



EXTRAORDINARY MEETING OF COUNCIL

To be held at 5pm on

Tuesday 3 November 2020

Council Chambers

11 Manning Street, KIAMA NSW 2533

Order of Business

- 1 Apologies
- 2 Acknowledgement of Traditional owners
- 3 Report of the Director Corporate and Commercial Services
- 4 Confidential Summary
- 5 Confidential Reports
- 6 Closure

Members

The Mayor
Councillor M Honey
Councillor A Sloan
Deputy Mayor
Councillor M Brown
Councillor N Reilly
Councillor K Rice
Councillor W Steel
Councillor D Watson
Councillor M Way
Councillor M Westhoff

COUNCIL OF THE MUNICIPALITY OF KIAMA

Council Chambers
11 Manning Street
KIAMA NSW 2533

29 October 2020

To the Chairman and Councillors:

NOTICE OF EXTRAORDINARY MEETING

You are respectfully requested to attend an **Extraordinary Meeting** of the Council of Kiama, to be held in the **Council Chambers, 11 Manning Street, KIAMA NSW 2533** on **Tuesday 3 November 2020** commencing at **5pm** for the consideration of the undermentioned business.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Kerry McMurray', with a stylized flourish at the end.

Kerry McMurray
General Manager

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**AGENDA FOR THE
EXTRAORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL
TUESDAY 3 NOVEMBER 2020**

1 APOLOGIES

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

"I would like to acknowledge the traditional owners of the land on which we meet, the Wadi Wadi people of the Dharawal nation, and pay my respect to Elders past and present."

DECLARATIONS OF INTEREST

3 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

3.1 Council managed crown land - categorisations for Plans of Management

CSP Objective: 2.0 Well planned and managed spaces, places and environment

CSP Strategy: 2.5 Effectively manage our transport, drainage and other infrastructure and assets

Delivery Program: 2.5.4 Manage other assets and infrastructure through the Other Asset and Infrastructure Asset Management Plan

Summary

At the 20 October 2020 Council meeting it was resolved that Council defer consideration of proposed categorisations of Council managed crown land until the 3 November 2020 Extraordinary Meeting so that discussion with Crown Lands could take place regarding Kiama's specific circumstances and the directed categorisations.

Finance

N/A

Policy

Crown Land Management Act 2016 and Regulations

Local Government Act 1993 and Regulations

Consultation (Internal)

N/A

Communication/Community Engagement

A briefing of Councillors took place on 29 October 2020 prior to preparing this report.

Attachments

- 1 Crown Land Classification 2020 - Seven Mile Beach - map[↓](#)
- 2 Crown Land Classification 2020 - Saddleback Mountain - map[↓](#)
- 3 Crown Land Classification 2020 - Ooarie Park and Boat Harbour - map[↓](#)
- 4 Crown Land Classification 2020 - Minnamurra - map[↓](#)
- 5 Crown Land Classification 2020 - Minnamurra and River - map[↓](#)
- 6 Crown Land Classification 2020 - Jamberoo - map[↓](#)
- 7 Crown Land Classification 2020 - Hindmarsh Park - map[↓](#)
- 8 Crown Land Classification 2020 - Easts Beach - map[↓](#)
- 9 Crown Land Classification 2020 - Coastal Walking Track - map[↓](#)
- 10 Crown Land Classification 2020 - Blowhole Point - map[↓](#)
- 11 Crown Land Classification 2020 - Blowhole Point and Bombo - map[↓](#)

Report of the Director Corporate and Commercial Services

3.1 Council managed crown land - categorisations for Plans of Management (cont)

12 Crown Land Classification 2020 - Showground and Coronation Park - map [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council

1. advise the Minister that the land categories described in Table 1 and Table 2 will be included within the draft Plan of Management for Council managed crown reserves, and
2. request the Minister to confirm land categories for the crown reserves described in Table 3 and to consider advice being sought by Council in relation to the appropriate categorisations for these reserves.

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Background

At the 20 October 2020 Council Meeting a report was prepared recommending Council endorse land categories for Council managed crown land in order for the draft Plan of Management to be prepared for public exhibition.

The proposed categorisations recommended to Council included both land categories endorsed by Council staff, having regard to current land uses and activities being conducted on each crown reserve, as well as categorisations directed by Crown Lands.

Council staff met with Crown Lands to discuss the unresolved land categorisations on 27 October 2020. In the meeting, resolution was achieved with regard to five separate crown reserves. These are shown in Table 2 below and will be the nominated categorisations within the draft Plan of Management for public exhibition.

In the previous report to Council, a total of 11 crown reserve categorisations were identified where the Minister agreed with Council's recommendations. These are shown on Table 1 and will be the nominated categorisations for those reserves within the draft Plan of Management for public exhibition.

Table 3 identifies the three crown reserves where some categorisations remain unresolved. Several categorisations have been agreed on these reserves (shown bold on Table 3). Crown Lands has committed to seeking advice from the Office of Local Government (OLG) with regard to the concerns of Council officers over some of the Minister's preferred categorisations. Council staff are separately seeking advice from OLG as well as legal advice with regard to future uses/activities on land including leases and licences under different categorisations. The three reserves in question experience diverse land use where multiple categorisations are required. Crown Lands are in agreement that further examination of categorisations is appropriate for these.

Report of the Director Corporate and Commercial Services

3.1 Council managed crown land - categorisations for Plans of Management
(cont)Table 1 – Agreed Categories

Reserve Number	Reserve Name	Categorisation
R1002914	Minnamurra River	Natural Area (Watercourse)
R12984	Public Baths (Blowhole Point rock pool)	General Community Use
R87397	Blowhole Point Reserve	General Community Use Natural Area (Escarpment)
R97438	Joyce Wheatley Community Centre	General Community Use
R180060	Old Fire Station	General Community Use
R89014	Hindmarsh Park	Park
R1017629	Kiama Coastal Walk	Natural Area (Escarpment)
R71286	Gerroa Sanitary Depot	Natural Area (Bushland)
R76339	Cooke Park/Gerringong Boat Harbour	General Community Use
R1010050	Jamberoo Cemetery	General Community Use
R1000307	Knights Hill (Illawarra Escarpment)	Natural Area (Escarpment)

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Table 2 – Resolved Categories

Reserve Number	Reserve Name	Minister's previous Categorisation	Resolved Categorisation
R1002914	Minnamurra River – area off Rangoon Road known as Rangoon Reserve	Natural Area	Park
R90992	Minnamurra Headland	Park	Park
R91569	Easts Beach	Natural Area Park	Natural Area (Foreshore) Park
R80816	Ourie Park (including Werri Beach Holiday Park)	General Community Use Natural Area	General Community Use (<i>Holiday Park</i>)

Report of the Director Corporate and Commercial Services

3.1 Council managed crown land - categorisations for Plans of Management (cont)

Reserve Number	Reserve Name	Minister's previous Categorisation	Resolved Categorisation
			Natural Area (<i>east of Bridges Avenue</i>)
R95574	Saddleback Telecommunications	Natural Area Park General Community Use	Natural Area (Bushland) Park

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Table 3 – Unresolved Categories

Reserve Number	Reserve Name	Minister's directed Categorisation	Status
R580000	Kiama Showground (and Chittick Oval)	Sportsground General Community Use Natural Area (Escarpment)	1. <i>General Community Use</i> proposed by Council staff for playing fields – Chittick Oval and Showground oval. Crown Lands proposed <i>Sportsground</i> . 2. <i>General Community Use</i> for remaining areas of reserve AGREED by Crown Lands 3. <i>Natural Area (Escarpment)</i> AGREED
R131	Coronation Park (includes Surf Beach Holiday Park)	Park Natural Area – Foreshore General Community Use	1. <i>General Community Use</i> proposed by Council staff for Coronation Park including Kiama SLSC building. Proposed by Crown Lands as <i>Park/Natural Area</i> . 2. <i>General Community Use</i> proposed by Council staff for the area of beach. Proposed by Crown Lands as <i>Natural Area</i> .

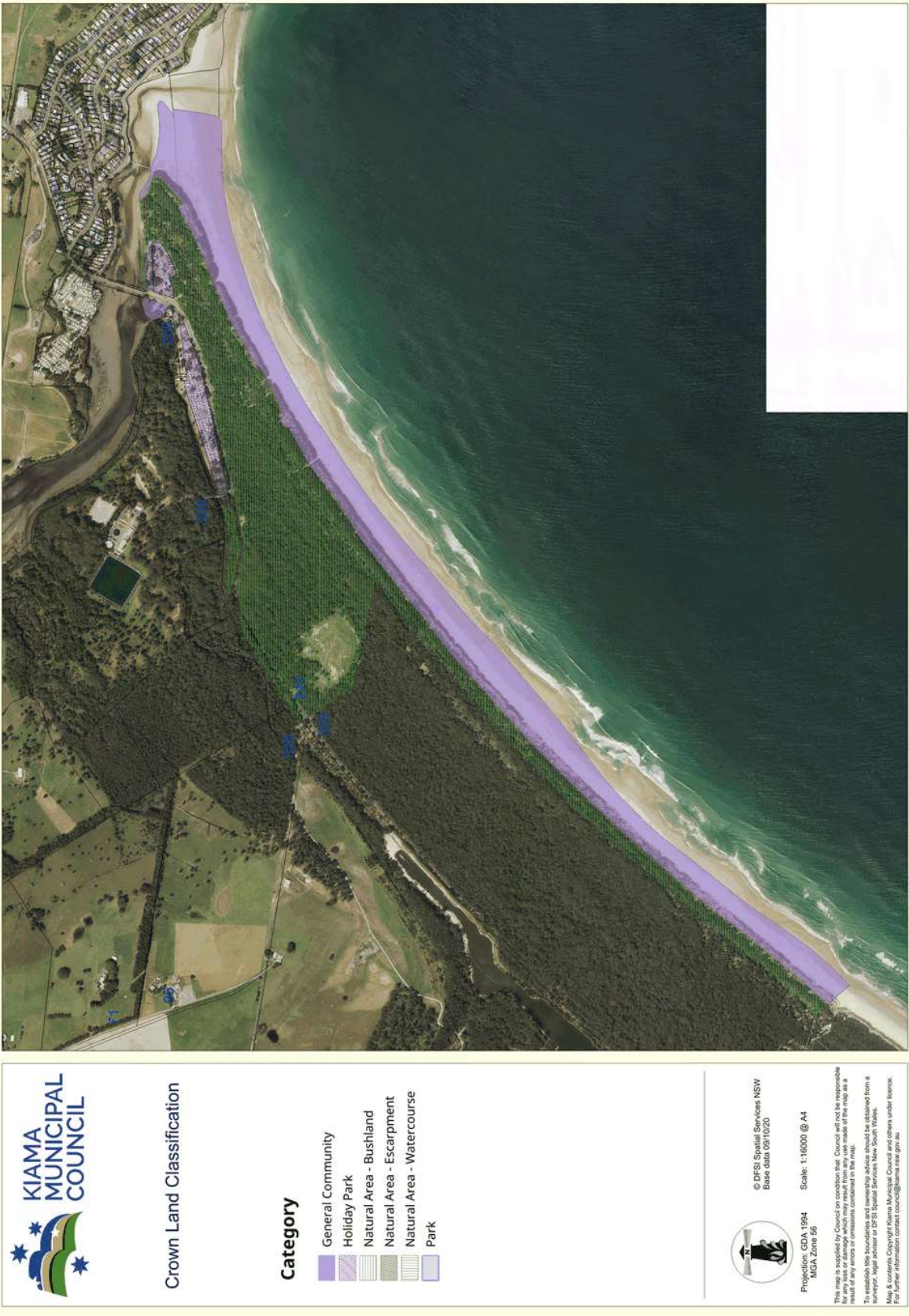
Report of the Director Corporate and Commercial Services

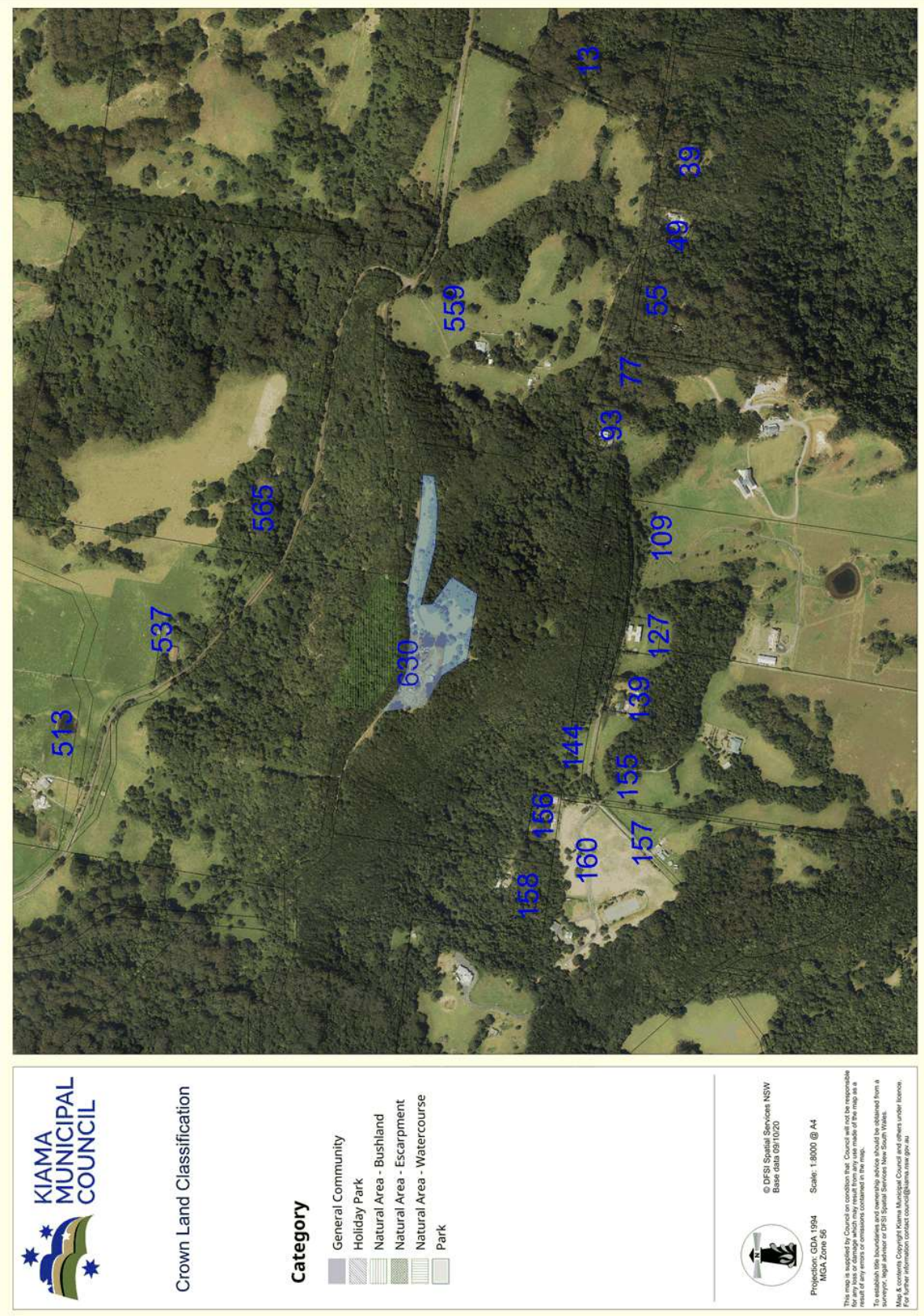
3.1 Council managed crown land - categorisations for Plans of Management (cont)

Reserve Number	Reserve Name	Minister's directed Categorisation	Status
			<p>3. <i>General Community Use</i> proposed by Council staff for Chapman Reserve. Crown Lands proposed <i>Sportsground</i>.</p> <p>4. <i>Natural Area (Escarpment)</i> to the east of Surf Beach Holiday Park AGREED by Crown Lands</p> <p>5. <i>General Community Use</i> for Surf Beach Holiday Park AGREED by Crown Lands</p> <p>6. <i>General Community Use</i> for the area immediately north and east of the Holiday Park AGREED by Crown Lands</p>
R83972	Seven Mile Beach (including Seven Mile Beach Holiday Park)	Natural Area	<p>1. <i>General Community Use</i> proposed by Council staff for the beach area of the reserve. Crown Lands proposed <i>Natural Area</i>.</p> <p>2. <i>General Community Use</i> for Seven Mile Beach Holiday Park AGREED by Crown Lands</p> <p>3. <i>Natural Area (Bushland)</i> for major vegetated part of reserve AGREED</p>

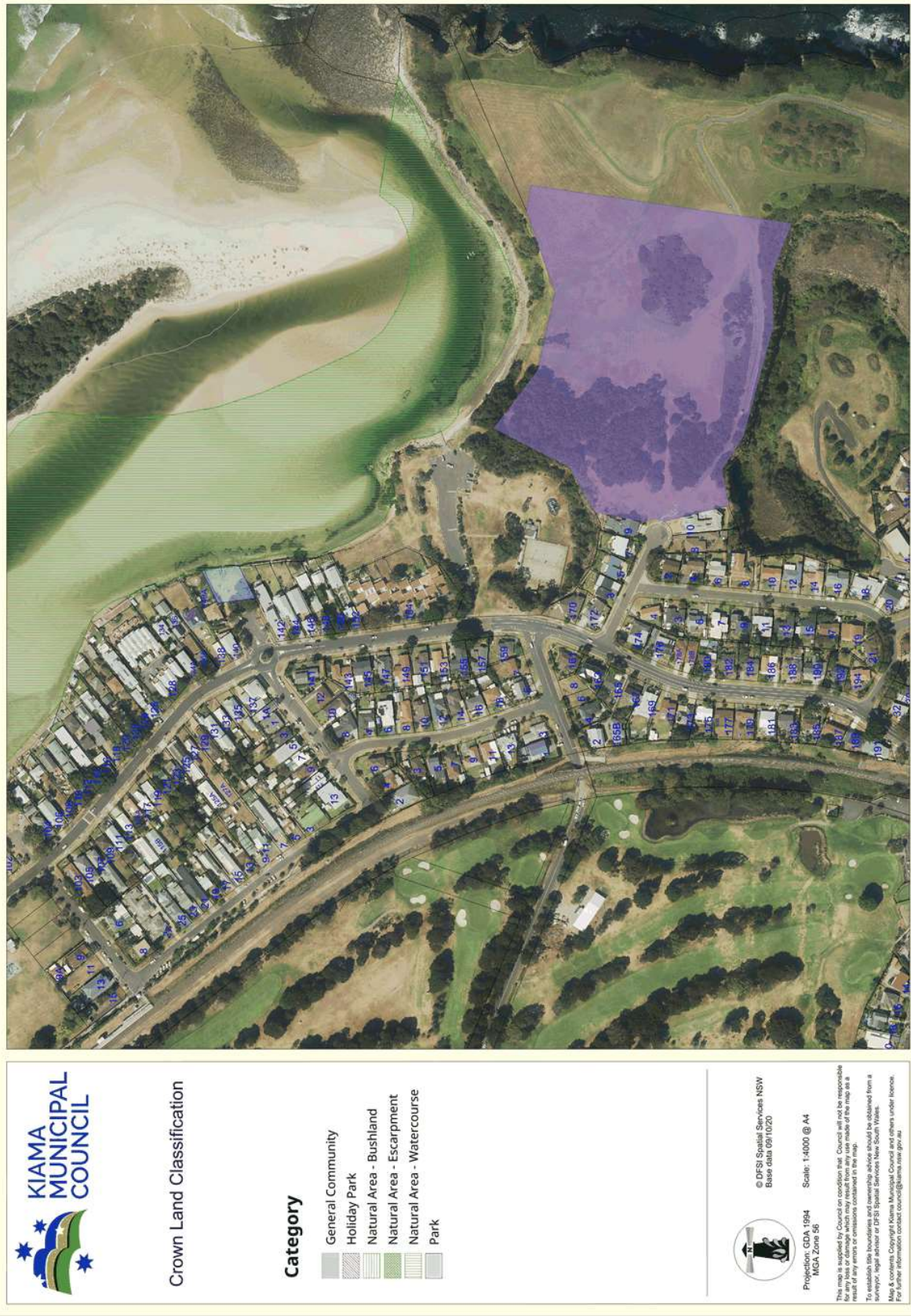
Item 3.1

The maps attached to this report identify all the crown land parcels. The maps are provided in this report for locational purposes only. Updated maps will be prepared for Councillors in relation to the categorisations under Table 1 and Table 2 and provided separately.
















KIAMA MUNICIPAL COUNCIL

Crown Land Classification

Category

- General Community
- Holiday Park
- Natural Area - Bushland
- Natural Area - Escarpment
- Natural Area - Watercourse
- Park



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Base data: GSD 1020

Projection: GDA 1994
MGA Zone 56

Scale: 1:40000 @ A4

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Crown Land Classification

Category

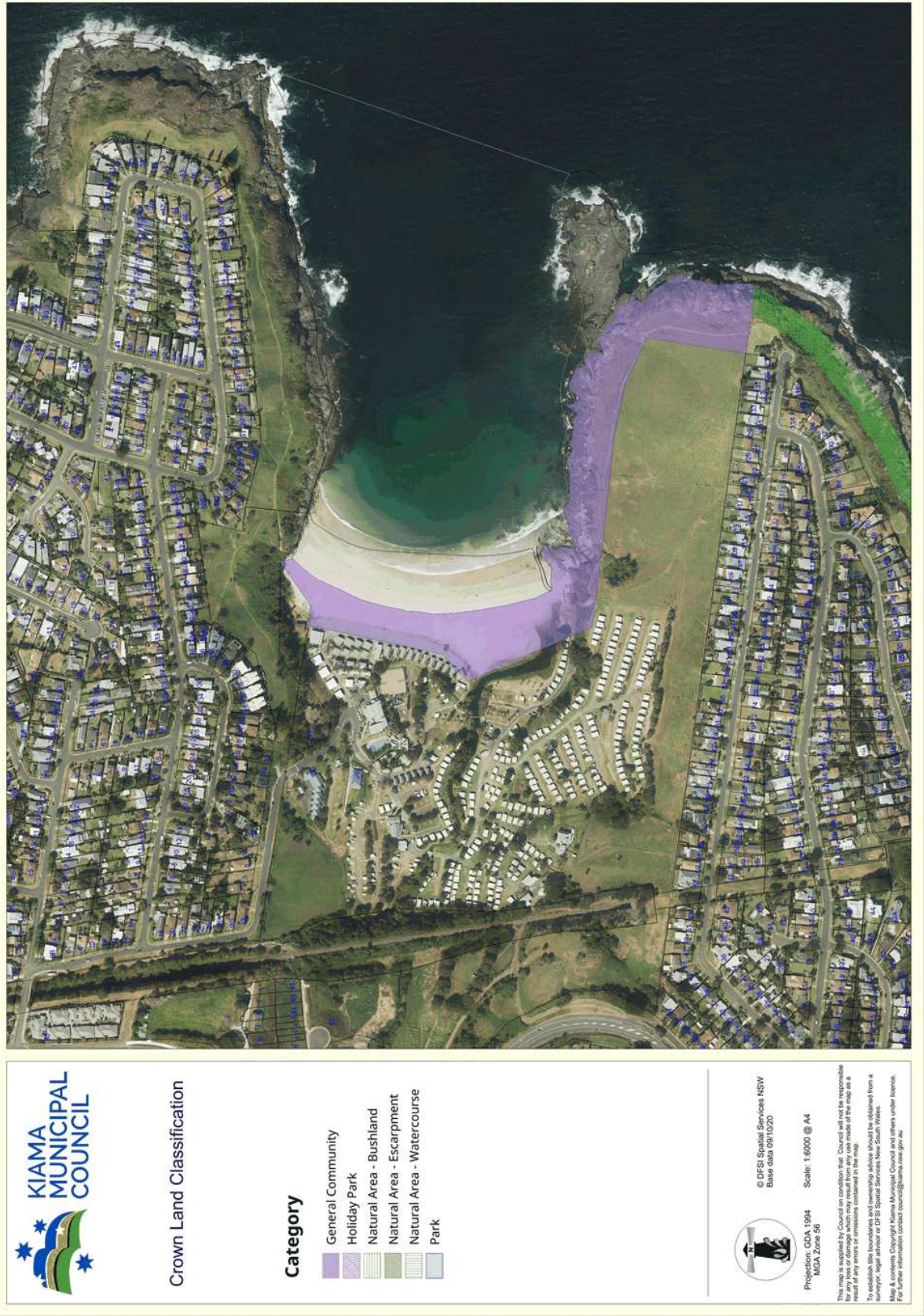
- General Community
- Holiday Park
- Natural Area - Bushland
- Natural Area - Escarpment
- Natural Area - Watercourse
- Park

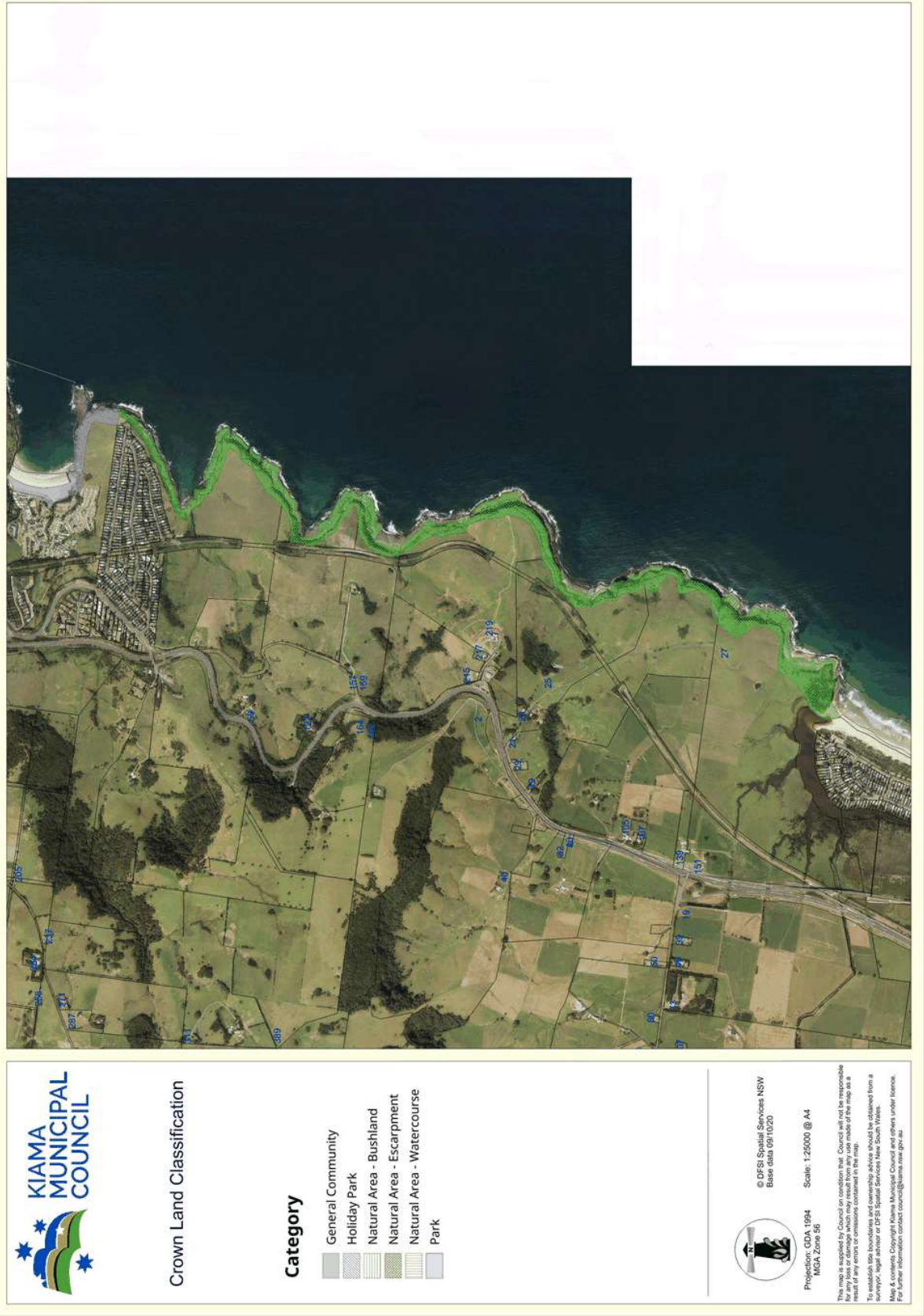


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Base data: GSD10/20

Proprietary: GDA 1994
MCA Zone 56
Scale: 1:2000 @ A4

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Crown Land Classification

Category

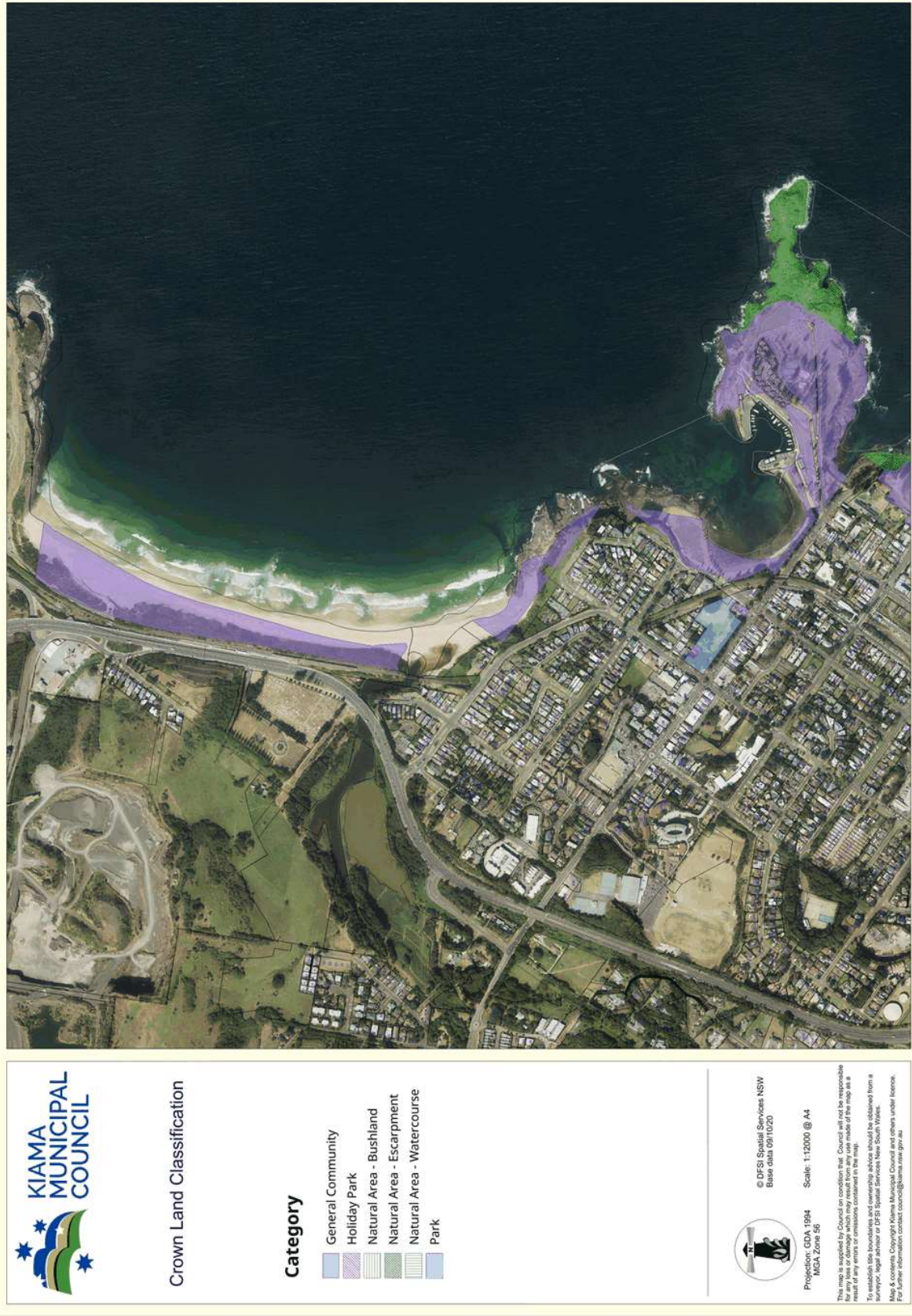
- General Community
- Holiday Park
- Natural Area - Bushland
- Natural Area - Escarpment
- Natural Area - Watercourse
- Park



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Base data 09/10/20

Project: CDA 1994
MCA Zone 62
Scale: 1:4000 @ A4

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Item 3.1

Attachment 12

4 CONFIDENTIAL SUMMARY

CONFIDENTIAL COMMITTEE OF THE WHOLE

Submitted to the Ordinary Meeting of Council held on 3 November 2020

PROCEDURE

- Recommendation to go into Closed Committee.
- Mayoral call for Public Representations.
- Consideration of Representations and issues to be removed from Closed Committee.
- Recommendation to exclude Press and Public if required.
- Closed Committee discussions if required.

4.1 Exclusion Of Press And Public:

RECOMMENDATION

That in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, Council close the meeting of the Confidential Committee of the Whole to the Press and Public on the grounds detailed under the report headings as detailed below.

5.1 TENDER EVALUATION REPORT - JAMBEROO YOUTH HALL

Reason for Confidentiality: This matter deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business as per Section 10A(2)(c) of the Local Government Act. .

5.2 JAMBEROO MOUNTAIN ROAD LANDSLIP TENDER

Reason for Confidentiality: This matter deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it as per Section 10A(2)(di) of the Local Government Act. .

5.3 AKUNA STREET / SHOALHAVEN STREET SITE

Reason for Confidentiality: This matter deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business as per Section 10A(2)(c) of the Local Government Act. .

5 CONFIDENTIAL REPORTS

5.1 Tender evaluation report - Jamberoo Youth Hall

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.3 We live in a safe community

Delivery Program: 1.3.3 Undertake local community safety initiatives

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

5.2 Jamberoo Mountain Road Landslip Tender

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.3 We live in a safe community

Delivery Program: 1.3.3 Undertake local community safety initiatives

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

5.3 Akuna Street / Shoalhaven Street site

CSP Objective: 2.0 Well planned and managed spaces, places and environment

CSP Strategy: 2.3 The principles of sustainable development and compliance underpin town planning and local development

Delivery Program: 2.3.1 Conduct development and building assessment/approval functions in accordance with statutory requirements, policies and procedures

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6 CLOSURE