCP (Medium Density Review) and by introducing other changes not in previous versions of the chapters.

Generally the resolved changes appear to modify and lessen requirements for the current landscaping, private open space and car parking controls in the DCP related to medium density development forms (dual occupancies, units etc). A more detailed interpretation of the intent of the motion/recommendation and associated proposed changes is summarised below:

- **Landscaping:**
  - Remove the requirement for deep soil landscaped areas to provide an automated watering system.
  - Reduce the width of land that can be included in the site area landscape calculations from 1.5m to 1m wide.
  - Include hardscape elements such as decks, terraces, alfresco areas, swimming pools or other recreation areas in the site area dedicated to landscaping.
  - Change reference from *landscaped areas* (defined term) to *permeable surfaces*.
  - Remove the requirement that landscaped areas are evenly distributed across all lots / dwellings created through the development.

- **Amenity:**
  - Reduce the setback from private open space hardstand areas to external boundaries from 1.2m to 1m
  - Reduce the minimum dimension of hardstand private open space from 5m x 4m with 50% covered (to provide protection from the elements) to 12sqm with a minimum width of 3m and a with a minimum covered area of 8sqm (to provide shade and protection from rain).
  - Permit hardstand principal private open space areas within the front setback subject to being adequately screened to provide privacy to residents.
- **Carparking:**
  - For attached dwellings, dual occupancies and semi-detached dwellings (with each dwelling fronting a public road)
    - Apply the same carparking requirements for large dwellings with four bedrooms (or more) that currently apply to dwellings with three bedrooms.
  - For attached dwellings (not fronting a public road), multi dwelling housing, Residential flat buildings and shop top housing.
    - Remove the requirement for 0.2 visitor parking spaces per dwelling.
    - Remove the corresponding visitor parking waiver (where the development is within 400m walkable distance from a traditional retail centre).

A summary of the proposed amendments compared to the initial version of Chapter G13 prior to the commencement of Amendment 51 (and the corresponding version of Chapter G21) is provided at **Attachment 1**.

A summary of the proposed amendments compared to the current Chapter G13 and Chapter G21 is provided at **Attachment 2**.

If there is a desire to review and adjust relevant parts of the DCP this should be ideally undertaken by Council staff having regard to clarity and consistency / duplication across the document to identify what can be reasonably done to improve the affordability and provision of more diverse housing stock in appropriate areas. It is considered that a review of this nature should be undertaken holistically and scheduled appropriately as part of the resolved work on the new land use planning scheme.

### **Consideration of NSW Housing Reforms**

Since 2024, the NSW Government has introduced a suite of planning reforms to increase low to mid rise housing opportunities/potential within 800 m of nominated centres. In Shoalhaven the low to mid rise areas is within the accessibility zone to Bomaderry and Nowra Town Centres. These planning reforms, incorporating the Low rise housing diversity code and the pattern book development code under the umbrella of the Codes SEPP are intended to increase delivery of well-designed dual occupancies, manor houses and terraces to be delivered as complying development, removing the need for a development application based on the premise that the impacts are known, low risk and straightforward.

Given these pathways are intended to support diverse, affordable housing in well-serviced locations while maintaining reasonable amenity and landscape outcomes, the proposed amendments to the DCP were reviewed for consistency with these State policies. A summary of the comparison with the Low to Mid Rise Housing Code and the Pattern Book Code is provided in **Attachment 3**.

## **Broader Affordable Housing Considerations**

As part of the background research work to the Shoalhaven Affordable Housing Strategy 2024, a [Dwelling Diversity Research Paper](#) was prepared that notes the following as 'barriers' to relevant forms of development

### **Dual occupancies** include:

- Consumer demand for detached housing
- Lower land purchase prices, particularly in more rural areas, which reduce the impact of the primary benefit of dual occupancies (savings on land)
- Consumer demand for two or more parking spaces which is difficult to provide in dual occupancies (this could be overcome through design principles)
- Detached dwellings competing at the same price point
- Large regional and rural lots making dual occupancies an inefficient use of space over subdivision and dwelling house development in Shoalhaven.

### **Multi-dwelling housing** include:

- Lack of large development sites in high-amenity areas (besides Council-owned land), requiring higher land consolidation costs or development in less desirable locations
- Sales risk from consolidating the majority of future dwelling delivery in one project within regional townships
- Existing detached dwellings competing at a similar, or lower price point
- Additional financing requirements for larger projects, for example presales.

### **Manor Homes** include:

- Lack of large development sites in high-amenity areas (besides Council-owned land), requiring higher land consolidation costs or development in less desirable locations
- Sales risk from consolidating the majority of future dwelling delivery in one project within regional townships
- Existing detached dwellings competing at a similar, or lower price point
- Additional financing requirements for larger projects, for example presales
- The availability of labour and skills to deliver projects that are complex and larger in scale
- Landowners in areas with bonus floor-space-ratio (FSR) densities can have unrealistic land value expectations where any additional revenue from the FSR is realised by the landowner rather than the developer.

The paper also notes the following as 'General barriers to diversity':

*While non-financial barriers to medium and high density projects exist within Shoalhaven, such as process and planning challenges, we consider these barriers to be minor in relation to the financial barriers.*

*HillPDA have identified two primary barriers to the development of medium and high density dwellings in Shoalhaven. A high cost of build increases the cost per dwelling of projects and an abundance of existing detached dwellings reduce the sale price of diverse dwellings. Together, these two barriers act to increase the costs and reduce the returns for diverse dwellings, limiting their viability in Shoalhaven*

Thus making adjustments of the nature resolved, to the current DCP provisions, was not one of the planning interventions identified (other financial and process interventions were also identified).

Some potential LEP adjustments were identified as possible planning interventions for further investigation and consideration, including:

- Introducing maximum lot size requirements in appropriate circumstances could encourage densification of vacant or underutilised land in established residential areas or town centres.
- Reducing minimum lot size requirements, supported by additional provisions in the DCP which promote quality design outcomes and minimum requirements for private open space.

These LEP adjustments will be considered as part of the work that is underway on the new land use planning scheme.

### **Risk Implications**

The continued provision of additional medium density housing needs to be balanced with the consideration of the long-term amenity and liveability of the resulting dwellings and impact on the broader public domain, road network and the environment.

The amendments that resulted from the Medium Density Review (Feb 2024) were developed over a 11-month period and exhibited to the community to provide an opportunity to review the proposed controls and for submissions to be considered in the setting of the ultimate planning controls. There is a risk that an intervention to amend planning controls without sufficient time to fully assess the impacts and without clear evidence-based research may erode public trust in the community participation process and undermine the extensive work undertaken to develop the controls to help successfully incorporate increased density in existing residential areas.

Any proposed amendment will also need to be carefully considered and balanced against the provisions in the NSW Government's Codes SEPP, which enables a range of medium density development to be undertaken as 'complying development' without assessment or consideration by Council. Amendments should be carefully assessed in terms of consistency (or inconsistency) between the two pathways, as well as consideration of adverse impacts such as contextual sympathy with local / desired character and site-specific traffic impacts.

Any reduction in physical landscaped areas that can sustain trees and plants may be inconsistent with the NSW governments 40% urban canopy targets.

There is also no certainty that the amendments as resolved will actually lead to more affordable and/or diverse housing stock in appropriate locations or that the housing delivered with potentially lesser landscaping, open space or parking requirements will be sold/delivered at a substantially lower price point than would otherwise be supplied to the market. There could, however be resulting amenity and other impacts felt by the broader community/adjoining residents/future occupants - amenity, character, landscaping, traffic, lack of public transport and car parking. All these matters require detailed and holistic consideration.

The resolved changes will also apply as relevant throughout the City where medium density forms of development (e.g. Dual Occupancies, units etc.) are permissible and not just in and around town centres. For example, 'dual occupancies' are currently permissible in the R2 Low Density Residential zone under the LEP and this is the dominant residential zone in urban areas throughout the City. Thus impacts could be more widely felt than around areas of commercial activity and services of our town centres.

Diverting focus and strategic resources from delivery of the New Land Use Planning Scheme work may risk delaying this important work. In this regard Council has separately resolved MIN25.601 – November 2025) to:

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10. *Commit to not adding other one off additional projects to the Strategic Planning Work Program, unless they are urgent, to enable the required focus to be given to the resolved strategic approach.*

### **Internal Consultations**

Internal consultation was undertaken with the Development Services Team to ascertain the extent that development applications are seeking flexibility to the current controls that are the subject of this motion.

The feedback indicated that:

- Many applications sought flexibility in car parking provisions for larger multi-dwelling housing (4 beds or greater) with direct road access. This flexibility was generally supported where safe driveway grades allowed additional on-site parking. Two on-site car spaces for dwellings of this size were viewed by staff as essential due to the LGA's strong reliance on private vehicles.
- Visitor car parking for multi-dwelling developments with shared driveways was typically achievable without variation.
- Strict compliance with hardstand private open space dimensions was often relaxed where a functional hardstand area could be provided.
- Flexibility regarding private open space within the front setback was rarely sought except on corner lots, suggesting the control could be refined for these development sites.
- Regarding landscaping provisions, it was acknowledged that maintaining permeable areas in perpetuity is difficult to regulate, with potential for later hardstand encroachment into approved landscaped areas. Despite this, only minor and generally supportable variations were requested.
- Flexibility on the application of DCP controls is already currently being applied where the development outcomes are reasonable.

DCP Chapter G21 already provides an opportunity for a reduction / waiver for the required visitor parking (subject to merit assessment) for multi dwelling housing located within 400m (measured along an existing pedestrian path of travel) of a traditional retail centre where more than 50 publicly accessible carparking spaces are available in that centre.

### **External Consultations**

No external consultation has been undertaken for this report. Should the amendment to the DCP proceed there will be a requirement for a formal public exhibition period.

### **Community Consultations**

No community consultation has been undertaken for this report. Should the amendment to the DCP proceed there will be a requirement for a formal public exhibition period

### **Policy and Statutory Implications**

Depending on any ultimate changes to the DCP and resources available at the time, it may also be necessary to progress other related amendments to the DCP to ensure consistency throughout.

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The work and how it is undertaken needs to be considered in the context of Councils Strategic Planning Works Program, noting the above resolution that focusses on the delivery of a new land use planning scheme.

**Financial Implications**

Amendments to the DCP are generally be resourced within the existing Strategic Planning budget.

In this instance, Council will need to consider if any additional staff resources are required to manage the resulting work, that is not currently identified as a focus given the resolved prioritisation of delivery of the new land use planning scheme work. This may require consideration in the 2026/2027 budget.

**Attachment 1**

A comparison between the proposed amendments and the controls in Chapter G13 & Chapter G21 that were in force prior to amendment 51 are provided at Table 1 and Table 2.

Additions are marked in blue and deletions are marked in blue with a strikethrough.

**Table 1: Comparative analysis of Chapter G13 controls (pre-Amendment 51) and proposed amendments.**

Control	Proposed DCP Provisions
<b>5.1.4 Landscaping</b>	
<b>A6.1</b>	At least 10% of the site area is to include formal deep soil landscaping, which: <ul style="list-style-type: none"> <li>Has a minimum dimension of 4.5m 3m in any direction.</li> <li><del>Consists of 100% deep soil planting.</del></li> <li><del>Is provided with an automated watering system</del></li> <li>Is not fragmented by sub-surface drainage infrastructure.</li> </ul>
<b>A6.2</b>	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: <ul style="list-style-type: none"> <li>Has a minimum dimension of 1m in any direction</li> <li>Is inclusive of 40% deep soil planting.</li> <li>Can include permeable surfaces, such as gravel, mulch, turf or similar.</li> <li>Can include landscaped areas, permeable surfaces, decks, terraces, alfresco areas, swimming pools or other recreation areas / structures</li> </ul>
<b>A6.3</b>	At least 35% of the front setback is to be landscaped.
<b>A6.4</b>	The landscaping provided at A6.1, A6.2 and A6.3 excludes any areas used for storage, clothes drying, and water tanks
<b>A6.4</b>	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.
<b>5.3.3 Private Open Space</b>	
<b>A17.3</b>	Where the private open space of a dwelling is provided at the ground level, it shall: <ul style="list-style-type: none"> <li>Include a defined hardstand area (e.g. concrete, paving, decking) of usable space which: <ul style="list-style-type: none"> <li>Is setback at least 1.2m 1m from an external boundary.</li> <li>Has a minimum dimension of 5m x 4m, of which 50% shall be covered to provide protection from the elements 12sqm with a minimum dimension of 3m of which a minimum of 8sqm shall be covered to provide shade and protection from rain.</li> </ul> </li> <li>Have a minimum dimension of 2m for all other areas.</li> <li>Have a gradient no steeper than 1:20.</li> <li>Be adequately screened to provide privacy to residents.</li> <li>Not be wet for prolonged periods following rainfall.</li> </ul>
<b>Note</b>	The usable private open space area excludes obstructions such as stairs, storage areas, clothes drying facilities, bin storage areas, hot water systems, effluent disposal, above ground rainwater tanks and the like.
<b>A17.5</b>	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

**Table 2: Comparative analysis of Chapter G21 - pre-Amendment 51 controls and proposed amendments**

5.1 Carparking Schedule – Provisions in force prior to amendment 51 and proposed amendments		
Residential Land Use Type	Standard	Note
<p>Attached dwellings (fronting a public road)</p> <p>Dual occupancy</p> <p>Group homes</p> <p>Integrated housing development</p> <p>Multi-dwelling housing</p> <p>Multi-dwelling housing (terraces)</p> <p>Manor houses</p> <p>Residential flat buildings</p> <p>Semi-detached dwelling</p> <p>Shop top housing</p>	<p>1 space per one bedroom dwelling.</p> <p>1.5 spaces per two-bedroom dwelling.</p> <p>2 spaces per dwelling containing three or more bedrooms.</p> <p>The parking rates specified above includes visitor spaces. At least one space per dwelling should be provided for the sole benefit of each dwelling. Any parking on site exceeding the minimum requirements is to be provided as visitor spaces.</p>	<p>The parking rates specified include provision for visitor parking.</p> <p>The arrangement and layout of the required parking will be assessed on merit and on a case-by-case basis. Visitor parking within new developments may be catered for within driveways of individual dwellings where it can be demonstrated that other dwellings within the complex are not impacted upon. Alternatively, visitor parking may be provided on a communal basis and upon common property.</p> <p>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.</p> <p>A bedroom includes a room or rooms capable of use as a bedroom.</p>
<p>Attached dwellings (not fronting a public road)</p> <p>Multi dwelling housing</p> <p>Residential flat buildings</p> <p>Shop top housing</p>	<p>1 space per one bedroom dwelling.</p> <p>1.5 spaces per two-bedroom dwelling.</p> <p>2 spaces per dwelling containing three or more bedrooms.</p>	<p>The parking rates specified include provision for visitor parking.</p> <p>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.</p> <p>A bedroom includes a room or rooms capable of use as a bedroom.</p>

**Attachment 2**

A comparison between the proposed amendments and the current controls in Chapter G13 & Chapter G21 are provided at **Table 3** and **Table 4**.

Additions are marked in blue and deletions are marked in blue with a strikethrough.

**Table 3: Comparative analysis of current Chapter G13 controls and proposed amended amendments.**

Control	Proposed DCP Provisions
<b>Chapter G13</b>	
<b>5.1.4 Landscaping</b>	
A6.1	At least 10% of the site area is to include deep soil landscaping, which: <ul style="list-style-type: none"> <li>Has a minimum dimension of 3m in any direction.</li> <li>Is not fragmented by sub-surface drainage infrastructure</li> <li><del>is provided with an automated watering system</del></li> </ul>
A6.2	In addition to the <del>formal deep soil</del> landscaping area required at <b>A6.1</b> , a further <del>landscaped</del> area of at least 20% of the site is to be provided, which: <ul style="list-style-type: none"> <li>Has a minimum dimension of <del>4.5m</del> <b>1m</b> in any direction</li> <li>Can include permeable surfaces, such as gravel, mulch, turf or similar.</li> <li><del>Can include, decks, terraces, alfresco areas, swimming pools or other recreation areas / structures.</del></li> </ul>
A6.3	At least 35% of the front setback is to be landscaped.
A6.4	The landscaping provided at <b>A6.1</b> , <b>A6.2</b> and <b>A6.3</b> <del>must be evenly distributed across all lots and</del> excludes any areas used for storage, clothes drying, and water tanks.
A6.4	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.
<b>5.3.3 Private Open Space</b>	
A17.3	Where the private open space of a dwelling is provided at the ground level, it shall: <ul style="list-style-type: none"> <li>Include a defined hardstand area (e.g. concrete, paving, decking) of usable space which: <ul style="list-style-type: none"> <li>Is setback at least <del>4.2m</del> <b>1m</b> from an external boundary.</li> <li><del>Has a minimum dimension of 5m x 4m, of which 50% shall be covered to provide protection from the elements-12sqm with a minimum dimension of 3m of which a minimum of 8sqm shall be covered to provide shade and protection from rain.</del></li> </ul> </li> <li>Have a minimum dimension of 2m for all other areas.</li> <li>Have a gradient no steeper than 1:20.</li> <li>Be adequately screened to provide privacy to residents.</li> <li>Not be wet for prolonged periods following rainfall.</li> </ul>
A17.5	Private open space areas including courtyards, upper-level balconies and decks <del>must not extend further than 1m forward of the front building line.</del> may be located within the front setback area subject to being adequately screened to provide privacy to residents

**Table 4: Comparative analysis of current Chapter G21 controls and proposed amended amendments.**

5.1 Carparking Schedule		
Residential Land Use Type	Standard	Note
Attached dwellings (fronting a public road) Dual occupancy Semi-detached dwelling	1 space per one bedroom dwelling. 1.5 spaces per two bedroom dwelling. 2 spaces per dwelling containing three or more bedrooms.	<b>The parking rates specified include provision for visitor parking.</b> A bedroom includes a room or rooms capable of use as a bedroom. At least one parking space for each dwelling <b>containing up to three bedrooms</b> must be provided behind 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 <b>At least two parking spaces for each dwelling containing four or more bedrooms must be provided behind the building line.</b>
Attached dwellings (not fronting a public road) Multi dwelling housing Residential flat buildings Shop top housing	1 space per one bedroom dwelling. 1.5 spaces per two bedroom dwelling. 2 spaces per dwelling containing three or more bedrooms. <b>0.2 spaces per dwelling must be provided for visitor parking (rounded up).</b>	<b>Where the development is located within 400m (measured along an existing pedestrian path of travel) of a traditional retail centre identified in Section 5.2.2 of this Chapter and where more than 50 publicly accessible carparking spaces are available in that centre, the visitor parking provision may be reduced on merit.</b> <b>The parking rates specified include provision for visitor parking.</b> <b>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.</b> <b>A bedroom includes a room or rooms capable of use as a bedroom.</b>

**Attachment 3**

A review of the proposed amendments to Shoalhaven Development Control Plan 2014 (SDCP) against the NSW Government provisions in the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 - Low Rise Housing Diversity Code (LRHDC)* in conjunction with the associated Housing Diversity Design Guide and the Pattern Book Development Code (PBDC) is provided in **Table 5**.

**Table 5: Comparative analysis of proposed amendments and Codes SEPP provisions for Low Rise Housing Diversity and Pattern Book Development.**

Control	Proposed amendments to SDCP	Comparable provisions LRHDC	Comparable provisions PBDC (All areas located outside the Low to Mid Rise Housing Areas)
<b>Landscaping</b>			
<b>A6.1</b>	Deep Soil landscaping no automated watering system required	An ongoing maintenance plan as part of the landscape plan which ensures landscaping is properly established and remains in good health.	N/A
<b>A6.2</b>	20% of site area is required as site landscaping (which can include hardscape areas – see below).	Min. 50% of the parent lot area minus 100m <sup>2</sup> (i.e 30% for a 500sqm lot).is provided as <b>landscaped area</b> (see definition below).	<b>Dual occupancy</b> Min. 25% of site <b>landscaped area</b> <b>Terraces</b> Min 20% of site <b>landscaped area</b>
	Areas with a min. width of 1m can be included as site landscaping.	Area not less than 1.5m included in <b>landscaped area</b> .	Min side setbacks are 1.5m to development
	Site landscaping calculations may include <b>landscape area</b> but also hardscape areas such as decks, terraces, alfresco areas, swimming pools or other recreation areas.	<b>Landscape area</b> excludes any building, structure or hard paved area.	<b>Landscape area</b> excludes any building, structure or hard paved area. Min. 35% of rear yard landscaped and Max 40% of rear yard can be hardstand
<b>A6.4</b>	Site landscaping not required to be evenly distributed evenly over each lot created through a development	Each resultant Torrens title lot or dwelling has the required landscaping apportioned to each lot or dwelling	Minimum landscape areas are applicable per dwelling
<b>Amenity</b>			
<b>A17.3</b>	1m setback from hardstand (principal) private open space areas to external boundary.	The principal private open spaces are appropriately located to enhance liveability for residents	No setback nominated
	Minimum hardstand area of 12m <sup>2</sup> with a minimum dimension of 3m, of which	At least 16sqm for each dwelling Min. width 3m	<b>Dual occupancy</b> Hardstand private open space not specified.

	8m <sup>2</sup> shall be covered to provide shade and protection from rain		Rear yards are min. 6m wide x 8.8m rear yard per dwelling. Max 40% of the rear yard can be hardscape area <b>Terraces</b> Min 5 x 5.5m rear yard Max 40% hardscape area
<b>A17.5</b>	Private open spaces can be forward of the building line within front setback	The principal private open space is located behind the front building line.	<b>Dual occupancy</b> Principal private open space to rear of dwellings (within min. 5.5m rear setback) <b>Terraces</b> Principal private open space to rear of dwellings (within min. 9.1m rear setback)
<b>Carparking</b>			
<b>Sch 5.1</b>	At least 1 off-streetcar parking space be provided for each dwelling located behind the building line for multi-dwelling housing dwellings with direct access to a public road.	At least 1 off-streetcar parking space provided for each dwelling located behind the building line with direct access to a public road.	<b>Dual occupancy direct access to public road</b> At least 1 off-streetcar parking space provided for each dual occupancy located behind the building line <b>Terraces with direct access to public road</b> At least 2 off-streetcar parking spaces located behind the building line provided for every 3 attached dwellings.
	No requirement for visitor parking for medium density development that is accessed from a shared driveway.	N/A – not complying development under the SEPP.	N/A -not a typology in the pattern book code

**Landscape area** is defined in Shoalhaven LEP 2014 and means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

## **CL26.113 New Land Use Planning Scheme - First Planning Proposal (Housekeeping - PP082) - Shoalhaven LEP 2014 Update**

**HPERM Ref:** D26/159862

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

**Attachments:** 1. Pre-Gateway Instrument & Mapping Planning Proposal PP082 (under separate cover) [⇒](#)

### **Purpose:**

This report is to seek Council resolution to submit a Housekeeping Planning Proposal (PP082) to the NSW Department of Planning, Housing and Infrastructure (DPHI) for initial Gateway determination.

### **Recommendation**

That Council:

1. endorse the progression of Planning Proposal PP082 (**Attachment 1**) for submission to the NSW Department of Planning, Housing and Infrastructure for an initial Gateway determination and, if favourable:
  - a. Proceed to formal public exhibition in accordance with the terms of the determination/legislative requirements; and
  - b. Receive a further report following conclusion of the public exhibition to enable its finalisation.
2. Advise key stakeholders and interested parties of the public exhibition arrangements.

### **Community Strategic Plan:**

- 4 Transparent leadership with good governance
  - 4.3 Effective collaboration and engagement
- 3 Resilient local economies and enabling infrastructure
  - 3.3 Housing for all

### **Delivery Program / Operational Plan:**

- 4.3.1 Develop community trust and respect through transparent interactions and reporting
- 4.3.2 Provide opportunities for the community to have genuine engagement on Council planning and decision making
- 3.3.1 Develop and implement plans which will enable a variety of affordable and appropriately serviced housing options within the City

CL26.113

## Background

Council resolved on 25 November 2026 (MIN25.601) to progress Stage 2 of the New Land Use Planning Scheme, specifically to (relevant components):

1. *Continue to focus its Strategic Land Use Planning Work Program on the delivery of a new Land Use Planning Scheme (including prioritising a new Local Environmental Plan) for the City via a staged approach.*
4. *Commit to the focussed delivery, as outlined in the report, of the following project components of an adjusted new Land Use Planning Scheme Stage 2 during this term of Council:*
  - b. *New Local Environmental Plan - involving review and retention/adjustment of the current LEP provisions, inclusion of relevant outcomes from the new Strategy (e.g. new residential zoned land) and also any consequential resulting amendments to the Development Control Plan and Contributions Plan arising from new zoned areas.*
5. *Undertake a shorter term housekeeping review Planning Proposal to resolve key more pressing issues that have arisen with the Local Environmental Plan (LEP) and that cannot necessarily wait for the overall project, some of which are outlined in the report.*

Historically, Council had an ongoing process of annual housekeeping amendments to improve the operation and maintain accuracy of the Shoalhaven Local Environmental Plan 2014 (LEP). The New Land Use Planning Scheme program has essentially restarted this process in a more intensive way. Several Planning Proposals are now being prepared and will be reported to Council in due course to review, update and resolve as many LEP related matters prior to end June 2027.

This Planning Proposal (PP) is the first of the proposed staged update adjustments to the LEP. The PP addresses the more ‘urgent’ matters requiring early progression, consistent with Part 5 of the above resolution, that seek to align the LEP with strategic documents, resolve outstanding matters, ensure it functions as intended, remains accurate and results in positive planning outcomes delivered for the community.

This PP intends to make five instrument changes and mapping changes to 7 sites in the LEP as outlined in Table 1. A full copy of the PP is at **Attachment 1**.

**Table 1: Summary of the PP082 Key Issues**

Item	Issue / Proposed Amendment
<b>Instrument Changes</b>	
1	<p><b>Clause 4.1A Minimum lot sizes for dual occupancies, manor houses, multi dwelling housing, multi dwelling housing (terraces) and residential flat buildings</b></p> <p>Enable a development application for the concurrent approval of a medium density development and its subdivision, rather than the required current two applications. This addresses a current impediment to efficient housing delivery.</p>
2	<p><b>Clause 4.2A Subdivision of land in Zone RU1, Zone RU2 or Zone C3</b></p> <p>Adjust clause to refer to each resulting lot with a frontage to a classified road, rather than the parent lot, relating to subdivision for the purpose of tourist and visitor accommodation. This resolves an unintended consequence in the original drafting of the current clause.</p>
3	<p><b>Clause 4.2D Erection of dual occupancies (attached) and dwelling houses on land in certain rural, residential and conservation zones</b></p> <p>Adjust clause to recognise an existing dwelling entitlement on a residual lot created under clause 6.5 (subdivision of land around Urban Release Areas), had it not been</p>

	affected by the subdivision. This has emerged from contemporary consideration of development of the identified Urban Release Areas and related residue land.
4	<p><b>Schedule 1 Additional Permitted Uses – (9) Use of certain land in Maisie Williams Drive, Mollymook</b></p> <p>Remove the current additional permitted use provision for a dwelling house and dual occupancies over the land. This follows the proposed rezoning of the land in mapping item 7 outlined below.</p>
5	<p><b>Schedule 5 Environmental Heritage - Item 41 George Street, Berry</b></p> <p>Following further investigation/refinement and survey, increase number of trees applying to the listing (remnant old growth eucalypts) along George Street from two to nine. Refer also to mapping item 3 below. This follows an affected landowner request for clarity.</p>
<b>Mapping Changes</b>	
1	<p><b>Donovan Road, Broughton Village</b></p> <p>Adjust zoning and minimum lot size mapping following the finalisation of the NSW Government’s Foxground and Berry bypass project.</p>
2	<p><b>Homestead Lane, Berry</b></p> <p>Adjust zoning and minimum lot size mapping following the finalisation of the NSW Government’s Foxground and Berry bypass project.</p>
3	<p><b>George Street, Berry</b></p> <p>Update heritage mapping to ensure that the trees of significance are appropriately identified and mapped in the correct location.</p>
4	<p><b>Appleberry Close, Bomaderry</b></p> <p>Adjust zoning and minimum lot size mapping to reflect recent boundary adjustment that has occurred.</p>
5	<p><b>Old Southern Road, South Nowra</b></p> <p>Adjust terrestrial biodiversity, clauses, zoning, lot size and riparian lands and watercourses mapping to reflect recent approved residential subdivision.</p>
6	<p><b>Villagewood Drive, Sussex Inlet</b></p> <p>Adjust terrestrial biodiversity, zoning, lot size and riparian lands and watercourses mapping to reflect recent approved residential subdivision.</p>
7	<p><b>Maisie Williams Drive, Mollymook</b></p> <p>Adjust terrestrial biodiversity, clauses, height of buildings, zoning, lot size and scenic protection mapping to reflect recent approved residential subdivision and current additional permitted uses.</p>

CL26.113

Following initial endorsement by Council, the PP will be submitted to DPHI for Gateway determination. Should a favourable determination be received, it is anticipated that the resultant LEP amendment would proceed to exhibition and then be finalised by February 2027 (or possibly earlier).

**Risk Implications**

Not proceeding with this PP will mean that the relevant matters will not be resolved in a timely manner. Best practice includes regular amendments to the LEP to correct identified anomalies or inconsistencies in the Plan and improve its operation. Not proceeding would also be inconsistent with established intent of MIN25.601 and delay delivery of this resolution.

### **Internal Consultations**

Internal consultation relating to several matters in this PP has occurred with the Development Services and Technical Services teams.

### **External Consultations**

Transport for NSW (TfNSW) has been consulted initially regarding the changes to its land (mapping items 1 and 2) and support the change.

In accordance with the requirements of the relevant Ministerial Direction, WaterNSW has been consulted regarding impacts of the PP on the Sydney Drinking Water Catchment. At the time of writing, a response has not been received from them, but it is considered unlikely that they will object to the PP given its housekeeping nature. The PP will be updated, if needed, with any response received prior to Gateway.

### **Community Consultations**

Should the PP proceed further, it will be formally publicly exhibited in accordance with the relevant legislative and any Gateway requirements. The Gateway determination will specify the minimum exhibition period and any government agencies who should be consulted. It is anticipated that the timeframe will be a minimum of 28 days.

Key stakeholders will be advised of the exhibition arrangements in writing.

Council staff have prepared and are now using a new and improved format for Council initiated PP documents – this is first one of the new format.

### **Policy and Statutory Implications**

This PP addresses several mapping and instrument amendments to the LEP.

Council will continue to receive separate reports for the other PPs that make up the delivery of the LEP Review Program and form part of the New Scheme's LEP component/program. In this regard, it is noted that DPHI has advised that Council is not able to prepare a 'new' LEP, meaning that a series of PP's is the only way to update the LEP and make required/desired changes.

### **Financial Implications**

There are no immediate financial implications for Council and the PP/LEP amendment will be resourced through the current Strategic Planning budget.

## **CL26.114 Policy review - Rates – Small Lot Rural Subdivisions – Dealing with Unpaid Rates & Charges (POL22/41)**

**HPERM Ref:** D26/163485

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

**Attachments:** 1. Policy - Small Lot Rural Subdivisions - Dealing with Unpaid Rates & Charges [↓](#)

### **Purpose:**

This report proposes that Council consider and reaffirm the attached updated Rates – Small Lot Rural Subdivisions – Dealing with Unpaid Rates & Charges policy.

### **Recommendation**

That Council reaffirm the attached Rates – Small Lot Rural Subdivisions – Dealing with Unpaid Rates & Charges policy as adjusted/updated.

### **Community Strategic Plan:**

- 2 Sustainable environments and liveable communities
  - 2.1 Sustainable management of the natural environment
- 4 Transparent leadership with good governance
  - 4.1 Financial sustainability

### **Delivery Program / Operational Plan:**

- 2.1.1 Protect the natural environment by developing strategies to enhance and maintain biodiversity, urban green cover and ensure coastal protection
- 4.1.1 Support Council's sustainable delivery of projects and corporate services through sound financial management and control

### **Background**

In the late 1980s, it was estimated that there were approximately 10,000 'paper' subdivision lots in Shoalhaven. (This number declined significantly after parts of the Pacific City subdivision was incorporated into the Jervis Bay National Park). Further general information on the history of paper subdivisions in Shoalhaven is available [here](#).

Even though it representation a small proportion of the overall number, a significant number of lots in the 'paper' subdivisions have been acquired by Council over the years in lieu of unpaid rates.

Accepting land in the 'paper' subdivisions removes the financial burden from the landowners and helps mitigate the accumulation of unpaid rates, improving Council's financial position regarding outstanding rates. There are currently 915 properties in the Residential Non-Urban rating category.

The policy titled 'Rates – Small Lot Rural Subdivisions – Dealing with Unpaid Rates and Charges' (POL25/65) (referred to herein as the Policy) was first adopted in 2007. It consolidated several previous Council decisions to accept 'paper' subdivision properties in lieu of unpaid rates. The Policy allows owners of land in 'paper' subdivisions to transfer their land to Council in lieu of unpaid rates at no cost (Council covers the conveyancing costs).

Note: acquisition of 'paper' subdivision properties under the Policy have slowed dramatically since 2009, when Council resolved to reduce the rates for each assessment in the Residential Non-Urban rating category (a rating sub-category created essentially for the 'paper' subdivisions in the 1990s) from a minimum of \$383 per annum to an average of \$50 per annum (MIN09.561).

The Policy attached to this report has been marked up with the proposed changes for consideration and adoption by Council. In summary, the changes to the policy are:

- minor wording and administrative updates
- restructuring and formatting changes, consistent with current policy format.

### **Risk Implications**

As no significant changes have been proposed there is no change to the current risk implications of this policy.

### **Internal Consultations**

Key staff in the following sections have been consulted in relation to this matter:

- City Performance (Revenue)
- City Services (Property Services)
- City Services (Land Management)
- City Development (Biodiversity)

### **External Consultations**

No external consultation has been conducted as part of the review of this policy as no significant changes are proposed.

### **Community Consultations**

No community consultation has been conducted as part of the review of this policy as no significant changes are proposed.

### **Policy and Statutory Implications**

Policy included in this report is proposed for reaffirmation, the nature of the changes are considered minor and therefore have no implications or deviation from the intent of the existing approved policies.

### **Financial Implications**

No financial implications have been identified from the proposed changes.

# Rates – Small Lot Rural Subdivisions – Dealing with Unpaid Rates & Charges

<b>Adoption Date:</b>	27/02/2007
<b>Reaffirmed:</b>	09/05/2017, 01/08/2022
<b>Amendment Date:</b>	29/10/2009, 8/09/2015
<b>Minute Number:</b>	MIN07.283, MIN09.1488, D15/266998, MIN17.378, MIN22.499
<b>Related Legislation:</b>	
<b>Associated Policies/Documents:</b>	
<b>Next Review Date:</b>	01/12/2024
<b>Directorate:</b>	City Development
<b>Responsible Owner:</b>	
<b>Record Number:</b>	POL25/65

Rates – Small Lot Rural Subdivisions – Dealing with Unpaid Rates & Charges

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Rates – Small Lot Rural Subdivisions – Dealing with Unpaid Rates & Charges

## 1. Policy Purpose

This policy relates to **small lot rural subdivisions (i.e., paper subdivisions)** and the transfer of land in lieu of unpaid rates. The purpose of the policy is to provide a transparent and consistent approach to dealing with unpaid rates and charges for properties in 'paper subdivisions' in accordance with the legislative framework.~~The purpose of the policy is to consolidate a number of relevant Council decisions into a single accessible document for use by Council and the public.~~

## 2. Objectives

### 2.1. Policy Statement

#### **Statutory Requirements**

The requirements of Sections 31(2), 34, 570 and 713 of the Local Government Act 1993, (LGA) and the general provisions of the Conveyancing Act, 1919 apply.

A council may accept a transfer of the land in respect of which rates or charges are or accrued interest is due and payable in full satisfaction of the rates, charges or accrued interest (Section 570, LGA).

A council may sell any land (including vacant land) on which any rate or charge has remained unpaid for more than five (5) years from the date on which it became payable (Section 713, LGA).

Council may also sell any *vacant land* on which any rate or charge has remained unpaid for more than one (1) year from the date on which it became payable if:

- Council obtains a valuation of the land from the Valuer-General; and
- the total amount of unpaid rates or charges on the land exceeds the valuation, and
- the land is sold within 6 months of the date of the valuation.

#### **Council Resolutions**

This policy statement is based on the following Council resolutions:

- MIN97.1909
- MIN04.879
- MIN05.432
- MIN09.323
- MIN06.407
- MIN06.714
- MIN07.283
- MIN09.870

#### **Land to which this Policy applies**

This policy applies to land in small lot rural subdivisions and other land which is ~~or was~~ categorised as "Residential - Non-Urban" for rating purposes. This includes~~The Policy also applies to~~ land within Jerberra and Verons Estates which is ~~now~~ rated as 'Residential' ~~as a result of it being rezoned to enable development.~~

## 3. Definitions

**Rates – Small Lot Rural Subdivisions – Dealing with Unpaid Rates & Charges**

Term	Meaning
<a href="#">small lot rural subdivisions</a>	<a href="#">Also known as 'paper subdivisions', small lot rural subdivisions are historical, undeveloped subdivisions or individual lots that are generally located in bushland, lack essential infrastructure, and are not zoned for development (i.e. do not have a 'dwelling entitlement'). These properties are categorised as "Residential - Non-Urban" for rating purposes.</a>

**4. Roles and Responsibilities**

**4.1. Provisions**

***Recovery action***

Council will take all necessary steps to recover unpaid rates and charges on all properties to which this policy applies.

***Transfer of land***

Council will, if requested by the landowner or the landowner’s representative, accept the transfer of land under this policy in full satisfaction of unpaid rates and charges. Council will meet all legal costs associated with the transfer of the land in accordance with this policy and Section 570, LGA.

***Sale of land***

In cases where legal action for the recovery of unpaid rates and charges does not result in the payment of outstanding balances, Council may move to enact the provisions of Section 713, LGA to sell by Public auction, properties where rates and charges have been unpaid for more than five (5) years or one (1) year if the land is vacant.

***Classification of Land***

Land transferred to Council in accordance with this policy may also be classified as follows in accordance with Section 31(2) of the LGA:

- Land identified through rezoning investigations as potentially suitable to accommodate development will be classified as “operational”.
- Where the rezoning investigations have not progressed sufficiently (e.g. the Woollamia Farmlets) to ascertain whether the land has development potential, the land will be classified as “operational”. The classification of this land will be reviewed when the rezoning potential has been determined.
- Other land would generally be classified as “community – natural area” unless an operational need is evident or likely.

The ~~Chief Executive Officer~~[General Manager](#) is authorised to publish a public notice of the proposed classification (Section 34, LGA).

**4.2. Implementation**

City ~~Futures Development~~ (Strategic Planning) – policy maintenance

**Rates – Small Lot Rural Subdivisions – Dealing with Unpaid Rates & Charges**

City Performance (Finance ~~Department~~) – collection of rates and charges  
 City Services (Property Services) – land conveyancing, land classification  
City Services (Land Management) – management of 'Community Land – Natural Area'

~~The policy will be implemented by the City Performance Directorate by the identification of properties within small lot rural subdivisions where there are unpaid rates and charges.~~

~~Strategic Property, City Services Directorate is responsible for ensuring that property transfers are completed in accordance with the provisions of the Conveyancing Act, 1919.  
 The Property Unit, City Services Directorate is responsible for ensuring that property transfers are completed in accordance with the provisions of the Conveyancing Act, 1919.~~

**5. Related Legislation, Policies or Procedures**

**Related policies**

- Sale of Land to Recover Unpaid Rates and Charges
- Development and/or Disposal of Council Lands
- ~~Jerberra Payment Relief Policy~~
- Voluntary Acquisition of Residual C2 Environmental Conservation Land - Jerberra & Nebraska Estates, which prevails over this Policy to the extent of any inconsistency (Note: currently only applies to Jerberra Estate. It will apply to Nebraska Estate if/when the Estate is rezoned).

**6. Risk Assessment**

Properties to which this policy applies present a range of financial, social and environmental risks. This Policy seeks to minimise risks associated with privately-owned land in paper subdivisions.

**7. Data and Reporting**

**8.7. Monitoring and Review**

This policy will be reviewed within the term of every new Council, or earlier if required.

**9.8. Ownership and Approval**

**9.4.8.1. Public Policy**

Responsibility	Responsible Owner
Directorate	<del>"Enter Directorate Department Unit"</del> <u>City Development – Strategic Planning</u>
Endorsement	<del>"Enter Director &amp;/or ELT – include Advisory Committee name (if relevant)"</del> <u>Director City Performance</u>
Approval/Adoption	Council

## **CL26.115 Development Application DA25/1028 - 30 Tallowa Dam Road, Kangaroo Valley - Lot 1 DP 1262638**

**DA. No:** DA25/1028/4

**HPERM Ref:** D26/17873

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

**Attachments:**

1. Draft Notice of Determination (under separate cover) [↗](#)
2. 4.15 Assessment Report (under separate cover) [↗](#)
3. Plans (under separate cover) [↗](#)
4. Report - Noise Assessment (under separate cover) [↗](#)
5. Report - Bushfire Assessment (under separate cover) [↗](#)
6. Report - Revised Traffic Impact Assessment (under separate cover) [↗](#)
7. Revised Plan of Management (under separate cover) [↗](#)

**Description of Development:** Proposed temporary use of land for functions, proposed primitive camping ground and proposed detached habitable room

**Owner:** J W Ryan & A D Dudek  
**Applicant:** Allen Price

**Notification Dates:** Initial notification period: 12 February 2025- 26 February 2025  
Renotification of revised plans: 27 June 2025 – 11 July 2025

**No. of Submissions:** 39 submissions were received with the initial notification.  
13 Submission were received with the renotification of the revised plans

### **Purpose / Reason for consideration by Council**

At the Ordinary meeting of Council held on 11 March 2025 Council resolved to “call-in” the DA for determination.

### **Recommendation**

That the Development Application for Proposed temporary use of land for functions, proposed primitive camping ground and proposed detached habitable rooms on the land 30 Tallowa Dam Road, Kangaroo Valley – Lot 1 DP1262638 be approved subject to the recommended conditions of consent contained in Attachment 1 of this report

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Location Map



**Background**

Proposed Development

Proposed temporary use of the subject site pursuant to Clause 2.8 of the Shoalhaven Local Environmental Plan 2014 for functions.

The proposal involves:

- The temporary use of the site for functions to accommodate up to a maximum of 120 guests.
- A maximum of 52 functions per year.
- The landowner proposes to use different areas of the site for functions depending on the number of guests. It is proposed:
  - To use the bushfire shelter (as described below), for larger functions. The bushfire shelter will accommodate functions or events for up to 120 guests.
  - Smaller functions would be held in areas adjacent to the existing dwelling. An existing gazebo would be used for smaller seated functions of up to 40 people and functions with up to 80 people would be held in the open cleared area to the immediate west of the existing dwelling.
- The establishment of a primitive camping ground on the subject land. The primitive camping ground will be established pursuant to the provisions of Clause 131 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2021 and will involve a total of ten (10) primitive camping sites providing accommodation for a maximum of 20 guests. The proposed campground will provide overnight accommodation only when the site is booked for a function and will not be hired out at other times.
- It is also proposed to construct a detached habitable room adjacent to the existing dwelling. The detached habitable room will be used in conjunction with the main dwelling. This accommodation will also be used to provide onsite management for functions and the camping sites. The site manager will stay overnight in the detached habitable room when functions are held.

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- The construction of associated access tracks and parking areas.

### Subject Land and Zoning

The subject land comprises Lot 1 DP 1262638 and is located at 30 Tallowa Dam Road Kangaroo Valley. The site is a rectangular shaped property comprising an area of 16.81 ha. The subject land is located approximately 5.3km to the south-west of the Kangaroo Valley township. The land is zoned RU2 Rural Landscape under the *Shoalhaven Local Environmental Plan 2014*. Access to the property is via Tallowa Dam Road, which also severs the site in two. A Crown Road Reserve also severs the northern portion of the subject land.

The subject land comprises a mixture of clearings and forested areas. The area of the site to the north of Tallowa Dam Road is largely cleared with forested areas along the western and southern boundaries. The area to the south of Tallowa Dam Road is forested with small, cleared areas in the eastern area of this part of the subject land.

The subject land currently contains an existing two storey dwelling house, free standing Gazebo and an existing inground swimming pool. The site also contains an existing, farm shed and dam. All improvements are located on the area of the site north of Tallowa Dam Road.

The site abuts the “Dot Butler Conservation Area” which is located to the immediate west and north of the subject site.

The proposal is best characterised as Temporary Use, camping grounds, bushfire shelter and detached habitable room under the *Shoalhaven Local Environmental Plan 2014*. The proposed Temporary Use is prohibited under the RU2 Rural Landscape zone but gets its permissibility pursuant to Clause 2.8 Temporary use of land. A camping ground and detached habitable room is permitted within the zone with the consent of Council.

The RU2 Rural Landscape zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To encourage sustainable primary industry production by maintainig and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*

The proposal is considered to be consistent with these zone objectives.

### Site & Context

The subject site is located approximately 300 metres west of Mt Scanzi Road and is accessed via Tallow Dam Road.

The site currently contains an existing dwelling, swimming pool, gazebo and ancillary outbuildings, as illustrated on the Location Map.

The northern portion of the site, situated on the northern side of Tallow Dam Road, is adjoined by predominantly undeveloped lands to the north, west and east. This includes a large Crown Land parcel that adjoins both the western and northern boundaries of the site.

Land administered by the Nowra Local Aboriginal Land Council adjoins the eastern boundary, while additional allotments further to the north - extending toward and along the Kangaroo River corridor - remain largely undeveloped and heavily vegetated.

Development to the south of Tallow Dam Road is characterised by large rural residential allotments. These lots generally comprise a mix of cleared areas and retained native vegetation, reflecting the low-density rural residential character of the locality.

Overall, the locality is defined by a predominantly rural and vegetated setting, with limited development to the north and established rural residential uses to the south.

A section 4.15 assessment of the proposal is provided at **Attachment 2**.



*Photo 1: View looking north near southern boundary of subject site*



*Photo 2: View looking northwest along existing cleared area of site and where proposed camping and refuge building area proposed*

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*Photo 3: View looking south-east to existing driveway access southern boundary of subject site*



*Photo 4: View looking north to the existing dwelling*

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*Aerial image of site and surrounds illustrating undeveloped land that abuts the northern portion of the subject site*

Site History

DA Number	Proposal	Approval Date
DA19/2021	Two storey dwelling, driveway & demolition of farm building	17/3/2020
DA21/1324	New pergola	6/5/2021
DA21/1895	In-ground swimming pool	14/9/2021

Amendments during the process

In response to concerns raised by public submission the applicant sought modification of the proposal pursuant to Section 37 of the Regulations. The applicant proposed to amend the development application to remove the proposed campground for 9 camp sites, plunge pools and all associated infrastructure on the southern side of Tallowa Dam Road.

**Issues**

Clause 2.8 Temporary use of land – Shoalhaven Local Environmental Plan 2014

The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

Clause 2.8(2) permits the operation of a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months. The proposal seeks approval for operation of a temporary use for up to 52 days in any period of 12 months.

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Under clause 2.8(3) development consent must not be granted unless the consent authority is satisfied that clause 2.8(3)(a)-(d) are complied with.

An assessment of the proposal against the provisions of clause 2.8(3) is detailed below.

- **2.8 (3)(a) “the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument”**

Applicant’s Submission

The applicant has provided the following commentary against clause 2.8(3)(a):

*“The proposed use will not prejudice future development on the land as it is only temporary in nature. The only permanent structure is the bushfire shelter which is also proposed to be used for functions. This structure is to be used in conjunction with the proposed campground. If need be, this structure could also easily be repurposed for a farm building in the future. Proposed access tracks could be re-used for property access road. Parking access can be regraded back to pasture if required. Under these circumstances the proposal will not prejudice the future use of development on the subject site.”*

Discussion

The proposal is temporary in nature, and all structures are either temporary and removeable or can be reused for other purposes associated with the rural residential use of the site. The site can be restored to the condition in which it was before the commencement of the use, and it is considered that the proposed temporary use of land would not prejudice the subsequent carrying out of development on the land.

The proposed temporary use of the land for functions and associated camping will be located within existing cleared areas close to the existing structures on site as indicated within the site plan. A bushfire refuge building will also be utilised as a function room and detached habitable room will be used for accomodating the on-site manager during an event. The proposed temporary use of the land will not result in significant unacceptably irreversible changes to the continued use of the site.

The use maintains the rural landscape character of the site and surrounds and on cessation of the temporary use the temporary buildings can be removed and the refuge building converted to an outbuilding whilst the detached habitable room can continue to be used as ancillary use to the existing dwelling.

It is considered that the temporary use of land will not prejudice the subsequent development of the land in accordance with clause 2.8(3)(a).

- **2.8(3)(b) “the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood”**

**Definition of Adverse Impacts**

The operation of clause 2.8 as it relates to Standard Instrument Local Environmental Plan (of which the SLEP 2014 is a Standard Instrument LEP) has been considered by the Land and Environment Court of NSW in the leading judgement of: *Marshall Rural Pty Limited v Hawkesbury City Council and Ors [2015] NSWLEC 197*.

- The Marshall case challenged the validity of a development consent granted for the temporary use of two barns as a function centre.
- The Court invalidated Council’s development consent, stating that Hawkesbury Council did not correctly assess the application as:
  - Council only determined whether the temporary use of the two barns created an acceptable impact.

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- Under clause 2.8 Council must determine whether the development adversely impacts any adjoining land or the amenity of the neighbourhood.
- This case clarifies that temporary uses cannot be approved if they adversely impact the adjoining land or the amenity of the neighbourhood.
- There is no accepted legal definition on what constitutes an ‘adverse impact’.
- Under clause 2.8 the consent authority determines what constitutes an adverse impact.
- “Development consent must not be granted unless the consent authority is satisfied that  
... The temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood.”

While Council must consider the opinions of the community made in submissions, ultimately the consent authority must determine whether an impact is considered adverse or not.

***Geoffrey John Lomman v Windbelt Pty Limited [2018] NSWLEC 29***

- This case assessed the validity of a development consent under clause 2.8 for an outdoor concert which was subject to a number of previous complaints from residents regarding excessive noise.
- Despite community concerns, Council approved the temporary use.
- The Court dismissed the case, stating that despite the community concern, Council reached the state of satisfaction to determine whether there was an adverse impact.  
– “where Council reached the requisite state of satisfaction, any submission as to whether an effect properly qualifies as ‘adverse’ goes to the reasonableness of that satisfaction”.

Hence Council must be able to reach the state of subjective satisfaction required as a precondition for the exercise of power under cl 2.8 of the SLEP2014 and Council must be satisfied that it has adequate information upon which to reach the state of satisfaction required.

In this matter the applicant’s submission and revised amendments has provided adequate information and material for Council to assess the application.

**Applicant’s Submission**

The applicant has provided the following commentary against clause 2.8(3)(b):

*‘The temporary use of land is not considered to adversely impact adjoining land or the amenity of the neighbourhood. The criteria of ‘no adverse impact’ is specifically addressed in the Acoustic Report prepared by Harwood Acoustics (Annexure 7) and this is further discussed in Section 6.3.1.2 of this SEE.*

*No adverse impact on visual amenity is anticipated, given the low-key nature of the camping and that the location of the proposed works and parking areas will be screened by existing and planned vegetation along the frontage of the site. The location of the bushfire shelter is screened and obscured by existing vegetation and is well sheltered from the Tallowa Dam Road frontage. No adjoining residences are visible along the neighbouring boundary.”*

**Discussion**

The proposed temporary use of land does not present any significant impacts on neighbouring land and neighbourhood amenity including the compatibility of the proposal with adjoining land uses. Whilst a number of issues have been raised in the objections including increased traffic, ecological and biodiversity impacts, noise and views and visual

amenity, anti-social guest behaviour. A detailed assessment of these potential impacts is included in Section 4 Assessment of the s4.15 Planning Assessment Report (see **Attachment 2**). Further the adjoining lots to the northern portion of the lot (north side of Tallowa Dam Road) are essentially vacant lots which are heavily vegetated. The immediate abutting land to the west and north is Crown Land whilst to the east is landowner by the Nowra Local Aboriginal Land Council. To the immediate south is Tallow Dam Road and further south is a rural residential lot (approximately 200m south of Tallowa Dam Road).

As identified in the Report, the application has demonstrated that the proposal would not have any adverse impact with regard to compatibility with adjoining land uses and also with regard to noise.

The proposal satisfies clause 2.8(3)(b)

#### Noise

Any development application made pursuant to clause 2.8 of the LEP must have no adverse impact on any adjoining land or the amenity of the neighbourhood rather than an acceptable impact.

The proposed development is located on a large rural allotment zoned RU2 – Rural Landscape. The nearest neighbouring dwelling is located approximately 300 metres south of the proposed Bushfire Refuge Building, providing a substantial separation from existing residential development.

Land adjoining the northern portion of the subject site, located on the northern side of Tallowa Dam Road, comprises predominantly vacant and heavily vegetated allotments. The land immediately adjoining the western and northern boundaries of the site is Crown Land, while land to the eastern boundary is owned by the Nowra Local Aboriginal Land Council.

The southern boundary of the site adjoins Tallowa Dam Road, with an established rural residential allotment located further to the south, approximately 200 metres south of Tallowa Dam Road.

The surrounding land use context is therefore characterised by low-density rural and rural residential development, with significant areas of undeveloped and vegetated land adjoining the site.

The development application is supported by a revised Environmental Noise Assessment (ENA) prepared by Harwood Acoustics (HA) provided at Attachment 4.

The ENA assesses the potential for noise emission arising from functions to be held at the site as well as camping activities. HA advise that the main sources of noise from the functions will be human voice noise, amplified music and motor vehicle movements as well as human voice noise and activities associated with camping.

HA note that the predicted noise levels are well below the NSW EPA's lowest intrusiveness noise goals of 35 dBA. The predicted noise levels at all receptors are also below the considerably more stringent noise limits that would typically apply to licensed premises under Liquor and Gaming NSW's requirements for guest and music noise.

HA have provided an example of typical noise levels (as provided by the NSW EPA) in Appendix A of the revised report, Attachment 4. This demonstrates that the predicted level of noise emission from music and guests at 30 metres from the closest residential dwellings is at the lowest end of the scale provided and is between being 'inside a bedroom with the windows closed' and a 'quiet countryside'. Given the extensive setback to the nearest dwelling to the south (over 300 metres), noise levels as received within the nearest neighbouring dwellings will be significantly lower still if in fact negligible. HA states that these noise levels could not reasonably be considered to represent an adverse impact.

Notwithstanding the temporary nature of the proposed use, and having regard to the existing rural residential character of the site and surrounding locality, the development is proposed

to be approved on a limited-duration basis of three (3) years. Conditions of consent will be imposed to manage potential amenity impacts, including restricting the maximum number of operational days to thirty (30) days within any twelve (12) month period, in lieu of the otherwise permissible maximum of fifty-two (52) days.

Further conditions will limit patron numbers associated with function use of the refuge building, reducing capacity from 120 patrons to a maximum of 100 patrons. Patron numbers utilising outdoor areas will also be reduced from 80 to a maximum of 60 patrons. These measures are intended to ensure the development remains compatible with surrounding rural residential uses and maintains acceptable levels of amenity.

- **2.8(3)(c) “the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land”**

Applicant’s Submission

The applicant has provided the following commentary against clause 2.8(3)(c):

*“The proposed temporary use of land will not adversely impact on environmental attributes or features of the land. No threatened species will be significantly impacted by this proposal and only minimal clearing of vegetation is proposed for the APZ, as the proposal will be sited on existing cleared paddock area. The site is mapped as bushfire prone land. The development application is supported by a Bushfire Assessment that demonstrates the proposal will be consistent with the provisions of the “Planning for Bushfire Protection” guidelines.”*

Discussion

The area proposed for temporary function and camping uses is located away from the biodiversity and bushland areas and is unlikely to have a direct adverse impact or indirect impact on native wildlife. It is considered that the temporary use of land for functions and associated camping would not adversely impact on environmental attributes or features of the land.

It is noted that the part of the land, including the area proposed to be used for camping is mapped as bush fire prone land. Therefore, the proposed development is integrated development under the *Rural Fires Act 1997*. The application was referred to NSW RFS and a Bush Fire Safety Authority (BFSA) and General Terms of Approval (GTAs) were issued.

It is considered that the temporary use of land would not increase the risk of natural hazards that may affect the land.

- **2.8(3)(d) “at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.”**

Applicant’s Submission

The applicant has provided the following commentary against clause 2.8(3)(d):

*“The proposed works can be easily removed or easily re-purposed upon cessation of use and the land will be able to be restored to the condition in which it was before the commencement of the use.”*

Discussion

The proposed camp sites can be easily removed and the bushfire refuge building and detached habitable room can be re-purposed for use as part of the rural residential use of the site. Further the applicant has advised that campers/tent trailers will be packed down and relocated to a designated trailer parking area when not in use which is consistent with Section 131(3) of the Local Government Regulations 2021.

## **Bushfire Shelter/Functions Room**

Issues have been raised regarding the bushfire shelter and its size and permissibility. The main issues being that given there are essentially only 10 camping sites for up to 20 people to be accommodated the building seems excessively large.

Due to the bushfire risk affecting the site, the provision of a bushfire refuge is a mandatory requirement and not an optional component of the development.

They had originally intended that larger functions would be undertaken within a temporary marquee. However, prior to lodgement of the Development Application, a Preliminary Bushfire Assessment was prepared and a discussion with the RFS was undertaken.

The preliminary advice provided by the RFS required:

- a bushfire refuge be provided on site; and
- the refuge be sized to accommodate all occupants of the site, including those associated with the temporary event use.

Importantly, this requirement applied irrespective of whether larger events were to be held within a permanent structure or a temporary marquee. Accordingly, even under the original proposal—where larger events were to occur within a marquee—the bushfire refuge would still have needed to be constructed to safely accommodate the full site occupant load.

Having regard to this advice, the applicant considered it appropriate and reasonable to amend the proposal to seek approval for the use of the bushfire refuge building to accommodate larger functions, in lieu of relying on a temporary marquee structure. This amended approach ensures that infrastructure required for bushfire safety purposes is also utilised to support the proposed event use, thereby avoiding unnecessary duplication of built elements. The proposal represents a logical, efficient and considered response to the site's bushfire constraints, while maintaining consistency with the intended function of the bushfire refuge building.

The use of the refuge building for larger functions also results in improved amenity outcomes in relation to noise impacts, as events will be contained within an enclosed structure rather than occurring within an open or semi-open marquee.

It is acknowledged that concerns have been raised regarding the scale of the bushfire refuge building and the potential perception that it may function as a dedicated event venue. The bushfire refuge building has not been proposed or designed to facilitate functions as a primary land use. Rather, the scale of the building is directly informed by NSW Rural Fire Service requirements, which require the refuge to accommodate all site occupants during a bushfire event, including campers, staff and event attendees.

The secondary use of the bushfire refuge building to accommodate larger events avoids reliance on temporary marquee structures and ensures that all occupants are located within a purpose-designed structure capable of providing an appropriate level of bushfire protection. This approach represents a proportionate and risk-responsive design outcome, prioritising life safety while also delivering improved amenity, operational efficiency and impact management outcomes when compared with events conducted within temporary marquees.

Regardless a condition of consent will require that the building is converted to an outbuilding on the cessation of the temporary function use.

Overall, the proposal ensures that the scale and use of the bushfire refuge building remain consistent with its primary safety function, while responding appropriately to the site's bushfire constraints.

**Planning Assessment**

The DA has been assessed under 4.15 of the Environmental Planning and Assessment Act 1979. Please refer to Attachment 2

**Community Consultations**

The application was initially notified in accordance with Council’s Community Consultation Policy for Development Applications. The application received 39 submissions. Thirty-eight (38) were objections to the development. One (1) was received from Crown Lands advising no objection to the development.

The application was renotified in accordance with Council’s Community Consultation Policy for Development Applications. The application received 13 submissions. Twelve (12) were objections to the development. One (1) was received from Crown Lands advising no objection to the development.

Key issues raised Include (but are not limited to):

Issue/Objection	Comment
Glamping sites in the southern portion of the lot	These were deleted from the proposal as part of the revised plans
Noise and concerns with the accuracy of the submitted acoustic report	Council Environmental Health Officers have reviewed the acoustic report and advised that the only concern is the events should finish at 10pm rather than 10.30pm. Further the plan of management submitted by the applicant has also been revised to reflect the 10pm completion and also conditioned to ensure that no music is permitted after 10pm in the camping area.
Increased traffic	The proposal has been reviewed by Council’s Development Engineering section who have advised that the road is capable of accommodating the additional traffic movements as result of the use of the land for private functions.
Concern with the evacuation of the area during bushfire	There will be a Plan of Management in place which advises that Bushfire and Evacuation management plan has been prepared and a copy will be provided to the Local Emergency Management Committee.
Wastewater effects on nearby Creek/ Potential run-off into surrounding waterways	The proposal is well setback any water ways and the proposal has been reviewed by Council’s Biodiversity section who did not raise any concerns with impacts on any waterways.
Security concerns with private function attendees	A plan of management is in place to address any concerns with security. Further an on-site manager will be onsite during each event.
No definition of the duration of a function/event	All music is to cease at 10pm and guests not camping should have left the property by 11pm which will be conditioned on the consent.
Overdevelopment of the site	Given the size of the lot at 16 hectares and the actual area of developed land which is considered small in comparison, the proposed development of the site for functions is not considered an overdevelopment of the site. Further the additional buildings can also be

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	considered to be utilised as part of the rural residential use by converting the refuge to shed and use of the detached habitable building.
Temporary use is not temporary if it holds function at a maximum of 52 each year whilst proposed structures not considered temporary in particular the glamping tents and bush fire shelter	The proposal is consistent with the requirements of the Clause 2.8 Temporary Use of land of the Shoalhaven LEP 2014 however a restriction will allow a maximum of 30 events in 12 months. The refuge building can be repurposed to an outbuilding, and the detached habitable room can be utilised for the existing rural residential use
Concern on the proposed clearing of the land, area to be cleared	The proposal is located on cleared land. No additional clearing is required as part of the proposal.
Environmental impact on the natural environment	The proposal has been considered by Council's Biodiversity section who have advised no objection subject to imposition of relevant conditions of consent.
Inconsistent with the Zone objectives	Whilst the proposal is for a temporary use which is prohibited under the zoning it is considered consistent with the zone objectives in particular it will <i>maintain the rural landscape character of the land</i> . Further the objective of clause 2.8 Temporary Use of Land: <i>not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land</i> . The proposal is considered consistent with the objective.
Detached habitable room not permitted and essentially a secondary dwelling	The detached habitable room is permitted with consent and it does not have a kitchen or laundry so cannot be considered as a dwelling. The use of the detached habitable room will be to accommodate the on-site manager during an event
Size of bushfire shelter not compatible with number of persons which may utilise it. The bushfire shelter size exceeds the number of campers and that the structure is designed as a function centre	The size of the shelter is the result of discussions held with the NSW Rural Fire Service (RFS) who advised the following Bushfire Protection Measures (BPMs) would be required: Provision of a refuge with sufficient capacity to accommodate all site occupants, including campers and function attendees Separation of the shelter from bushfire hazards via an Asset Protection Zone (APZ) based on 10kW/m <sup>2</sup> , and construction to BAL-12.5 standards in accordance with AS 3959-2018 and Planning for Bushfire Protection 2019 (PBP) guidelines. The proposed refuge is to be constructed to BAL12.5 and maintain a 79m APZ.
Visual impacts on land owned by Sydney Bushwalkers and Crown Land	There are no visual impacts as result of the proposed development given the extensive distance between the subject site and the Sydney Bushwalkers land. Further the design is low profile and well setback from subject site boundaries.

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Further, details on the above issues raised are provided in the 4.15 assessment report (**Attachment 2**).

### **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 of NSW.

### **Legal Implications**

Pursuant to section 8.2 of the EP&A Act, a decision by the Council may be the subject of a review by the applicant in the event of approval or refusal. If such a review is ultimately pursued, the matter would be put to Council for consideration.

Alternatively, an applicant may also appeal to the Court against the determination pursuant to 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 (DA25/1028) be approved subject to the conditions of consent recommended at Attachment 1.

The proposal is consistent with the relevant environmental planning instruments and the Shoalhaven Development Control Plan 2014;

- The proposed development complies with the development standards and is consistent with the aims, objectives and provisions of the applicable environmental planning instruments;
- The proposed development complies with the performance criteria and is consistent with the aims, objectives and provisions of Shoalhaven Development Control Plan 2014;
- Potential amenity impacts associated with the development are capable of being appropriately ameliorated without significant impacts on surrounding development;
- The site is suitable for the proposed development;
- Any submissions received during the public notification period have been considered and issues and concerns raised by the community in submissions have been addressed in the assessment; and
- The proposed development does not conflict with the public interest. The proposal is temporary and is proposed to cease after 3 years and without the further approval of Council - temporary structures must be removed and permanent structures being the refuge building will be required to revert to an outbuilding whilst the detached habitable room can continue its use as it is permissible and ancillary use to the existing dwelling.

## **CL26.116 Development Application – 21 Fegen Street Huskisson – Lot F DP 384715**

**DA. No:** DA24/2379/4

**HPERM Ref:** D26/164544

**Department:** Development Services

**Approver:** Emma Struys, Director - City Development

**Attachments:**

1. S4.15 Assessment Report (under separate cover) [⇨](#)
2. DRAFT Notice of Determination (under separate cover) [⇨](#)
3. Architectural Plans (under separate cover) [⇨](#)
4. Request to Vary a Development Standard (under separate cover) [⇨](#)

**Description of Development:** Demolition of existing structures, multi dwelling housing (3 units) and swimming pools (3)

**Owner:** Jagal Investments Pty Ltd

**Applicant:** L Carmichael & L C Hawke

**Notification Dates:** 7 March 2025 – 21 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 (LEP) 2014. Staff do not have delegation to determine a variation exceeding 10% of the principal standard.

### **Recommendation**

That DA24/2379 to vary the minimum lot size in Clause 4.1A of the Shoalhaven Local Environmental Plan (LEP) 2014 at 21 Fegen Street Huskisson be approved subject to the conditions of consent listed in the Draft Notice of Determination at Attachment 2.

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Location Map

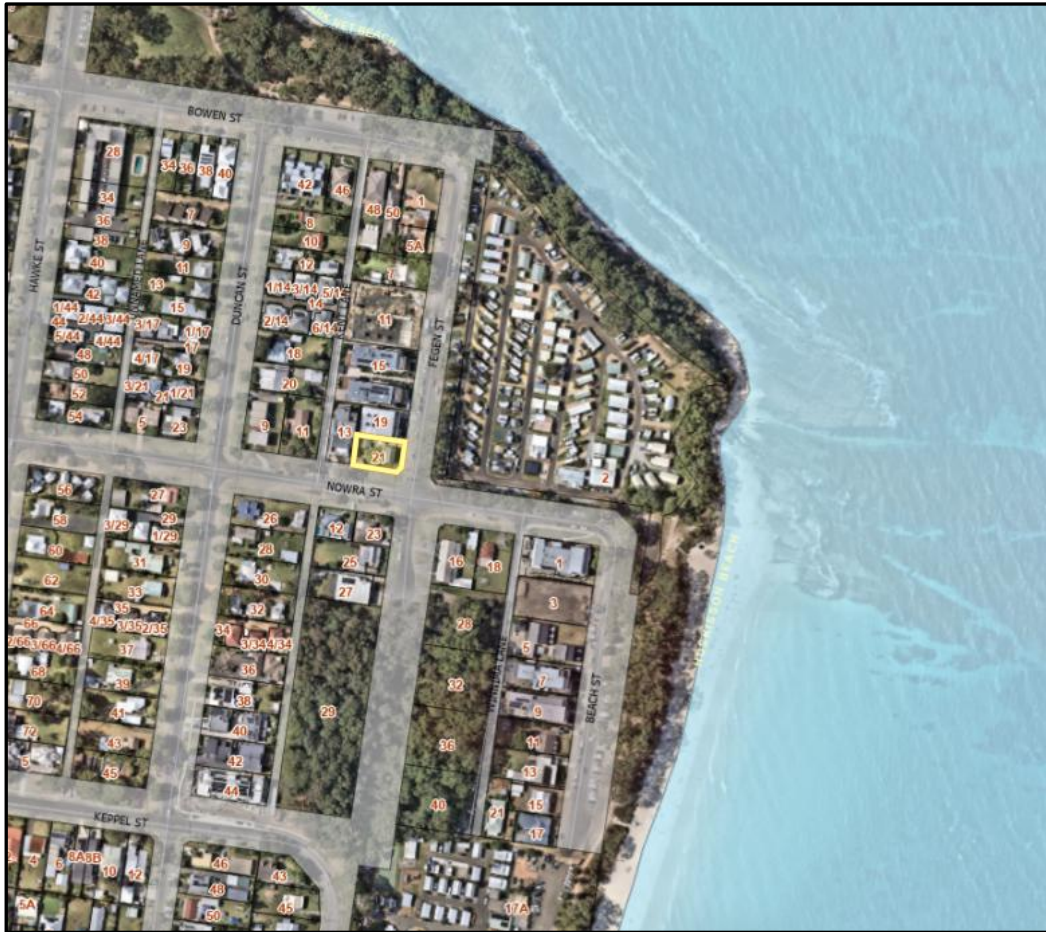


Figure 1: Locality Map



Figure 2: Aerial imagery of the subject site

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## **Background**

### Proposed Development

The proposal includes:

- Demolition of existing structured
- 3 x three-storey multi-dwelling units with basement carparking
- Swimming pools (3)
- 4.6 variation request to Clause 4.1A – Minimum lot sizes dual occupancies, manor houses, multi dwelling housing, multi dwelling housing (terraces) and residential flat buildings.

Refer to Attachment 3 – Submitted plans.

### Subject Land

The development site comprises of Lot F DP 384715 (21 Fegen Street Huskisson). Refer to Figure 2 above.

### Site & Context

The subject site has a total area of 638.64m<sup>2</sup> and is located within zone MU1 – Mixed Use pursuant to the LEP. The site has a primary frontage to Nowra Street (as determined by the orientation of the proposed development) and a secondary frontage to Fegen Street. Practical and legal access can be achieved from Nowra Street and appropriate services are available to the site, including reticulated sewer and water.

Existing development on the site consists of a two-storey dwelling house and detached garage. The surrounding area is mixed in character and the site is immediately adjoined by residential flat buildings to the north and west. Holiday Haven White Sands Accommodation is located opposite the site, on the eastern side of Fegen street. Low density residential development is located to the south of the subject site.

## **Issues**

### Clause 4.6 – Variation Request to Clause 4.1A of Shoalhaven Local Environmental Plan (LEP) 2014

Clause 4.1A of Shoalhaven LEP 2014 prescribes a minimum lot size of 900m<sup>2</sup> for multi dwelling housing. This subject site has an area of 638.6m<sup>2</sup> and, as such, strict compliance with the development standard is not achieved.

### Applicant's Submission

Refer to Attachment 4 – Request to Vary a Development Standard.

### Council Assessment

Clause 4.6 of Shoalhaven LEP permits the variation of a development standard where the applicant has demonstrated to the satisfaction of Council that:

- Compliance with the standard is unreasonable or unnecessary in the circumstance of the case, and
- There are sufficient environmental planning grounds to justify the contravention.

The principles for assessing whether a development standard is unreasonable or unnecessary were articulated in *Wehbe v Pittwater Council (2007) NSWLEC 827* and refined in subsequent decisions including *Four2Five Pty Ltd v Ashfield Council* and *Initial Action Pty Ltd v Woollahra Municipal Council*. *Wehbe* establishes that this may be satisfied were:

- The objectives of the development standard are achieved notwithstanding non-compliance
- The underlying objective of the standard does not apply to the particular land; or
- Compliance would be unreasonable or onerous in the particular circumstances.

Caselaw is clear that the assessment must be site-specific, logically reasoned and directed to the purpose of the development standard itself, rather than the permissibility of development more generally.

Unreasonable or Unnecessary

The assessment on the 4.6 variation request has focussed on whether the objectives of Clause 4.1A are satisfied notwithstanding the non-compliance, and whether strict adherence to the minimum lot size standard would be necessary to achieve an improved planning outcome in this instance.

The objectives of Clause 4.1A include:

- Achieving planned residential density
- Ensuring sites can accommodate development that is consistent with planning controls, and
- Minimising adverse amenity impacts

The proposal achieves compliance with maximum building height, floor space ratio and deep soil landscaping, demonstrating that the site is capable of accommodating multi dwelling housing without undue bulk or overdevelopment. These outcomes lend support to the position that the objectives of the minimum lot size control can be met notwithstanding the numeric non-compliance.

While variations are proposed to setback and permeable area controls under Shoalhaven Development Control Plan, these matters have been assessed in detail. The reduced setback along Fegen Street associated with the swimming pool and shortfall in permeable area do not, in this instance, result in unacceptable impacts on streetscape character, adjoining properties or stormwater management. The development maintains adequate building separation, deep soil landscaping and built form articulation appropriate to the locality.

In this context, the minimum lot size standard does not operate as a determinative control to prevent adverse impacts or inappropriate development outcomes on this site. The key objectives of Clause 4.1A are achieved notwithstanding the numeric departure, and that strict compliance would not yield a materially improved planning outcome.

Having regard to the built form achieved, the site context and the detailed assessment of the amenity impacts, strict compliance with Clause 4.1A is considered unreasonable and unnecessary in the specific circumstances of this application.

Sufficient Environmental Planning Grounds

The site is located within an established mixed-use area characterised by higher residential densities and diverse built forms. The proposed development is considered compatible with the prevailing and anticipated character of the locality.

The submitted environmental planning grounds relate to efficient use of land, compatibility with surrounding development and consistency with MU1 zoning objectives. These are relevant considerations under Clause 4.6. While these grounds are not unique to a non-compliant lot size outcome, the established higher density character of the locality, the mixed-use zoning framework and the modest dwelling yield proposed provide contextual support for the variation. When considered alongside the absence of significant amenity impacts, these environmental planning considerations are sufficient to justify the variation.

### Conclusion

Council can be satisfied, that strict compliance with Clause 4.1A would be unreasonable in the specific circumstances of this application, and sufficient environmental planning grounds exist to justify the variation, having regard to the demonstrated built form outcomes and locality context. The variation is supported on its planning merits, following Council staff's assessment under s4.15 of the *Environmental Planning and Assessment Act. 1979*.

Note: Council's attention is drawn to a similar approval – DA2023/1474 at 5 Burr Avenue Nowra, Lot 5 DP 32228 – to vary the minimum lot size for a multi-dwelling housing development in a MU1 Mixed-Use zone, demonstrating consistency in approach.

### **Planning Assessment**

The DA has been assessed under s4.15 of the Environmental Planning and Assessment Act 1979. Please refer to Attachment 1.

### **Policy Implications**

There are no policy implications.

### **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, in the event the Application is determined by way of approval.

#### Waste Services

Support. Advice provided giving recommended waste serving arrangements, in the event the Application is determined by way of approval.

#### Building Surveyor

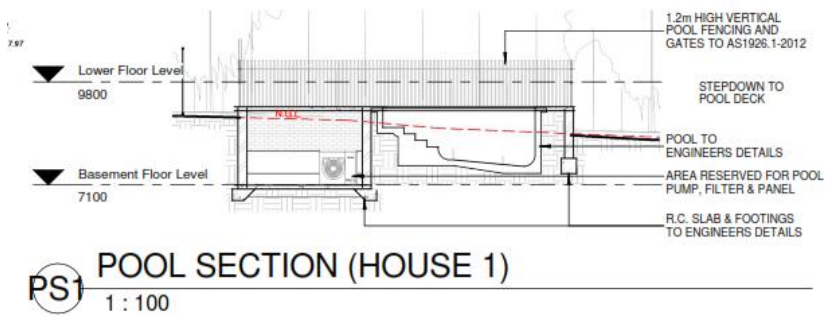
Support. Advice provided regarding compliance with the Building Code of Australia and the Silver Level requirements of the Liveable Housing Design Guidelines; in the event the Application is determined by way of approval.

#### Development Engineer

Support. Advice given on matters not limited to stormwater disposal, earthworks, rainwater tank and onsite detention, driveway design and public works, in the event the Application is determined by way of approval.

### **Community Consultations**

One (1) public submission was received in relation to Council's notification of the development. The submission raised concerns regarding specific aspects of the proposal that were considered to have the potential to impact the submitter. These matters were carefully considered, and design amendments were made to address some of the issues identified.

<b>Summary of Public Submissions</b>	
<b>Objection Raised</b>	<b>Reasons for Determination</b>
<u>Building Height, Privacy and View Impacts</u>	<p>The height set by the Height of Buildings Map is 13m. The applicant provided a revised set of plans that amended the roof pitch, providing a peak height of 12.2m. The proposed development does not exceed the building height limit.</p> <p>The applicant provided a building separation diagram which showed all windows achieve appropriate separation to other residential units within this building and to windows in adjoining approved developments in accordance with Chapter N19 of Shoalhaven Development Control Plan 2014.</p> <p>While views may contribute to residential amenity, there is no established planning principle that guarantees the protection of private views across property boundaries. In this instance, the impact relates to the neighbouring property's outlook towards trees within the immediate surrounds of the site, rather than to a broader or valued view. An outlook of this nature is not considered a protected view for planning purposes and accordingly the planning principle regarding the protection of views does not apply. Changes to outlook and visual context are an inherent and expected consequence of development within urban environments.</p>
<u>Setbacks</u>	<p>The swimming pool along the Fegen Street frontage will have coping with a maximum height of 1 metre above natural ground level and will be appropriately screened by vegetation. On this basis, a merit assessment has been undertaken, which concludes that the proposal will not result in a significant adverse impact on the streetscape.</p>  <p style="text-align: center;"><b>PS1</b> POOL SECTION (HOUSE 1) 1 : 100</p>
<u>Pool use – Hours</u>	<p>As the development is for residential purposes, hours of operation of the pool are not a relevant consideration. Floodlighting has not been proposed as part of this development application.</p>
<u>Impact on road network</u>	<p>A dilapidation report will be incorporated as a condition of consent that will be required prior to works commencing and will require any public infrastructure damaged as a result of the carrying out of work approved under this consent to be rectified prior to occupation of the development.</p>
<u>Impacts on ARBNB Revenue</u>	<p>This is outside the scope for the assessment of a development application.</p>

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### **Financial Implications**

Development contributions have been applied in accordance with the Shoalhaven Contributions Plan 2019. There are no anticipated adverse financial implications resulting from the development.

### **Legal Implications**

There are no adverse legal implications anticipated from the proposed development.

### **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 (DA24/2379) be approved subject to the conditions of consent recommended at Attachment 2.

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## **CL26.117 Grant of Easements for Padmount Substation and Underground Cables and Create a Restriction on the Use of Land - Part Lot 1 DP 1063393**

**HPERM Ref:** D26/152135

**Department:** Water Asset Planning & Development  
**Approver:** Andrew McVey, Director - Shoalhaven Water

### **Purpose:**

The purpose of this report is for Council to consider the granting of easements for a padmount substation and underground electrical cables and the creation of a Restriction on the Use of Land in favour of Endeavour Energy over Council owned land at Lot 1 DP 1063393, 125 Kings Point Drive, Kings Point (Milton Ulladulla Wastewater Treatment Plant), as shown in Figure 1.

### **Recommendation**

That Council:

1. Grant the following easements for electrical purposes in favour of Endeavour Energy over Lot 1 DP 1063393, 125 Kings Point Drive, Kings Point:
  - a. Easement for Padmount Substation 3.77 metres wide
  - b. Easement for Underground Cables 3 metres Wide
  - c. Easement for Underground Cables 1 metres Wide
2. Create a Restriction on the Use of Land in favour of Endeavour Energy over Lot 1 DP 1063393, 125 Kings Point Drive, Kings Point.
3. Release the following existing easements for electrical purposes in favour of Endeavour Energy over Lot 1 DP 1063393, 125 Kings Point Drive, Kings Point:
  - d. Easement for Padmount Substation created by instrument AG31689
  - e. Part Easement for Underground Cables created by instrument AG31689
4. Endorse funding for the creation and release of easements and the Restriction on the Use of Land from the Shoalhaven Water - Sewer Fund.
5. Authorise the common seal of the Council of the City of Shoalhaven be affixed to any documentation required to be sealed and delegates authority to the Chief Executive Officer to sign any documentation necessary to give effect to this resolution.

### **Community Strategic Plan:**

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

### **Delivery Program / Operational Plan:**

- 2.2.2 Plan for sustainable and resilient water and wastewater infrastructure

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**Background**

As part of the Milton Ulladulla Wastewater Treatment Plant Upgrade, Shoalhaven Water has identified that the existing 750 kVA padmount substation does not have sufficient capacity to meet the increased electrical demand associated with the proposed upgrade of the facility.

The proposed upgrade requires the installation of a new 1000 kVA padmount substation, associated underground electrical cabling, and the decommissioning and removal of the existing electrical infrastructure. The new infrastructure will be commissioned prior to the removal of the existing assets to ensure continuity of power supply to the wastewater treatment plan.

To facilitate the installation, operation, and ongoing maintenance of this infrastructure, new easements and a Restriction on the Use of Land are required over Council owned land at Lot 1 DP 1063393. These interests will be created and granted in favour of Endeavour Energy to provide lawful access and rights for the operation and maintenance of essential electrical assets. A Restriction on the Use of Land is also required to limit development within the affected area to ensure the safety and ongoing operation of the electrical infrastructure.

The existing easements for the padmount substation and underground cables created under Instrument AG31689 will no longer align the revised electrical layout. These easements are required to be partially released and replaced with new easements aligned to the updated infrastructure footprint.

**Figure 1**

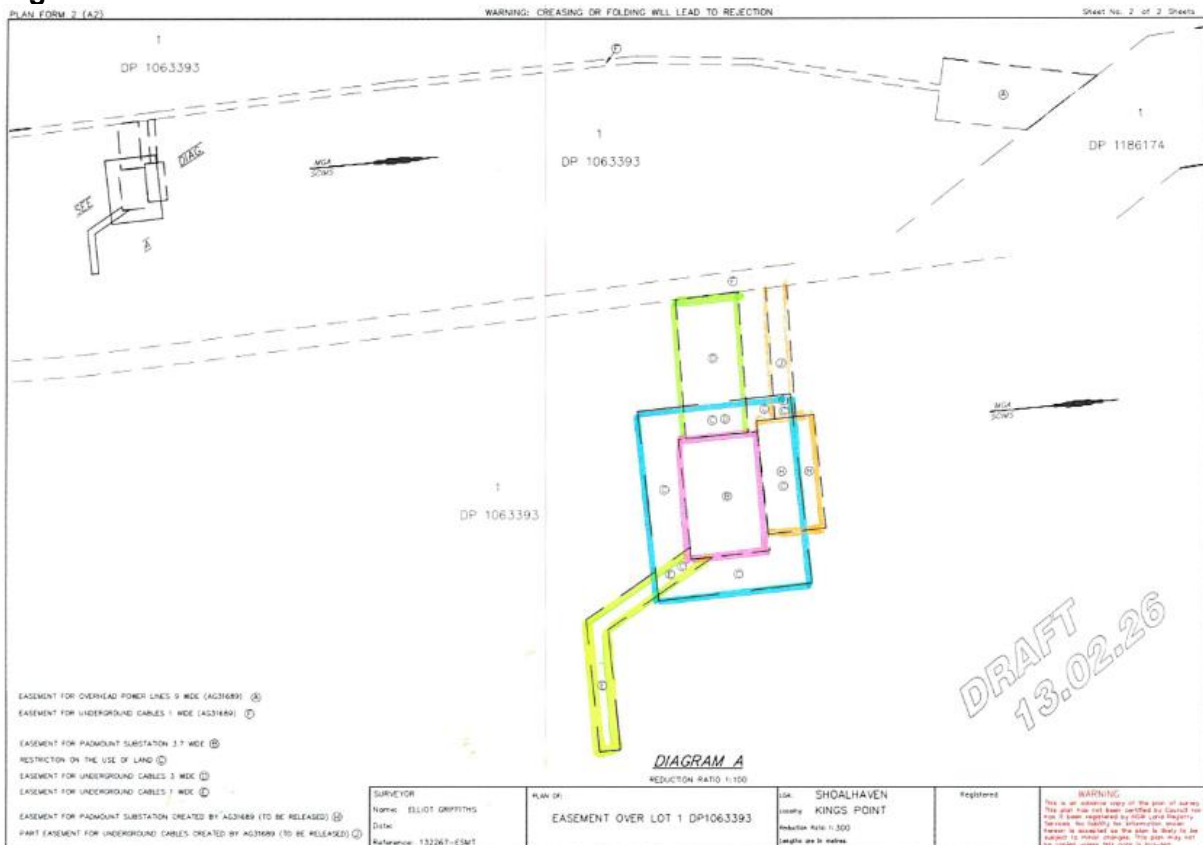


Figure 1 illustrates the easements to be created and released and the Restriction on the Use of land affecting Lot 1 DP 1063393.

**Easements to be Created:**

- a. Easement for Padmount Substation 3.77 metres wide, shown as ⑥ on the plan (pink)
- b. Easement for Underground Cables 3 metres Wide, shown as ⑦ on the plan (green)

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- c. Easement for Underground Cables 1 metres Wide, shown as © on the plan (yellow)

Easements to be Released:

- d. Easement for Padmount Substation created by instrument AG31689, shown as ⊕ on the plan (orange)  
e. Part Easement for Underground Cables created by instrument AG31689, shown as ⊕ on the plan (orange)

A Restrictions on the Use of Land, shown as © on the plan (blue)

### **Risk Implications**

The granting of the proposed easements and the creation of the Restriction on the Use of Land are necessary to secure Endeavour Energy's legal rights to access, operate, repair, and maintain essential electrical infrastructure required for the ongoing operation of the wastewater treatment plant.

The creation and release of the proposed easements and Restriction on the Use of Land present minimal risk to Council.

### **Internal Consultations**

Internal consultation has been undertaken within Shoalhaven Water.

### **External Consultations**

Consultation has been undertaken and is ongoing with Endeavour Energy as the relevant interest holder in relation to the proposed easements and Restriction on the Use of Land.

Amplitel Pty Ltd holds a registered lease over a small portion of the subject land. As part of the consultation process, Amplitel will be formally notified of the proposed works, confirming that the works will not impact the land subject to its lease.

### **Community Consultations**

Community consultation is not required, as the proposal relates to operational matters involving the granting and release of easements over Council owned land for public utility infrastructure.

### **Policy and Statutory Implications**

The proposed creation and release of easements and the registration of a Restriction on the Use of Land are consistent with Council's statutory powers under the *Local Government Act 1993*. The proposal has been undertaken in accordance with Council's Development and/or Disposal of Council Lands Policy (POL22/47) and Due Diligence for Land Transactions Procedure (PRD16/284).

### **Financial Implications**

All costs associated with the creation and release of the easements and the registration of the Restriction on Use of Land will be funded from the Shoalhaven Water - Sewer Fund.

The easements and restrictions are to be created and granted to Endeavour Energy at nil consideration.

## **CL26.118 Exemption from Tendering - Shoalhaven Materials Recovery Facility Processing Capacity**

**HPERM Ref:** D26/195981

**Department:** Waste Services

**Approver:** Andrew McVey, Director - Shoalhaven Water

### **Purpose:**

To allow Council to consider an exemption from the Procurement Policy to negotiate directly without inviting tenders for processing externally sourced materials for the Shoalhaven Materials Recovery Facility (MRF).

### **Recommendation**

That Council approves an exemption from tendering in accordance with Section 55(3)(i) of the Local Government Act 1993, to enter negotiations and contract for the processing of material from external parties at the Shoalhaven Materials Recovery Facility (MRF).

### **Community Strategic Plan:**

- 4 Transparent leadership with good governance
  - 4.2 Transparent leadership
- 2 Sustainable environments and liveable communities
  - 2.1 Sustainable management of the natural environment

### **Delivery Program / Operational Plan:**

- 4.2.1 Provide support to the elected Council to enable effective leadership
- 2.1.3 Increase diversion of waste from landfill into reuse opportunities which support the circular economy

### **Background**

Council are seeking to sell capacity at the MRF for sorting commingled recyclable materials.

The negotiation process aims to achieve the maximum amount of income for Council by achieving a 'gate fee' per tonne for accepting and sorting commingled material.

Council procurement must be undertaken in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

The intention has been to source commingled material for the MRF from neighbouring councils using 'council to council' service agreements. The usual requirements for tendering (Section 55 of the *Local Government Act 1993*) would not apply to contracts entered into by a council with another council (Section 55(3)(c)).

Council has entered into negotiations with a contractor who currently collects the commingled recycling from neighbouring councils. It is likely that Council may enter a contact directly with the contractor, rather than entering to agreements with the councils.

Therefore an exemption from the usual requirements for tendering (Section 55 of the Local Government Act 1993) is being sought from Council as per *Section 55 (3) (i) a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders.* A satisfactory result is unlikely to be achieved by inviting tenders as the collection contractor for two neighbouring Councils has a long term (9 year) contract.

Contractual outcomes that are suitable for both Council and the contractor customers (i.e. other councils) are unlikely to be achievable through a standard tender process. Direct negotiation also protects Council's commercial position by avoiding disclosure of gate prices that could influence future market pricing. Maintaining confidentiality is important because of the commercially dynamic nature of the market and the need for a responsive approach to changing availability of material and processing capacity.

### **Risk Implications**

The negotiation for Shoalhaven MRF processing services is important for the financial success of the Shoalhaven MRF. A reliable supply of external tonnes will result in income for the Council both from the associated gate fee and from the sale of sorted materials and Container Deposit Scheme revenue.

The contractor that collects kerbside recyclable material from neighbouring councils is a large publicly listed company with a long term contract with those councils for waste services. Therefore, their financial position is considered to be secure and the commercial risk of default on payment is considered low.

### **Internal Consultations**

Council's Finance and Procurement teams have been consulted.

### **External Consultations**

Nil.

### **Community Consultations**

Not applicable as confidentiality of commercial positions is important.

### **Policy and Statutory Implications**

No policy or statutory implications have been identified.

### **Financial Implications**

At the conclusion of the negotiations the impact on the budget forecast for MRF revenue may need to be adjusted.

Financial modelling carried out by the consultant MRA Consulting indicated that income from processing external parties' tonnes is required for the MRF to be financially successful.

The negotiation process will focus on securing additional external tonnes from other council areas kerbside collection services. The negotiation will also aim to increase the Council's revenue by accepting this material at the MRF.

## 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.