



MINUTES OF THE ORDINARY MEETING OF COUNCIL AS AMENDED

commencing at 5pm on

TUESDAY 16 MAY 2023

**Council Chambers
11 Manning Street, KIAMA NSW 2533**

Amended as per 23/145OC:

That the Minutes of the Ordinary Council meeting held on 16 May 2023 be received and accepted subject to amending the division on item 19.1 Notice of Motion: paid parking, to record that Councillor Larkins was against the motion and remove his name from being in favour of the motion.

**MINUTES OF THE ORDINARY MEETING OF
THE COUNCIL OF THE MUNICIPALITY OF KIAMA
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON TUESDAY 16 MAY 2023 AT 5PM**

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: Jane Stroud – Chief Executive Officer
Jessica Rippon – Director Planning, Environment and Communities
Joe Gaudiosi – Chief Operating Officer
Michael Malone – Director Infrastructure and Liveability
Olena Tulubinska – Chief Financial Officer

1 OPENING OF MEETING

The Mayor opened the meeting at 5pm.

2 WEBCASTING STATEMENT

The 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 Mayor acknowledged the traditional owners.

At 5.02pm the standing orders were suspended for random drug and alcohol testing.
Standing orders resumed at 5.35pm.

23/1160C

Resolved that Item 13.1 Presentation of the 2020/21 Annual Financial Statements be brought forward and dealt with.

(Councillors Croxford and Steel)

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

Against: Nil

13.1 Presentation of the 2020/21 Annual Financial Statements

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

1. Councillors acknowledge their responsibility for the preparation and fair presentation of Financial Statements that are free from material misstatement, whether due to fraud or error.
2. Council:
 - a. Note the report on the presentation of the 2020/21 Annual Financial Statements.
 - b. Formally present the 2020/21 Audited Financial Statements and Audit Reports to the public in accordance with sections 418 and 419 of the Local Government Act 1993.
 - c. Receives a report that details
 - i. the controls required to rectify the deficiencies, as identified by the Audit Office, in Council's books and records
 - ii. the status of records management and other policies aimed at improving financial management practices, and
 - iii. instances where paper files or records have been archived, destroyed, or gone missing since the 2020 audit report was completed.

Councillor Brown foreshadowed the original motion.

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

For: Councillors Keast, Renkema-Lang and Rice

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

23/1170C

The foreshadowed motion was **moved** by Councillor Brown and **seconded** by Councillor Croxford that Council:

1. Note the report on the presentation of the 2020/21 Annual Financial Statements.
2. Formally present the 2020/21 Audited Financial Statements and Audit Reports to the public in accordance with sections 418 and 419 of the Local Government Act 1993.

(Councillors Brown and Croxford)

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

Against: Councillor Rice

4 STATEMENT OF ETHICAL OBLIGATIONS

The 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

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council meeting on 18 April 2023

23/118OC

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

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

7 BUSINESS ARISING FROM THE MINUTES

Nil

8 DISCLOSURE OF INTEREST

Nil

9 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

10 PUBLIC FORUM SUMMARY

Name	Item No.	Subject
William Barber	15.1	10.2022.212.1 - 69 Werri Street, Werri Beach
Lisa Papesch	15.1	10.2022.212.1 - 69 Werri Street, Werri Beach

11 MAYORAL MINUTE

Nil

Procedural motion: In globo resolutions

23/119OC

Resolved that Council move in globo and adopt the recommendations contained within the report for items 12.4, 13.2, 13.3 and 18.3.

(Councillors Draisma and Larkins)

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

Against: Nil

12 MINUTES OF COMMITTEES

12.1 Minutes: Blue Haven Advisory Committee Meeting - 3 May 2023

Councillor Brown raised a **point of order** that Councillors were not complying with clause 20.27 of the Code of Meeting Practice. The Mayor ruled this in order.

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

1. the Minutes of the Blue Haven Advisory Committee meeting held on 3 May 2023 be received and accepted
2. the terms of reference for the Blue Haven Advisory Committee be amended to:
 - a. specify that at least one non-councillor voting member is to have clinical and aged-care practice skills.

- b. refer to compliance with the Retirement Villages Act in the objectives section.
- c. include the following statement on managing conflicts of interest in the code of conduct section

“Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest shall be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.” – noting that this is the exact wording used in the ARIC charter.

Councillor Brown foreshadowed the original motion.

23/1200C

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

That:

1. the Minutes of the Blue Haven Advisory Committee meeting held on 3 May 2023 be received and accepted
2. Council write to the Blue Haven Advisory Committee for the consideration of changes to the terms of reference which:
 - a) specifies that at least one non-councillor voting member is to have clinical and aged-care practice skills
 - b) refers to compliance with the Retirement Villages Act in the objectives section, and
 - c) includes the following statement on managing conflicts of interest in the code of conduct section:

“Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest shall be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.” – noting that this is the exact wording used in the ARIC charter.

(Councillors Renkema-Lang and Rice)

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

Against: Councillors Brown, Croxford, Reilly and Steel

12.2 Minutes: Destination Kiama Tourism Advisory Committee Meeting – 1 May 2023

It was **moved** by Councillor Brown and **seconded** by Councillor Steel that the Minutes of the Tourism Advisory Committee Meeting held on 1 May 2023 be received and the following recommendations therein accepted, being:

1. The Wind and Waves, Kiama Rugby Sevens, Kiama Beach Tag, Sun Up Surf and Skate Festival post event reports are received and accepted.
2. The Tourism Manager follow up further statistical information to complete the acquittal of the Kiama Jazz and Blues Festival 2023.
3. The Destination Event Funding Program Guidelines and associated Agreements are strengthened to ensure obligations and deliverables are clear to event organisers and funding is reduced in future rounds if compliance isn't met.
4. The Man Walk's request is accepted, to move their successful funding application from the 2022/23 financial year to 2023/24 to support their event which has been postponed.
5. The request from Tamara and Dave Campbell is accepted, to support the KISS Arts Festival date change and reallocate funding to support the Kazador and KISS Arts Festival in 2023/24 financial year, allowing the previously allocated total of in-kind and financial support to move between the two events as required.
6. Any remaining funds within the Tourism and Events Festivals and Events Budget is used to support the Destination Kiama, *Kiama Winter Festival* in 2023.
7. The Destination Event Funding Guidelines and associated program documents are endorsed and the timeline for the two rounds of funding for the 2023-2024 financial year deployed.
8. An expression of interest is distributed, and a consultant employed, to facilitate a *Tourism Priority Workshop* with interested survey respondents, partners and Tourism Advisory Committee Members in June 2023 before finalising the Tourism and Events Action Plan for 2023-2024.
9. That two Above and Beyond Awards are awarded at the next Tourism After Hours event to the two candidates nominated.
10. The Tourism Advisory Committee note their support for the consolidation of the Economic Development and Tourism Advisory Committee, along with its confidence within the current members skillset to deliver sound economic development strategy assistance.
11. The Tourism Advisory Committee advise Council that they look forward to the recruitment of the Manager Planning and Economic Development and the subsequent changes to the Terms of Reference.
12. The Tourism Advisory Committee request Council staff engage Indigenous Elders to determine an appropriate name for the newly constructed stairs at Bombo. The suggested name for consultation from the Tourism Advisory Committee is "Thunda"; and call for a date of an official opening.
13. The Tourism Advisory Committee's support is noted for paid parking for visitors within the Municipality in popular tourist destinations.

23/1210C

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

That the Minutes of the Tourism Advisory Committee Meeting held on 1 May 2023 be received and the following recommendations therein accepted, being:

1. The Wind and Waves, Kiama Rugby Sevens, Kiama Beach Tag, Sun Up Surf and Skate Festival post event reports are received and accepted.
2. The Tourism Manager follow up further statistical information to complete the acquittal of the Kiama Jazz and Blues Festival 2023.
3. The Destination Event Funding Program Guidelines and associated Agreements are strengthened to ensure obligations and deliverables are clear to event organisers and funding is reduced in future rounds if compliance isn't met.
4. The Man Walk's request is accepted, to move their successful funding application from the 2022/23 financial year to 2023/24 to support their event which has been postponed.
5. The request from Tamara and Dave Campbell is accepted, to support the KISS Arts Festival date change and reallocate funding to support the Kazador and KISS Arts Festival in 2023/24 financial year, allowing the previously allocated total of in-kind and financial support to move between the two events as required.
6. Any remaining funds within the Tourism and Events Festivals and Events Budget is used to support the Destination Kiama, Kiama Winter Festival in 2023.
7. The Destination Event Funding Guidelines and associated program documents are endorsed and the timeline for the two rounds of funding for the 2023-2024 financial year deployed.
8. An expression of interest is distributed, and a consultant employed, to facilitate a Tourism Priority Workshop with interested survey respondents, partners and Tourism Advisory Committee Members in June 2023 before finalising the Tourism and Events Action Plan for 2023-2024.
9. That two Above and Beyond Awards are awarded at the next Tourism After Hours event to the two candidates nominated.
10. The Tourism Advisory Committee note their support for the consolidation of the Economic Development and Tourism Advisory Committee, along with its confidence within the current members skillset to deliver sound economic development strategy assistance.
11. The Tourism Advisory Committee advise Council that they look forward to the recruitment of the Manager Planning and Economic Development and the subsequent changes to the Terms of Reference.
12. The Tourism Advisory Committee's support is noted for paid parking for visitors within the Municipality in popular tourist destinations.

And further the following item from the Tourism Advisory Committee is noted by Council:

1. The Tourism Advisory Committee request Council staff engage Indigenous Elders to determine an appropriate name for the newly constructed stairs at Bombo. The suggested name for consultation from the Tourism Advisory Committee is “Thunda”; and call for a date of an official opening.

(Councillors Brown and Steel)

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

Against: Nil

12.3 Minutes: Finance Advisory Committee meeting - 1 May 2023

23/122OC

Resolved that the Minutes of the Finance Advisory Committee meeting held on 1 May 2023 be received and the recommendations therein accepted, being:

23/009FAC that the Finance Advisory Committee note the Monthly Financial Report for February 2023.

23/010FAC that the Finance Advisory Committee note:

1. the information relating to the Statement of Investments for March 2023.
2. the restricted funds position as outlined in the report.

23/011FAC that the Finance Advisory Committee:

1. notes the financial result for the year ending 30 June 2021.
2. notes the governance role played by Council’s Audit, Risk and Improvement Committee in overseeing the preparation and finalisation of the audited 2020/21 financial statements.
3. notes that Council’s external auditor will present the audited 2020/21 financial statements at the May 2023 Council meeting.

23/012FAC that the Finance Advisory Committee note the general update on key financial matters.

23/013FAC that the Finance Advisory Committee note the information in the update on the TCorp repayment due in August 2023.

23/014FAC that the Finance Advisory Committee note the report and the timeline for the proposed sale of Blue Haven Bonaira pending the reclassification process.

23/15FAC that the Finance Advisory Committee note the following have been declared as Business Activities of Kiama Municipal Council from the 2021/22 financial year:

- a) Category One Business Activities
 - Blue Haven

- Holiday Parks
- b) Category Two Business Activities
 - Commercial Waste & Hire Services
 - The Pavilion

23/016FAC that the Finance Advisory Committee notes the action tracker updates for May 2023.

(Councillors Brown and Renkema-Lang)

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

Against: Nil

12.4 Minutes: Kiama Local Traffic Committee Meeting - 2 May 2023

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/119OC.

23/123OC

Resolved that the Minutes of the Kiama Local Traffic Committee meeting held on 2 May 2023 be received and the following recommendations accepted:

23/001LTC That a half hour timed parking zone is created on the southern side of Belinda Street Gerringong adjacent to the shop, 141 Belinda Street Gerringong with the installation of regulatory signage. The Committee notes that this is a temporary measure, and that there will be a future traffic study on Belinda Street looking at all of the issues along that street.

23/002LTC That a fifteen minute timed parking zone, to be created on Young Street, Jamberoo adjacent to the Jamberoo post office with the installation of regulatory signage.

(Councillors Draisma and Larkins)

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

Against: Nil

13 REPORT OF THE CHIEF EXECUTIVE OFFICER

13.2 Councillor Brown attendance at the 2023 Australian Regional Tourism Convention in Newcastle

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/119OC.

23/124OC

Resolved that Council endorse the attendance of Councillor Matt Brown at the 2023 Australian Regional Tourism Convention in Newcastle 10-12 October 2023.

(Councillors Draisma and Larkins)

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

Against: Nil

13.3 Councillor Reilly attendance at the 2023 Asia Pacific Cities Summit and Mayors' Forum in Brisbane

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/119OC.

23/125OC

Resolved that Council approve the attendance of Councillor Neil Reilly, Mayor to the 2023 Asia Pacific Cities Summit and Mayors Forum to be held 11-13 October 2023 in Brisbane.

(Councillors Draisma and Larkins)

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

Against: Nil

13.4 Statement of Investments - April 2023**23/126OC**

Resolved that Council:

1. Receives the information relating to the Statement of Investments as at 30 April 2023.
2. Approves the transfer of \$5 million from the Land Development Reserve to Unrestricted Funds and endorses the restricted funds position outlined in the report as amended.

(Councillors Croxford and Steel)

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

Against: Nil

13.5 Strategic Improvement Plan - Monthly Progress Report**23/127OC**

Resolved that Council receive the monthly report for May 2023 on the Strategic Improvement Plan 2 and the progress of actions undertaken.

(Councillors Brown and Keast)

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

Against: Nil

14 REPORT OF THE CHIEF OPERATING OFFICER**14.1 Monthly Financial Report - March 2023****23/128OC**

Resolved that Council receive and adopt the Monthly Financial Report for March 2023.

(Councillors Brown and Steel)

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

Against: Nil

14.2 Re-assessment of Additional Special Rate Variation - Request to Amend 2022 Submission**23/129OC**

Resolved that Council:

1. resolves to amend its Additional Special Variation (ASV) application of 0.9% in April 2022 from temporary to permanent in line with all other councils that applied and are receiving the ASV.
2. Delegates the Chief Executive Officer to prepare correspondence to NSW IPART outlining that subsequent rate peg announcements would require a reduction of 0.9% against the published rate pegs and seeking this issue be corrected.

(Councillors Draisma and Brown)

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

Against: Nil

15 REPORT OF THE DIRECTOR PLANNING, ENVIRONMENT AND COMMUNITIES

15.1 10.2022.212.1 - 69 Werri Street, Werri Beach

Councillor Rice foreshadowed an alternate motion.

23/130OC

Resolved that Council:

1. Approve Development Application No 10.2022.212.1 for the construction of a two storey dwelling with a rooftop pool, and the removal of a Norfolk Island Pine tree at 69 Werri Street, Werri Beach subject to appropriate conditions of consent.
2. Agree to the request from the applicant to vary the Section 88B Restriction registered on the title, so as to permit development within 6m of the eastern side boundary.
3. Advise persons who made a submission on Development Application No 10.2022.212.1 of Council's decision.

(Councillors Brown and Steel)

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

Against: Councillors Keast, Renkema-Lang and Rice

16 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY

Nil

17 REPORTS FOR INFORMATION

For Item 17.4 Resolution Register – January to March 2023 it was **moved** by Councillor Renkema-Lang and **seconded** by Councillor Brown that the resolution register be updated to include the following resolutions of Council:

1. 22/372OC of 15 November 2022 –resilience reserve and associated special rate variation
2. 22/411OC of 20 December 2022 – Domestic and gender-based violence
3. 22/279OC of 20 September 2022 – Release of Forsyths executive summary

Councillor Brown **withdrew his seconding** of the motion.

Councillor Keast **seconded** the motion.

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

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

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

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/119OC.

23/131OC

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

17.1 Minutes: Jamberoo Valley Ratepayers and Residents Association - 2 May 2023

17.2 Question for future meeting: Financial relief opportunities for ratepayers

17.3 Questions for Future Meeting Register - May 2023

Councillors Draisma and Larkins)

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

Against: Nil

18 LATE ITEMS

18.1 Draft 2024 Community Strategic Plan, Delivery Program and Operational Plan, Budget, Fees and Charges and associated documents - endorsement for public exhibition

23/132OC

Committee recommendation that Council:

1. endorse the Draft Delivery Program and Operational Plan for public exhibition for a period of 28 day.
2. endorse the Draft Budget for public exhibition for a period of 28 days.
3. endorse the Draft Fees and Charges document for exhibition for a period of 28 days.
4. endorse the Draft Long Term Financial Plan for public exhibition for a period of 28 days. Note that as part of the exhibition process, the Financial Advisory Committee's consultation will be sought on the draft Long Term Financial Plan.
5. Endorse the Draft Community Engagement Strategy for public exhibition for a period of 28 days.
6. Provide the outcomes of the exhibition process and the final document back to Council for adoption prior to 30 June 2023.

(Councillors Brown and Larkins)

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

18.4 CEO note in respect to Item 18.2 Financial quarterly budget review – quarter ending March 2023

23/133OC

Committee recommendation that Council replace the attachment to Item 18.2 Financial quarterly budget review – quarter ending March 2023 of the supplementary business paper with the document attached to this CEO note, being the correct version of the Quarterly Budget Review for the period ending 31/03/2023.

(Councillors Keast and Brown)

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

18.2 Financial quarterly budget review - quarter ending March 2023

23/134OC

Committee recommendation that Council:

1. Receive and adopt the quarterly budget review for the quarter ending 31 March 2023.
2. Adopt the revenue, expenditure and capital budget adjustments as noted in the March Quarterly Budget review with the exception of Adjustment 20 (reduction in expenses budget by \$2,553).

(Councillors Keast and Draisma)

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

18.3 Post exhibition endorsement: Procurement Policy

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/119OC.

23/135OC

Committee recommendation that Council adopt the Procurement Policy.

(Councillors Draisma and Larkins)

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

Against: Nil

19 NOTICE OF MOTION

19.1 Notice of Motion: paid parking

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

1. Further to receiving and noting the report in the April Business Paper on Paid Parking for Kiama's Municipality that an allocation in the 2023/2024 Budget (through the forward budget estimates register) for the formation of a small committee to provide a report to Council on how Paid Parking for Visitors can be implemented in a similar manner to Byron Bay Council.
2. Note that the visitor economy is the largest sector of our local economy which generates a number of costs such as rubbish removal and clean up, public toilets, road and traffic infrastructure.
3. As part of the process of developing the report to council on paid parking, develop a Paid Parking for Visitors Policy which clearly highlights that the objectives of paid parking will be for the betterment of the community as a whole, including local businesses and local residents, along with offsetting the costs of servicing a highly visited area.

Councillor Renkema-Lang **proposed** an amendment to the motion which was **not accepted** by Councillor Brown that Council:

1. Refer this matter to the Infrastructure and Liveability Advisory Committee once established requesting they form a working group to develop a report to be provided for Council on how Paid Parking Paid Parking for Visitors can be implemented in a similar manner to Byron Bay Council.
2. Note that the visitor economy is the largest sector of our local economy which generates a number of costs such as rubbish removal and clean up, public toilets, road and traffic infrastructure.
3. As part of the process of developing the report to council on paid parking, develop a Paid Parking for Visitors Policy which clearly highlights that the objectives of paid parking will be for the betterment of the community as a whole, including local businesses and local residents, along with offsetting the costs of servicing a highly visited area.

23/136OC

At the request of Councillor Draisma and by consent, the **motion was varied** to read as follows:

That Council:

1. Refer this matter to the Infrastructure and Liveability Advisory committee once established requesting they form a working group to develop a report on how Paid Parking for visitors to Kiama's Municipality can be implemented in a similar manner to Byron Bay Council.
2. Note that the visitor economy is the largest sector of our local economy which generates a number of costs such as rubbish removal and clean up, public toilets, road and traffic infrastructure.
3. As part of the process of developing the report to council on paid parking, develop a Paid Parking for Visitors Policy which clearly highlights that the objectives of paid parking will be for the betterment of the community as a whole, including local businesses and local residents, along with offsetting the costs of servicing a highly visited area.

(Councillors Brown and Croxford)

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

Against: Councillor Larkins

19.2 Notice of Motion: Staff engagement and diversity

23/137OC

Resolved that Council:

1. acknowledges the importance of having a diverse and inclusive workplace culture
2. holds a biannual briefing to Councillors to identify trends and initiatives to improve staff engagement and diversity, based on the following criteria:
 - a. data on staff headcount and turnover, recruitment, new staff, departures, Employee Assistance usage;
 - b. data on staff diversity with respect to age, gender, Aboriginal and Torres Strait Islander status and employees with disability;
 - c. gender data in relation to employment type and managerial level;
 - d. gender data in relation to age;
 - e. pay equity (gender pay gap);
 - f. data on reported bullying and harassment claims;
 - g. exit interview feedback, such as:
 - i. What percentage of people who have left the organisation have completed an exit interview?
 - ii. What are the key themes / reasons given in relation to why people leave?
 - h. comparative national data on the gender pay gap, employment of people with disability and people of Aboriginal and Torres Strait Islander descent as reported in organisations such as the Workplace Gender Equality Agency (WGEA), IncludeAbility, Closing the Gap, the Diversity Council or similar.

(Councillors Keast and Draisma)

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

Against: Nil

20 QUESTIONS FOR FUTURE MEETINGS

20.1 Improving Council's decision-making process for development applications

Councillor Croxford requested a report which provides valuable insights and recommendations to improve the council's decision-making process for development applications covering:

1. Comparative Performance Analysis of Kiama Municipal Council and councils within our category, including the Illawarra and beyond;
2. Evaluation of Refusal Decisions; and
3. Financial Implications and Delegation Limits.

This matter was referred to the Director of Planning, Environment, and Communities for action.

20.2 Iluka Reserve potential sale of lots

Councillor Steel requested a report on the potential sale of 9 blocks of land at Iluka Reserve. This matter was referred to the Director Planning, Environment and Communities for action.

20.3 Akuna Street potential sale

Councillor Steel requested a report on potential sale of land at Akuna Street.

This matter was referred to the Director Planning, Environment and Communities for action.

20.4 Jerrara Dam potential sale

Councillor Steel requested a report on the potential sale of land at Jerrara Dam.

This matter was referred to the Director Planning, Environment and Communities for action.

20.5 Cyber security risks

Councillor Keast requested a report on council's strategy to manage Cyber security risks, including:

1. The results of the Cyber Risk Audit presented to the ARIC in December 2022 and progress against recommendations.
2. Council's Cyber security policy and procedures.
3. How Council is preparing / prepared to handle a security breach.

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

20.6 Finance Advisory Committee recommendations

Councillor Renkema-Lang requested a report on the recommendations made by the Financial Advisory Committee noting which of those recommendations have been actioned (In line with the note on page 4 of the FAC minutes detailed on Page 141 of agenda papers).

This matter was referred to the Chief Financial Officer for action.

20.7 Community Battery Initiative

Councillor Larkins requested a progress update on former council resolution 21/187OC – Community Battery Initiative.

This matter was referred to the Director Planning, Environment and Communities for action.

20.8 Peace Park maintenance

Councillor Larkins requested a report on the maintenance actions taken at Peace Park, Kiama over the past 12 months, including what significant work may need to be required and whether there is a need to update the 'Name a Brick' strategy at the park.

This matter was referred to the Director Infrastructure & Liveability for action.

20.9 Blue Haven medical documentation

Councillor Draisma requested a report on what action is being taken to ensure all medical documentation for residential aged care facility (RACF) clients is current. How does Blue Haven ensure staff are well informed on best practice care in consideration medical conditions and advice, for example, do-not-resuscitate orders. What legislative and regulatory requirements are there to ensure that staff are well informed of required care based on current medical history. When and how clients medical documentation is audited by Blue Haven staff.

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

21 CONFIDENTIAL SUMMARY

23/138OC

Resolved that at this time, 7.44pm 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 Reilly and Rice)

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.

21.1 Exclusion Of Press And Public:

23/139OC

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 - APRIL 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 UNSOLICITED PROPOSAL FROM AN AGED CARE OPERATOR

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 and 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 and 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.

(Councillors Brown and Croxford)

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

Against: Nil

22 CONFIDENTIAL REPORTS

22.1 Blue Haven update - April 2023

Councillor Croxford raised a **point of order** that there has been no seconder yet debate has been entered into. The Mayor asked for a seconder.

It 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. Receives a report that details how probity matters and conflicts of interest have been managed for appointments related to the sale of Bonaira and establishment of the BHAC.

Councillor Brown raised a **point of order** that the motion does not comply with the Code of Meeting Practice and implies that probity matters for the sale were not dealt with properly. The Mayor ruled in favour of the point of order as it brings council into disrepute.

23/140OC

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

(Councillors Larkins and Brown)

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

Against: Nil

22.2 Unsolicited proposal from an aged care operator

It was **moved** by Councillor Brown and **seconded** by Councillor Steel that Council note the unsolicited proposal received on 31 March 2023 and on this occasion decline the opportunity due to legislative requirements.

23/141OC

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

That Council note the unsolicited proposal received on 31 March 2023 and decline the opportunity due to legislative requirements.

(Councillors Brown and Steel)

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

Against: Nil

Close of Confidential Committee of the Whole:

23/142OC

Committee recommendation that at this time, 8pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Croxford and Larkins)

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

Against: Nil

23/143OC

Resolved that at this time, 8pm, Council extend the meeting by 10 minutes.

(Councillors Rice and Keast)

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.

23/144OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 23/139OC to 23/143OC be confirmed and adopted.

(Councillors Brown and Croxford)

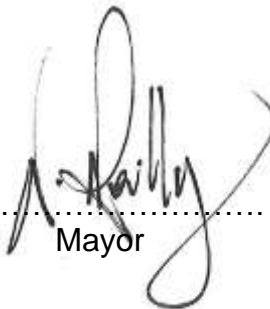
For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,
Renkema-Lang, Rice and Steel

Against: Nil

23 CLOSURE

There being no further business the meeting closed at 8.04pm.

These Minutes were confirmed at the Ordinary Meeting of Council held
on 20 June 2023.



.....
Mayor