



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 18 OCTOBER 2022

Council Chambers
11 Manning Street, KIAMA NSW 2533

**MINUTES OF THE ORDINARY MEETING
OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA
HELD IN THE COUNCIL CHAMBERS
ON TUESDAY 18 OCTOBER 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, Chief Operating 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 20 September 2022 (and adjourned to 21 September 2022)

22/302OC

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

That the Minutes of the Ordinary Council Meeting held on 20 September 2022 and adjourned to 21 September 2022 be received and accepted with the following amendments:

1. That Item 9.3 *Executive summary of minutes: South Precinct – 11 August 2022* is amended to read:

That Council:

1. *Receives the Executive Summary of the minutes of the South Precinct Committee Meeting held on 11 August 2022.*
2. *Notes that South Precinct strongly supports the many submissions from the community members reflecting their concerns on the*

Blackwood Street development relating to issues of traffic, overdevelopment / scale, and concerns around flooding.

3. *Confirms that community members will have the opportunity to provide written submissions related to parks, play spaces and other open spaces in addition to the online survey – as detailed on the Council website.*
2. that the recorded declaration of interest on item 12.3 *10.2018.290.2 – 3 Belvedere Street, Kiama* be removed as Councillor Renkema-Lang withdrew her declaration.
3. at item 15 *Information Reports*, the recorded point of order raised by Councillor Renkema-Lang be recorded as a procedural motion.
4. that the defamatory statement at item 17.2 *Notice of Motion: Forsyths' Forensic Audit Assessment Report and independent investigation* be changed to read "*we [as in Council] have been too dismissive*".

(Councillors Croxford and Brown)

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

Against: Nil

3.2 Kiama Local Traffic Committee Meeting on 4 October 2022

22/303OC

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 4 October 2022 be received and the following recommendations accepted:

22/001LTC

That the Committee recommends that Minnamurra Street, Kiama be temporarily closed between Hothersal Street and Pacific Street from 7 November 2022 to the 8 November 2022 and between the hours of 7am to 6pm each day, subject to the applicant and suitably qualified traffic controllers complying with the following conditions:

1. the applicant complies with the Traffic Management Plan shown in Attachments and conditions of consent imposed in the Road Occupation Permit by the Roads Authority.
2. notification of the closures be given to Police, local emergency services, businesses and affected residents a minimum of 72 hours prior to works occurring by the Applicant.
3. the closure be advertised on Council's website 7 days prior to the commencement of works.
4. work dates and times delayed by inclement weather may be extended at the discretion and written approval of the Roads Authority.

(Councillors Larkins and Croxford)

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

Against: Nil

4 BUSINESS ARISING FROM THE MINUTES

Councillor Brown extended an invitation from the Kiama Surf Club to all Councillors to speak to the Club on any matters about the Club that Councillors would like to introduce on the floor of Council.

5 DECLARATIONS OF INTEREST

Disclosure of Interest - Councillor Larkins

Councillor Larkins declared a less than significant non-pecuniary interest in item 11.1 *Sponsorship request: Kiama Red cross Fun Run 2023* as Cr Larkins is a regular volunteer marshal at this event. Cr 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 13.4 *Chapman Point Reserve amenities* as Cr Larkins has a political association with the speaker on this item at public access. Cr Larkins proposed to disclose and vote on this matter.

Disclosure of Interest - Councillor Keast

Councillor Keast declared a less than significant non-pecuniary interest in item 13.4 *Chapman Point Reserve amenities* as a resident of Chapman Street, who is liaising with Council and Councillors in relation to this matter, is the mother of a previous work colleague of Cr Keast. Cr Keast proposed to disclose and vote on this matter.

Disclosure of Interest - Councillor Brown

Councillor Brown declared a less than significant non-pecuniary interest in item 13.4 *Chapman Point Reserve amenities* as the amenities could impact the view from his residence. Cr Brown proposed to disclose and vote on this matter.

Disclosure of Interest - Councillor Draisma

Councillor Draisma declared a less than significant non-pecuniary interest in item 13.4 *Chapman Point Reserve amenities* as Cr Draisma has a political association with the speaker on this item at public access. Cr Draisma proposed to disclose and vote on this matter.

Disclosure of Interest - Councillor Keast

Councillor Keast declared a less than significant non-pecuniary interest in item 20.4 *Blue Haven accreditation update* as one of the accreditation team is known to Cr Keast from her work at the Kiama Community College and with whom she has had irregular contact in relation to registered training organisation compliance issues. Cr Keast proposed to disclose and vote on this matter.

6 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

7 PUBLIC ACCESS SUMMARY

Name	Item	Subject
Katelin McInerney	13.4	Chapman Point Reserve Amenities

8 MAYORAL MINUTE**8.1 Mayor's Giving Tree 2022****22/304OC**

Resolved that Council endorse the Mayor's 2023 Giving Tree appeal noting that drop off points are at the Council administration building, The Pavilion Kiama and the Gerringong Library and Museum.

(Councillor Reilly)

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

Against: Nil

22/305OC

Resolved that at this time, 5.14pm Council bring forward and deal with matters pertaining to the supplementary items 16.1 to 16.4.

(Councillors Croxford and Steel)

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

Against: Nil

16.1 John Downes Jamberoo RFS

22/306OC

Resolved that Council congratulate Jamberoo Rural Fire Service member, John Downes on receiving the Commissioner's Commendation for Service.

(Councillor Reilly)

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

Against: Nil

16.2 Illawarra Business Awards 2022

22/307OC

Resolved that Council congratulate all of the local businesses who were finalists and "The Pines Kiama" on receiving the award for Excellence in Sustainability at the IMB Bank Illawarra Business Awards 2022.

(Councillor Reilly)

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

Against: Nil

16.3 Congratulations to Ali Day

22/308OC

Resolved that Council congratulate Ali Day on winning the 2022 Coolangatta Gold ironman competition.

(Councillor Reilly)

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

Against: Nil

16.4 Congratulations to The Bugle – Award for Excellence**22/309OC**

Resolved that Council congratulate The Bugle for receiving the Award for Excellence for the Best Online/Digital Presence at the Country Press NSW Annual Conference.

(Councillor Reilly)

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

Against: Nil

Procedural motion**22/310OC**

Resolved that Council bring forward, move in globo and adopt the recommendations contained within the report for items 9.2, 9.4, 11.1, 11.2, 11.4, 12.2, 15.1, 15.2, 15.3, 15.4, 15.7 and 15.9.

(Councillors Draisma and Brown)

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

Against: Nil

9.2 Executive summary of minutes: Central Precinct - 27 September 2022**22/311OC**

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

(Councillors Draisma and Brown)

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

Against: Nil

9.4 Minutes: Audit, Risk and Improvement Committee - 11 October 2022**22/312OC**

Resolved that the Minutes of the Audit, Risk and Improvement Committee meeting held on 11 October 2022 be received and the recommendations accepted, being:

22/133ARIC that the Audit, Risk and Improvement Committee:

1. note the correspondence received from Minister for Local Government regarding the performance improvement order
2. provide advice and support, as needed, to the Executive Leadership Team and Councillors, in preparing the response to the Minister.

22/134ARIC that the Audit, Risk and Improvement Committee notes the information contained in the action item report.

22/135ARIC that the Audit, Risk and Improvement Committee note the information on risk management activity contained in the report for the period August 2022 to October 2022.

22/136ARIC that the Audit, Risk and Improvement Committee notes the information contained in the internal auditor's update and approves the change in scope relating to the payroll audit.

22/137ARIC that the Audit, Risk and Improvement Committee notes the information in the progress report on audit recommendations.

22/138ARIC that the Audit, Risk and Improvement Committee notes the information relating to the Monthly Financial Report for July 2022.

22/139ARIC that the Audit, Risk and Improvement Committee note the Blue Haven updates for: the accreditation of the aged care facility; the centenary event; COVID; aged care reform; and consultancy work.

22/140ARIC that the Audit, Risk and Improvement Committee notes the information sent to the Office of Local Government, the Audit Officer and TCorp relating to the two-year cash flow forecast for the period July 2022 to June 2024.

(Councillors Draisma and Brown)

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

Against: Nil

11.1 Sponsorship request: Kiama Red Cross Fun Run 2023**Disclosure of Interest - Councillor Larkins**

Councillor Larkins declared a less than significant non-pecuniary interest in Item 11.1. Cr Larkins disclosed and voted on this matter.

22/313OC

Resolved that Council:

1. provide \$2,000 sponsorship to the Kiama Red Cross for the purpose of holding the 2022 Kiama Fun Run.
2. provide the following in kind support:
 - use of the Kiama Coastal Walk
 - waste services
 - loan of Council marquee, bollards and sound system
 - waiver of Native Title fee (if applicable).

Pending the applicable approvals by Council for:

- use of the Kiama Coastal Walk and Coronation Park for the Fun Run
- key hire form
- Event Waste Management Plan
- temporary food stalls
- risk assessment
- provision of Public Liability insurance (certificate of currency – minimum \$20 million)
- traffic management plan.

(Councillors Draisma and Brown)

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

Against: Nil

11.2 Request for donation: Gerringong & District Historical Society**22/314OC**

Resolved that Council make a financial contribution of \$850 to the Gerringong and District Historical Society for the “Remarkable” exhibition.

(Councillors Draisma and Brown)

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

Against: Nil

11.4 Continuation of Council representation on Committees of Council

22/3150C

Resolved that Council extend the period of the existing Councillor membership of the Audit, Risk and Improvement Committee, Blue Haven Advisory Board, Finance Advisory Committee, Tourism Advisory Committee and the Kiama Local Traffic Committee until finalisation of the draft Kiama Municipal Council Committee Policy and Framework, following public exhibition, occurs.

(Councillors Draisma and Brown)

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

Against: Nil

12.2 Post exhibition: Minnamurra rockwall assessment - public feedback and recommendations

22/3160C

Resolved that Council:

1. Receive the summary of feedback undertaken on the Minnamurra River Rockwall Assessment Concept Design Report for information and thank those who contributed.
2. Endorse the Minnamurra River Rockwall Assessment Concept Design Report'
3. Seek grant opportunities to allow for funding to be obtained for the bank stabilisation and stormwater infrastructure works at the High Priority site in Area C (adjacent to River Street).
4. Undertake investigation of opportunities for grant funding (including the 2023/24 round of NSW Coast and Estuary Grants Program) for the development of further concept options and final detailed engineering design for works at the High Priority site in Area B (North Street Reserve)
5. Continue to work with ILALC to identify strategies to avoid harm to Aboriginal objects and places of significance.
6. Work with DPI Fisheries and local community to trial a defined area of mangrove planting below natural bank areas identified as moderate priority in Area C, (adjacent to Links Street).

(Councillors Draisma and Brown)

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

Against: Nil

15 Reports for information

22/317OC

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

- 15.1 Question for future meeting: Ongoing plan of management for cemeteries
- 15.2 Question for future meeting: Planting of trees on rural property
- 15.3 Minutes: Kiama Liquor Accord Meeting - 7 September 2022
- 15.4 Minutes: Minnamurra Progress Association - 7 September 2022
- 15.7 Question for Future Meeting: Golden Valley Road Subdivision
- 15.9 Minutes: Jamberoo Valley Ratepayers and Residents Association – 4 October 2022.

(Councillors Draisma and Brown)

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

Against: Nil

9 MINUTES OF COMMITTEES

9.1 Minutes: Destination Kiama Tourism Advisory Committee - 8 September 2022

Councillor W Steel left the meeting at 05:27 pm.

Councillor W Steel returned to the meeting at 05:28 pm.

22/318OC

Resolved that the Minutes of the Destination Kiama Tourism Advisory Committee Meeting held on 8 September 2022 be received and the following recommendations accepted:

1. that the Tourism Advisory Committee (TAC) respond to the correspondence received from the Kiama and District Business Chamber declining to have a TAC or Destination Kiama representative fill a position on their Board. The letter will request reconsideration for an unaffiliated with Council member to be invited as a non-voting participant at the Chamber meetings to assist in cross pollination and effective partnership across operations.

2. that the position of Deputy Chairperson of the Tourism Advisory Committee is filled by industry representative, Anthony Body.
3. that the Tourism Advisory Committee (TAC) schedule a date before the next TAC meeting inviting Destination Kiama partners to a workshop to discuss and assist in guiding tourism related priorities for our area now that the Tourism and Events Strategic Plan 2022-2026 had been endorsed.
4. that:
 - i) with support gained from Council's Grant Officer, an application is made for the *Small Grants Program* under the NSW Government's Children and Young People Wellbeing Recovery Initiative to fund the workshop component of the *Her Wave, Surfing NSW* event.
 - ii) **\$9,920** is provided to Surfing NSW from the Kiama Council Tourism and Events, Events and Festivals budget to fund the balance of the '*Her Wave, Teams Challenge*' event.

(Councillors Brown and Croxford)

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

Against: Renkema-Lang,

Item 9.2 *Executive summary of minutes: Central Precinct – 27 September 2022* was dealt with as part of the in globo resolution.

9.3 Minutes: Finance Advisory Committee - 26 September 2022

22/319OC

Resolved that the Minutes of the Finance Advisory Committee Meeting held on 26 September 2022 be received and the recommendations therein accepted, being:

22/036FAC that the Finance Advisory Committee note the information relating to the Monthly Financial Report for July 2022.

22/037FAC that the Finance Advisory Committee receive the information relating to the Statement of Investments, noting the amendments made at the September 2022 Council Meeting.

22/038FAC that the Finance Advisory Committee note the information contained in the July 2022 Blue Haven Financial Report.

22/039FAC that the Finance Advisory Committee note the cash flow presented to the September Council meeting and the resolved position of Council.

(Councillors Larkins and Keast)

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

Against: Nil

Item 9.4 *Minutes: Audit, Risk and Improvement Committee – 11 October 2022* was dealt with as part of the in globo resolution.

10 PUBLIC ACCESS REPORTS

Nil.

11 REPORT OF THE CHIEF EXECUTIVE OFFICER

The following items have been dealt with as part of the in globo resolution:

Item 11.1 *Sponsorship request: Kiama Red Cross Fun Run 2023*

Item 11.2 *Request for donation: Gerringong and District Historical Society*

11.3 Request for in-kind donation and sponsorship: Australia Day 2023

22/320OC

Resolved that Council:

1. Provide in-kind support for the provision of waste services, road occupation including advertising, native title (if applicable) in addition to sponsorship of \$1,000 to Gerringong Lions Club, Kiama Downs Surf Club, Kiama Rotary and Jamberoo Red Cross for the Australia Day 2023 breakfasts.
2. Further, that the community groups who received funding for the Australia Day 2023 breakfasts be advised Council would appreciate appropriate recognition of support of the event.

(Councillors Larkins and Croxford)

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

Against: Nil

Councillor Croxford raised a **point of order** to correct the Mayor (for the audio) that there are 4 organisations that receive \$1,000 for Australia Day breakfasts, not 5 as stated.

Item 11.4 *Continuation of Council representation on Committees of Council* was dealt with as part of the in globo resolution.

11.5 Monthly Financial Report - August 2022**22/321OC**

Resolved that Council receive and adopt the information relating to the Monthly Financial Report for August 2022.

(Councillors Brown and Croxford)

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

Against: Nil

11.6 Statement of Investments - September 2022**22/322OC**

Resolved that Council receive the information relating to the Statement of Investments for September 2022 noting an increase of \$316,371 to the Restricted Funds Balance due to:

- developer contributions \$37K – new contributions received in September
- Crown holiday parks \$288K – net surplus for the month
- carry over capital works \$20K – amount identified as unspent from 2021
- waste management \$29K – net surplus for the month.

(Councillors Keast and Larkins)

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

Against: Nil

11.7 Endorse for exhibition: Restricted Funds Policy**22/323OC**

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

That Council:

1. proceed to public exhibition (for a period of 28 days) of the draft Restricted Funds Policy and that a subsequent finalised policy be presented to a future Council meeting.

2. request the Finance Advisory Committee review the draft policy and provide feedback prior to the end of the exhibition period.

(Councillors Brown and Croxford)

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

Against: Nil

12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

12.1 Quarterly Planning Update and Statistics

22/324OC

Resolved that Council note the update that has been provided on the:

- Planning Reform Program,
- Development Assessment timeframes,
- Land and Environment Court Appeals,
- Planning Proposals,
- Clause 4.6 Variation Approvals, and
- Dwelling Approval and Completion Statistics.

(Councillors Renkema-Lang and Brown)

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

Against: Nil

Item 12.2 *Post exhibition: Minnamurra rockwall assessment – public feedback and recommendations* was dealt with as part of the in globo resolution.

12.3 Kiama Vegetation Study: Receipt of Study and commencement of Bush Fire Prone Land Map certification

Councillor Larkins foreshadowed the original motion.

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

1. note the Kiama Vegetation Study and that community participation is yet to occur

2. note that an exhibition draft of the Planning Proposal will be prepared to review the environmental zonings and terrestrial biodiversity layers of the Kiama LEP 2011 and reported to Council at a future meeting
3. provide the Bush Fire Prone Land Map to the New South Wales Rural Fire Service's Head Quarters for approval and certification
4. provide a report to Council on any anomalies in the vegetation study to that reported by community experts in the community.

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

For: Councillors Keast, Renkema-Lang and Rice

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

22/325OC

Resolved that Council:

1. note and accept the Kiama Vegetation Study,
2. note that a Planning Proposal will be prepared to review the environmental zonings and terrestrial biodiversity layers of the Kiama LEP 2011 and reported to Council at a future meeting, and
3. provide the Bush Fire Prone Land Map to the New South Wales Rural Fire Service's Head Quarters for approval and certification.

(Councillors Larkins and Draisma)

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

Against: Councillors Renkema-Lang and Rice

12.4 Greater Cities Commission - Discussion Paper - Endorsement of Council's Submission

The Chair ruled Councillor Renkema-Lang's amended motion out of order as deemed it was unfair to the process due to Councillors not having had time to read motion:

Councillor Croxford foreshadowed the original motion.

Procedural motion

It was **moved** by Councillor Rice and seconded by Councillor Renkema-Lang that Cr Renkema-Lang's amended motion be put:

That Council write to the Illawarra-Shoalhaven Greater Cities Commissioner, Ms Jacki Johnson, congratulating the Greater Cities Commission on the publication of The Six Cities Region Discussion Paper, and noting that Kiama Council:

1. is supportive of the vision of the Commission and its six region shapers as detailed in the discussion paper,
2. is eager to engage with the Greater Cities Commission so that the visions and objectives detailed in the Kiama Local Strategic Planning Statement and the Community Strategic plan can be aligned with the six region shapers in Illawarra-Shoalhaven Cities Plan, and
3. would welcome support from the Illawarra-Shoalhaven Commission to hold an information forum for the Kiama Community during its next phase of implementation, "Exploring Key Issues and Challenges".

The **motion** to put Councillor Renkema-Lang's motion was **lost**.

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

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

22/326OC

Resolved that Council:

1. Congratulate the Greater Cities Commission on the publication of The Six Cities Region Discussion Paper.
2. Continue to engage with the Greater Cities Commission as they prepare the Illawarra-Shoalhaven City Plan.

(Councillors Croxford and Steel)

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

Against: Councillors Renkema-Lang and Rice

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

13.1 Responsibilities for State Emergency Services facilities

22/327OC

Resolved that Council:

1. write to Transport for NSW declining their offer for Council to acquire Lot 14 DP869959 and to formally request continuation of the existing leasing arrangements with Council; and
2. write to the Hon David Elliott MP Minister for Transport NSW and the Hon Rob Stokes MP, Minister for Infrastructure, Minister for Cities and Minister for Active Transport, noting Council's decision and asking the State Government to guarantee the continued occupation of the site by the Kiama SES Unit should any disposal action continue.

3. provides a copy of letters, as outlined in points 1 and 2, to the NSW Shadow Minister for Transport, Ms Jo Haylen MP, the Parliamentary Secretary for the Illawarra and the State Member for Kiama.

(Councillors Larkins and Draisma)

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

Against: Nil

13.2 2021/22 Capital Works Program Performance and Carryover Projects

22/328OC

Resolved that Council:

1. notes the status of approved projects at the completion of the 2021/22 Capital Works Program.
2. approves the carry-over of \$1,360,668 from the 2021/22 Capital budget into the 2022/23 Capital budget as listed in Table 1 of the report to enable completion of identified projects underway with funding commitments, from the following funding sources –
 - (a) \$25,500 from General Revenue
 - (b) \$990,168 from external grant funds
 - (c) \$345,000 from Crown Lands Reserve.

(Councillors Brown and Steel)

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

Against: Nil

13.3 Post exhibition endorsement - Public Land Management Policy

22/329OC

Resolved that Council defer consideration of the revised Public Land Management Policy to the November 2022 meeting to allow a further internal review of the Policy and for the Policy to be brought back to a future meeting of Council.

(Councillors Draisma and Brown)

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

Against: Nil

13.4 Chapman Point Reserve Amenities

Disclosure of Interest - Councillor Keast

Councillor Keast declared a less than significant non-pecuniary interest in this item 13.4. Cr Keast disclosed and voted on the matter.

Disclosure of Interest - Councillor Larkins

Councillor Larkins declared a less than significant non-pecuniary interest in this item 13.4. Cr Larkins disclosed and voted on the matter.

Disclosure of Interest - Councillor Draisma

Councillor Draisma declared a less than significant non-pecuniary interest in this item 13.4. Cr Draisma disclosed and voted on the matter.

Disclosure of Interest - Councillor Brown

Councillor Brown declared a less than significant non-pecuniary interest in this item 13.4. Cr Brown disclosed and voted on the matter.

Councillor Draisma foreshadowed the original motion.

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

1. not proceed with the project building the toilet block on Chapman Reserve.
2. apply to the funding body for a variation to the grant to reallocate the funding to an equivalent or similar project, such as other amenity upgrade projects already funded under the same program or to the sports field at North Bombo where there are no toilet facilities at all
3. enhance nearby signage directing the community to the public toilet at Surf Beach Caravan Park, subject to available funding
4. update Google Maps to identify the public toilets nearby
5. write to the Kiama District Sport Association advising of the above.

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

For: Councillors Brown and Keast

Against: Councillors Croxford, Draisma, Larkins, Reilly, Renkema-Lang, Rice and Steel

22/3300C

Resolved that Council endorse continuation of the Chapman Point Reserve amenities project as per the approved grant and the amended scope as detailed in this report.

(Councillors Draisma and Croxford)

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

Against: Councillors Brown and Keast

14 REPORT OF THE CHIEF OPERATING OFFICER BLUE HAVEN

14.1 Endorse for exhibition: Independent living units - vacation of premises policy

22/331OC

Resolved that Council:

1. proceed to public exhibition (for a period of 28 days) on the draft guest policy which formalises the rights and responsibilities of guests of Independent Living Unit residents subject to point 7.24 of draft policy being amended to read:

If the Village Resident vacates the unit to permanently enter an Aged Care Facility or becomes deceased, the guest must permanently vacate the unit within 28 days or by other arrangement with village management.

2. receive a subsequent finalised policy at a future Council meeting.

(Councillors Rice and Draisma)

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

Against: Nil

15 REPORTS FOR INFORMATION

22/332OC

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

- 15.5 Question for future meeting: Property boundary encroachments
- 15.6 Questions for Future Meeting Register - October 2022
- 15.8 Implementing Agritourism Changes to the NSW Planning System

(Councillors Brown and Steel)

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

Against: Nil

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

Item 15.1 *Question for future meeting: Ongoing plan of management for cemeteries*

Item 15.2 *Question for future meeting: Planting of trees on rural property*

Item 15.3 *Minutes: Kiama Liquor Accord Meeting - 7 September 2022*

Item 15.4 *Minutes: Minnamurra Progress Association - 7 September 2022*

Item 15.7 *Question for Future Meeting: Golden Valley Road Subdivision*

Item 15.9 *Minutes: Jamberoo Valley Ratepayers and Residents Association – 4 October 2022.*

16 ADDENDUM TO REPORTS

The following items were brought forward in the meeting and dealt with as part of the Mayoral Minutes:

Item 16.1 *John Downes – Jamberoo Rural Fire Service*

Item 16.2 *Illawarra Business Awards 2022*

Item 16.3 *Congratulations to Ali Day*

Item 16.4 *Congratulations to The Bugle - Award for Excellence*

17 NOTICE OF MOTION

17.1 Notice of Motion: Blue Haven Bonaira

An **amendment** was **moved** by Councillor Renkema-Lang and seconded by Councillor Rice that Council receive a report detailing Council's obligations under the Local Government Act 1993 No 30 in relation to the sale of Blue Haven Bonaira noting:

1. the legislated process for the sale of community land.
2. the obligation to produce a Plan of Management for Blue Haven Bonaira.
3. the timing and form of public notice required for the reclassification of public land.

The Chair ruled the amendment unlawful and out of order, therefore the motion lapsed.

Councillor Renkema-Lang raised a **procedural motion** that she disagrees with the Chair's ruling on the amendment and that under 10.7 of the Code of Meeting there should be further opportunity to amend the motion.

Councillor Brown raised a **point of order** that the Chair had made a ruling on the matter and now needed to make a ruling on the procedural motion. The Chair ruled the procedural motion a motion of dissent.

At this time, 7.20pm, standing orders were suspended to deal with the motion of dissent.

Motion of dissent

It was **moved** by Councillor Renkema-Lang that the meeting dissent from the Chairperson's ruling on the amendment being unlawful.

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

For: Councillors Keast, Renkema-Lang and Rice

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

At this time, 7.28 pm, standing orders were resumed.

18 QUESTIONS FOR FUTURE MEETINGS

Nil.

19 CONFIDENTIAL SUMMARY

22/333OC

Resolved that at this time, 7.34pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Reilly and Draisma)

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:**22/334OC**

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.

20.1 TENDER FOR JAMES OATES RESERVE MINNAMURRA AND GAINSBOROUGH OVAL KIAMA DOWNS

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 TENDER FOR KIAMA COUNCIL ADMINISTRATION BUILDING AIR CONDITIONING REPLACEMENT

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.

20.3 THE HOUSING TRUST - LOT 208 DP 792192 - 9 O'CONNELL STREET, GERRINGONG

Reason for Confidentiality: This matter deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business as per Section 10A(2)(c) of the Local Government Act.

20.4 BLUE HAVEN ACCREDITATION UPDATE

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

(Councillors Reilly and Draisma)

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

Against: Nil

20 CONFIDENTIAL REPORTS**Procedural motion****22/335OC**

Resolved that Council bring forward, move in globo and adopt the recommendations contained within the report for items 20.1 and 20.2.

(Councillors Draisma and Larkins)

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

Against: Nil

20.1 Tender for James Oates Reserve, Minnamurra and Gainsborough Oval, Kiama Downs

22/336OC

Resolved that Council:

1. in accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, accept the tender of Batmac Constructions Pty Ltd for KIAMA-1026060 – James Oates Reserve Minnamurra and Gainsborough Oval Kiama Downs, for the sum of \$270,905 (excluding GST) plus a contingency allowance of \$59,095 (Total value of \$330,000 (excl. GST).
2. delegate to the Chief Executive Officer the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
3. grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

(Councillors Draisma and Larkins)

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

Against: Nil

20.2 Tender for Kiama Council administration building air conditioning replacement

22/337OC

Resolved that Council:

1. In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, accept the tender of Coolblue Air-conditioning Pty Ltd for KIAMA- 1027411 – Kiama Council Administration Building Air-conditioning replacement, for the sum of \$600,000.00 (excluding GST), but including a contingency allowance.
2. delegate to the Chief Executive Officer the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
3. grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

(Councillors Draisma and Larkins)

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

Against: Nil

20.3 The Housing Trust - Lot 208 DP 792192 - 9 O'Connell Street, Gerringong

Kathy Rice foreshadowed the motion that Council:

1. offer The Housing Trust a new lease to occupy Lot 208, DP792192, 9 O'Connell Place Gerringong for a term of 5 years plus an option for a further 5 years and annual rental of \$15,000 p.a. plus GST for the purposes of affordable rental housing accommodation and that the Chief Executive Officer be given delegation to sign all documentation associated with the lease. In the event negotiations for a new lease with The Housing Trust as set out in recommendation 1 above are not successful, then
2. suggest that The Housing Trust lodge a proposal to privately negotiate the purchase of the property as per Council's acquisition and disposal of land and easements policy. In the event negotiations for private sale with The Housing Trust are not successful, then
3. in the event negotiations for a new lease with The Housing Trust are not successful as set out in recommendation 1 above, then:
 - a) initiate the sale of 9 O'Connell Place, Gerringong, (Lot 208 DP792192) by engaging an agent from Council's Real Estate Panel of Providers to market for property;
 - b) the net proceeds from sale of the property be distributed between Kiama Municipal Council and The Housing Trust according to the formula in condition 27(4) of the lease for the use of the subject property dated 10 May 1990, and
 - c) a further report be prepared for the consideration of Council with the outcome of the marketing/sale process and recommended sale terms and price of Lot 208 DP792192.

Councillor Brown raised a **point of order** on the legality of the foreshadowed motion and that it contravened the Local Government Act 1993. On advice from the Chief Executive Officer the point of order was sustained.

Councillor Brown raised a **point of order** on whether Councillor Renkema-Lang was debating the motion. The Chair confirmed with Councillor Renkema-Lang that her presentation was part of the debate not a question. The Chair ruled the meeting could continue.

22/338OC

Resolved that Council:

1. offer The Housing Trust a new lease to occupy Lot 208, DP792192, 9 O'Connell Place Gerringong for a term of 5 years plus an option for a further

5 years and annual rental of \$15,000 p.a. plus GST for the purposes of affordable rental housing accommodation and that the Chief Executive Officer be given delegation to sign all documentation associated with the lease.

2. in the event negotiations for a new lease with The Housing Trust are not successful as set out in recommendation 1 above, then:
 - a) initiate the sale of 9 O'Connell Place, Gerringong, (Lot 208 DP792192) by engaging an agent from Council's Real Estate Panel of Providers to market for property;
 - b) the net proceeds from sale of the property be distributed between Kiama Municipal Council and The Housing Trust according to the formula in condition 27(4) of the lease for the use of the subject property dated 10 May 1990, and
 - c) a further report be prepared for the consideration of Council with the outcome of the marketing/sale process and recommended sale terms and price of Lot 208 DP792192.

(Councillors Brown and Steel)

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

Against: Councillors Keast, Renkema-Lang and Rice

20.4 Blue Haven Accreditation Update

Disclosure of Interest - Councillor Keast

Councillor Keast declared a less than significant non-pecuniary interest in Item 20.4. Cr Keast disclosed and voted on this matter.

22/339OC

Resolved that Council note the information contained in the report on the Blue Haven accreditation update.

(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:**22/340OC**

Resolved that at this time, 7.51pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Larkins and Steel)

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

Against: Nil

Adoption of Report

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

22/341OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 22/334OC to 22/340OC be confirmed and adopted.

(Councillors Draisma and Croxford)

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 7.56pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on
15 November 2022

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Mayor