



# **MINUTES OF THE ORDINARY MEETING OF COUNCIL**

**commencing at 5pm on**

**TUESDAY 17 MAY 2022**

Council Chambers  
11 Manning Street, KIAMA NSW 2533

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**MINUTES OF THE ORDINARY MEETING OF  
THE COUNCIL OF THE MUNICIPALITY OF KIAMA  
HELD IN THE COUNCIL CHAMBERS  
ON TUESDAY 17 MAY 2022 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:** Chief Executive Officer, Director Environmental Services 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 Ordinary Council on 12 April 2022**

#### **22/0610C**

**Resolved** that the Minutes of the Ordinary Council Meeting held on 12 April 2022 be received and accepted with the following amendment to item *11.8 Quarterly Budget Review Statement for the period ending December 2021*, in that:

1. the amendment to the motion by Councillor Renkema-Lang and accepted by the mover was at point 2 only: *Future Quarterly Budget Review Statements include a list of definitions in lay terms for the public (in line with the definitions in the KPI sections on page 207) but more broadly) and expanded commentary on variances and outputs.*
2. the amendment at point 3: *Council report, in future Quarterly Budget Review Statements, the set of minimum requirements as outlined by the Office of Local Government in its report called Quarterly Budget Review Statement for NSW Local Government, where possible was proposed by Councillor Keast and accepted by the mover.*

(Councillors Steel and Croxford)

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 Renkema-Lang

Councillor Renkema-Lang declared a non-significant non-pecuniary interest in Item 13.5 *Road closure of Noorinan Street* as a member of Councillor Renkema-Lang's campaign team and contributor to development of the SafeKiama policies, has a pecuniary interest in the outcome of this decision. Councillor Renkema-Lang proposed to disclose and not vote on this matter.

#### 6 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

#### 7 PUBLIC ACCESS SUMMARY

Name	Item No.	Subject
Aapo Skorulis	9.5	Minutes: Kiama Local Traffic Committee Meeting – 3 May 2022
Alan Rowe	12.1	10.2021.361.1 - Lot 12 Barton Drive, Kiama Downs
Jayne Carruthers	13.1	Draft Gerringong and Jamberoo Flooding Investigation Study
Barbara Wellesley	17.1	Notice of motion: Uluru Statement of the Heart

## 8 MAYORAL MINUTE

### 8.1 Passing of Ray Thorburn OAM

**22/062OC**

**Resolved** that Council acknowledge the passing of Ray Thorburn and recognise his significant service to the community.

(Councillors Steel and 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 Volunteer Week 16 - 22 May 2022

**22/063OC**

**Resolved** that Council support National Volunteer Week 2022 and acknowledge our local volunteers.

(Councillors Brown and Renkema-Lang)

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

Against: Nil

## 9 MINUTES OF COMMITTEES

### 9.1 Minutes: Audit, Risk and Improvement Committee - 12 April 2022 ordinary meeting and 6 May 2022 extraordinary meeting

**22/064OC**

**Resolved** that Council:

1. receive and accept the Minutes of the Audit, Risk and Improvement Committee ordinary meeting held on 12 April 2022.
2. formally ratify the appointment of David Pendleton as Chair of the Audit, Risk and Improvement Committee.

(Councillors Renkema-Lang and Brown)

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

Against: Nil

**9.2 Minutes: Blue Haven Advisory Board - 21 April 2022****22/065OC**

**Resolved** that the Minutes of the Blue Haven Advisory Committee meeting held on 21 April 2022 be received and accepted, with the exception of the recommendation related to the appointment of the Chief Operating Officer.

(Councillors Brown and Rice)

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

Against: Nil

**9.3 Minutes: Finance Advisory Committee - 7 April 2022****22/066OC**

**Resolved** that the Minutes of the Finance Advisory Committee meeting held on 7 April 2022 be received and accepted.

(Councillors Croxford and Brown)

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

Against: Nil

**9.4 Minutes: Jamberoo Youth Hall s355 Committee - 11 April 2022 and 6 May 2022****22/067OC**

**Resolved** that Council:

1. receive and accept the Minutes of the Jamberoo Youth Hall s355 Committee Meeting held on 11 April 2022 noting the following recommendation:

*JYH s355 Committee supports the suggestion of transitioning from a s355 Committee to a lease agreement with Council regarding the management of Jamberoo Youth Hall.*

2. receive and accept the Minutes of the Jamberoo Youth Hall s355 Committee Meeting held on 6 May 2022 noting the following recommendation:

*To write to Kiama Council to request they disband the JYH Committee s355 and operate the Jamberoo Youth Hall under a lease arrangement with the Jamberoo Youth Hall Association Incorporated.*

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

### 9.5 Minutes: Kiama Local Traffic Committee Meeting - 3 May 2022

It was **moved** by Councillor Larkins and seconded by Councillor Rice that the Minutes of the Kiama Local Traffic Committee Meeting held on 3 May 2022 be received and the following recommendations accepted:

1. That Council approve the installation of an upgrade to the existing Kiss & Drop zone and school zone parking restrictions in Charles Avenue and the installation of a pedestrian blister crossing and increased landing area on western side, fronting Minnamurra Public School.
2. That Council approve the Ignite Kiama Winter Festival for Saturday 4 June 2022 subject to organisers and suitably qualified traffic controllers complying with the following conditions:
  - i. the road closures to be undertaken by organisers in compliance with the Traffic Management Plan No. NT-0011 prepared by Traffic Management Services Pty Ltd
  - ii. a Road Occupancy Permit being issued by Transport for NSW
  - iii. notification of this closure be given to Police, Local Emergency Services, businesses and residents effected by the closure
  - iv. an advertisement be placed in the local media advising of the closure
  - v. vehicles to be used to create a physical barrier on the street to protect pedestrians and participants of the march
  - vi. corrected dates are included in the TMP signage.

### 22/068OC

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

That the Minutes of the Kiama Local Traffic Committee Meeting held on 3 May 2022 be received and the following recommendations accepted:

1. That Council refers the upgrade of the Minnamurra Public School Kiss and Drop zone back to the Traffic Committee, so that representations by the local community can occur and further that representations by the local community on the Kiama High School road safety infrastructure program also occur at this time
2. That Council approve the Ignite Kiama Winter Festival for Saturday 4 June 2022 subject to organisers and suitably qualified traffic controllers complying with the following conditions:
  - i. the road closures to be undertaken by organisers in compliance with the Traffic Management Plan No. NT-0011 prepared by Traffic Management Services Pty Ltd;

- ii. a Road Occupancy Permit being issued by Transport for NSW,
- iii. notification of this closure be given to Police, Local Emergency Services, businesses and residents effected by the closure;
- iv. an advertisement be placed in the local media advising of the closure; and
- v. vehicles to be used to create a physical barrier on the street to protect pedestrians and participants of the march; and
- vi. corrected dates are included in the TMP signage.

(Councillors Larkins and Rice)

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

Against: Nil

Councillor Renkema-Lang raised a **point of order** in relation to a variation being accepted for item 9.5 but not for item 9.3 however the item has already been moved and passed.

## COMMITTEE OF THE WHOLE

### 22/069OC

**Resolved** that at this time, 5.26pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

- Report of the Chief Executive Officer
- Report of the Director Environmental Services
- Report of the Director Engineering and Works
- Reports for Information
- Addendum to Reports

(Councillors Croxford and Draisma)

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

Against: Nil

## 10 PUBLIC ACCESS REPORTS

No public access reports were brought forward in the meeting.

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## 11 REPORT OF THE CHIEF EXECUTIVE OFFICER

### 11.1 Payment of councillor superannuation

**22/0700C**

**Committee recommendation** that Council determine to make payments as a contribution to a superannuation account nominated by the mayor and councillors, starting from the financial year commencing on 1 July 2022 in accordance with section 254B of the Local Government Act 1993.

(Councillors Brown and Rice)

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

Against: Nil

### 11.2 Request for donation: Kiama High School students International Youth Science Forum 2022

**22/0710C**

**Committee recommendation** that Council:

1. make a financial contribution of \$1,000 to Kiama High School science students Alexa Farland, Nina Teague and Ella Johansson to assist their attendance at the International Science Forum in London July 2022.
2. invite Alexa, Nina and Ella to present the experiences of their trip to Council, following their return from London.

(Councillors Rice and Larkins)

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

Against: Nil

### 11.3 Strategic Improvement Plan - Monthly Progress Report

It was **moved** by Councillor Brown and seconded by Councillor Renkema-Lang that Council receive the report on the Strategic Improvement Plan and note the progress of the actions undertaken.

At the request of Councillor Renkema-Lang, and by consent, the motion was varied to read as follows –

That Council:

1. receive the report on the Strategic Improvement Plan and note the progress of actions undertaken.



2. establish a project to manage the implementation of the Strategic Improvement Plan. In particular to set timelines, estimated costs to implement, and manage risk and change, subject to an available budget.
3. delegate authority to the Chief Executive Officer to engage an external provider to assist with the project management as necessary subject to an available budget.

### **22/0720C**

At the request of Councillor Renkema-Lang, and by consent, the **motion was varied and recommended** as follows -

That Council:

1. receive the report on the Strategic Improvement Plan and note the progress of actions undertaken.
2. establishes a project to manage the implementation of the Strategic Improvement Plan. In particular to set timelines, estimated costs to implement, and manage risk and change, subject to an available budget.
3. delegates authority to the Chief Executive Officer to engage an external provider to assist with the project management as necessary subject to an available budget.
4. notes that Councillors be briefed on the Long Term Financial Plan.

(Councillors Brown and Renkema-Lang)

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

Against: Nil

## **11.4 Statement of Investments - March 2022**

### **22/0730C**

**Committee recommendation** that Council:

1. receive and adopt the information relating to the Statement of Investments.
2. resolve the following movements in the External and Internal Reserves:

#### ***Externally restricted fund movements***

- developer contributions – increased by \$85,508 with a carrying amount of \$5,127,210.
- loan restrictions TCorp – increased by \$620,000 due to the extra sale of Blue Haven Bonaira Independent Living Units with a carrying amount of \$28,674,673.

***Internal restricted fund movements***

- reduction in carry over works due to completion of a number of projects with a carrying amount of \$136,098.

(Councillors Renkema-Lang and Brown)

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

Against: Nil

**11.5 Statement of Investments - April 2022**

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

1. receive and adopt the information relating to the Statement of Investments.
2. resolve the following movements in the External and Internal Reserves:

***Externally restricted fund movements***

- developer contributions – increased by \$4.918M in line with the Forensic Accounting Report findings. \$3.431M related to developer contributions that were earmarked for use on the Council Chamber upgrades and had been transferred from external restrictions in the 2018 and 2020 financial year and spent on Blue Haven Aged Care construction works. \$1.487M that was used from Community Facilities plan with no supporting documentation, leaving a carrying amount of \$10,045,210.
- three (3) restrictions that were previously categorised as internal restrictions were transferred to external restrictions during the month to the value of \$3.6M being for Blue Have Home Care Packages, Crown Holiday Parks and Unspent TCorp Loan Funding.

***Internal restricted fund movements***

- reduction in carry over works due to spend on a number of projects with a carrying amount of \$76,637.

***22/0740C***

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

That Council:

1. receive and adopt the information relating to the Statement of Investments.
2. resolve the following movements in the External and Internal Reserves:

***Externally restricted fund movements***

- developer contributions – increased by \$4.918M in line with the Forensic Accounting Report findings. \$3.431M related to developer contributions that were earmarked for use on the Council Chamber upgrades and had been transferred from external restrictions in the 2018 and 2020 financial year and spent on Blue Haven Aged Care construction works. \$1.487M

that was used from Community Facilities plan with no supporting documentation, leaving a carrying amount of \$10,045,210.

- three (3) restrictions that were previously categorised as internal restrictions were transferred to external restrictions during the month to the value of \$3.6M being for Blue Have Home Care Packages, Crown Holiday Parks and Unspent TCorp Loan Funding.

#### ***Internal restricted fund movements***

- reduction in carry over works due to spend on a number of projects with a carrying amount of \$76,637.
3. provide to Councillors a briefing on the application of the Restricted Assets Policy, including the purpose of each externally and internally restricted amount, and a forecast of future 'restricted' financial obligations
  4. develop a policy whereby Council ensures a minimum dollar amount is available for unrestricted cash to fund working capital requirements

(Councillors Draisma and Croxford)

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

Against: Nil

### **11.6 Monthly Financial Report - March 2022**

#### ***22/075OC***

**Committee recommendation** that Council receive and adopt the information relating to the Monthly Financial Report for March 2022, noting that the format and content is still be worked on to improve quality of information.

(Councillors Croxford and Steel)

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

Against: Nil

## **12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES**

### **12.1 10.2021.361.1 - Lot 12 Barton Drive, Kiama Downs**

#### ***22/076OC***

**Committee recommendation** that Council resolve to refuse Development Application No 10.2021.361.1 for the following reasons:

1. the proposal is an overdevelopment of the site, with the proposed 2.45m wide verge being inadequate in width for provision of essential infrastructure services and street tree planting.

2. the proposal is unsatisfactory in design details, with the plans providing no detail of lot areas and dimensions to quantify potential housing design, compliance and amenity.
3. the proposal has an unsatisfactory design, with the proposed lots all shallow in depth and irregular shape. In particular, Lots 1, 3, 4, 5, 6, 7, 10 and 11 are considered unacceptable to accommodate a compliant family dwelling and private open space.
4. the proposal is unsatisfactory with regards to stormwater drainage impacts, noting the applicant has not submitted a satisfactory Flood Assessment Report that assess the mapped watercourse traversing the site.
5. the proposal does not comply with Kiama Local Environmental Plan 2011 – Clause 5.21 – Flood Planning, Clause 6.2 – Earthworks and Clause 6.12 Essential Services.
6. the proposal does not comply with Kiama Development Control Plan 2020 with regard to the controls for flood management (C.2.5.1), minimum verge width (C3.6.67), pedestrian accessibility (C.5.1.4), excavation (C5.1.6), waste servicing (C5.1.4), and constrained lot sizes (C5.1.14) ; plus the objectives for subdivision design (O5.1.20) and building envelopes (O5.1.26).
7. the proposal is not within the public interest, noting issues raised in 5 submissions of objection.

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

## 12.2 10.2021.300.1 - 68 Shoalhaven Street, Kiama

Development application 10.2021.300.1 has been withdrawn by the applicant.

## 12.3 Coastal Management Program - Update and Forward Program

### 22/0770C

**Committee recommendation** that Council:

1. note the findings of the Stage 2 Report and place the Final Stage 2 Report for the Kiama Coastline Coastal Management Program on Council's website for public information and access prior to the publication of dates for community consultation sessions.
2. proceed with the forward program and undertake Stage 3 agency, Council and community consultation to develop and assess potential management options for dealing with outputs from the Stage 2 Technical Report.
3. note the relevance of some coastal hazard risks identified in the Stage 2 Report with plans for future development in the Coastal zone (for example the

Hindmarsh Park upgrade, the Minnamurra Rock Wall refurbishment, and the Kiama Harbour Refurbishment).

4. identify the relevant coastal hazard risks in reports on matters before Council.
5. include in the terms of reference for the relevant committee the responsibility for:
  - a. assisting Council in the reviewing and monitoring the highest coastal hazard risks identified
  - b. providing advice to Council as necessary.

(Councillors Renkema-Lang and Draisma)

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

Against: Nil

## **12.4 Minnamurra River Rockwall Concept Design - Public Exhibition**

**22/078OC**

**Committee recommendation** that Council:

1. receive the Draft Minnamurra Rockwall Assessment and Design Concept Report, for public exhibition.
2. undertake public exhibition of the report and include specific questions relating to concept proposals around treatment methods and access ways for the relevant sections of riverbank for a period of no less than 28 days.

(Councillors Brown and Steel)

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

Against: Nil

## **12.5 Renewable Power Purchase Agreement - CEO Delegation**

**22/079OC**

**Committee recommendation** that Council:

1. for the renewable energy Power Purchase Agreement tender proposed for the Large scale sites and Street lighting, delegate authority to the Chief Executive Officer to award the tender and execute the contract on behalf of Kiama Municipal Council, should the timeframe for acceptance of the successful tender offer be required to maintain the validity of the offer.

2. delegate authority to the Chief Executive Officer to enable the execution of the contract on behalf of Kiama Municipal Council for the supply of retail electricity under a small scale sites contract, when the time comes to renew.

(Councillors Draisma and Croxford)

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

Against: Nil

## 13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

### 13.1 Draft Gerringong and Jamberoo Flooding Investigation Study

**22/0800C**

**Committee recommendation** that Council:

1. adopt the 'Gerringong and Jamberoo Flooding Investigation Report' and use it as the basis for prioritising future flood mitigation related capital works for these catchments in Gerringong and Jamberoo.
2. approve future applications for funding under the State Government's Floodplain Management Grants for identified priority projects, pending allocation of Council's one third share of project funding in future capital works budgets.
3. convene a meeting with the Director of the Jamberoo Pre-school to discuss how Council can provide advice and support the pre-school to:
  - a. mitigate risk when extreme weather/rain events are forecast - until a permanent solution can be implemented (for example assistance in placing sand-bags, and clearing gutters and drains on a regular basis and prior to forecast weather events).
  - b. revise and strengthen the Jamberoo Pre-school emergency and flood safety plans.
  - c. pursue grant and other funding options for the pre-school to purchase or build a new pre-school.

(Councillors Renkema-Lang and Rice)

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

Against: Nil

### 13.2 Draft Policy - Markets

#### 22/081OC

**Committee recommendation** that Council recognise the good work that market operators do locally and that in order to support their work, that the draft policy for markets be placed on public exhibition for 28-days and a report be presented to a future meeting following consideration of any submissions to the draft policy.

(Councillors Draisma and Brown)

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

Against: Nil

### 13.3 Hindmarsh Park Refurbishment 35% Construction Drawings Submission

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

1. approve the 35% Construction Drawings for the Hindmarsh Park Redevelopment to enable the project to progress to phase two of Community Consultation and commence preparation of 85% Construction Drawings.
2. note the advice of the executive that the design for the playground components requires improvements.
3. prepare correspondence to the NSW State Government seeking an extension to the funding timeframe to deliver on the Hindmarsh Park project articulated in the executed funding agreement.

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

That Council

1. approve the 35% Construction Drawings for the Hindmarsh Park Redevelopment to enable the project to progress to phase two of Community Consultation and commence preparation of 85% Construction Drawings.
2. notes the advice of the executive that the design for the playground components requires improvements.
3. prepare correspondence to the NSW State Government seeking an extension to the funding timeframe to deliver on the Hindmarsh Park project articulated in the executed funding agreement.
4. provide the draft Coastal Management Plan to the consultants for noting in the preparation of the 85% construction drawings.

#### 22/082OC

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

That Council:

1. approve the 35% Construction Drawings for the Hindmarsh Park Redevelopment to enable the project to progress to phase two of Community Consultation and commence preparation of 85% Construction Drawings.
2. note the advice of the executive that the design for the playground components requires improvements.
3. note a community preference for seats in the shade within the area.
4. prepare correspondence to the NSW State Government seeking an extension to the funding timeframe to deliver on the Hindmarsh Park project articulated in the executed funding agreement.
5. provide the draft Coastal Management Plan to the consultants for noting in the preparation of the 85% construction drawings.

(Councillors Larkins and Renkema-Lang)

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

Against: Nil

#### 13.4 Kiama District Sports Association Funding

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

1. note the funding allocation of \$30,000 in 2021/22 budget for the Kiama District Sports Association Incorporated.
2. consider as part of the 2022/23 budget preparation an amount of \$60,000 per annum for a total period of five years to the Kiama District Sports Association Incorporated, funded from Section 7.11 Developer Contributions, for the purpose of supporting their coordination and provision of sports ground activity and minor sports club improvements across the Municipality.
3. subject to item two above (2) being confirmed in the operational budget for 2022/23 that the Chief Executive be given delegated authority to execute a funding agreement for 2022-2027 between Council and the Kiama District Sports Association Incorporated.

#### 22/083OC

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

That Council:

1. note the funding allocation of \$30,000 in 2021/22 budget for the Kiama District Sports Association Incorporated.
2. consider as part of the 2022/23 budget preparation an amount of \$60,000 per annum for a total period of five years to the Kiama District Sports Association Incorporated, funded from Section 7.11 Developer Contributions, for the



purpose of supporting their coordination and provision of sports ground activity and minor sports club improvements across the Municipality.

3. subject to item two above (2) being confirmed in the operational budget for 2022/23 that the Chief Executive be given delegated authority to execute a funding agreement for 2022-2027 between Council and the Kiama District Sports Association Incorporated.
4. seek further information from the Kiama District Sports Association as to their preferred amount of a contribution.

(Councillors Brown and Steel)

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

Against: Nil

### **13.5 Proposed Road Closure - Noorinan Street Kiama**

#### **Disclosure of Interest - Councillor Renkema-Lang**

Councillor Renkema-Lang declared a non- significant non-pecuniary interest in this matter and did not vote.

#### **22/084OC**

**Committee recommendation** that Council:

1. commence the formal road closure process for land along Noorinan Street, Kiama generally behind No's 10 to 40 Elimatta Place, Kiama under the *Roads Act 1993*.
2. require the applicants to meet all costs associated with the road closure of Noorinan Street, Kiama.
3. classify the subject parts of Noorinan Street, Kiama as operational land upon closure and the issue of a certificate of title subject to public notice of the proposed classification under Sections 31 and 34 of the *Local Government Act 1993*.
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 Noorinan Street, Kiama.
5. note that a separate report will be prepared to Council for the negotiated sale price of the individual land parcels at Noorinan Street, Kiama.

(Councillors Brown and Draisma)

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

Against: Nil

**13.6 Road Closure - Riverside Drive Kiama Downs****22/085OC****Committee recommendation that Council:**

1. commence the formal road closure process for the identified section of Riverside Drive, Kiama Downs included as an attachment to this report.
2. classify the subject parts of Riverside Drive, Kiama Downs as operational land upon closure and the issue of a certificate of title subject to public notice of the proposed classification under Sections 31 and 34 of the *Local Government Act 1993*.
3. delegate to the Chief Executive Officer authority to sign under seal or sign on behalf of Council, any documentation associated with the road closure of Riverside Drive, Kiama Downs.

(Councillors Brown and Larkins)

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

Against: Nil

**13.7 Sale of land - Irvine Street Kiama****22/086OC****Committee recommendation that Council:**

1. commence the sale process for 22b Irvine Street Kiama including the engagement of a sales agent through Council's panel of providers.
2. delegate to the Chief Executive Officer authority to appoint the sales agent, determine in conjunction with the sales agent the best method of sale to achieve maximum financial return, and authorise all documentation associated with the land sale process.
3. note that a report advising the tender outcome and making a recommendation regarding the land sale will be tabled at a future meeting, together with a recent valuation.

(Councillors Brown and Steel)

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

Against: Nil

**14 REPORT OF THE DIRECTOR BLUE HAVEN**

Nil

## 15 REPORTS FOR INFORMATION

### 22/087OC

**Committee recommendation** that the following Reports for Information listed for the Council's consideration be received and noted

- 15.1 Blue Haven Annual Report 2021
- 15.2 Disclosure of Interest Returns - Post Election
- 15.3 Minutes: Jamberoo Valley Ratepayers and Residents Association - 1 March 2022 and 3 May 2022
- 15.4 Minutes: Minnamurra Progress Association - 4 April 2022
- 15.5 Question for future meeting: Business incentives framework
- 15.6 Question for future meeting: Farmer's Market parking impacts on medical businesses opposite Coronation Park
- 15.7 Question for future meeting: Jones Beach Vegetation and Plan of Management
- 15.10 Question for future meeting: Respect@Work report implementations
- 15.11 Question for future meeting: Update on the State of the Organisation report dated 8 January 2022
- 15.12 Questions for Future Meeting Register - May 2022.

(Councillors Brown and Larkins)

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

Against: Nil

### 15.3 Minutes: Jamberoo Valley Ratepayers and Residents Association meeting - 05/04/2022 - flagpole request

### 22/088OC

**Committee recommendation** that Council:

1. support the Jamberoo Valley Ratepayers and Residents Association for additional flagpole/s for the Jamberoo School of Arts building
2. report to a future meeting the viability of the installation of additional flagpoles
3. include in the 2022/23 Draft Budget and funding for the project be sought through grant funding

(Councillors Draisma and Steel)

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

Against: Nil

**15.8 Question for future meeting: Landcare Illawarra discussions regarding Significant Tree Register****22/089OC****Committee recommendation** that Council:

1. in line with the 22 September 2020 resolution that ought to have been recorded in the ordinary business papers of that meeting update the public record to note that Council continues developing its spreadsheet of significant trees.
2. in order to maintain steady progress with this register, actively engages with those who have offered to assist and determines how they can best complement Councils limited resources.
3. throughout this process, establish essential criteria for defining a tree as significant and consider a mechanism for community members to nominate trees significant to their history is considered.

(Councillors Rice and Renkema-Lang)

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

Against: Nil

**15.9 Question for future meeting: Maturity assessment****22/090OC****Resolved** that Council include in the Strategic Improvement Plan that a maturity model assessment of the organisation is conducted in financial year 2022/23 subject to adequate funds being available.

(Councillors Croxford and Steel)

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

Against: Nil

**16 ADDENDUM TO REPORTS****16.1 Attachment for item 9.1 - Audit, Risk and Improvement Committee meeting minutes - 6 May 2022****22/091OC****Committee recommendation** that Council receive and accept the Minutes of the Audit, Risk and Improvement Committee extraordinary meeting held on 6 May 2022.

(Councillors Brown and Renkema-Lang)

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

Against: Nil

## 16.2 Extraordinary Meeting on 12 May 2022

### 22/092OC

**Committee recommendation** that the Minutes of the Extraordinary Council Meeting held on 12 May 2022 be received and accepted with the following amendment:

*That point 4 of resolution 22/058OC read “List for inclusion in the conditions of the contract with McVay Real Estate specified at three (3) above...”.*

(Councillors Croxford and Brown)

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

Against: Nil

## RESUMPTION OF ORDINARY BUSINESS

### 22/093OC

**Committee recommendation** that at this time, 6.57pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Croxford and Steel)

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

Against: Nil

## ADOPTION OF COMMITTEE OF THE WHOLE REPORT

The Chief Executive Officer formally confirmed the Committee recommendations made by Council sitting as a Committee of the Whole as detailed in the Committee recommendations numbered 22/070OC to 22/093OC above.

## 17 NOTICE OF MOTION

### 17.1 Uluru Statement of the Heart

**22/094OC**

**Resolved** that Council:

1. affirms and endorses the Uluru Statement from the Heart and commits to enacting its principles, with the following additional action points:
  - a. to consult with Aboriginal and Torres Strait Islander peoples as to how best to incorporate the Uluru Statement from the Heart into Council's Community Strategic Plan
  - b. the Chief Executive Officer and Mayor jointly write to the Illawarra Local Aboriginal Council with a view to commence negotiations towards the signing a Principles of Co-operation Agreement between Council and the Local Aboriginal Land Council.
  - c. Council expresses, through the Illawarra-Shoalhaven Joint Organisation, the need for a regional Principles of Co-Operation Agreement between Local Aboriginal Land Councils and the regions local governments.
2. as part of future budget considerations, explores community-based and culturally appropriate initiatives to improve access and support to aged care services and My Aged Care plans for local Aboriginal and Torres Strait Islander Elders by Council's Blue Haven business.

(Councillors Larkins and Brown)

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

Against: Nil

## 18 QUESTIONS FOR FUTURE MEETINGS

### 18.1 Wallaby Hill Road works

Councillor Draisma requested a report on the timeframe for works to be completed at Wallaby Hill Road, as well as when and how residents will be notified. The matter was referred to the Director Engineering and Works for investigation and report.

### 18.2 Governance Committees - processes

Councillor Renkema-Lang requested a report on:

1. the formal mechanism for receiving and requesting advice from the Finance Advisory Committee.
2. how Councillors can bring actions and other matters as detailed in the Audit, Risk and Improvement Committee minutes to the attention of Council and raise a motion or amendment.

The matter was referred to the Chief Executive Officer for investigation and report.

### **18.3 Finances of other NSW coastal councils - impacts**

Councillor Rice requested a report, given that the audited financials of NSW councils are soon to be published, on how events of the past 2 years have impacted the finances of other coastal councils in NSW. The matter was referred to the Chief Financial Officer for investigation and report.

### **18.4 Updated financial reporting timetable**

Councillor Keast requested an updated Financial Reporting Timetable 2022 (adopted as per Resolution 22/023OC March 2022 Ordinary meeting) to incorporate the 4th Quarterly Budget Review, as minuted in the Blue Haven Advisory Committee meeting held on 21 April 2022. The matter was referred to the Chief Financial Officer for investigation and report.

## **19 CONFIDENTIAL SUMMARY**

### **22/095OC**

**Resolved** that at this time, 7.03pm, 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 Draisma and Larkins)

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:**

#### **22/096OC**

**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 DRAFT SUPPLY AGREEMENT FOR RECYCLABLE MATERIALS 2022-2024

**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 HOLIDAY PARK MANAGEMENT CONTRACTS

**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. .

(Councillors Draisma and Larkins)

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

Against: Nil

## 20 CONFIDENTIAL REPORTS

### 20.1 Draft Supply Agreement for Recyclable Materials 2022-2024

**22/097OC**

**Committee recommendation** that Council:

1. approve the Supply Agreement with Visy Paper Pty Ltd for the disposal of recyclable materials for a period of 2 years commencing 1 July 2022, including terms for Option (a) ceasing the Container Deposit Scheme refund sharing terms; and
2. authorise the Chief Executive Officer to sign and seal documentation relating to the agreement.

(Councillors Brown and Steel)

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

Against: Nil

### 20.2 Holiday Park Management Contracts

**22/098OC**

**Committee recommendation** that Council:

1. endorse the proposed improvement program at Council's holiday parks including the allocation of funding in the 2022/23 to 2023/24 Capital Works Program to undertake the identified works, funded from the Crown Lands



- Holiday Parks Reserve, enabling submission of Applications to Operate for each of the parks
2. note the draft project management plan to enable effective planning, resourcing and delivery of the improvement program for Holiday park compliance
  3. note that a detailed consultation plan is being prepared for the program to effectively manage communication with affected park managers, residents and users;
  4. resolve to enter into new management contract agreements with the current managers of Kiama Harbour Cabins, Surf Beach Holiday Park, Kendalls on the Beach Holiday Park, Werri Beach Holiday Park and Seven Mile Beach Holiday Park respectively, commencing 1 July 2022 for a period of one year with the option of a further one-year extension at Council's discretion;
  5. resolve that, under section 55(3)(i) of the *Local Government Act 1993*, it does not invite tenders for the management of Kiama Harbour Cabins, Surf Beach Holiday Park, Kendalls on the Beach Holiday Park and Werri Beach Holiday Park and Seven Mile Beach Holiday Park for the period 1 July 2022 to 30 June 2023, with option of an extension to 30 June 2024, on the basis that, because of extenuating circumstances and/or the unavailability of competitive or reliable tenders, a satisfactory result would not be achieved by inviting tenders for reasons outlined in this Confidential report.
  6. authorise the Chief Executive Officer to execute all necessary documents in relation to the new management contracts for Holiday Parks described in item 4 above;
  7. resolve to place the redevelopment of Werri Beach Holiday Park on hold to a future date to enable consideration of financial implications and funding options.
  8. approve applications for funding under the Crown Reserves Improvement Fund to support delivery of specific projects as outlined within the Improvement program, and to delegate to the Chief Executive Officer the authority to finalise and submit any applications.

(Councillors Croxford and Draisma)

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

Against: Nil

### **Close of Confidential Committee of the Whole:**

**22/099OC**

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

(Councillors Keast and Draisma)

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

Against: Nil

**Adoption of Report**

The General Manager formally reported the recommendations of the Confidential Committee of the Whole more particularly set out above.

**22/100OC**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 22/096OC to 22099OC be confirmed and adopted.

(Councillors Keast and Draisma)

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 7.19pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 28 June 2022.

.....  
Mayor