



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 6.30pm on

TUESDAY 20 SEPTEMBER 2022

Council Chambers
11 Manning Street, KIAMA NSW 2533

12.6 Post exhibition endorsement: Topic 12.7 Kiama Town Centre of Kiama DCP 2020 and preparation of Planning Proposal to amend Kiama LEP 2011**Disclosure of Interest – Councillor Brown**

Councillor Brown declared a less than significant non-pecuniary interest in this item. Councillor Brown disclosed and voted on this matter.

It was **moved** by Councillor Renkema-Lang and seconded by Councillor Rice that Council:

1. Defer adoption of Topic 12.7 – Draft Kiama Town Centre of the Kiama Development Control Plan 2020 (DCP) subject to incorporating the following changes:
 - a) Maintain the current maximum height of 11m (3 storeys) along the southern side of Terralong Street, between Thomson Street and Collins Street and update Figure 18 of the draft DCP accordingly.
 - b) Change the maximum height of the Akuna Street strategic site to 14m (4 storeys) in the areas marked as 17m and 21m and update Figure 29 the draft DCP accordingly.
 - c) remove Site F: Kiama Surf Lifesaving Club noting that the Kiama SLSC has been assessed as high risk in appendix E1 of the Coastal Management Program Stage 2 report, and that Clause 15 of the Coastal Management SEPP states that councils and consent authorities should take a precautionary approach to assessing risks associated with current and future coastal hazards pending the adoption of relevant CMPs.
2. Resubmit the revised draft DCP and associated updated planning proposal recommendations at the earliest opportunity for Council adoption.
3. Note the amendments being made to Council's 10.7 certificates (part 5) to acknowledge properties in the Kiama Local Government Area business districts may be subject to greater intrusion from sound generating activities through the evening such as live music, entertainment and pedestrian movement.

The Motion was deemed by the Mayor to be an **unlawful motion**.

It was **moved** by Councillor Brown and seconded by Councillor Croxford that Council:

1. Adopt and publish on the Council's website the enclosed Topic 12.7 – Kiama Town Centre of the Kiama Development Control Plan 2020 (DCP), as attached to this report.
2. Prepare a Planning Proposal to Sheet HOB_012 of the Kiama Local Environmental Plan 2011 to increase the maximum height of buildings permitted:

- a. Along the southern side of Terralong Street, between Thomson Street and Collins Street, to 14m, (as shown on Figure 15 of the attached Kiama Development Control Plan).
 - b. Parts of Kiama Centrepoint Shopping Mall, to 14m, (as shown on Figure 41 of the attached Kiama Development Control Plan).
 - c. Parts of the Akuna Street strategic site, to 14m, 17m and 21m (as shown on Figure 29 of the attached Kiama Development Control Plan).
3. Prepare a Planning Proposal to Sheet FSR_012 of the Kiama Local Environmental Plan 2011 to increase the maximum floor space ratio permitted:
- a. Along the southern side of Terralong Street, between Thomson Street and Collins Street, to 2:1, (as shown on Figure 15 of the attached Kiama Development Control Plan).
 - b. Parts of Kiama Centrepoint Shopping Mall, to 2:1, (as shown on Figure 41 of the attached Kiama Development Control Plan).
 - c. Parts of the Akuna Street strategic site, to 2:1, 2.5:1 and 3:1 (as shown on Figure 29 of the attached Kiama Development Control Plan).
4. Prepare a Planning Proposal to amend clause 6.8 of the Kiama Local Environmental Plan 2011 to outline that the active street frontage development standards, within the Kiama Town Centre, only apply to the areas marked as 'primary active frontages' in Figure 11 of the attached Kiama Development Control Plan.
5. Prepare a Planning Proposal to amend clause 6.8 of the Kiama Local Environmental Plan 2011 to rezone Lot 154 DP 751279, 72 Manning Street (i.e. Silica Restaurant) from RE1 Public Recreation to B2 Local Centre and apply a 11m maximum building height and a floor space ratio of 1.5:1.
6. Submit the above Planning Proposal/s to the NSW Department of Planning & Environment for a Gateway Determination.
7. Undertake consultation with relevant State agencies and the community in accordance with the Gateway Determination and the Kiama Community Participation Plan 2019.
8. Following consultation prepare a future report to enable the elected Council to formally make the above amendments to the Kiama Local Environmental Plan 2011.
9. Note the amendments being made to Council's 10.7 certificates (part 5) to acknowledge properties in Kiama LGA business districts may be subject to greater intrusion from sound generating activities through the evening such as live music, entertainment and pedestrian movement.
10. Notify those who made submissions of this resolution.

A **variation** was requested by Councillor Renkema-Lang but **not accepted** by the mover Councillor Brown that the motion include:

That Council:

- a) remove Site F: Kiama Surf Lifesaving Club noting that the Kiama SLSC has been assessed as high risk in appendix E1 of the Coastal Management Program Stage 2 report, and that Clause 15 of the Coastal Management SEPP states that councils and consent authorities should take a precautionary approach to assessing risks associated with current and future coastal hazards pending the adoption of relevant CMPs.

An **amendment** was **moved** by Councillor Renkema-Lang and seconded by Councillor Keast that Council:

1. Adopt and publish on the Council's website the enclosed Topic 12.7 – Kiama Town Centre of the Kiama Development Control Plan 2020 (DCP), as attached to this report.
2. Prepare a Planning Proposal to Sheet HOB_012 of the Kiama Local Environmental Plan 2011 to increase the maximum height of buildings permitted:
 - a. Along the southern side of Terralong Street, between Thomson Street and Collins Street, to 14m, (as shown on Figure 15 of the attached Kiama Development Control Plan).
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4. Prepare a Planning Proposal to amend clause 6.8 of the Kiama Local Environmental Plan 2011 to outline that the active street frontage development standards, within the Kiama Town Centre, only apply to the areas marked as 'primary active frontages' in Figure 11 of the attached Kiama Development Control Plan.
5. Prepare a Planning Proposal to amend clause 6.8 of the Kiama Local Environmental Plan 2011 to rezone Lot 154 DP 751279, 72 Manning Street (i.e. Silica Restaurant) from RE1 Public Recreation to B2 Local Centre and apply a 11m maximum building height and a floor space ratio of 1.5:1.
6. Remove Site F: Kiama Surf Lifesaving Club noting that the Kiama SLSC has been assessed as high risk in appendix E1 of the Coastal Management Program Stage 2 report, and that Clause 15 of the Coastal Management

SEPP states that councils and consent authorities should take a precautionary approach to assessing risks associated with current and future coastal hazards pending the adoption of relevant Coastal Management Plans

7. Submit the above Planning Proposal/s to the NSW Department of Planning & Environment for a Gateway Determination.
8. Undertake consultation with relevant State agencies and the community in accordance with the Gateway Determination and the Kiama Community Participation Plan 2019.
9. Following consultation prepare a future report to enable the elected Council to formally make the above amendments to the Kiama Local Environmental Plan 2011.
10. Note the amendments being made to Council's 10.7 certificates (part 5) to acknowledge properties in Kiama LGA business districts may be subject to greater intrusion from sound generating activities through the evening such as live music, entertainment and pedestrian movement.
11. Notify those who made submissions of this resolution.

The **motion** on being put was **lost**.

For: Councillors Keast, Renkema-Lang and Rice

Against: Councillors Brown, Croxford, Draisma, Larkins, Reilly and Steel

22/254OC

Resolved that Council:

1. Adopt and publish on the Council's website the enclosed Topic 12.7 – Kiama Town Centre of the Kiama Development Control Plan 2020 (DCP), as attached to this report.
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4. Prepare a Planning Proposal to amend clause 6.8 of the *Kiama Local Environmental Plan 2011* to outline that the active street frontage development standards, within the Kiama Town Centre, only apply to the areas marked as 'primary active frontages' in Figure 11 of the attached Kiama Development Control Plan.
5. Prepare a Planning Proposal to amend clause 6.8 of the *Kiama Local Environmental Plan 2011* to rezone Lot 154 DP 751279, 72 Manning Street (i.e. Silica Restaurant) from RE1 Public Recreation to B2 Local Centre and apply a 11m maximum building height and a floor space ratio of 1.5:1.
6. Submit the above Planning Proposal/s to the NSW Department of Planning & Environment for a Gateway Determination.
7. Undertake consultation with relevant State agencies and the community in accordance with the Gateway Determination and the Kiama Community Participation Plan 2019.
8. Following consultation prepare a future report to enable the elected Council to formally make the above amendments to the *Kiama Local Environmental Plan 2011*.
9. Note the amendments being made to Council's 10.7 certificates (part 5) to acknowledge properties in Kiama LGA business districts may be subject to greater intrusion from sound generating activities through the evening such as live music, entertainment and pedestrian movement.
10. Notify those who made submissions of this resolution.

(Councillors Brown and Croxford)

For: Councillors Brown, Croxford, Larkins, Reilly and Steel

Against: Councillors Draisma, Keast, Renkema-Lang and Rice