



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 15 NOVEMBER 2022

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 NOVEMBER 2022 AT 5.02PM**

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

IN ATTENDANCE: Chief Executive Officer, Director Environmental Services, Chief Financial Officer, Blue Haven Chief Operating Officer and Director Engineering and Works

1 APOLOGIES

Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Mayor declared the meeting open and acknowledged the traditional owners.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Extraordinary Council on 13 October 2022

22/342OC

Resolved that the Minutes of the Extraordinary Council Meeting held on 13 October 2022 be received and confirmed following amendment of Cr Rice's vote to be in favour of moving into Committee of the Whole.

(Councillors Rice and Renkema-Lang)

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

Against: Nil

3.2 Ordinary Council on 18 October 2022

22/343OC

Resolved that the Minutes of the Ordinary Council Meeting held on 18 October be received and accepted.

(Councillors Draisma and Rice)

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

Against: Nil

3.3 Extraordinary Council on 20 October 2022

22/344OC

Resolved that the Minutes of the Extraordinary Council Meeting held on 20 October 2022 be received and confirmed.

(Councillors Brown and Keast)

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

Against: Nil

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 DECLARATIONS OF INTEREST

Disclosure of Interest - Councillor Keast

Councillor Keast declared a less than significant non-pecuniary interest in item 12.1 10.2022.113.1 – 4 and 6 *Elanora Road, Kiama Heights* as one of the public access speakers is known to Cr Keast as both are board members of another company. Councillor Keast proposed to disclose and vote.

Disclosure of Interest - Councillor Larkins

Councillor Larkins declared a less than significant non-pecuniary interest in item 11.3 *Request for donation: Gerringong Lions Club – Motor Fest / Car Show – February*

2023 as Cr Larkins has a close affiliation with the Kiama Lions Club. Councillor Larkins proposed to disclose and vote.

Disclosure of Interest - Councillor Renkema-Lang

Councillor Renkema-Lang declared a less than significant non-pecuniary interest in item 11.3 *Request for donation: Gerringong Lions Club – Motor Fest / Car Show – February 2023* as Cr Councillor Renkema-Lang is a member of the Kiama Lions Club. Cr Renkema-Lang proposed to disclose and not vote.

6 TABLING OF PETITIONS AND OTHER DOCUMENTS

Cr Keast tabled a petition relating to an open space and recreation strategy commitment for Kiama Heights.

7 PUBLIC ACCESS SUMMARY

Name	Item No.	Subject
Alan Woodward	12.1	10.2022.113.1 – 4 and 6 Elanora Road, Kiama Heights
Daniel McNamara Tony Owen	12.1	10.2022.113.1 – 4 and 6 Elanora Road, Kiama Heights
Gayle Tarrant	13.5	Question for future meeting: wombat compound

8 MAYORAL MINUTE

8.1 Passing of Malcolm Weir, OAM

22/345OC

Resolved that Council acknowledge the passing of Malcolm Weir and recognise his significant service to the community.

(Councillor Reilly)

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

Against: Nil

All those present paid their respects, standing for a period of silence.

8.2 South Coast Co-Operative Library Service AGM November 2022**22/346OC**

Resolved that Council note the South Coast Cooperative Library Service Annual Report 2021-2022.

(Councillor Reilly)

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

Against: Nil

Procedural motion**22/347OC**

Resolved that Council bring forward, move in globo and adopt the recommendations contained within the report for items 9.2, 9.4, 9.5, 11.2, 11.3, 12.2, 13.1, 13.2, 13.3, 13.4, 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7 and 16.2

(Councillors Draisma and Brown)

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

Against: Nil

9.2 Minutes: Kiama Local Traffic Committee - 1 November 2022**22/348OC**

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 1 November 2022 be received and the following recommendations accepted:

22/001LTC – Road Closure – Kiama Show 2023

That the Committee recommends that the traffic changes associated with the event on Friday 27 January 2023 and Saturday 28 January 2023 from 5 a.m. to 10 p.m. each day be approved, subject to organisers complying with the following conditions:

1. The event organiser complies with the Traffic Management Plan shown in attachments.
2. Notification of the closures be given to Police, local emergency services, businesses and affected residents.
3. An advertisement be placed in the local media advising of the closure a minimum of seven days prior to the event.

4. The Traffic Management Plan be updated to include hostile vehicle mitigation measures and the organiser is notified with this condition.

22/002LTC – Road Closure – Gerringong Christmas Street Parade 2022

That the Committee recommends that the traffic changes associated with the event on Saturday the 17 December 2022 from 9:00 a.m. to 12:00 p.m.(midday) be approved subject to the following conditions:

1. The event organiser complies with the Traffic Management Plan shown in the attachments.
2. Notification of the closures be given to Police, local emergency services, businesses and affected residents by the event organizer.
3. Notification of the closures shall be placed on Council's website a minimum of seven days prior to the event.
4. The Traffic Management Plan be updated to include hostile vehicle mitigation measures and the organiser is notified with this condition.
5. The event organisers are to consider pedestrian safety measures along Fern Street to keep spectators safe.

(Councillors Draisma and Brown)

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

Against: Nil

9.4 Executive summary of minutes: Central Precinct - 27 September 2022

22/349OC

Resolved that the executive summary of the minutes of the Central Precinct meeting held on 27 September 2022 be received and noted.

(Councillors Draisma and Brown)

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

Against: Nil

9.5 Executive summary of minutes: South Precinct - 15 October 2022

22/350OC

Resolved that the Executive Summary of the minutes of the South Precinct Committee Meeting held on 15 October 2022 be received and noted.

(Councillors Draisma and Brown)

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

Against: Nil

11.2 Acceptance of grant funding: Regional Reconnection Community Events grant

22/351OC

Resolved that Council confirm its acceptance of Regional Reconnection Community Events grants for the following events that Council provides support for via donations/sponsorships:

Kiama Jazz & Blues Festival - \$20,000

Kiama Beach Tag - \$8,000

Fly high in Gerringong Kite Festival - \$10,000

Kiama Community Carols - \$4,000

Gerringong Community Carols - \$1,000

Jamberoo Community Carols - \$1,000

Gerringong Christmas Street Parade - \$14,000.

(Councillors Draisma and Brown)

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

Against: Nil

11.3 Request for donation: Gerringong Lions Club - Motor Fest / Car Show - February 2023

Disclosure of Interest - Councillor Larkins

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

Disclosure of Interest - Councillor Renkema-Lang

Councillor Renkema-Lang declared a less than significant non-pecuniary interest in this item. Councillor Renkema-Lang disclosed and did not vote.

22/352OC

Resolved that Council provide an in-kind donation of \$1,260 for waste services at Michael Cronin Oval and Dorothy Bailey Oval for the Lions Club of Gerringong's Car Show in February 2023. Further, that the Lions Club of Gerringong be requested to

provide appropriate recognition of Council's support of the event on behalf of the community.

(Councillors Draisma and Brown)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Rice and Steel

Against: Nil

12.2 2021-2022 Annual Report

22/353OC

Resolved that Council:

1. endorse the 2021-2022 Annual Report.
2. note that the financial statements of 2021-2022 are still being completed and therefore the audited financial information will be provided to Council by separate report when available.

(Councillors Draisma and Brown)

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

Against: Nil

13.1 Kiama Leisure Centre survey

22/354OC

Resolved that Council note the results of the 2022 Leisure Centre survey and acknowledge the directions to be actioned for services, programs and facilities.

(Councillors Draisma and Brown)

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

Against: Nil

13.2 Local Government Road Safety Program for 2022-2023 – funding acceptance**22/355OC**

Resolved that Council note the accepted offer of funding under the Local Government Road Safety Program for 2022-2023 in accordance with the conditions of the signed funding agreement.

(Councillors Draisma and Brown)

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

Against: Nil

13.3 Post exhibition endorsement: Public Land Management Policy**22/356OC**

Resolved that Council adopt the revised Public Land Management Policy as attached to this report.

(Councillors Draisma and Brown)

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

Against: Nil

13.4 Requesting approval for grant application**22/357OC**

Resolved that Council:

1. approve an application for \$300,000 in funding under the NSW Government Office of Sport – Female Friendly Community Sports Facilities and Lighting Upgrades program for the Keith Irvine and Kevin Walsh Oval Lighting Design and Installation project at Jamberoo; and
2. endorse the use of the \$116,688 provided to Council under the Australian Government Local Roads and Community Infrastructure Program Round 3 (LRCIP3) for this project as Council's 25% co-contribution.

(Councillors Draisma and Brown)

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

Against: Nil

15 Information Reports (in globo)

The following Reports for Information listed for the Council's consideration be received in globo and noted:

- 15.1 Christmas / New Year - annual close down period
- 15.2 Councillor / staff interactions - List of authorised staff
- 15.3 Councillor Reilly, Mayor report - LGNSW Annual Conference 2022
- 15.4 Minutes: Jamberoo Valley Ratepayers and Residents Association – 2 November 2022
- 15.5 Question for future meeting: Kiama Walking Track grant
- 15.6 Question for future meeting: Unauthorised use of a road reserve
- 15.7 Questions for Future Meeting Register - November 2022

16.2 Concillor Brown, report - LGNSW Annual Conference 2022

Report for information only.

9 MINUTES OF COMMITTEES

9.1 Minutes: Finance Advisory Committee - 31 October 2022

22/358OC

Resolved that the Minutes of the Finance Advisory Committee Meeting held on 31 October 2022 be received and the recommendations therein accepted, being:

- 22/041FAC that the Finance Advisory Committee consider the report on short term rental accommodation rates.
- 22/042FAC that the Finance Advisory Committee provide feedback on the draft Restricted Funds Policy prior to the end of the public exhibition period.
- 22/043FAC that the Finance Advisory Committee note the update report regarding the Power Partnership Purchase Agreement.
- 22/044FAC that the Finance Advisory Committee note the response to the Minister of Local Government, The Hon. Wendy Tuckerman's notice of intention to issue a performance improvement order under section 438A of the Local Government Act 1993 and Council's stated position.
- 22/045FAC that the Finance Advisory Committee note the action tracker updates for October 2022.
- 22/046FAC that the following Reports for Information listed for the Finance Advisory Committee consideration be received and noted:

- 7.1 Summary of key matters for the Finance Advisory Committee
- 7.2 Monthly Financial Report – August 2022
- 7.3 Statement of Investments – September 2022
- 7.4 Draft September 2022 financial results.

(Councillors Brown and Larkins)

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

Against: Nil

Item 9.2 *Minutes: Kiama Local Traffic Committee – 1 November 2022* was dealt with earlier in the meeting as part of the in globo resolution.

9.3 Minutes: Tourism Advisory Committee - 3 November 2022

22/359OC

Resolved that the Minutes of the Tourism Advisory Committee Meeting held on 3 November 2022 be received and the following recommendations accepted:

1. That correspondence is made with the Destination Kiama partners and stakeholders to highlight the newly drafted Council Committee Policy Framework and encourage them to submit their views, as the Manager seeks to clarify questions raised by the Committee internally.
2. That the below listed events are supported via the Destination Kiama Event Funding Program to the value listed below. Subject to the below allocations this budget will now be exhausted.

EVENT	SUPPORT
SurfLife Music Festival Gerringong	TOTAL \$8,000 \$4,000 in-kind support to contribute to hall/reserve hire & waste services \$4,000 to cover marketing & advertising
Kiama Beach Tag	TOTAL \$8,000 Via the Reconnecting Regional NSW Grant
SPIEGELESQUE	\$4,000 In-kind support to contribute to the hall hire and waste services

KISS Arts Festival	TOTAL \$5,000 to assist with out of area marketing for the event and contribute to the cost of in-kind services such as reserve hire and waste services.
The Kazador	TOTAL \$5,000 to assist with out of area marketing for the event and contribute to the cost of in-kind services such as reserve hire and waste services.
Volleyball NSW Youth Championship	TOTAL \$4,000 to assist with out of area marketing for the event and contribute to the cost of in-kind services such as reserve hire and waste services.
Clearly Music and Arts Festival and Clearer Workshops	TOTAL \$5,000 to assist with out of area marketing for the event and contribute to the cost of in-kind services such as hall hire and waste services.
Kiama I Do	TOTAL \$4,500 \$3,700 to be used for out of area marketing + \$800 in-kind support an advertisement in the Kiama Visitors Guide.
ROUND 2 TOTAL	\$35,500 + \$8,000 NSW Grant Funded

3. That a letter is sent to Simon and Darryl from Terragong 1858 to thank them for their support and commitment to the local industry and wish them well as they close their business.
4. That the following reports by the Tourism and Events Manager be accepted.
 - (i) Kite Festival, Gerringong 12 November 2022
 - (ii) Light up Kiama – 16 December 2022
 - (iii) Jamberoo Carols – 13 December 2022
 - (iv) Gerringong Street Parade
 - (v) Kiama Jazz and Blues Festival 13-15 March 2023
 - (vi) Her Wave Surfing NSW Festival – 31 March 2023
5. That the Above and Beyond Award go to Kerrie Bruce, Artist and owner of Fern Street Gallery.

(Councillors Brown and Steel)

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

Against: Nil

The following items were dealt with earlier in the meeting as part of the in globo resolution:

- Item 9.4 *Executive summary of minutes: Cental Precinct – 27 September 2022*
- Item 9.5 *Executive summary of minutes: South Precinct – 15 October 2022*

10 PUBLIC ACCESS REPORTS

Nil.

COMMITTEE OF THE WHOLE

22/360OC

Resolved that at this time, 5.24pm, Council form itself into a Committee of the Whole to deal with item 11.1 Post exhibition endorsement: Code of Meeting Practice.

(Councillors Renkema-Lang and Rice)

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

Against: Nil

11 REPORT OF THE CHIEF EXECUTIVE OFFICER

11.1 Post exhibition endorsement: Code of Meeting Practice

It was **moved** by Councillor Brown and seconded by Councillor Steel that Council endorse the amended Code of Meeting Practice as attached to the report including all proposed amendments highlighted green in the attachment subject to:

1. amending clauses 18.1, 18.2 and 18.3 that all references to 10pm be changed to 8pm.

An **amendment** was **moved** by Councillor Renkema-Lang and seconded by Councillor Larkins that Council endorse the amended Code of Meeting Practice as attached to the report including all proposed amendments highlighted green in the attachment subject to:

1. amending clauses 18.1, 18.2 and 18.3 that all references to 10pm be changed to 8pm
2. deleting clauses 4.26 and 4.27.

Councillor Croxford foreshadowed an amendment that only clause 4.27 be deleted.

Councillor Renkema-Lang foreshadowed a motion that the matter be deferred for the Code of Meeting Practice to be re-exhibited.

Councillor Brown raised a **point of order** that Councillor Renkema-Lang had withdrawn her amendment. The Chair ruled that this was incorrect as the motion to defer was a foreshadowed motion.

The **amendment** was **varied** by Councillor Renkema-Lang and accepted by Councillor Larkins that Council endorse the amended Code of Meeting Practice as attached to the report including all proposed amendments highlighted green in the attachment subject to:

1. amending clause 18.1, 18.2 and 18.3 that all references to 10pm be changed to 8pm
2. including the word “current” before the word “nominated” in clause 4.26
3. deleting 4.27a).

The **amendment** on being put was **carried**.

The **amendment** became part of the **motion**.

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

Against: Croxford

At the request of Councillor Brown and by consent a **further amendment** moved by Councillor Reilly and seconded by Councillor Larkins was varied to read, that Council endorse the amended Code of Meeting Practice as attached to the report including all proposed amendments highlighted green in the attachment subject to:

1. amending clause 18.1, 18.2 and 18.3 that all references to 10pm be changed to 8pm
2. including the word “current” before the word “nominated” in clause 4.26
3. deleting clause 4.27a)
4. changing clause 10.11 to read “...a Councillor is to circulate their proposed amendment(s) for consideration...”

A further **amendment** was **moved** by Councillor Renkema-Lang and seconded by Councillor Rice that Council endorse the amended Code of Meeting Practice as attached to the report including all proposed amendments highlighted green in the attachment subject to:

1. amending clause 18.1, 18.2 and 18.3 that all references to 10pm be changed to 8pm
2. including the word “current” before the word “nominated” in clause 4.26
3. deleting clause 4.27a)
4. changing clause 10.11 to read “...a Councillor is to circulate their proposed amendment(s) for consideration...”
5. deleting the words “the briefing preceding the Council Meeting or otherwise” from clause 10.11.

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

For: Councillors Renkema-Lang and Rice

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

Procedural motion

Committee recommendation that the amended motion be put.

(Councillors Croxford and Steel)

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

Against: Councillors Keast, Renkema-Lang and Rice

Councillor Keast foreshadowed an amendment to the amended motion to delete the second sentence of clause 10.11.

Councillor Croxford raised a **point of order** that there is a procedural motion on the floor and it should be put to the vote. The Chair ruled that the procedural motion is put and seconded and is to be debated.

22/361OC

Committee recommendation that Council endorse the amended Code of Meeting Practice as attached to the report including all proposed amendments highlighted green in the attachment subject to:

1. amending clause 18.1, 18.2 and 18.3 that all references to 10pm be changed to 8pm.
2. including the word "current" before the word "nominated" in clause 4.26.
3. deleting clause 4.27a).
4. changing clause 10.11 to read "...a Councillor is to circulate their proposed amendment(s) for consideration..."

(Councillors Reilly and Larkins)

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

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

Against: Councillors Keast, Renkema-Lang and Rice

Close of Committee of the Whole:

22/362OC

Committee recommendation that at this time, 6:34pm, the Committee of the Whole revert to Open Council.

(Councillors Draisma and Steel)

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

Against: Nil

Adoption of Committee of the Whole report

22/363OC

Committee recommendation that Council formally confirm, adopt and endorse the Committee recommendations made by Council sitting as a Committee of the Whole as detailed in the Committee recommendations numbered 22/361OC to 22/362OC above.

(Councillors Larkins and Draisma)

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

Against: Councillors Keast, Renkema-Lang andp Rice

The following items were dealt with earlier in the meeting as part of the in globo resolution:

- Item 11.2 *Acceptance of grant funding: Regional Reconnection Community Events grant*
- Item 11.3 *Request for donation: Gerringong Lions Club – Motor Fest / Car Show – February 2023*

11.4 Statement of Investments - October 2022

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

1. the information relating to the Statement of Investments.
2. the information and movement in the restricted funds position.
3. future reports will provide comparison of cash balance actual to forecast

22/364OC

At the request of Councillor Keast and by consent, the **motion was varied and resolved** as follows:

That Council notes:

1. the information relating to the Statement of Investments.

2. the information and movement in the restricted funds position as outlined in the report.
3. future reports will provide comparison of cash balance actual to forecast.

(Councillors Rice and Renkema-Lang)

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

Against: Nil

11.5 Monthly Financial Report - September 2022

22/365OC

Resolved that Council note:

1. the information relating to the Monthly Financial Report for September 2022
2. the discrepancy in Net Operating Results for the year ended 30 June 2022, shown in agenda item 11.5 *Monthly Financial Report September 2022* and agenda item 12.2 *2021-2022 Annual Report*, due to year-end adjustments
3. the general ledger, and future Finance Reports, will be adjusted accordingly to reflect the accurate year-end 30 June 2022 figures.

(Councillors Keast and Reilly)

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

Against: Nil

11.6 Letter from Minister Tuckerman - Performance Improvement Order and appointment of temporary advisor

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

1. note the letter received from the Minister of Local Government, The Hon. Wendy Tuckerman's and attached performance improvement order under section 438A of the Local Government Act 1993.
2. place the Performance Improvement Order on Council's website.
3. note that the budget will need to be reviewed to accommodate the appointment of the temporary advisor.

22/366OC

An **amendment** was **moved** by Councillor Croxford and seconded by Councillor Steel that Council:

1. note the letter received from the Minister of Local Government, The Hon. Wendy Tuckerman's and attached performance improvement order under section 438A of the Local Government Act 1993.
2. place the Performance Improvement Order on Council's website.
3. note that the budget will need to be reviewed to accommodate the appointment of the temporary advisor.
4. refer to the NSW Independent Commissioner Against Corruption (ICAC) the Performance Improvement Order as an addendum to correspondence already provided to ICAC under Council's resolution of 21 September 2022 which details concerns of the possibility of corrupt conduct so as to bring to the Commissioner's attention the concerns of the Minister resulting in the Performance Improvement Order.

Councillor Renkema-Lang foreshadowed the original motion.

The **amendment** on being put was passed and became the **motion**.

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

Against: Councillors Renkema-Lang and Rice

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

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

Against: Nil

12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

12.1 10.2022.113.1 - 4 and 6 Elanora Road, Kiama Heights

Disclosure of Interest - Councillor Keast

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

It was **moved** by Councillor Renkema-Lang to reject the development application. The motion did not receive a seconder and was ruled as being out of order by the Chair.

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

1. approve development application No 10.2022.113.1 for multi-dwelling housing (terraces) at 4 and 6 Elanora Road, Kiama Heights, subject to the conditions of consent attached to the report.

2. advise persons who made a submission on Development Application No 10.2022.113.1 of Council's decision.

Councillor Rice foreshadowed a motion to defer development application 10.2022.113.1.

22/3670C

At the request of Councillor Rice and by consent, the **motion was varied and resolved** as follows:

That Council:

1. approve development application No 10.2022.113.1 for multi-dwelling housing (terraces) at 4 and 6 Elanora Road, Kiama Heights, subject to the conditions of consent attached to the report with the inclusion of the conditions of consent required by Sydney Trains to afford concurrence for the development.
2. advise persons who made a submission on development application No 10.2022.113.1 of Council's decision.

(Councillors Brown and Steel)

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

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

Item 12.2 *2021-2022 Annual Report* was dealt with earlier in the meeting, as part of the in globo resolution.

12.3 Integrated Planning and Reporting – half-yearly report – January to June 2022 period

Resolved that Council:

1. receives the Delivery Program 2017 – 2022 and Operational Plan 2021-2022 progress report for the half year period January to June 2022.
2. include in future Integrated Planning and Reporting, a 'traffic light' assessment of progress against performance measures and targets for each action detailed in respective Delivery Programs and Operational Plans.

(Councillors Renkema-Lang and Brown)

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

Against: Nil

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

The following items were dealt with earlier in the meeting as part of the in globo resolution:

- Item 13.1 *Kiama Leisure Centre survey*
- Item 13.2 *Local Government Road Safety Program for 2022-2023 – funding acceptance*
- Item 13.3 Post exhibition endorsement: Public Land Management Policy
- Item 13.4 Requesting approval for grant application.

13.5 Question for future meeting: Wombat compound

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

1. provide “landowner’s consent” for WIRES to submit a Development Application to occupy part of Lot 41 DP841082, 125 Jerrara Road Jerrara for the purpose of providing a compound for wombat rehabilitation.
2. note that, subject to development consent being granted, the Chief Executive Officer has delegated authority to approve a lease for WIRES to occupy part of Lot 41 DP841082, 125 Jerrara Road Jerrara, subject to the following conditions:
 - a. A lease term of five years plus five additional years option (5+5)
 - b. Annual rental to be zero.

At the request of Councillor Rice and by consent, the **motion was varied** to read that Council:

1. provide “landowner’s consent” for WIRES to submit a Development Application to occupy part of Lot 41 DP841082, 125 Jerrara Road Jerrara for the purpose of providing a compound for wombat rehabilitation.
2. note that, subject to development consent being granted, the Chief Executive Officer has delegated authority to approve a lease for WIRES to occupy part of Lot 41 DP841082, 125 Jerrara Road Jerrara, subject to the following conditions:
 - a. A lease term of five years plus five additional years option (5+5)
 - b. Annual rental to be zero.
3. formally thank Brooke Ramaekers and Tim McLeod for the professional assistance they provided to WIRES.

22/368OC

At the request of Councillor Brown and by consent, the **motion was varied and resolved** as follows:

That Council:

1. Provide “landowner’s consent” for WIRES to submit a Development Application to occupy part of Lot 41 DP841082, 125 Jerrara Road Jerrara for the purpose of providing a compound for wombat rehabilitation.
2. Note that, subject to development consent being granted, the Chief Executive Officer has delegated authority to approve a lease for WIRES to occupy part of Lot 41 DP841082, 125 Jerrara Road Jerrara, subject to the following conditions:
 - a. A lease term of five years plus five additional years option (5+5)
 - b. Annual rental to be \$10.
3. formally thank Brooke Ramaekers and Tim McLeod for the professional assistance they provided to WIRES.

(Councillors Croxford and Rice)

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

Against: Nil

14 REPORT OF THE COO OF BLUE HAVEN

Nil.

15 REPORTS FOR INFORMATION

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

15.8 Question for future meeting: Strategic Improvement Plan

15.9 United Services Union - response to IPART review of rate pegging methodology

15.10 Youth Engagement Meeting / Workshop - September 2022

22/369OC

Resolved that Council write to the students who attended the Youth Engagement Workshop held on 1 September 2022, to thank them for their participation.

(Councillors Larkins and Brown)

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

Against: Nil

16 ADDENDUM TO REPORTS

22/3700C

Resolved that at this time, 7.44pm, Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

16.1 Financial quarterly budget review - quarter ending September 2022

22/3710C

Resolved that Council:

1. receive and adopt the quarterly budget review for the quarter ended September 2022.
2. note that due to staffing and operational constraints that the focus of this first quarter QBR process has been restricted to the review of operating and capital budget variances
3. note the 2022-23 second-quarter quarterly budget review will contain additional information as per the suggested reporting guidelines, such as:
 - Contractor review
 - Key Performance Indicator review
 - Consultancy and legal expenses overview.

(Councillors Keast and Brown)

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

Against: Nil

17 NOTICE OF MOTION

17.1 Notice of Motion: Resilience and Sustainability Levy - Internal Restricted Reserve

22/3720C

Resolved that Council include in the forward budget estimates register for the 2023/24 budget the body of work required for Council to:

1. evaluate the requirement for a special rate variation to improve financial performance and sustainability, that also considers funding the impact of natural disasters and severe storm events including but not limited to:
 - a) projects required to build capacity of stormwater infrastructure
 - b) projects required to mitigate the high risks identified in Coastal Management and River and Estuary Management Plans
 - c) required management practices for land zoned as bushfire prone, and
 - d) required management practices for the protection and restoration of land identified as high and significant biodiversity value.
2. undertake targeted community consultation about any intent to introduce a special rate variation, in accord with the IPART Guidelines.
3. as part of its strategic planning processes, consider establishing a Resilience and Sustainability Restricted Reserve in accordance with the draft Restricted Reserves Policy, subject to the outcome of 1 and 2 above.

(Councillors Renkema-Lang and Keast)

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

Against: Councillors Brown, Croxford and Steel

18 QUESTIONS FOR FUTURE MEETINGS

18.1 Historic Blue Haven documentation

Councillor Croxford requested a report on the following: has an examination of historic Blue Haven documentation been undertaken by the interim COO to assist in understanding business operations? If so, has any information been identified, which should have been but was not, presented to either the current or previous elected Council for information or resolution. The matter was referred to the Chief Operating Officer for action.

18.2 Assessment criteria - Expressions for Interest or tender process

Councillor Keast requested a report on what processes are available to allow Councillors to provide input into establishing assessment criteria of future Expressions for Interest or tender processes, to ensure our community's values and priorities are incorporated into these assessment criteria, acknowledging the importance of maintaining robust probity process. The matter was referred to Director Engineering & Works for action.

18.3 Kiama Heights open space

Councillor Keast requested a report on what *direct* community consultation will take place with those that live in the area and with the Kiama Heights Residents Group, to assist in the development of the Open Spaces and Recreation Strategy, noting that people who live in Kiama Heights have the poorest access to open space in the Kiama Local Government Area (as per the Urban Observatory (RMIT University) Liveability Score). The matter was referred to Director Engineering & Works for action.

18.4 Coastal Lands Protection Scheme - Kiama Heights

Councillor Keast requested a report on how the Coastal Lands Protection Scheme could be used to provide access corridors from Kiama Heights to the local beach. The matter was referred to Director Environmental Services for action.

18.5 Community services, events and programs

Councillor Rice requested a report on any plans to resume the community services that were reduced due to budget constraints this financial year, particularly in relation to the future of the Dementia Friendly Kiama Project, health promotion activities in general and community events that promote health and sustainability. The matter was referred to Director Environmental Services for action.

18.6 Coastal walking tack carpark

Councillor Rice requested a report on the capacity of the coastal walk carpark to be expanded to accommodate more cars. The matter was referred to Director Engineering & Works for action.

18.7 Management arrangements for Crown Reserve between track 8 and Crooked River

Councillor Renkema-Lang requested a report the management arrangements for the Crown Reserve between track 8 and Crooked River (R83972) – Seven Mile Beach that details:

1. funding avenues Council is pursuing to manage the areas identified as high value biodiversity identified in recently adopted Vegetation Study for this area.
2. arrangements, if any, to continue the essential weeding program for the Crown Reserve between track 8 and Crooked River (R83972), given that this program has not operated for 3 years.

3. the legality of operating Schedule 2/Exempt development (such as surf schools) in this environmentally sensitive area especially within 100m of the Littoral Rainforest and within 40m of the upper bank of a Category 1 river, such as Crooked River, and directly adjacent an endangered species nesting site (clause 3.3 Kiama Local Environmental Plan).
4. why Council requested Crown Lands to include a strip categorised as 'Park', between the strips categorised as 'Natural Foreshore' and 'Natural Bushland' along Seven Mile Beach, given the acceptance that it is an area of 'High Biodiversity Significance' and mapped as 'biodiversity land' on the 'Terrestrial Biodiversity Map'?
5. the current lease arrangement for the surf school operating on Seven Mile Beach - including the licence type and conditions, the lease time-frame and annual licence fee
6. whether Council intends to issue a tender/EOI process calling responses from schools wishing to operate at the expiration of the current licence.

The matter was referred to Director Environmental Services for action.

18.8 Servicing and maintenance of public land, road easements, footpaths and reserves

Councillor Renkema-Lang requested a report detailing the methods used to allocate budget funds for general servicing and maintenance of public land and reserves across all towns and villages (including Kiama Downs, Minnamurra, Kiama Town Centre, Kiama Heights, Jamberoo, Gerringong and Gerroa). Is this determined on an as needs basis, risk basis, or a per capita basis? The matter was referred to Director Engineering & Works for action.

18.9 Werri Beach Holiday Park flood mitigation investigation report

Councillor Larkins requested a report advising whether a copy of the Werri Beach Holiday Park Flood Mitigation Investigation report has been provided to impacted van owners and if vans are not removed from site by 1 May 2023, what will be the outcomes for van owners. The matter was referred to Director Engineering & Works for action.

19 CONFIDENTIAL SUMMARY

22/3730C

Resolved that at this time, 8.05pm, 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 Croxford and Renkema-Lang)

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

Against: Nil

Public Representations:

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

19.1 Exclusion Of Press And Public:

22/3740C

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.

20.1 AKUNA STREET LANDHOLDINGS

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.

20.2 BLUE HAVEN VALUATION UPDATE

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.

20.3 GERRINGONG AND JAMBEROO FLOOD INFRASTRUCTURE - DETAILED DESIGN 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.

20.4 MANAGED PRINT SERVICES - CONTRACT EXTENSION

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.

20.5 REVISED 2-YEAR CASH FLOW FORECAST 2023-2024

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.

20.6 TENDER - LICENCE FOR THE USE OF THE PAVILION KIAMA FOR WEDDINGS - KT090922

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.

20.7 BLUE HAVEN UPDATE

Reason for Confidentiality: This matter deals with personnel matters concerning particular individuals (other than councillors) as per Section 10A(2)(a) of the Local Government Act.

(Councillors Brown and Larkins)

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

Against: Nil

20 CONFIDENTIAL REPORTS

The Office of Local Government appointed financial advisor, Mr Peter Tegert addressed the Council via Teams.

Procedural motion**22/3750C**

Committee recommendation that that Council bring forward, move in globo and adopt the recommendations contained within the report for items 20.2, 20.3, 20.4, 20.5 and 20.7.

(Councillors Draisma and Larkins)

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

Against: Nil

20.2 Blue Haven valuation update

For information only.

20.3 Gerringong and Jamberoo Flood Infrastructure - Detailed Design Tender

22/376OC

Committee recommendation that Council:

1. In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, accept the tender of BG&E Pty Ltd for KIAMA-1031177 – Gerringong Jamberoo Flood Infrastructure – Detailed Design, for the sum of \$326,196 (including GST) plus a contingency allowance of \$65,804 (Total value of \$392,000 (including GST)).
2. delegate to the Chief Executive Officer the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
3. grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

(Councillors Draisma and Larkins)

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

Against: Nil

20.4 Managed Print Services - contract extension

22/377OC

Committee recommendation that Council:

1. authorise the efex contract extension of 2 x 1 years to be invoked in the amount of \$115,200 (excl. GST) for the provision of print managed services for Kiama Municipal Council plus an estimated \$150,000 in usage charges.
2. authorise the Mayor and CEO to sign and seal documentation relating to the tender.

(Councillors Draisma and Larkins)

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

Against: Nil

20.5 Revised 2-year Cash Flow Forecast 2023-2024

22/378OC

Committee recommendation that Council notes information provided in the revised cash flow for the year period until 2024 and requested by TCorp.

(Councillors Draisma and Larkins)

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

Against: Nil

20.7 Blue Haven update

For information only.

20.1 Akuna Street Landholdings

22/379OC

Committee recommendation that Council decline the request received on 25 October 2022 from the purchaser and delegate to the Chief Executive Officer to provide written correspondence advising of Council's position being the original terms of settlement outlined in the tender documentation approved on 28 June 2022.

(Councillors Steel and Reilly)

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

Against: Nil

The following items were dealt with earlier in the confidential meeting as part of the in globo resolution:

Item 20.2 *Blue Haven valuation update*

Item 20.3 *Gerringong and Jamberoo Flood Infrastructure - Detailed Design Tender*

- Item 20.4 *Managed Print Services - contract extension*
Item 20.5 *Revised 2-year Cash Flow Forecast 2023-2024*

20.6 Tender - Licence for the use of The Pavilion Kiama for Weddings - KT090922

22/380OC

Committee recommendation that Council

1. in accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, accept the tender of Culinarius by Monika for KIAMA-090922 Licence for the use of The Pavilion Kiama for Weddings.
2. delegate to the Chief Executive Officer the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
3. grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

(Councillors Brown and Draisma)

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

Against: Councillor Croxford

Item 20.7 *Blue Haven Update* was dealt with earlier in the confidential meeting as part of the in globo resolution.

Close of Confidential Committee of the Whole:

22/381OC

Committee recommendation that at this time, 8.39pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Draisma and Larkins)

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

Against: Nil

Adoption of Report

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

22/382OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 22/374OC to 22/382OC be confirmed and adopted.

(Councillors Draisma and Larkins)

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

Against: Nil

21 CLOSURE

There being no further business the meeting closed at 8.44pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 20 December 2022.

.....
Mayor