



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

**commencing at 5pm on**

**TUESDAY 18 APRIL 2023**

Council Chambers  
11 Manning Street, KIAMA NSW 2533

**MINUTES OF THE ORDINARY MEETING  
OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA  
HELD IN THE COUNCIL CHAMBERS, KIAMA  
ON TUESDAY 18 APRIL 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  
Daryl Hagger – Interim Chief Financial Officer
- OBSERVER:** Peter Tegart – Temporary Advisory

## **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:

*“I would like to acknowledge the Wodi Wodi people of the Dharawal nation, the traditional custodians and owners of the land on which we meet and I would like to show my respect to those people and their elders, past, present and emerging and offer a very warm welcome to any first nations people who may be here tonight.”*

The Mayor welcomed new staff members, Chief Financial Officer, Olena Tulubinska and Director Infrastructure and Liveability, Michael Malone.

#### 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 21 March 2023

##### *23/089OC*

**Resolved** that the Minutes of the Ordinary Council meeting held on 21 March 2023 be received and accepted with an amendment to item 6.2 removing the words:

*“subject to the following amendment:*

- 1. The removal of the words “Councillor Croxford foreshadowed the original motion” under item 3.8 Draft Property Plan.”*

*(Councillor Reilly)*

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

##### **Disclosure of Interest - Councillor Croxford**

Councillor Croxford declared a less than significant non-pecuniary interest in Item 14.1 10.2022.32.1 – *Pacific Avenue, Werri Beach – Surf Club* as during the 2022 Federal election campaign, as a Liberal Party campaign volunteer, Councillor Croxford advocated for a coalition election commitment to allocate funding for the Gerringong

Surf Life Saving Club development proposal. Councillor Croxford proposed to disclose and vote on this matter.

## 9 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil.

## 10 PUBLIC FORUM SUMMARY

Name	Item No.	Subject
Craig Pontey	14.1	10.2022.32.1 – Pacific Avenue, Werri Beach – surf club
Lauren Turner Gary George	14.1	10.2022.32.1 – Pacific Avenue, Werri Beach – surf club
Terry Wetherall	14.2	10.2022.179.1 – 150 Wyalla Road, Jamberoo

## 11 MAYORAL MINUTE

### 11.1 Re-election of Mr Gareth Ward as the Member for Kiama

#### 23/0900C

**Resolved** that Council formally extend its congratulations to Mr Gareth Ward MP on his re-election as the Member for Kiama.

(Councillor Reilly)

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

Against: Nil

### Procedural motion: In globo resolutions

#### 23/0910C

**Resolved** that Council move in globo and adopt the recommendations contained within the report for items 12.2, 13.4, 13.5, 13.6, 13.8, 15.1, 15.2, 17.1, 17.3, 17.5, 17.6, 17.7 and 17.9.

(Councillors Draisma and Croxford)

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

Against: Nil

## 12 MINUTES OF COMMITTEES

### 12.1 Minutes: Audit, Risk and Improvement Committee - 4 April 2023

#### 23/092OC

**Resolved** that the Minutes of the Audit, Risk and Improvement Committee meeting held on 4 April 2023 be received and the recommendations accepted, being:

23/010ARIC that the Audit, Risk and Improvement Committee notes the information in the report on action items and approves due dates for outstanding actions.

23/011ARIC that the Audit, Risk and Improvement Committee notes the information on risk management activity contained in this report.

23/012ARIC that the Audit, Risk and Improvement Committee:

1. receives the report on superannuation payments for ARIC members.
2. notes the obligation for Council to make superannuation payments to Audit, Risk and Improvement Committee members when they are remunerated under the Guidelines for risk management and internal audit effective 1 July 2024.

23/013ARIC that the Audit, Risk, and Improvement Committee adopts the proposed changes to the Audit, Risk and Improvement Committee Charter, reflecting the early adoption by Council of the non-voting status of Councillors on the Committee.

23/014ARIC that the Audit, Risk and Improvement Committee:

1. notes the information contained in the internal audit update.
2. approves the revised internal audit work plan and the additional resourcing required to address high risk areas.

23/015ARIC that the Audit, Risk and Improvement Committee notes the information in the progress reports on:

1. Internal audit recommendations.
2. External audit recommendations
3. CRIP audit recommendations
4. Forsyths audit recommendations
5. Hopwood Governance Report recommendations.

23/016ARIC that the Audit, Risk and Improvement Committee notes the progress made on recommendations of the Payroll and Leave Management Internal Audit Report issued in December 2022 and approve changes to completion dates contained in the report.

23/017ARIC that the Audit, Risk and Improvement Committee notes the Monthly Financial Report for January 2023.

23/018ARIC that the Audit, Risk and Improvement Committee notes the Monthly Financial Report for February 2023.

23/019ARIC that the Audit, Risk and Improvement Committee notes the information relating to the Statement of Investments at February 2023.

23/020ARIC that the Audit, Risk and Improvement Committee notes the report on the presentation of the 2020/21 Annual Financial Statements.

(Councillors Larkins and Renkema-Lang)

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

Against: Nil

## 12.2 Minutes: Kiama Local Traffic Committee - 4 April 2023

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/091OC.

### 23/093OC

**Resolved** that the Minutes of the Kiama Local Traffic Committee meeting held on 4 April 2023 be received and the following recommendations accepted:

23/010LTC That the existing 'No Stopping' zone, on the southern side of Woolworths pedestrian crossing, be extended across the driveway of 142 Terralong Street Kiama, west of the Bean Roasted Café, through the installation of regulatory signage and C3 line marking.

23/011LTC That the existing 'Bus Zones' on the northern and southern sides of Blowhole Point Road, KIAMA, be formalised with regulatory signage.

23/012LTC That temporary road closures associated with the Jamberoo Anzac March for Saturday 22 April 2023, be approved subject to organisers and suitably qualified traffic controllers complying with the following conditions:

1. 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.
2. a Road Occupancy Permit being issued by Transport for NSW.
3. notification of this closure be given to Police, Local Emergency Services, businesses and residents effected by the closure.
4. proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event.
5. an advertisement be placed in the local media advising of the closure.
6. notification of this closure be given to Police, Local Emergency Services, businesses and residents effected by the closure.

7. proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event.
8. an advertisement be placed in the local media advising of the closure.
9. vehicles be used to create a physical barrier on the street to protect pedestrians and participants of the march.

23/013LTC That the temporary road closures associated with the Kiama Anzac Day dawn service and march for Tuesday 25 April 2023, be approved subject to organisers and suitably qualified traffic controllers complying with the following conditions:

1. the road closures to be undertaken by organisers in compliance with the Traffic Management Plan Nos. 6134 and T2305-0415 prepared by Traffic Logistics Pty Ltd and Traffic Management Services Pty Ltd, with the following amendments:
  - a) Closure start and end times be included on both plans
  - b) Heavy vehicle alternative arrangements be identified, noting the detour route along Colley Drive has a “No Trucks 4.5T” restriction.
2. notification of this closure be given to Police, Local Emergency Services, businesses and residents effected by the closure.
3. an advertisement be placed in the local media advising of the closure.
4. proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event.
5. vehicles be used to create a physical barrier on the street to protect pedestrians and participants of the march.

23/014LTC That the variation to the design be approved for the installation of a formalised raised children’s pedestrian crossing including regulatory signage and line marking to be installed on Collins Street, Kiama along with an upgrade to the pedestrian refuge on Thompson Street Kiama.

(Councillors Draisma and Croxford)

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

Against: Nil

### 12.3 Executive summary of minutes: Central Precinct - 28 February 2023

#### 23/094OC

**Resolved** that the executive summary of the minutes of the Central Precinct Committee Meeting held on 28 February 2023 be received and the following recommendations noted:

1. That Kiama Council make a request for information from the Fair Trading NSW on the numbers of Short Term Rental Accommodation in the Kiama Local Government Area.
2. That Kiama Municipal Council undertakes a review and update of its Community Engagement Strategy (2015) to ensure it is fit for purpose in addressing current and emerging needs and to include references to precinct committees and local area groups.

(Councillors Larkins and Croxford)

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

Against: Nil

## 12.4 Executive summary of minutes: Central Precinct - 28 March 2023

### 23/095OC

**Resolved** that Council:

1. note and receive the executive summary of the Central Precinct Committee Meeting held on 28 March 2023.
2. include protection for the Obelisk on Terralong Street Kiama in the forward budget estimates register for consideration in the 2023/24 budget process.
3. note that the Central Precinct Committee executive intend to make a submission to Council for the parcel of land that includes Barroul House to be excised from the proposed reclassification of 14A Bonaira Street, Kiama and the excised parcel retains the classification as community land.

(Councillors Renkema-Lang and Draisma)

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

Against: Nil

## 12.5 Executive summary of minutes: South Precinct - 16 March 2023

### 23/096OC

**Resolved** that the Executive Summary of the minutes of the South Precinct Committee Meeting held on 16 March 2023 be received and noted.

(Councillors Larkins and Renkema-Lang)

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

Against: Nil



## 13 REPORT OF THE CHIEF EXECUTIVE OFFICER

### 13.1 Strategic Improvement Plan 2

An **amendment** to the motion was moved by Councillor Renkema-Lang and seconded by Councillor Rice that Council:

1. adopt the Strategic Improvement Plan 2 (SIP2) as the document that will be used to manage the work to be undertaken as a result of the initial Strategic Improvement Plan and the Performance Improvement Order issued by the Office of Local Government.
2. ensures proactive delivery within the immediate, medium, and longer term to ensure future sustainability of the business
3. dedicates the resources of the organisation to the delivery of the SIP2, ensuring this is given ultimate priority.
4. note that a project management team has been established to manage the implementation of SIP2.
5. note the progress made against actions in regular reporting to Council including a summary that identifies the key risks and issues, delays against estimated timelines and budget expenditure against estimates.
6. proactively advises relevant stakeholders of the SIP2 progress.

Councillor Rice foreshadowed an alternate motion.

The **amended motion** on being put was **lost**.

For: Councillors Keast, Renkema-Lang and Rice

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

A **foreshadowed motion** was moved by Councillor Rice and seconded by Councillor Renkema-Lang that Council:

1. adopt the Strategic Improvement Plan 2 (SIP2) as the document that will be used to manage the work to be undertaken as a result of the initial Strategic Improvement Plan and the Performance Improvement Order issued by the Office of Local Government.
2. ensures proactive delivery within the immediate, medium, and longer term to ensure future sustainability of the business
3. dedicates the resources of the organisation to the delivery of the SIP2, ensuring this is given ultimate priority.
4. note that a project management team has been established to manage the implementation of SIP2.
5. continues to receive monthly reports on the progress made against actions, including a summary that identifies the key risks and issues, delays against estimated timelines and budget expenditure against estimates.
6. proactively advises relevant stakeholders of the SIP2 progress.

A **point of order** was raised by Councillor Larkins that as the foreshadowed motion is not substantially different from the amendment it is deemed illegal. The Mayor ruled the foreshadowed motion out of order.

### 23/0970C

**Resolved** that Council:

1. adopt the Strategic Improvement Plan 2 (SIP2) as the document that will be used to manage the work to be undertaken as a result of the initial Strategic Improvement Plan and the Performance Improvement Order issued by the Office of Local Government.
2. ensures proactive delivery within the immediate, medium and longer term to ensure future sustainability of the business.
3. dedicates the resources of the organisation to the delivery of the Strategic Improvement Plan 2, ensuring this is given ultimate priority.
4. proactively advises relevant stakeholders of the Strategic Improvement Plan 2 and note the progress made against actions in regular reporting to Council.

(Councillors Croxford and Steel)

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

Against: Councillor Rice

## 13.2 2020/2021 Annual Financial Statements

### 23/0980C

**Resolved** that Council:

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. authorises the Statement by Councillors and Management be signed by the Responsible Accounting Officer, the Chief Executive Officer, the Mayor and a Councillor as required by the Local Government Act 1993.
4. notes that Council's external auditor will present the audited 2020/21 financial statements at the May 2023 Council meeting.

(Councillors Larkins and Draisma)

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

Against: Nil

### 13.3 Monthly Financial Report - February 2023

#### 23/099OC

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

(Councillors Larkins and Steel)

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

Against: Nil

### 13.4 Statement of Investments - March 2023

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/091OC.

#### 23/100OC

**Resolved** that Council:

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

(Councillors Draisma and Croxford)

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

Against: Nil

### 13.5 Declaration of Business Activities

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/091OC.

#### 23/101OC

**Resolved** that Council declare the following as Business Activities of Kiama Municipal Council from the 2021/22 financial year:

1. Category One Business Activities
  - Blue Haven
  - Holiday Parks
2. Category Two Business Activities
  - Commercial Waste and Hire Services

- The Pavilion Kiama

(Councillors Draisma and Croxford)

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

Against: Nil

### 13.6 Superannuation payments for Audit, Risk and Improvement Committee members

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/091OC.

#### 23/102OC

**Resolved** that Council:

1. receives the report on superannuation payments for Audit, Risk and Improvement Committee members.
2. notes the obligation for Council to make superannuation payments to Audit, Risk and Improvement Committee members when they are remunerated under the Guidelines for risk management and internal audit effective 1 July 2024.
3. determine that superannuation payments to Audit, Risk and Improvement Committee members for Kiama Municipal Council are part of their remuneration fee and are payable from 1 July 2023.

(Councillors Draisma and Croxford)

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

Against: Nil

### 13.7 Post exhibition endorsement: Social Media Policy

An **amendment** to the motion was moved by Councillor Keast and seconded by Councillor Renkema-Lang, that Council adopt the Social Media Policy as attached to this report, subject to removing clauses 8.6 and 12.1.3, and place the updated policy on the Council website.

A **point of order** was raised by Councillor Rice that the CEO in answering a question was entering the debate. The Mayor ruled this incorrect.

The **amended motion** on being put was **lost**.

For: Councillors Keast, Renkema-Lang and Rice

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

**23/103OC**

**Resolved** that Council adopt the Social Media Policy as attached to this report and place the updated policy on the Council website.

(Councillors Croxford and Brown)

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

Against: Councillor Rice

**13.8 Endorse for public exhibition: Draft Honour Rolls Policy**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/091OC.

**23/104OC**

**Resolved** that Council proceed to public exhibition of the draft Honour Rolls Policy for a period of 28 days and that a subsequent finalised policy be presented to a future Council meeting for endorsement.

(Councillors Draisma and Croxford)

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

Against: Nil

**14 REPORT OF THE DIRECTOR PLANNING, ENVIRONMENT AND COMMUNITIES****14.1 10.2022.32.1 - Pacific Avenue, Werri Beach - Surf Club****Disclosure of Interest - Councillor Croxford**

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

Councillor Rice foreshadowed a motion to defer the decision on development application 10.2022.31.1.

**23/105OC**

**Resolved** that Council:

1. approve Development Application No 10.2022.31.1 for the demolition of the existing surf club and construction of new surf club and kiosk at Lots 1 and 2 DP 1075959 Pacific Avenue, Werri Beach subject to a deferred commencement consent and subject to appropriate conditions of consent.

2. advise persons who made a submission on Development Application No 10.2022.31.1 of Council's decision.

(Councillors Brown and Draisma)

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

Against: Councillors Reilly, Renkema-Lang and Rice

#### 14.2 10.2022.179.1 - 150 Wyalla Road, Jamberoo

##### 23/106OC

**Resolved** that Council:

1. approve Development Application No 10.2022.179.1 for the construction of a secondary dwelling and two farm buildings at Lot 23 DP 597692 - 150 Wyalla Road, Jamberoo subject to a **deferred commencement consent** and subject appropriate conditions of consent.
2. advise persons who made a submission on Development Application No 10.2022.179.1 of Council's decision.

(Councillors Brown and Steel)

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

Against: Nil

#### 14.3 Post exhibition endorsement: Council Committee Framework

Councillor Keast raised a **point of order** that Councillors were not complying with clause 10.35 of the Code of Meeting Practice. The Mayor upheld the point of order and requested that Councillors show respect to each other when speaking.

Councillor Renkema-Lang foreshadowed a motion.

##### 23/107OC

**Resolved** that Council:

1. note the following existing Committees that are already formed and established within Council (under legislation) and that will continue to operate and remain unchanged:
  - a. Audit, Risk and Improvement Committee – NSW Legislated Committee
  - b. Traffic Committee – NSW Legislated Committee
  - c. Performance Review Committee – Committee of Council (as formed at the Extraordinary February 2022 meeting (Resolution Number 22/011OC)
  - d. Finance Advisory Committee – Advisory Committee.

2. note the existing Committee – Destination Kiama will also continue with membership unchanged, with the addition of the function of Economic Development included within the Terms of Reference of the Committee.
3. establish the following new additional Committees:
  - a. Sustainable Communities Committee
  - b. Infrastructure and Liveability Committee.
4. appoint the following Councillors to the new Committees for a twelve month period:
  - a. Sustainable Communities Committee - Councillor Draisma and Councillor Reilly.
  - b. Infrastructure and Liveability Committee - Councillor Croxford and Councillor Larkins
5. call for expressions of interest from three community members for each newly formed Committees, to sit on the Committees as permanent community member roles.
6. note that Committees may include additional attendees/members that are specific experts for matters that require this support, from time to time.
7. undertake specific consultation with young people and our First Nations Community, that is tailored to their needs and supports input (rather than through a formal committee structure), such as the Youth Engagement Forum.
8. continue to support Council membership and engagement with a number of external committees, organisations and consultation bodies that Council regularly participates in and has been established through previous resolutions of Council, such as South Coast Arts, Illawarra Shoalhaven Interagency, Library Cooperative, Housing Trust, Illawarra Shoalhaven Joint Organisation, etc.
9. trial the Committee Structure for a period of 12 months, to enable outcomes to be reviewed and functions considered.

(Councillors Larkins and Brown)

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

Against: Councillors Keast, Renkema-Lang and Rice

## 15 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY

### 15.1 Tender 1049063 - Hindmarsh Park Redevelopment

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/091OC.

#### **23/108OC**

**Resolved** that Council, in accordance with noted Local Government Regulation 2005 clauses:

1. in accordance with clause 178(1)(a) decline to accept any tender submissions for Tender KIAMA 1049063 – Hindmarsh Park Redevelopment;
2. in accordance with, clause 178(3)(b) enter into negotiations with any one of the compliant tenderers with a view to entering into a contract in relation to the subject matter of the tender;
3. in accordance with clause 178(4)(b) decline to invite fresh tenders on the basis that compliant tenders received are in excess of the available budget, however are considered technically appropriate and cost-effective.
4. delegate to the Chief Executive Officer the authority to negotiate within the available budgets, to finalise and execute the contracts and any other documentation required to give effect to this resolution.
5. grant authority for the use of the Common Seal of Council on the contracts and any other documentation, should it be required, to give effect to this resolution.

(Councillors Draisma and Croxford)

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

Against: Nil

## **15.2 Variation to Tender 1040474 - Landslide repairs: Jamberoo Mountain Road and Wallaby Hill Road**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/091OC.

### **23/109OC**

**Resolved** that Council:

1. note that the contract awarded to The Rix Group Pty Ltd under Tender 1040474 – Landslide repairs for Site 2A – Wallaby Hill Road has been terminated.
2. in accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, accept the variation of Civil and Civic Pty Ltd to tender KIAMA Tender 1040474 - Landslide repairs: Jamberoo Mountain Road and Wallaby Hill Road **to include Site 2A – Wallaby Hill Road**, for the sum of \$1,219,852.14 (inc. GST) plus a contingency of 35% (\$426,948.25) for a total value of \$1,646,800.39.
3. delegate to the Chief Executive Officer the authority to finalise and execute the variation documentation required to give effect to this resolution.

(Councillors Draisma and Croxford)

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

Against: Nil



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## 16 REPORT OF THE CHIEF OPERATING OFFICER

Nil.

## 17 REPORTS FOR INFORMATION

Councillor Brown raised a **point of order** that the Code of Meeting Practice only allows councillors to speak on a matter if there is a motion or a question. The Mayor ruled that at the discretion of the Chair, Councillor Renkema-Lang would be allowed to speak for 3 minutes on item 17.2.

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

- 17.2 Councillor Renkema-Lang report - Australian Coastal Councils Association 2023 National Forum on Coastal Hazards
- 17.4 Independent Commission Against Corruption response to self-reporting
- 17.8 Question for future meeting: Prioritising actions from the Delivery Program and Operational Plan.

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/091OC.

### 23/110OC

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

- 17.1 Aged Care Quality and Safety Commission - No Immediate Action Notice
- 17.3 Mayor Reilly report - Australian Coastal Councils Association 2023 National Forum on Coastal Hazards
- 17.5 Minutes: Jamberoo Valley Ratepayers and Residents Association - 4 April 2023
- 17.6 Response to motion 22/152OC: Paid parking
- 17.7 Question for future meeting: Bonds for Council owned spaces
- 17.9 Questions for Future Meeting Register - April 2023.

(Councillors Draisma and Croxford)

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

Against: Nil

## 18 LATE ITEMS

Item 18.1 *CEO Note in Respect to Item 11.1* and Item 18.2 *Copy of Item 12.3: Executive summary of minutes: Central Precinct – 28 February 2023 – to include attachment and commentary* were dealt with earlier in the meeting.

**19 NOTICE OF MOTION**

Nil.

**20 QUESTIONS FOR FUTURE MEETINGS****20.1 Rock pools - State Heritage listing**

Councillor Brown requested a report on what steps and resources are required to have the Kiama Blowhole Point rock pool as well as the Gerringong Boat Harbour rock pool placed on the State Heritage Register. This matter was referred to the Director Infrastructure and Liveability for action.

**20.2 Jerrara Dam divestment**

Councillor Steel requested a report on the possibility of placing the Jerrara Dam site on the market through an auction for disposal. This matter was referred to the Director Infrastructure and Liveability for action.

**20.3 Reduction of numbers of Chambers**

Councillor Croxford requested a report providing a cost benefit analysis to reduce the size of the Chamber from 9 to 7 and from 9 to 5 based on a 2028 adoption. This matter was referred to the Chief Executive Officer for action.

**20.4 Soft plastic recycling**

Councillor Rice requested a report identifying any equivalent companies to Plasmar (a Sydney based soft plastic recycling company that deals directly with councils across the state to produce useful products that councils can purchase for municipal purposes) that offer a similar service to councils, to include details of the availability and conditions of contracts with Plasmar or equivalent companies and whether any of them deal with joint organisations. This matter was referred to the Director Infrastructure and Liveability for action.

**20.5 Code of Meeting Practice ruling**

Councillor Brown requested a report as to a ruling on the Code of Meeting Practice regarding Councillors speaking in regards to reports that arise from questions for a future meeting. This matter was referred to the Chief Operating Officer for action.

**20.6 Blue Haven community transport business case discussion**

Councillor Rice requested a report providing a summary of the Blue Haven Business Case's discussion of community transport and an explanation as to why actions towards its divestment were taken, when the future of community transport was not

discussed at or beyond the business case briefing. This matter was referred to the Chief Operating Officer for action.

### **20.7 Coastal Walking Track stage 2**

Councillor Renkema-Lang requested a report on the status of stage 2 of the Coastal Walking track that details:

1. Outstanding issues to resolve between Council and any affected land owners?
2. What further actions need to be taken to ensure the successful completion of Stage 2 noting the following as detailed in the agenda papers for the Council meeting of 21 February 2023:
  - Page 142 – half yearly report on IP&R notes that Council was unsuccessful at applying for funding under the Department of Regional NSW Business Case and Strategy Development Fund?
  - Page 744 – register of resolutions – 22/039OC 12 April 2022 – Action column states “funding sought and received for Kiama Coast Walk signs” have these been put in place?
  - Page 749 – register of resolutions – 22/050OC 12 April 2022 – relates specifically on the Kiama Coastal Walking Track and the status is needs attention. Was NSW Coastal Lands Protection Scheme approached for funding?

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

### **20.8 Update on resolution 22/411OC**

Councillor Draisma requested a report providing an update on resolution 22/411OC from the December 2022 Council meeting in relation to domestic and gender-based violence across the region. This matter was referred to the Director Planning, Environment and Communities for action.

### **20.9 Disability Inclusion Action Plan update**

Councillor Draisma requested a report on what action has been taken on drafting a new Disability Inclusion Action Plan and will this be referred to the appropriate committee for response. This matter was referred to the Director Planning, Environment and Communities for action.

### **20.10 Commercial bin food waste trial**

Councillor Draisma requested a report on any action being taken to explore the possibility of a trail of food waste bins for commercial purposes in the Local Government Area. This matter was referred to the Director Infrastructure and Liveability for action.

## 21 CONFIDENTIAL SUMMARY

### 23/1110C

**Resolved** that at this time, 6.58pm, 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 Brown 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:

#### 23/1120C

**Resolved** 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 - MARCH 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.

(Councillors Draisma and Larkins)

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

Against: Nil

## 22 CONFIDENTIAL REPORTS

### 22.1 Blue Haven update - March 2023

#### 23/113OC

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

(Councillors Brown and Steel)

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

Against: Nil

### Close of Confidential Committee of the Whole:

#### 23/114OC

**Resolved** that at this time, 7.05pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Croxford and Draisma)

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

Against: Nil

The Mayor stated publicly for the record that the Information Reports at Item 17 were noted.

### Adoption of Report

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

#### 23/115OC

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 23/112OC to 23/114OC be confirmed and adopted.

(Councillors Draisma and Brown)

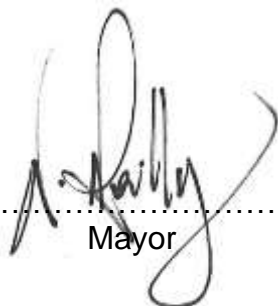
For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel

Against: Nil

## 23 CLOSURE

There being no further business the meeting closed at 7.07pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 16 May 2023.



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Mayor