

19 NOTICE OF MOTION**19.1 Notice of motion: Councillor Lawton - Werri Beach Asparagus Weed (Asparagus Aethiopicus)**

Clr Melinda Lawton has submitted the following Notice of Motion for consideration:

MOTION

That Council:

1. Notes the current status of the invasive spread of the Asparagus Weed (Asparagus Aethiopicus) throughout the Kiama Local Government Area (LGA) particularly the area of the dunes within the Werri Beach dune area.
2. Recognises the valued and ongoing work of volunteers and the various Landcare groups within our LGA.
3. Advocates for any grant funding opportunities to aid in funding the required monies for the works required to commence the removal and control of the Asparagus Fern.

Signed Councillor Melinda Lawton

Enclosures

- 1 Regenerating the Narrawallee Beach Dunes

Councillor information provided**What is the purpose of the motion?**

Werri Beach Reserve (Lot 281 DP14188) is zoned as community land. Most of the original dune vegetation, including rainforest, was cleared following settlement and development in the area.

Bitou Bush was historically planted to stabilise the dunes against storm erosion. However, it formed a monoculture that prevented natural revegetation and did not effectively halt erosion. As understanding of coastal ecosystems improved, a major restoration program commenced in 1992. This involved complete removal of Bitou Bush (including the surface seed bank), reshaping the dune to a stable profile, and staged revegetation—initially with grasses, followed by native trees and shrubs.

This work was largely successful. The dunes were stabilised and revegetated with local native species, including coastal banksias, tea-trees and wattles. While there have been some losses due to deliberate poisoning by residents seeking to maintain views, the vegetation is, overall, well established.

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The Werri Beach Dunecare group has supported this work since 2001 (over 25 years), primarily in the northern section of the reserve, with additional assistance from community groups such as the Lions Club and Men's Shed at various times.

The revegetation has created an effective buffer between the beach and residential areas by stabilising the dune and reducing the risk of erosion and infrastructure damage. However, in recent years the condition of the vegetation has declined due to invasive weeds.

The primary current issue is dense infestation of Ground Asparagus (*Asparagus aethiopicus*), a garden escape species. In some areas it now comprises up to 90% of the understorey. The plant spreads via bird-dispersed fruit and through rhizomes, often introduced via dumped garden waste. It forms dense mats that smother native vegetation and persist underground even after above-ground removal.

Under the Australian Weeds Strategy, *Asparagus aethiopicus* is listed as a Weed of National Significance due to its:

- Invasiveness
- high potential for spread
- significant environmental, social and economic impacts.

Background to the motion

Asparagus weeds have significant adverse impacts on biodiversity and are listed as a key threatening process in New South Wales.

At Werri Beach, *Asparagus aethiopicus* has reached densities that:

- suppress germination and regeneration of native plant species
- outcompete native plants for water and nutrients
- smother and kill existing ground-layer vegetation
- form dense root mats that prevent further regeneration and encourage other weed species.

The extensive network of rhizomes and tubers reduces available soil moisture and nutrients, further degrading the dune ecosystem.

The weed also impacts fauna habitat by:

- restricting movement of small animals (e.g. echidnas) due to dense, spiny growth
- reducing availability of shelter and foraging areas for small birds and ground-dwelling species
- altering soil and leaf litter composition, disrupting soil biota and mycorrhizal fungal networks.

As a result, the dune system is becoming largely devoid of life at the ground layer. While canopy trees and shrubs remain and continue to support birdlife, there is little to no regeneration occurring. Without intervention, these upper-storey plants will

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eventually decline and die without replacement, leading to long-term ecosystem collapse and associated impacts on fauna.

The scale of infestation is beyond the capacity of the Dunecare group to manage, and professional intervention is required. Effective management of Asparagus requires long-term planning and sustained investment. While resource-intensive, manual control combined with ongoing follow-up over an extended period remains the most effective approach.

Relevant examples include:

- Narrawallee Beach dunes – successful regeneration through sustained bush regeneration efforts (case study attached)
- Seven Mile Beach (Kiama LGA) – ongoing management supported through Crown Reserves Improvement Fund (CRIF) funding.

At Seven Mile Beach, access to funding has enabled experienced bush regeneration contractors to undertake systematic control. While the weed has not been eradicated, it is now at manageable levels and under control.

These examples demonstrate that:

- professional bush regeneration teams are essential
- long-term commitment is required
- consistent follow-up is critical to success.

A minimum commitment of 10 years is recommended, with approximately \$40,000 per year allocated to professional bush regeneration contractors.

Estimated total cost: \$400,000 over 10 years.

This reflects the need for:

- initial intensive control
- ongoing follow-up to address regrowth from tubers and seed
- gradual recovery of native vegetation.

Council support would be required to:

- facilitate coordination and communication between contractors and the Landcare group
- manage removal and appropriate disposal of asparagus crowns and biomass
- provide signage and temporary fencing to support safe and effective works
- deliver community education and awareness about the program and prevention of garden waste dumping

While the asparagus infestation at Werri Beach is not unique within the Kiama LGA—similar issues occur at the southern end of Jones Beach, along the Minnamurra River at Dunmore, and in patches at Bombo Headland (where an active Landcare group is already working)—Werri Beach is particularly well suited to this approach. The site is easily accessible from Pacific Avenue, relatively level, and experiences high

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pedestrian traffic, making it ideal for both implementation and community visibility. In addition, the reserve is naturally divided into manageable “bays,” allowing for a staged, progressive approach to weed control and restoration.

These factors make Werri Beach a practical and strategic priority site for this approach.

Source of funding

Not required.

Chief Executive Officer response

Caring for the natural environment is an obligation and enduring concern for Council. Under the Biosecurity Act 2015, Council and residents have a duty to ensure that, as is reasonably practical, the biosecurity risk posed by priority weeds (weeds that pose the biggest threat), is prevented, eliminated or minimised.

Asparagus fern is considered one of the worst weeds in Australia due to its invasiveness and ecological impact and is capable of forming dense, impenetrable thickets that outcompete native plants. Its spread through seeds and rhizomes, combined with its tolerance for various environmental conditions, makes it difficult to control. Successful management requires persistent mechanical, chemical, and preventive strategies to reduce its impact on native ecosystems.

High profile areas like Werri Beach dunes expose weed infestations to the casual observer and are not an accurate reflection of Council's care of its natural areas. Council along with various community groups have been successfully battling this and other invasive weeds in the Seven Mile Beach Reserve for a number of years.

Based on this experience, it is expected that for Werri Beach dunes an allocation of \$30,000 per annum for the first 5 years, then subject to review of effectiveness, \$10,000 per annum for the following 5 years will be necessary for weed control.

Unfortunately, unlike Seven Mile Beach Reserve where the weed control is funded from the Crown Reserve Fund, the Werri Beach dunes are not Crown land and would need to be funded from Council general budgets, of which there is currently no allocation for this project. Besides continuing to support Landcare volunteers in their weed control works, Council will investigate and apply for grant funding under various state and commonwealth weed control programs for this project.

19.2 Notice of motion: Councillor Brown - Kiama Council to remain Strong, Proud and Independent - No to Amalgamation

Clr Matt Brown has submitted the following Notice of Motion for Council's consideration:

MOTION

That Kiama Council reaffirms its status as a strong, proud and independent council and says "no" to any suggestion of amalgamation.

Signed Councillor Matt Brown

Councillor information providedWhat is the purpose of the motion?

The purpose of this motion is to provide clarity to our community that Kiama Council is working through its challenges but will not "throw in the towel". That is, our council will work hard to position itself as a viable going concern to ensure that the communities in the Kiama LGA will maintain their special qualities and status and relationship with their council..

Background to the motion

There were media reports directly after the last council meeting where a Kiama councillor floated the idea publicly that Kiama Council should amalgamate with Shellharbour Council.

This suggestion has caused concern for many people in the community, including council staff.

I believe it is important that council unequivocally reject this notion and reaffirms its position to remain an independent council to protect all that is important to the people, and places, towns and villages in the greater Kiama area.

Chief Executive Officer response

Amalgamations are legislated by Chapter 9 of the Local Government Act 1993. Part 1, Division 2A *How are areas amalgamated, de-amalgamated or their boundaries altered* sets out how proposals to amalgamate local government areas are initiated, assessed and ultimately implemented.

In short, amalgamations are not decided by councils alone. The Act establishes a state-led process involving the Minister and statutory bodies. The process for amalgamation is as follows:

1. Proposal

An amalgamation proposal may be initiated by:

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- The Minister for Local Government
 - One or more councils
 - A community petition that meets statutory requirements.
2. Referral to the Boundaries Commission
- The Minister refers the proposal to the NSW Local Government Boundaries Commission, which examines matters such as:
- Community of interest
 - Financial sustainability
 - Service delivery impacts
 - Representation and governance
- The Commission may hold public inquiries or invite submissions and must provide a report to the Minister.
3. Minister's decision
- After receiving the Commission's report, the Minister:
- May recommend the amalgamation proceed (with or without modifications) or
 - May decide not to proceed
- The Minister cannot implement a materially different proposal without further assessment.
4. Proclamation by the Governor
- If approved, the amalgamation is given legal effect by a proclamation of the Governor, published on the NSW legislation website.

Merger proposal 2016

In January 2016 Council received a NSW State Government proposal for Kiama Municipal Council to merge with Shoalhaven City Council. The proposal was not supported by either council. Alongside other actions taken by the community, Council undertook a voluntary poll of the community through the Electoral Commission. 8,200 votes were recorded and the response was a resounding 95.4% that the community did not want Kiama Council to amalgamate with another council.

Financial sustainability

Kiama Council is committed to ensuring it is financially sustainable and has taken actions toward improving its operations, governance and financial performance. However, requiring the adoption of a balanced budget by FY 2026-27 has significant ramifications for the Kiama community.

Since May 2024, Kiama Council has:

- significantly improved its operating results from a deficit of \$26.6M in FY2023-24 (this does include a valuation decrement of \$10M) so for comparative

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purposes, the adjusted FY2023-24 deficit of \$16.6M has now reduced to a projected deficit of \$4.5M in FY 2025-26.

- divested its significant Blue Haven Bonaira assets and operations in a very difficult and long sale process which culminated in March 2025 for the substantive Residential Aged Care Facility, Home Care and Retirement Village Independent Living Unit businesses with CHSP services in June 2025.
- completed improvements to financial reporting, information systems and processes with timely submission of audited financial statements, resulting in a clean unmodified audit opinion on its 2024-25 Financial Statements.
- completed 57 of the 64 actions contained in the adopted Strategic Finance and Governance Improvement Order including service reviews of key business units, Tech One Implementation project group, exiting of Waste Hire Services, development of Asset Condition Report and Strategic Review for Blue Haven Terralong Retirement Village.

It is important to note that the results referred to above and the reference to 'balanced budget' exclude capital grants, the budget deficit of \$4.5M excludes capital grants of \$5.3M, which otherwise reflects a small surplus of \$800K. The issue of capital grants is discussed later.

NSW Auditor-General's Report – Local Government 2025

It is acknowledged that KMC is listed in Appendix 2 of the NSW Auditor-General's Report – Local Government 2025 as a NSW council with which the Audit Office of NSW has heightened financial sustainability concerns. Appendix 2 of this report includes the following commentary in regards to KMC:

Cash balance impacted by repayment of borrowings during 2024–25 and ongoing losses from one aged-care facility, which was subsequently sold during 2024–25.

In April 2025, KMC divested its Blue Haven Bonaira assets and business and repaid the associated loan to TCorp on 7 May 2025. In February 2026, KMC endorsed its Quarter 2 Budget Adjustment report which outlines that, as at 31 December 2025, KMC's unrestricted cash position by end of 2025-26 FY is forecasted to be \$5.8M. It is clear that KMC have removed/resolved the concerns held by the Audit Office of NSW at the time of compiling this report.

It is noted that of the 11 councils listed in Appendix 2 only KMC has been issued with a Performance Improvement Order under the provisions of section 438A of the *Local Government Act 1993*.

This Report highlights the ongoing liquidity challenges for the local government sector, specifically in NSW, as 17 councils reported operating losses in FY 2024-2025 and 19 councils did not have cash and investments to meet 3 months of general fund expenses. It is important to note that:

- the Report includes capital grants in its determination of operating surplus or loss. Separate analysis of the financial results of all NSW Councils shows that if capital grants were excluded similar to the KMC Order, **then 71% of**

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Councils across NSW would be reporting an operating loss (being an increase from 52% in 2024).

- KMC is one of the 17 Councils, but only by \$750K when removing the aged care operating results.

The Report also notes the severe decline in both Federal tax revenue and State financial assistance grants between 2021-22 and 2024-25 to their lowest in the past seven years. Other Federal and State grants which are specific to individual projects/programs cannot be used to cover staff costs and as such councils are required to engage consultants at a substantially higher cost to undertake the work for which they are otherwise qualified and skilled to do.

Financial Assistance Grants for KMC have remained quite steady at a low \$2M placing it at the low end of Council recipients. This funding has a significant effect on the operating performance of other Councils. KMC has not actioned a Special Rate Variation as the LGA is in the very high end of rates per capita despite its low residential rate base of 10,000 residential dwellings, but clearly this is an option that may need to be pursued. It is worth noting that recent SRV applications that have been approved are referencing financial sustainability or inability of operating performance to fund asset upkeep and depreciation.

Conclusion

Taking into account the legislative framework for amalgamations, the clear and sustained position of the Kiama community, and Council's demonstrated progress in governance, financial management and service delivery, there is no compelling basis for staff to recommend to the Elected Representatives to support any proposal to amalgamate Kiama Municipal Council with Shellharbour City Council. Whilst amalgamations can provide economies of scale and consolidated budgets / operations they require significant due diligence, community and workplace change. Realising any returns from economies of scale often takes some years, while wages equalisation, transitional arrangements, branding etc are all navigated in the shorter term.

Amalgamations are ultimately determined through a State-led statutory process and are not a reflection of a council's independence or commitment to good governance. Kiama Council has consistently expressed its opposition to amalgamation, supported overwhelmingly by its community, most notably through the 2016 poll in which 95.4% of respondents rejected merger proposals.

Since that time Council has taken decisive and measurable steps to address historical financial and operational challenges, including the divestment of aged care operations, improvements to financial reporting and audit outcomes, completion of the majority of actions under the Strategic Finance and Governance Improvement Order, and strengthening its cash position.

While financial sustainability remains a shared challenge across the local government sector, Kiama Council's circumstances are neither unique nor indicative of a need for structural change through amalgamation at this time. Staff will ultimately implement any decision of council on this subject.

19.3 Notice of motion: Councillor Lawton - Protection of Southern Greater Gliders and Proposed Expansion of Seven Mile Beach National Park

Clr Melinda Lawton has submitted the following Notice of Motion for Council's consideration:

MOTION

That Council:

1. Gives in-principle support for the campaign 'Save the Greater Glider' by the Gerroa Environmental Protection Society (GEPS).
2. Endorse the Gerroa Environmental Protection Society proposal to expand Seven Mile Beach National Park, recognising the importance of protecting critical habitat for the endangered Southern Greater Glider and broader biodiversity values.
3. Formally convey this support to:
 - a) The Member for Kiama, Katelin McInerney MP, and
 - b) The NSW Minister for the Environment, Penny Sharpe MLC,requesting consideration of the proposed national park expansion.
4. Include within any updates to Council's Advocacy Strategy a clear position advocating for improved environmental protection of endangered Southern Greater Glider populations at:
 - a) Seven Mile National Park, and
 - b) Other parts of the Kiama Local Government Area,including (but not limited to) potential expansion of national parks and strengthened habitat protections.
5. Where reasonable and not detracting from scheduled Council resourcing, support opportunities **for councillors and any Council staff to:**
 - a) Attend a guided walk hosted by GEPS at Seven Mile National Park, and
 - b) Observe firsthand the presence and habitat of Greater Gliders, to better inform Council decision-making and advocacy.

Signed Councillor Melinda Lawton

Enclosures

- 1 GEPS SMB NP proposal
- 2 GEPS Summary Rationale

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19.3 Notice of motion: Councillor Lawton - Protection of Southern Greater Gliders and Proposed Expansion of Seven Mile Beach National Park (cont)

Councillor information providedWhat is the purpose of the motion?

The Gerroa Environmental Protection Society has developed a proposal to expand the Seven Mile Beach National Park- attached

Their submission focusses on greater glider habitats, wetlands and endangered vegetation that lie unprotected outside the National Park. It informs us that the Greater Glider population at SMB is at risk if habitats are further fragmented and lost and also highlights the need to protect what is probably most significant Coastal Freshwater Wetland in NSW, the 670 ha Coomonderry Swamp. (rationale attached)

Background to the motion

Gerroa Environmental Protection Society

A Rationale to Expand the Seven Mile Beach National Park

Seven Mile Beach is a beautiful natural area on the NSW South coast located between Gerroa and Shoalhaven Heads. Adjoining the beach is an area of around 2000 hectares of biologically diverse coastal vegetation. This vegetation is disconnected from the hinterland and is habitat for seven endangered ecological communities and supports at least thirteen endangered or threatened species.

The drainage pattern between the hinterland and the beach has resulted in extensive coastal freshwater wetlands. Coomonderry Swamp is an intact freshwater wetland that covers approximate 670 hectares. It is the largest coastal freshwater wetland in the southern NSW, representing 40% of this wetland type within the State (DECCW NSW 2010). It is recognised as nationally important in the Directory of Nationally Important Wetlands in Australia and listed on the register of the National Trust of Australia. It is also habitat for many endangered wetland species and supports a large Green and Golden Bell Frog population, being the most extensive wetland where this species has been discovered in NSW (Daly, 1996) and there is evidence of the Australasian Bittern breeding in the wetland. The 930-hectare Seven Mile Beach National Park occupies about half this coastal vegetation, however most of the wetlands, all the ground water dependent ecosystems and significant areas of Greater Glider habitat lie unprotected outside the Park.

More than 80 hectares of Greater Glider habitat has been cleared for sand mining over the years and consequent vegetation fragmentation has reduced the capacity of this species to utilise much of the available habitat.

There is almost no local memory of the koala which disappeared from Seven Mile Beach before the 1950's and, unless we protect the remaining glider habitat and build on habitat corridors, Greater Gliders may also become a distant memory. A study by Mulley (2022) found that the Seven Mile Beach NP Greater Glider population has a poor viability and high extinction risk. Yet encouragingly, a recent study by Daly (2024) informs us that the Seven Mile Beach Glider population remains stable while populations across the south coast are suffering severe declines in abundance and distribution.

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In managing the survival of this iconic species, we need to ensure no more habitat is lost because we know that available glider habitat within the National Park alone is insufficient to support a viable population into the future (Daly 2024).

The Gerroa Environment Protection Society has made a submission to Environment Minister to promote these environmental values. They propose to expand the Seven Mile Beach National Park to protect all adjoining Greater Glider habitats, wetlands and ground water dependent ecosystems. This submission identifies four vegetation units, prioritised according to ecological value and perceived environmental threats. Details of this submission can be found on the GEPS website: <http://geps.kiamaregion.blog>

References

Mulley, B. P 2022. Viability of an Endangered Population of Greater Gliders. Honors thesis. University of Wollongong.

Daly, G. 1996. Some problems in the management of the Green and Golden Bell Frog, *Litoria aurea* at Coomonderry Swamp on the South Coast of NSW. Australian Zoologist 1996.

Daly, G. 2024. Long-term monitoring of arboreal mammals in coastal reserves on the south coast of New South Wales - Australian Zoologist 2024

Chief Executive Officer response

It is noted that a significant portion of lands proposed, by the Gerroa Environment Protection Society (GEPS), to be included in an expanded Seven Mile Beach National Park are located in the Shoalhaven Local Government Area (LGA). As such the following comments only relate to those lands within the Kiama LGA. GEPS should be advised to prepare correspondence to Shoalhaven City Council for those parcels of land.

While the areas within the Kiama LGA proposed by GEPS have been identified as areas of high biodiversity significance by the Kiama Vegetation Study, much of this land is under private ownership. Council is not in a position to comment on the expansion of National Park over private lands given the need for compensation and individual property rights etc.

Some of the areas of Council managed Crown Land proposed by GEPS contain Seven Mile Beach Holiday Park assets. Further analysis should be undertaken as Council has already commenced an expression of interest and request for tender process on its holiday park portfolio.

The expansion of National Parks is ultimately a decision for the Crown and at present, Council has no adopted policy position on any expansion to the expanded Seven Mile Beach National Park. The process for the Crown to determine national parks does not involve consultation with the local government authority and is governed by the National Parks and Wildlife Act 1974, and the Land Acquisition (Just Terms Compensation) Act of 1991. A resolution of KMC is not required by law and Councillors are reminded that resolutions of Council are focused on policy and directions for council-related business.

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19.3 Notice of motion: Councillor Lawton - Protection of Southern Greater Gliders and Proposed Expansion of Seven Mile Beach National Park (cont)

The CEO has recently advised the Kiama Local MP that Council has no resolved position on this proposal as it's a matter for the State Government and that the land proposed by GEPS is currently subject to an Aboriginal Land claim.

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