



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 18 JULY 2023

Jamberoo School of Arts
30 Allowrie Street, Jamberoo

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE
MUNICIPALITY OF KIAMA HELD AT JAMBEROO SCHOOL OF ARTS,
JAMBEROO, ON TUESDAY 18 JULY 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
Michael Malone – Director Infrastructure and Liveability
Joe Gaudiosi – Chief Operating Officer
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.

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 held on 20 June 2023

23/185OC

Resolved that the Minutes of the Ordinary Council meeting held on 20 June 2023 be received and accepted.

(Councillors Brown and Rice)

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

Against: Nil

6.2 Extraordinary Council meeting held on 29 June 2023

23/186OC

Resolved that the Minutes of the Extraordinary Council meeting held on 29 June 2023 be received and accepted.

(Councillors Larkins and Keast)

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 Draisma

Councillor Draisma declared a less than significant non-pecuniary interest in Item 15.1 - 10.2022.152.1 - 50 Riverleigh Avenue, Gerroa as the neighbouring property owner and public access speaker, Chris Cassidy ran under the same Group as Councillor Draisma for the 2021 Local Government Election. Councillor Draisma proposed to disclose and vote on this matter.

Disclosure of Interest 15.2 – Councillor Draisma

Councillor Draisma declared a less than significant non-pecuniary interest in Item 15.2 - Expression of Interest - Committee Membership as Mr Michael Bowden ran under the same Group as Councillor Draisma for the 2021 Local Government Election. Councillor Draisma proposed to disclose and vote on this matter.

Disclosure of Interest - Councillor Larkins

Councillor Larkins declared a less than significant non-pecuniary interest in Item 15.1 - 10.2022.152.1 - 50 Riverleigh Avenue, Gerroa as the neighbouring property owner and public access speaker, Chris Cassidy ran under the same Group as Councillor Larkins for the 2021 Local Government Election. Councillor Larkins proposed to disclose and vote on this matter.

Disclosure of Interest – Councillor Larkins

Councillor Larkins declared a less than significant non-pecuniary interest in Item 15.2 - Expression of Interest - Committee Membership as Mr Michael Bowden ran under the same Group as Councillor Larkins for the 2021 Local Government Election. Councillor Larkins proposed to disclose and vote on this matter.

9 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

10 PUBLIC FORUM SUMMARY

Name	Item No.	Subject
Chris Cassidy	15.1	10.2022.152.1 - 50 Riverleigh Avenue, Gerroa

11 MAYORAL MINUTE**11.1 Staff appreciation**

The following amendment was **moved** by Councillor Renkema-Lang and **seconded** by Councillor Rice:

That the Elected Council:

1. Offer a vote of significant thanks to our highly regarded operational counterparts that is all council staff. Their fantastic leadership, efforts, hard work and support have allowed our council and community to function, and improve over an extremely challenging period.
2. Commits to continuing to provide a sustainable workforce in a supportive environment that is appropriately resourced, promotes open communications and collaboration, self-care and work-life balance.

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

For: Councillors Keast, Renkema-Lang and Rice

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

23/187OC

Resolved that the Elected Council offer a vote of significant thanks to our highly regarded operational counterparts that is all council staff. Their fantastic leadership, efforts, hard work and support have allowed our council and community to function, prosper and improve over the most trying and exhaustive period of our existence since our inception in 1859.

(Councillor Reilly)

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

Against: Draisma

Procedural motion: In globo resolutions**23/188OC**

Resolved that Council move in globo and adopt the recommendations contained within the report for items 12.1, 12.2, 12.3, 14.2 and 14.3.

(Councillors Larkins and Croxford)

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

Against: Nil

12 MINUTES OF COMMITTEES**12.1 Executive summary of the minutes: South Precinct meeting - 15 June 2023**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/188OC.

23/189OC

Resolved that Council receive and note the executive summary of the minutes of the South Precinct Committee Meeting held on 15 June 2023.

(Councillors Larkins and Croxford)

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

Against: Nil

12.2 Minutes: Finance Advisory Committee meeting - 26 June 2023

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/188OC.

23/190OC

Resolved that the Minutes of the Finance Advisory Committee meeting held on 26 June 2023 be received and the recommendations therein accepted, being:

23/018FAC that the Finance Advisory Committee notes the:

1. Information relating to the Statement of Investments as at 31 May 2023.
2. Payment to NSW TCorp of \$15 million on 23 June 2023.
3. Progress of loan negotiations with NSW TCorp for the remaining \$15 million currently due in August 2023.

23/019FAC that the Finance Advisory Committee notes the Monthly Financial Report for April 2023.

23/020FAC that the Finance Advisory Committee notes the issues identified in the Management Letter on the final phase of the audit for the year ended 30 June 2021.

23/021FAC that the Finance Advisory Committee notes the update provided on the 2022 and 2023 audit of Council's Financial Statements.

23/022FAC that the Finance Advisory Committee provides its response (as attached to the report) to the IPART draft report on the review of the rate peg methodology for consideration in the preparation of the submission by Council.

23/023FAC that the Finance Advisory Committee notes the action tracker updates for June 2023.

(Councillors Larkins and Croxford)

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

Against: Nil

12.3 Minutes: Kiama Local Traffic Committee Meeting - 4 July 2023

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/188OC.

23/191OC

Resolved that Council:

1. Note the Minutes of the Kiama Local Traffic Committee (LTC) meeting held on 4 July 2023.
2. Adopt the following recommendations as endorsed by the Kiama LTC:

23/023LTC Traffic changes associated with the Clearly Music Festival on 11 November 2023 from 5:00 a.m. to 11.00 p.m. be approved subject to organisers complying with the following conditions:

1. The event organiser complies with the Traffic Management Plans shown in the plan attached to this report.
2. The organisers shall be responsible for the supply, erection and removal of all traffic control devices, equipment and personnel associated with the implementation of the approved Traffic Management Plan.
3. Lodgement with Council of an application for a Section 138 Roads Act permit and payment of associated fee.
4. Notification of proposed traffic changes be given to police, local emergency services, local bus companies, businesses and residents effected by the closure.
5. An advertisement be placed in the local media advising of the closure and traffic changes.
6. Proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event.
7. Substantial water filled barriers placed at the entrance to Bong Bong Street.

(Councillors Larkins and Croxford)

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

Against: Nil

12.4 Minutes: Tourism and Economic Advisory Committee Meeting - 28 June 2023

Councillor Renkema-Lang foreshadowed a motion.

23/192OC

Resolved that

1. the Minutes of the Tourism and Economic Advisory Committee Meeting held on 28 June 2023 be received and the following recommendations therein accepted, being:

23/001TEAC that the Tourism and Economic Advisory Committee:

1. Accept the recommendation to the minutes of 1 May 2023 by Councillor Larkins, noting 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.
2. Support negotiations between Council and Indigenous Elders to arrive at a name for the newly constructed stairs at Bombo Quarry.
3. Call for a date of an official opening.

23/002TEAC that the Tourism and Economic Advisory Committee distribute a media release to support an event concept and invites event organisers to express interest in running an event that utilises the Kiama Harbour and Black Beach area that involves different styles of non-motorised boats such as Polynesian style boats, surf boats, dragon boats and outrigger boats.

23/003TEAC that the Tourism and Economic Advisory Committee support the vision of Minnamurra Rainforest Centre, within Budderoo National Park, to extend its current operations by attracting a suitable tenant to lease the multipurpose building, including the on-site commercial kitchen, and look at other ways to improve the usage over winter and overall financial viability, in order for it to continue to be one of the area’s premier visitor attractions.

23/004TEAC that the Tourism and Economic Advisory Committee write to the State Government to:

1. Support the Point to Point Commissioner, Anthony Wing’s proposed reforms of taxi and ride share in NSW, allowing any taxi or ride share vehicle to collect from taxi ranks and permit them to accept customer hails.
2. Request the Department provide a timeframe on when the new reform will be established.

23/005TEAC that the Tourism and Economic Advisory Committee support Agritourism in the local area to enable regional business opportunities to generate additional income, diversify operations that attract new visitor markets and preserve the area green rolling hills. To this end, look to eliminating barriers that exist via local zoning permissions.

23/006TEAC that the Tourism and Economic Advisory Committee member, Leah Hill accept the role of ambassador, assisting in the recruitment of new Destination Kiama partners.

23/007TEAC that the Tourism and Economic Advisory Committee endorse the assessment report provided by the Internal Assessment Panel and the funding (both financial and in-kind) nominated for each successful application of round one of the Destination Event Funding Program.

2. The Terms of Reference for the Tourism and Economic Advisory Committee is endorsed subject to the following changes under the Term of membership:
- Councillor representatives will be elected each term, ~~not each year~~
 - ~~50% of the industry representatives will be required to stand for reappointment every 2 years – tenure can be renewed by Council for up to 4 years without re-advertising.~~

(Councillors Brown and Steel)

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

Against: Nil

13 REPORT OF THE CHIEF EXECUTIVE OFFICER

13.1 Council Community Event Support

23/193OC

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

That Council:

1. Adopt the Signature Community Event Funding Program Guidelines.
2. Commence the program and invite applications from interested parties via the process outlined within the guidelines to apply as soon as possible.

(Councillors Croxford and Steel)

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

Against: Nil

13.2 Endorsement: Code of Meeting Practice - administrative changes

The following amendment was **moved** by Councillor Brown and **seconded** by Councillor Steel after Councillor Larkins withdrew his second:

That Council amend the speaking time from 5 minutes to 3 minutes.

Councillor Larkins foreshadowed the original motion.

The Mayor withdrew Councillor Brown's amendment and **moved** the following amendment which was **seconded** by Councillor Croxford:

That Council endorse the changes to the Code of Meeting Practice and in so doing reduce speaking time from 5 minutes as recommended to 3 minutes.

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

For: Councillors Brown, Croxford, Reilly and Steel

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

23/194OC

Resolved that Council endorse the administrative changes made to the Code of Meeting Practice.

(Councillors Larkins and Draisma)

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

Against: Nil

13.3 Endorse for public exhibition: Draft Petitions Policy

23/195OC

Resolved that Council:

1. proceed to public exhibition of the draft Petitions Policy for a period of 28 days.
2. note if submissions are received during the exhibition period a further report will be provided on any proposed amendments to the Petitions Policy.
3. adopt the Petitions Policy if no submissions are received on the day after the completion of the public exhibition period.

(Councillors Brown and Croxford)

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

Against: Nil

13.4 Forsyths Forensic Report - executive summary release

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

1. Endorse the public release of the Executive Summary of the Forsyths' forensic accounting report.
2. Note that the State Government alone holds the power to conduct investigations or enquiries into Local Governments.
3. Notes that since receiving the Forsyth report in March 2022 which documented thirty-eight (38) recommendations, to date twenty-one (21) have been actioned and of the remaining seventeen (17) actions, eleven (11) are in progress. Further work will continue to be undertaken by staff as resourcing permits, until all actions are fully resolved.

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

1. Endorse the public release of the Executive Summary of the Forsyths' forensic accounting report.
2. Note that the State Government alone holds the power to conduct investigations or enquiries into Local Governments.
3. Notes that since receiving the Forsyth report in March 2022 which documented thirty-eight (38) recommendations, to date twenty-one (21) have been actioned and of the remaining seventeen (17) actions, eleven (11) are in progress. Further work will continue to be undertaken by staff as resourcing permits, until all actions are fully resolved.
4. Makes public the information tabled at the 20 December 2022 meeting that demonstrates the unfunded amount for the Bonaira build was \$5,805,894 (rather than the \$15,676,894 the Forsyth's report initially detailed)

Councillor Croxford raised a point of order that Councillor Renkema-Lang was defying the Mayor's instruction to speak to the amendment only. The Mayor rejected the point of order.

Councillor Renkema-Lang raised a point of order on the Mayor's ruling that debate can only be on the amendment. The Mayor read to Councillor Renkema-Lang Section 10.15 the Code of Meeting Practice.

Councillor Larkins foreshadowed the original motion.

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

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

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

23/196OC

Resolved that Council

1. Endorse the public release of the Executive Summary of the Forsyths' forensic accounting report.
2. Note that the State Government alone holds the power to conduct investigations or enquiries into Local Governments.
3. Notes that since receiving the Forsyth report in March 2022 which documented thirty-eight (38) recommendations, to date twenty-one (21) have been actioned and of the remaining seventeen (17) actions, eleven (11) are in progress. Further work will continue to be undertaken by staff as resourcing permits, until all actions are fully resolved.

(Councillors Larkins and Draisma)

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

Against: Nil

13.5 Local Government NSW annual conference 2023 - Councillor attendance and call for motions and voting delegations**23/197OC****Resolved** that Council:

1. Determines Councillor Reilly, Councillor Draisma and Councillor Larkins attend the Local Government NSW conference at Rosehill Gardens Racecourse on 12-14 November 2023.
2. Submits any motions for the conference to Local Government NSW prior to 15 September 2023.
3. Selects Councillor Reilly, Councillor Draisma and Councillor Larkins to be registered as voting delegates for motions.

(Councillors Brown and Draisma)

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

Against: Nil

13.6 Strategic Improvement Plan - Monthly Progress Report**23/198OC****Resolved** that Council receive the update report on the Strategic Improvement Plan 2 and the progress of actions undertaken.

(Councillors Brown and Larkins)

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 - May 2023****23/199OC****Resolved** that Council receive and adopt the Monthly Financial Report for May 2023.

(Councillors Keast and Brown)

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

Against: Nil

14.2 Statement of Investments - June 2023

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/188OC.

23/200OC

Resolved that Council receives the information relating to the Statement of Investments as at 30 June 2023.

(Councillors Larkins and Croxford)

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

Against: Nil

14.3 Review: Aged Care Prudential Standards Policy

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/188OC.

23/201OC

Resolved that Council approves:

1. The amount of \$5.0M as an external restriction for Liquidity Management Standard requirements and compliance with the Aged Care Act Prudential Standards regarding Residential Aged Care Resident accommodation funds
2. The amount of \$4.3M as an internal restriction for ILU Prudential Coverage regarding Retirement Village and Independent Living Unit Resident accommodation funds.

(Councillors Larkins and Croxford)

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

Against: Nil

15 REPORT OF THE DIRECTOR PLANNING, ENVIRONMENT AND COMMUNITIES

15.1 10.2022.152.1 - 50 Riverleigh Avenue, Gerroa

Disclosure of Interest - Councillor Draisma

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

Disclosure of Interest - Councillor Larkins

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

23/2020C

Resolved that Council:

1. Not support the request to vary a development standard made pursuant to Clause 4.6 of Kiama LEP 2011 for the variation to the building height standard.
2. Refuse Development Application No 10.2022.152.1 for the following reasons:
 - (a) Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 the proposal is considered to result in adverse impacts with regards to stormwater drainage and a significant Moreton Bay Fig tree.
 - (b) Pursuant to Clause 2.10 and Clause 2.11 of State Environmental Planning Policy (Resilience and Hazards) 2021, the proposal is considered to result in adverse drainage impacts and excessive visual scale to the coastal environment.
 - (c) Pursuant to Clause 4.4 of Kiama LEP 2011 and the Building Height Map, the proposal exceeds the maximum height limit of 8.5m, and as a three storey development is considered unsatisfactory with regards to the resulting in excessive scale, being inconsistent with the character of housing in the locality.
 - (d) Pursuant to Clause 4.6 of Kiama LEP 2011, the applicant's request to vary the development standard for height does not satisfactorily demonstrate that compliance cannot be reasonably achieved, nor any benefits to varying the standard.
 - (e) Pursuant to Kiama DCP Chapters 6.1.15 and 6.4.32 the proposal exceeds the building height plane, which is not supported noting the proposal exceeds the height standard.
 - (f) Pursuant to Kiama DCP Chapter 6.2.22 the design and siting of the proposal is considered to result in unreasonable view loss, with view sharing of iconic coastal views to the south-west not maintained with a neighbouring property.

- (g) Pursuant to Kiama DCP Chapter 6.4.14 the proposal does not make provision for adaptable housing, nor is it designed for this noting its split level ground floor.
 - (h) Pursuant to Kiama DCP Chapter 6.4.25 the orientation of the proposal is considered to result in poor amenity with no living room windows or private open space receiving direct sunlight at the winter solstice.
 - (i) Pursuant to Kiama DCP Chapter 6.1.65 the double garage frontage dominates the façade and is considered unsympathetic to the streetscape.
3. Advise persons who made a submission on Development Application No 10.2022.152.1 of Council's decision.

(Councillors Brown and Rice)

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

Against: Nil

15.2 Expression of Interest - Committee Membership

Disclosure of Interest - Councillor Draisma

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

Disclosure of Interest - Councillor Larkins

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

23/203OC

Resolved that Council:

1. Appoint the following four applicants to the Sustainable Communities Committee:
 - a. Michael Bowden
 - b. Liam Pettigrew
 - c. Narreda Grimley
 - d. Alan Smith.
2. Appoint the following four applicants to the Infrastructure and Liveability Committee:
 - a. Roy Rogers
 - b. Tony Gilmour
 - c. Jennifer Wulff (nee Heath)
 - d. Dr Fiona Mackie.

3. Thank all community members that applied for the roles and encourage their participation throughout the committee term as invited experts where appropriate.

(Councillors Larkins and Rice)

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

Against: Nil

Councillor Draisma left the meeting at 6.51pm due to technical difficulties.
Councillor Draisma returned to the meeting at 6.51pm.

16 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY

Nil

17 REPORTS FOR INFORMATION

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

- 17.1 Minutes: Jamberoo Valley Ratepayers and Residents Association - 4 July 2023
- 17.2 Question for future meeting: Blue Haven community transport business case discussion
- 17.3 Question for future meeting: Code of Meeting Practice ruling
- 17.4 Question for future meeting: waste services billing
- 17.5 Questions for Future Meeting Register - July 2023.

18 LATE ITEMS

Nil

19 NOTICE OF MOTION

19.1 Notice of Motion: Reduce number of councillors

Councillor Croxford deferred this matter to the August meeting of Council.

19.2 Notice of Motion: Directly Elected Mayor

23/204OC

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

That:

1. Council supports undertaking a referendum to consider a change from a Councillor elected to a directly elected mayor by 2028.
2. Council resolves to undertake a constitutional referendum to voters at the September 2024 elections, pursuant to section 228 of the Local Government Act 1993.
3. Public submissions on this motion be sent to the NSW Minister for Local Government, the Hon Ron Hoenig MP and Office of Local Government for their information.

(Councillors Larkins and Draisma)

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

Against: Councillors Brown and Croxford

19.3 Notice of Motion: Voice Referendum 2023

The following amendment was **moved** by Councillor Croxford, that Council:

1. Notes that a Federal referendum will be held in 2023 to determine whether to change the constitution to establish an Aboriginal and Torres Strait Islander voice.
2. Re-affirms the motion 22/094OC passed in 2022, which acknowledges the importance of the Uluru Statement from the Heart and commits to enacting its principles.
3. Recognises the significance of community engagement and open dialogue surrounding the upcoming referendum.
4. Maintains a neutral stance as a council in relation to the proposed referendum question, while respecting the democratic process.
5. Allows access to council facilities for the purpose of holding information sessions related to the upcoming referendum, ensuring equal opportunity for all interested parties, irrespective of their support or opposition to the proposed referendum question.
6. Commits to providing unbiased information and resources regarding the upcoming referendum on its website and social media platforms, fostering an informed and inclusive discussion.

The motion was ruled unlawful by the Mayor as it goes against the intention of the original motion.

23/205OC

Resolved that Council:

1. Notes that a Federal referendum will be held in 2023 to determine whether to change the Constitution to establish an Aboriginal and Torres Strait Islander voice.
2. Re-affirms the motion 22/094OC passed in 2022.
3. Supports the proposed change by the Federal Government to the Constitution.

4. Puts information on its website and social media, gathered from or shared from the Federal Government about the upcoming referendum.
5. Agrees to waive Council hall costs and fees for the purposes of holding information sessions related to the upcoming referendum by community groups and individuals.

(Councillors Larkins and Draisma)

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

Against: Councillor Croxford

20 QUESTIONS FOR FUTURE MEETINGS

20.1 Local Government Membership

Councillor Croxford requested a report on the pros and cons of council becoming a local government member of the following regional organisations:

- South East Australia Transport Strategy – www.seats.org.au
- Illawarra Shoalhaven Defence Industry Network – www.illawarrashoalhavendefence.com.au

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

20.2 Costs to Council related to Forsyths

Councillor Rice requested a report that outlines the cost to Council for all of the work that Council has commissioned to Forsyths. This matter was referred to the Chief Financial Officer for consideration.

20.3 Community transport service

Councillor Rice requested a report which discusses the potential for Kiama residents to continue experiencing a diverse community transport service, following Councils divestment of its community transport service. This matter was referred to the Chief Operating Officer for consideration.

20.4 Sale or planned sale of public land and other assets

Councillor Renkema-Lang requested a report detailing the following from the sale (or planned sale based on resolutions of Council) of public land or other assets in financial years 2022, 2023, and 2024:

- a) the combined gross profit
- b) the combined net profit (after sale costs)

- c) the combined (net profit or loss) based on land value projections included in budgets and the LTFP

This matter was referred to Chief Financial Officer for consideration.

20.5 Grants and sponsorships

Councillor Renkema-Lang requested a report on the progress and status of the action plan items for Community grants and sponsorships (as recommended by the Internal Audit report provided to Council at 15 February 2022 meeting). The matter was referred to the Chief Executive Officer.

20.6 Domestic Violence

Councillor Draisma requested a report detailing what supports are available to staff experiencing domestic and family violence. Furthermore, what changes have been undertaken to ensure that Council and Blue Haven have a culture that supports victim-survivors. What training is available to frontline staff to assist members of community that may approach them who are experiencing domestic or family violence? The matter was referred to the Chief Operating Officer.

21 CONFIDENTIAL SUMMARY

23/206OC

Resolved that at this time, 7.18pm, 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 Larkins and Renkema-Lang)

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

Against: Nil

Public Representations:

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

21.1 Exclusion Of Press And Public:

23/207OC

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 JUNE 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 ENTERING INTO A COMMERCIAL CONTRACT FOR OFFICE SPACE

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.

22.3 QUESTION FOR FUTURE MEETING: BLUE HAVEN MEDICAL DOCUMENTATION

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

22.4 CODE OF CONDUCT ALLEGED BREACH - INVESTIGATION REPORT

Reason for Confidentiality: This matter deals with alleged contraventions of any code of conduct requirements applicable under section 440 as per Section 10A(2)(i) of the Local Government Act.

(Councillors Keast and Larkins)

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

Against: Nil

22 CONFIDENTIAL REPORTS

Procedural motion: In globo resolutions

23/208OC

Committee recommendation that Council move in globo and adopt the recommendations contained within the report for items 22.2 and 22.3.

(Councillors Draisma and Brown)

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

Against: Nil

22.1 Blue Haven Update June 2023**23/209OC**

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

(Councillors Brown and Larkins)

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

Against: Nil

22.2 Entering into a commercial contract for office space

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/188OC.

23/210OC

Committee recommendation that Council:

1. Under Council Section 55 (3)(i) of the Local Government Act 1993, does not call tenders for the leasing of additional office space due to the lack of an appropriate market that can meet that need.
2. Delegates the Chief Executive Officer to negotiate with local leasing agents to enter a lease contract for provision of required additional office space.

(Councillors Draisma and Brown)

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

Against: Nil

22.3 Question for future meeting: Blue Haven medical documentation

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/188OC.

23/211OC

Committee recommendation that Council note the information report on Blue Haven medical documentation.

(Councillors Draisma and Brown)

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

Against: Nil

At 7.37pm the Mayor requested senior staff excluding the Chief Executive Officer leave the meeting.

At 7.38pm Councillor Croxford gave a verbal address to the meeting in accordance with Clause 7.49 of the Procedures for the Administration of the Model Code of Conduct.

At 7.45pm Councillor Croxford left the meeting.

22.4 Code of Conduct alleged breach - Investigation Report

Councillor Renkema-Lang made a comment that in accordance with 3.1(a) was deemed inappropriate by the chair. The Mayor asked Councillor Renkema-Lang to withdraw her comment, at which time she did.

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

1. Receives the investigation report from Centium dated 11 July 2023 and takes no further action noting that the behaviour was not complained of by any Councillors who were in the room at the time.
2. Delegates to the Chief Executive Officer to prepare correspondence to the Office of Local Government advising of Council's decision to take no further action and the reasons we came to the conclusion that the investigation did not provide procedural fairness and lacked sufficient evidence to indicate intimidating behaviour as no councillor present had made a formal complaint.

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

For: Councillors Brown, Reilly and Steel

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

Councillor Draisma foreshadowed a motion.

23/2120C

Committee recommendation that the meeting be extended by 15 minutes to 8.20pm.

(Councillors Keast and Renkema-Lang)

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

Against: Nil

23/213OC

Committee recommendation that Council pursuant to Section 440G of the Local Government Act formally censures Councillor Croxford for statements made at the meeting held on 21 March 2023 which the investigation report substantiated as conduct that amounts to engaging in intimidation, noting that such behaviour does not comply with the Code of the Conduct for Councillors.

(Councillors Draisma and Rice)

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

Against: Councillors Brown, Reilly and Steel

At 8.13pm Councillor Croxford returned to the room.

Councillor Croxford made a statement which the Mayor ruled was out of order and was to be retracted. Councillor Croxford refused. The Mayor further ruled that Councillor Croxford again retract his comments. Councillor Croxford refused. Upon refusal to withdraw the remark, which the chair had found offensive, and following the two rulings of the chair that had not been complied with, the Mayor then ruled the behaviour was offensive and instructed Councillor Croxford to leave the meeting.

At 8.14pm Councillor Croxford left the meeting.

Close of Confidential Committee of the Whole:**23/214OC**

Committee recommendation that at this time, 8.15pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Rice and Larkins)

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

Against: Nil

Absent – did not vote: Councillor Croxford

Councillor Warren Steel was in the room however not visible on screen as he was unable to be seated.

Adoption of Report

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

23/215OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 23/207OC to 23/214OC be confirmed and adopted.

(Councillors Larkins and Draisma)

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

Against: Nil

Absent – did not vote: Councillor Croxford

23 CLOSURE

There being no further business the meeting closed at 8.18pm.

These Minutes were confirmed at the Ordinary Meeting of Council
held on 15 August 2023

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Mayor