



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 15 AUGUST 2023

Council Chambers
11 Manning Street, KIAMA NSW 2533

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,
KIAMA, ON TUESDAY 15 AUGUST 2023 AT 5PM**

PRESENT: Deputy Mayor – Councillor I Draisma (Acting Mayor),
Councillors M Brown, K Rice, W Steel, J Keast, S Larkins,
K Renkema-Lang and M Croxford

IN ATTENDANCE: Joe Gaudiosi – Acting Chief Executive Officer
Jessica Rippon – Director Planning, Environment and Communities
Michael Malone – Director Infrastructure and Liveability
Daryl Hagger – Acting Chief Operating Officer
Olena Tulubinska – Chief Financial Officer

1 OPENING OF MEETING

The Acting Mayor opened the meeting at 5pm.

2 WEBCASTING STATEMENT

The Acting Mayor stated that the meeting is being recorded and made publicly available on the Council website, and that persons attending the meeting should refrain from making any defamatory statements.

3 ACKNOWLEDGEMENT OF COUNTRY

The Acting Mayor acknowledged the 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, present and emerging and acknowledge the continuing custodianship of the land which we call home, here in Kiama.”

4 STATEMENT OF ETHICAL OBLIGATIONS

The Acting Mayor read the statement of ethical obligations:

“Councillors are reminded of their oaths or affirmations of office under section 233A of the Act and their obligations under the Code of Conduct to disclose and appropriately manage any conflicts of interest.”

5 APOLOGIES

Apology

23/216OC

Resolved that the apology tendered from Councillor Reilly be accepted and the leave of absence granted.

(Councillors Steel and Larkins)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Renkema-Lang,
Rice and Steel

Against: Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council on 18 July 2023

23/217OC

Resolved that the Minutes of the Ordinary Council meeting held on 18 July 2023 be received and accepted.

(Councillors Larkins and Brown)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Renkema-Lang, Rice
and Steel

Against: Nil

7 BUSINESS ARISING FROM THE MINUTES

Nil.

8 DISCLOSURE OF INTEREST

Disclosure of Interest - Councillor Keast

Councillor Keast declared a less than significant non-pecuniary interest in item 13.3 *Sponsorship request: Kiama Show Society – Kiama Show 2024* as Councillor Keast is a member of the Kiama Show Society. Councillor Keast proposed to disclose and vote on this matter.

9 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil.

10 PUBLIC FORUM SUMMARY

Name	Item No.	Subject
Stuart Richards	19.1	Notice of Motion: Jerrara Dam Plan of Management 1996

11 MAYORAL MINUTE

Nil.

12 MINUTES OF COMMITTEES**12.1 Minutes: Audit, Risk and Improvement Committee - 11 July 2023****23/218OC**

Resolved that the Minutes of the Audit, Risk and Improvement Committee meeting held on 11 July 2023 be received and the recommendations accepted, being:

- 23/022ARIC that the Audit, Risk and Improvement Committee require a notation is included in delegations and policies that refer to the position of general manager/chief executive officer, stating that “the position of general manager is now known as the chief executive officer”.
- 23/023ARIC that the Audit, Risk and Improvement Committee note the information on risk management activity contained in the Risk Management Report and provide feedback on the strategic risk table prior to Council endorsement.
- 23/024ARIC that the Audit, Risk, and Improvement Committee notes the update on internal audit activities.
- 23/025ARIC that the Audit, Risk and Improvement Committee notes the information in the progress reports on:
1. Internal audit recommendations.
 2. CRIP audit recommendations.
 3. Forsyths audit recommendations.
 4. Hopwood Governance Report recommendations.
- 23/026ARIC that the Audit, Risk and Improvement Committee note the Issues identified in the Management Letter on the Final Phase of the Audit for the Year Ended 30 June 2021.
- 23/027ARIC that the Audit, Risk and Improvement Committee note the Monthly Financial Report for April 2023.
- 23/028ARIC at the Audit, Risk and Improvement Committee note:
1. Information relating to the Statement of Investments as at 31 May 2023.

2. Payment to NSW TCorp of \$15 million on 23 June 2023.
3. Progress of loan negotiations with NSW TCorp for the remaining \$15 million currently due in August 2023.

23/029ARIC that the Audit, Risk and Improvement Committee note the update provided on the 2022 and 2023 audit of Council's Financial Statements.

23/030ARIC that the Audit, Risk, and Improvement Committee notes the information contained in the report on action items and approves due dates for outstanding items.

23/031ARIC that the Audit, Risk and Improvement Committee notes the information update pertaining to Blue Haven residential and community aged care operations and retirement village operations.

(Councillors Keast and Renkema-Lang)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Renkema-Lang, Rice and Steel

Against: Nil

12.2 Minutes: Blue Haven Advisory Committee - 31 July 2023

23/219OC

Resolved that Council:

1. Receive and accept the Minutes of the Blue Haven Advisory Committee meeting held on 31 July 2023
2. Write to the Blue Haven Advisory Committee requesting that resolutions be numbered and recorded in their minutes in a manner that is consistent with that adopted by the Finance Advisory Committee and the Audit, Risk and Improvement Committee.

(Councillors Renkema-Lang and Rice)

For: Councillors Draisma, Keast, Larkins, Renkema-Lang and Rice

Against: Councillors Brown, Croxford and Steel

12.3 Minutes: Kiama Local Traffic Committee Meeting - 1 August 2023

23/220OC

Resolved that Council:

1. Note the Minutes of the Kiama Local Traffic Committee meeting held on 1 August.
2. Adopt the following recommendations as endorsed by the Kiama Local Traffic Committee:

- 23/001LTC the implementation of a 65m long 'No Parking 6am to 2pm Wednesday' in the turning head of Michael Crescent Kiama Downs, through the installation of regulatory signage.
- 23/002LTC the implementation of a 55m long 'No Parking 6am to 2pm Thursday' in the cul-de-sac of Burra Street, Gerringong, through the installation of regulatory signage. Add double-ended parking sign within the bowl.
- 23/003LTC traffic changes associated with the Jamberoo Street Festival event on 29 October 2023 from 8.00 a.m. to 4.30 p.m. be approved subject to organisers complying with the following conditions:
1. The event organiser complies with the Traffic Management Plans.
 2. The organisers shall be responsible for the supply, erection and removal of all traffic control devices, equipment and personnel associated with the implementation of the approved Traffic Management Plan.
 3. Notification of proposed traffic changes be given to police, local emergency services, businesses and residents affected by the closure.
 4. An advertisement be placed in the local media advising of the closure and traffic changes.
 5. Proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event.
- 23/004LTC the implementation of an 80m long 'No Parking 6am to 2pm Monday' in the cul-de-sac of Meares Place, Kiama, through the installation of regulatory signage.
- 23/005LTC the implementation of a 115m long 'No Parking 6am to 2pm Monday' in the cul-de-sac of Sommerville Close, Kiama, through the installation of regulatory signage.

(Councillors Larkins and Brown)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Renkema-Lang, Rice and Steel

Against: Nil

12.4 Executive summary of the minutes: South Precinct meeting - 13 July 2023

23/221OC

Resolved that Council note the executive summary of the minutes of the South Precinct Committee Meeting held on 13 July 2023.

(Councillors Larkins and Rice)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Renkema-Lang,
Rice and Steel

Against: Nil

13 REPORT OF THE CHIEF EXECUTIVE OFFICER

13.1 2023 National Local Roads, Transport and Infrastructure Congress - Councillor attendance

23/222OC

Resolved that Council determine Councillors Larkins and Croxford attend the 2023 National Local Roads Transport and Infrastructure Congress at Kambri Cultural Centre, ANU on 6-7 September 2023.

(Councillors Larkins and Brown)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Renkema-Lang,
Rice and Steel

Against: Nil

13.2 Joint National Coast to Coast and NSW Coastal Conference - Councillor attendance

23/223OC

Resolved that Council determine Councillor Reilly attend the 2023 Joint National Coast to Coast and NSW Coastal Conference to be held 30 October – 3 November 2023 at Newcastle Exhibition and Convention Centre.

(Councillors Larkins and Croxford)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Renkema-Lang,
Rice and Steel

Against: Nil

13.3 Sponsorship request: Kiama Show Society - Kiama Show 2024

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

23/224OC

Resolved that Council provide in-kind sponsorship of the 2024 Kiama Show through:

1. donating The Pavilion Kiama hire fee for the 2024 Kiama Show Trivia Night, booked for Friday 25 August 2023, total \$1,100.

2. donating The Pavilion Kiama hire fee for the 2024 Kiama Show Ball, booked for Friday 3 November 2023, total \$1,300.
3. the provision of waste services for the 2024 Kiama Show, including provision for the bump-in and bump out days Wednesday 24 January – Sunday 28 January 2024, total \$2,816.
4. waiving the fees associated with the Application for Road and Footpath Occupation Permit for the 2024 Kiama Show, total \$1,105.

in return for recognition of Kiama Council and The Pavilion Kiama as major supporters of these events.

(Councillors Brown and Larkins)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Renkema-Lang, Rice and Steel

Against: Nil

14 REPORT OF THE CHIEF OPERATING OFFICER

Nil.

15 REPORT OF THE DIRECTOR PLANNING, ENVIRONMENT AND COMMUNITIES

Nil.

16 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY

16.1 Capital budget adjustments - Landslide repairs

23/225OC

Resolved that Council increase the Capital Budget – Roads & Bridges allocation by \$2,800,000 funded by the NSW Disaster Assistance Arrangements funding.

(Councillors Larkins and Brown)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Renkema-Lang, Rice and Steel

Against: Nil

16.2 Proposed road closure: Un-named lane off Akuna Street, Kiama**23/226OC****Resolved** that Council:

1. Commence the formal road closure process for the portion of surplus road reserve, the un-named lane off Akuna Street, under the *Road Act 1993*.
2. Require the applicant to meet all costs associated with the road closure.
3. Classify the portion of road reserve as operational land upon closure.
4. Give the Chief Executive Officer delegated authority to sign under seal or sign on behalf of Council any documentation associated with the road closure of surplus road reserve along Akuna Street, Kiama.

(Councillors Brown and Steel)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Renkema-Lang,
Rice and Steel

Against: Nil

17 REPORTS FOR INFORMATION

Councillor Brown raised a **point of order** on whether Councillor Rice's motion on item 17.1 could be put. Acting Mayor, Councillor Draisma ruled the motion out of order based on the timing of receipt of the motion, that Councillors had not been provided with information to substantiate the motion and the motion would be better put as a question for future meeting.

Councillor Rice raised a **point of order** that the information expressed by Councillor Brown on item 17.1 was inaccurate. Acting Mayor, Councillor Draisma ruled the point of order invalid.

The following Reports for Information listed for the Council's consideration are received and noted:

- 17.1 Blue Haven Bonaira development cash flow – update.
- 17.2 Councillors Reilly, Renkema-Lang and Rice report - Australian Local Government Association - National General Assembly 2023.
- 17.3 Minutes: Jamberoo Valley Ratepayers and Residents Association annual general and general meeting - 1 August 2023.
- 17.4 Minutes: Kiama Liquor Accord meeting - 24 May 2023.
- 17.5 Minutes: Minnamurra Progress Association - 6 June 2023 and 7 July 2023.
- 17.6 Question for future meeting: Coastal Walking Track stage 2.
- 17.7 Question for future meeting: Disability Action Plan update.
- 17.8 Question for future meeting: Grants and sponsorships.
- 17.9 Question for future meeting: Local Government membership.

- 17.10 Question for future meeting: Peace Park maintenance.
- 17.12 Resolution Register - April to June 2023 and outstanding resolutions from previous periods.
- 17.13 Question for future meeting: State Heritage Listing - Kiama and Gerringong rock pools.

17.11 Questions for Future Meeting Register

23/227OC

Resolved that the Question for Future Meeting Register be amended at point 20.2 of 20 June 2023 Council meeting to have the recorded status removed and that the matter remain on the Register and be reported to a future Council meeting.

(Councillors Brown and Croxford)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Renkema-Lang, Rice and Steel

Against: Nil

18 LATE ITEMS

18.1 June 2023 Quarterly Budget Review

23/228OC

Resolved that Council:

1. Receive the June 2023 Quarterly Budget Review Statement Report.
2. Adopt the budget adjustments as outlined in the June 2023 Quarterly Budget Review Document, excluding the Kiama Public School Raised Pedestrian Crossing project.
3. Adopt 2024/2025 Capital Budget program allocation as outlined in this report, which is in line with the Long-Term Financial Plan within the 2024 Operating Plan adopted at the 28 June 2023 meeting.

(Councillors Keast and Larkins)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Renkema-Lang, Rice and Steel

Against: Nil

18.2 June 2023 Monthly Financial Report and preliminary 2022/23 financial year end results**23/2290C**

Resolved that Council receive and adopt the Monthly Financial Report for June 2023 which includes preliminary 2022/23 financial year results and analysis.

(Councillors Croxford and Brown)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Renkema-Lang, Rice and Steel

Against: Nil

18.3 Statement of Investments - July 2023**23/2300C**

Resolved that Council:

1. Receives the information relating to the Statement of Investments as at 31 July 2023.
2. Approves the transfer of \$500,000 from the Land Development Reserve to Unrestricted Funds and endorses the restricted funds position outlined in the report as amended.

(Councillors Brown and Croxford)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Renkema-Lang, Rice and Steel

Against: Nil

19 NOTICE OF MOTION**19.1 Notice of Motion: Jerrara Dam Plan of Management 1996**

It was **moved** by Councillor Draisma and seconded by Councillor Larkins that Council:

1. Form a Jerrara Dam Working Group (the working group) to:
 - a. Review the Jerrara Dam Plan of Management 1996;
 - b. Consider current and futures uses of the site; and
 - c. Consider the rehabilitation of the site for the conservation and regeneration of the remnant rainforest.
2. Receive a report on recommended composition and draft terms of reference for the working group.
3. Consider the formation of the working group for the 2024/2025 Draft Budget and Operational Plan.

4. Following the completion of a report from the working group, commence a formal review of the Jerrara Dam Plan of Management subject to available budget.

23/2310C

At the request of Councillor Rice and by consent the **motion was varied** and resolved as follows, to also include suggested amendments by the Director:

That Council:

1. Receive a report on the recommended composition and draft terms of reference for the formation of a Jerrara Dam Working Group (the working group) to:
 - (a) review the Jerrara Dam Plan of Management 1996.
 - (b) consider current and futures uses of the site.
 - (c) consider the rehabilitation of the site for the conservation and regeneration of the remnant rainforest its indigenous vegetation and associated habitats.
2. Consider the formation of the working group for the 2024/2025 Draft Budget and Operational Plan.
3. Following the completion of a report from the working group, commence a formal review of the Jerrara Dam Plan of Management subject to available budget.

(Councillors Draisma and Larkins)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Renkema-Lang, Rice and Steel

Against: Nil

19.2 Notice of Motion: Reduce number of councillors

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

1. Supports undertaking a constitutional referendum in accordance with section 16 (c) of the Local Government Act 1993 to consider reducing the number of Councillors elected at the 2028 local government election from nine to seven Councillors.
2. Resolves to put the constitutional referendum question to voters at the September 2024 election, pursuant to Section 224 of the Local Government Act 1993.
3. Notify the NSW Electoral Commission of Council's resolution to conduct a constitutional referendum at the September 2024 Local Government election.
4. Send public submissions on this motion to the NSW Minister for Local Government, the Hon Ron Hoenig MP, and the Office of Local Government for their information.

On being put the **motion was lost.**

For: Councillors Brown, Croxford and Steel

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

20 QUESTIONS FOR FUTURE MEETINGS

20.1 Blue Haven Bonaira project and funding

Councillor Rice requested a report that comprehensively:

1. compares the original and revised Forsyth's figures and
2. details the impact of the Blue Haven Bonaira project on Council's unrestricted cash and
3. portrays the extent to which the building and operation of Blue Haven Bonaira has necessitated the use of rate payer rather than aged care derived funds.

This matter was referred to the Chief Operating Officer for consideration.

20.2 Staffing expenditure

Councillor Renkema-Lang requested a report (further to resolution 23/137OC of 16 May 2023) that details the following expenditure in FY2022 and FY2023:

1. Total expenditure on all staffing (FTE, PTE, agency staff and consultancies) as a percentage of total expenditure.
2. A breakup of total staffing expenditure showing expenditure for FTE, PTE, agency staff and consultancies.
3. A breakup of staffing expenditure for Council, Blue Haven Bonaira and Blue Haven Terralong.
4. Expenditure on senior staff employment as a percentage of total staffing costs (FTE and consultancies).
5. How KMC compares to other Group 4 Councils (or comparable Councils) for total staffing expenditure as a percentage of total expenditure.

This matter was referred to the Chief Operating Officer for consideration.

20.3 Kiama Harbour staircase mural

Councillor Larkins requested a report on the feasibility of a mural at the staircase entering Kiama Harbour from Terralong Street. This matter was referred to the Director Infrastructure and Liveability for consideration.

21 CONFIDENTIAL SUMMARY

23/232OC

Resolved that at this time, 6.44pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Renkema-Lang and Brown)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Renkema-Lang, Rice and Steel

Against: Nil

Public Representations:

The Acting Mayor called for representations regarding issues which had been proposed to be disclosed in Confidential Committee of the Whole. No such representations were received.

21.1 Exclusion Of Press And Public:

23/233OC

Committee 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 to deal with the following matters on the grounds as detailed below.

22.1 BLUE HAVEN UPDATE - AUGUST 2023

Reason for Confidentiality: This matter deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council as per Section 10A(2)(dii) of the Local Government Act.

22.2 REQUEST FOR FINANCIAL ASSISTANCE - HARDSHIP DUE TO NATURAL DISASTER

Reason for Confidentiality: This matter deals with discussion in relation to the personal hardship of a resident or ratepayer as per Section 10A(2)(b) of the Local Government Act.

(Councillors Larkins and Keast)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Renkema-Lang, Rice and Steel

Against: Nil

22 CONFIDENTIAL REPORTS

22.1 Blue Haven update - August 2023

An amended motion was moved by Councillor Renkema-Lang and seconded by Councillor Rice that Council:

1. notes the information update pertaining to Blue Haven residential and community aged care operations and retirement village operations
2. receive advice on Councils overall responsibilities and risks related to Governance of
 - (a) Blue Haven Care (Terralong Street and Bonaira Street)
 - (b) meeting the Aged Care Quality Standards Commission requirements.

At the request of Councillor Brown and by consent the **amended motion was varied** to the following –

That Council

1. notes the information update pertaining to Blue Haven residential and community aged care operations and retirement village operations.
2. request a briefing and report receive advice on Council's overall responsibilities and risks related to Governance of
 - (a) Blue Haven Care (Terralong Street and Bonaira Street)
 - (b) Meeting the Aged Care Quality Standards Commission requirements.

On being put the **motion was lost**.

For: Councillors Keast, Renkema-Lang and Rice

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

23/234OC

Committee recommendation that Council notes the information update pertaining to Blue Haven residential and community aged care operations and retirement village operations.

(Councillors Brown and Steel)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Renkema-Lang, Rice and Steel

Against: Nil

22.2 Request for financial assistance - hardship due to natural disaster

23/235OC

Committee recommendation that Council acknowledges the impacts of the 2022 storm events that resulted in the protracted closure of Jamberoo Mountain Road and declines the request made by the resident, noting that:

1. The Kiama Local Government Area (LGA) was declared, under the Natural Disaster Arrangements, a LGA impacted by the June 2022 flood/storm events.
2. That Kiama LGA is not an authority to provide disaster recovery payments or allowances under these arrangements.
3. That Kiama LGA residents and businesses impacted by the June 2022 flood/storm events may have been eligible to receive one or more of some of the following supports:
 - (a) An Australian Government Disaster Recovery Payment.
 - (b) An Australian Government Disaster Recovery Allowance.
 - (c) Financial assistance grants and concessions through Services NSW.
 - (d) Financial assistance and grants through the NSW Rural Assistance Authority (RAA).
4. Notes that some of the applications for support listed in Point 3 have since closed.
5. That Council upholds its Hardship Policy and will consider appropriate hardship relief applications that are in line with the policy.

(Councillors Larkins and Croxford)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Renkema-Lang,
Rice and Steel

Against: Nil

Close of Confidential Committee of the Whole:

23/236OC

Committee recommendation that at this time, 7.15pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Brown and Rice)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Renkema-Lang,
Rice and Steel

Against: Nil

Adoption of Report

The Acting Chief Executive Officer formally reported the recommendations of the Confidential Committee of the Whole more particularly set out above.

23/237OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 23/198OC to 23/201OC be confirmed and adopted.

(Councillors Keast and Renkema-Lang)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Renkema-Lang,
Rice and Steel

Against: Nil

23 CLOSURE

There being no further business the meeting closed at 7.19pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 19 September 2023.


.....
Mayor