



KIAMA MUNICIPAL COUNCIL
your council, your community

MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 19 JULY 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,
KIAMA, ON TUESDAY 19 JULY 2022 AT 5PM**

PRESENT: Mayor – Councillor N Reilly,
Deputy Mayor – Councillor I Draisma,
K Rice, W Steel, J Keast, S Larkins, K Renkema-Lang and M
Croxford

IN ATTENDANCE: Chief Executive Officer, Director Environmental Services, Blue
Haven Chief Operations Officer and Director Engineering and
Works

1 APOLOGIES

An apology was received from Councillor Brown.

22/1710C

Resolved that the apology tendered from Councillor Brown be accepted and leave
of absence granted.

(Councillors Steel and Croxford)

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

Against: 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 Meeting on 28 June 2022

22/1720C

Resolved that the Minutes of the Ordinary Council Meeting held on 28 June 2022
be received and accepted, subject to the following amendment:

Item 12.7 Post Exhibition - Endorsement of Chapter 4 Heritage and Cultural
Conservation of the Kiama Development Control Plan 2020 and preparation of
Planning Proposal to amend Schedule 5 of the Kiama Local Environmental Plan
2011 point 7 should read 'Kathy Timbs' not 'Kathy Timms'.

Item 15.10 Question for future meeting: Process for seeking Council support for community projects should read:

For: Councillors Croxford and Steel

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

(Councillors Steel and Croxford)

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

Against: Nil

At 5.03pm Councillor Croxford lost video connection.

At 5.04pm Councillor Croxford's video connection was restored.

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 DECLARATIONS OF INTEREST

Disclosure of Interest - Councillor Larkins

Councillor Larkins declared a significant non-pecuniary interest in Item 20.2 Consideration – Aged care facility resident account deficit as his co-worker is a direct beneficiary of the relevant estate. Councillor Larkins proposed to disclose, leave the chamber and not vote on this matter.

Disclosure of Interest - Councillor Keast

Councillor Keast declared a less than significant non-pecuniary interest in Item 12.2 10.2021.317.1 - 2/18 Bourrool Lane, Kiama as a public access speaker representing a neighbouring property owner are both known to Councillor Keast. Councillor Keast 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 20.2 Consideration – Aged care facility resident account deficit as – son of the person's estate is a member of the same political party – propose to disclose and vote on this matter.

Disclosure of Interest - Councillor Rice

Councillor Rice declared a less than significant non-pecuniary interest in Item 20.2 Consideration – Aged care facility resident account deficit as the son of the family involved is known to her. Councillor Rice proposed to disclose and vote on this matter.

22/1730C

Resolved that Council accept declarations of interest.

(Councillors Steel and Renkema-Lang)

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

Against: Nil

6 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

7 PUBLIC ACCESS SUMMARY

Name	Item No.	Subject
Natalie Allen – MMJ	12.2	10.2021.317.1 - 2/18 Bourrool Lane, Kiama
Rick Scott-Murphy	12.2	10.2021.317.1 - 2/18 Bourrool Lane, Kiama
Brian Wilson	13.1	Encroachments onto Eureka reserve

8 MAYORAL MINUTE

8.1 Accounting treatment of Rural Fire Service ('Red Fleet') assets

22/1740C

Motion was put by the Mayor with an **amendment** moved by Councillor Renkema-Lang and **accepted** by the mover:

Resolved that Council:

1. Writes to the local State Member Gareth Ward MP, the Treasurer the Hon Matt Kean MP, Minister for Emergency Services and Resilience the Hon Stephanie Cook MP and the Minister for Local Government Wendy Tuckerman MP:
 - a. Expressing Council's objection to the NSW Government's determination on ownership of Rural Fire Service assets;
 - b. Advising of the impact of the Government's position on Council finances of this accounting treatment;
 - c. Informing that Council will not carry out RFS assets stocktakes on behalf of the NSW Government and will not record RFS assets in Kiama Council's financial statements;
 - d. Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of Rural Fire Service (RFS) assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS; and

- e. Amending s119 of the *Rural Fires Act 1997* so that the effect is to make it clear that RFS assets are not the property of councils.
2. Council writes to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:
 - a. Advising Members of Kiama Council's position, including providing copies of correspondence to NSW Government Ministers; and
 - b. Seeking Members' commitments to support NSW Councils' call to amend the *Rural Fires Act 1997* as set out in correspondence.
3. Kiama Council writes to the Auditor General advising that notwithstanding any overtures of future qualified audits, it will not carry out RFS stocktakes on behalf of the NSW Government and will not record RFS assets in Kiama Council's financial statements, noting that the State Government's own Local Government Accounting Code of Practice and Financial Reporting provides for councils to determine whether or not they record the RFS assets as council assets.
4. Council promotes these messages via its digital and social media channels and via its networks.
5. Re-affirms its complete support of and commitment to local RFS brigades noting that Kiama Council's action is entirely directed towards the NSW Government's position, which councils consider to be unjust and an attempt to the NSW Government to abdicate itself from responsibility at the cost of local communities.
6. Affirms its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on Council's behalf to get clarification finally from the State Government about the accounting treatment of RFS assets.

(Councillors Reilly)

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

Against: Nil

9 MINUTES OF COMMITTEES

9.1 Minutes: Blue Haven Advisory Board - Extraordinary meeting on 25 May 2022

22/1750C

Resolved that the Minutes of the Blue Haven Advisory Committee Extraordinary meeting held on 25 May 2022 be received and the recommendations therein accepted, being:

1. Blue Haven Independent Non-Executive Board Members be immediately removed as Key Personnel as per the Aged Care Act.
2. That Mayor Neil Reilly and CEO Jane Stroud confirm the latest version of the Blue Haven Board Policy and amend by removing Blue Haven Non Executive Board Members as key personnel, include Extraordinary Meeting of Council 12 May 2022 items 5.2.2 and remove all other reference to roles and responsibilities.
3. Meeting attendees unanimously agreed budget consideration should be centred around achieving compliance i.e. spending to meet accreditation, therefore cost cutting measures not identifiable at this time.
4. Blue Haven Chair to request current prudential policy referred to in email dated 25 May 2022 from CEO to be sent to all Blue Haven Board members for context. Blue Haven Chair to seek clarification from CEO as to whether a draft liquidity policy template developed by the Blue Haven Board is being requested.
5. Blue Haven Chair to set up a meeting with Blue Haven Board members, CEO and Blue Haven COO to further understand the compliance implementation plan including tracking of CSS recommendations.
6. Blue Haven Chair to propose to Mayor Neil Reilly and CEO Jane Stroud the assistance of the Blue Haven Board in providing due diligence advice on the sale of retirement and aged care assets.

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

Suspension of Standing Orders

22/176OC

Committee recommendation that at 5.16pm, Standing Orders be suspended in order for Councillor Draisma to move agenda items in globo.

(Councillors Draisma and Steel)

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

Against: Nil

Procedural motion

Resolved that Council bring forward, move in globo and adopt the recommendations contained within the report, for items 14.1, 15.1 and 15.2.

(Councillors Draisma and Keast)

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

Against: Nil

Resumption of Standing Orders

22/1770C

Committee recommendation that at 5.17pm Standing Orders be resumed.

(Councillors Draisma and Larkins)

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

Against: Nil

9.2 Executive summary of minutes: Central Precinct - 28 June 2022

22/1780C

An **amendment** was **moved** by Councillor Renkema-Lang and seconded by Councillor Steel:

That the executive summary of the minutes of the Central Precinct meeting held on 28 June 2022 be received and the motion therein noted:

1. That Kiama Central Precinct supports the petition that has been signed by over 1000 people - most of whom are Kiama LGA residents and urges Council to identify a suitable site for a fenced off-leash dog park. Further, the KCP would appreciate this to be included in the FY22-23 budget.
2. Notes the position of the Kiama Central Precinct outlined in one(1) above and thanks the petition respondents for their community initiative.
3. Include the establishment of an off-lead dog park in the forward budget estimates register for consideration in the 23/24 budget.

(Councillors Renkema-Lang and Steel)

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

Against: Nil

9.3 Minutes: Audit, Risk and Improvement Committee Meeting 24 June 2022**22/179OC**

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

1. Receive and accept the Minutes of the Audit, Risk & Improvement Committee Meeting held on 24 June 2022.
2. Formally note the emails dated 29 June 2022 and 19 July 2022 sent on behalf of ARIC members stating their endorsement of the Financial Statements for Council's consideration, and noting that the audit by the NSW Audit Office is still progressing.

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

(Councillors Renkema-Lang and Keast)

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

Against: Nil

10 PUBLIC ACCESS REPORTS

Nil reports brought forward.

11 REPORT OF THE CHIEF EXECUTIVE OFFICER**11.1 Annual Financial Statements 2020/2021****22/180OC**

Committee recommendation An amendment was moved by Councillor Keast and seconded by Councillor Renkema-Lang that Council:

1. notes the draft financial statements for 2020/2021; and
2. resolves that further work be done on developing a joint statement from Management and Councillors that notes the matters already raised in the State of the Organisation Report and the Strategic Improvement Plan, and which highlights to the public the core challenges being experienced in completing the audit process and underlying financial issues.

(Councillors Keast and Renkema-Lang)

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

Against: Nil

11.2 Statement of Investments - June 2022

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

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

Externally restricted fund movements

- Developer contributions – increased by \$132k with a carrying amount of \$10,256,422.

Internal restricted fund movements

- Carry over works reduced to a nil balance with spend on projects during the month.
- Council Elections invoice paid during June with a carrying balance of \$49,776.

22/1810C

An **amendment** was moved by Councillor Keast and **accepted** by the mover that Council:

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

Externally restricted fund movements

- Developer contributions – increased by \$132k with a carrying amount of \$10,256,422.

Internal restricted fund movements

- Carry over works reduced to a nil balance with spend on projects during the month.
- Council Elections invoice paid during June with a carrying balance of \$49,776.
- Waste and sustainability – decreased by \$9,715 with a carrying balance of \$558,180

(Councillors Renkema-Lang and Steel)

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

Against: Nil

11.3 Monthly Financial Report - May 2022

22/182OC

Committee recommendation that Council receive and adopt the information relating to the Monthly Financial Report for May 2022.

(Councillors Croxford and Larkins)

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

Against: Nil

11.4 Strategic Improvement Plan - Monthly Progress Report

It was **moved** by Councillor Croxford and seconded by Councillor Draisma that Council receive the report on the Strategic Improvement Plan and note the progress of actions undertaken for the past month.

22/183OC

An amendment was moved by Councillor Renkema-Lang and seconded by Councillor Keast, and **resolved** that:

1. Council receive the report on the Strategic Improvement Plan and note the progress of actions undertaken for the past month
2. The SIP be updated to include an 'immediate' action to establish "a project to manage the implementation of the Strategic Improvement Plan." (in accordance with point 2 of resolution 22/072C of 17 May 2022).

(Councillors Croxford and Draisma)

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

Against: Councillors Croxford, Reilly and Steel

11.5 Kiama Tourism Advisory Committee - Lateral Events - L'Étape Australia Agreement

It was **moved** by Councillor Steel and seconded by Councillor Larkins that Council endorse the Tourism Advisory Committees recommendation to:

1. Note the support requested from Lateral Events associated with L'Étape Australia for 2022, 2023, 2024 and advocate for the ride to start and finish in Kiama Municipal Council.
2. Write to Lateral Events and express Council's support and excitement for long-awaited 2022 event, noting Council's preference for the start and end of the race to be held in Kiama.

3. Provide Lateral Event Management a one year agreement for the in-kind support for venue hire, waste services and storage of a storage container in association with the L'Étape Australia Event.
4. Include within the one year agreement a 50% contribution to the crowd control barriers for the event, to a maximum of \$5,000 in association of the L'Étape Australia November 2022 event.
5. Not include within the agreement the cost of any catering services associated with the event or any damage or bond deposits.
6. Include within any agreement, minimum requirements in acknowledging Council sponsorship and aiding in the promotion of Kiama as set in the agreement of 2020 and require thorough post event and economic impact reporting.
7. Note that the agreement is subject to all required documentation pertaining to permits, risk and waste management, as wells as communications being received within the required timeframes.
8. Explain Council's inability to commit beyond the 2022-23 financial year, and instead, provide in-principal support for the subsequent two years following the success of the 2022 event and refer this item to the forward budget estimates register.

22/184OC

Committee recommendation of Councillor Renkema-Lang and by consent, the motion was varied and resolved as follows:

That Council endorse the Tourism Advisory Committees recommendation to:

1. Note the support requested from Lateral Events associated with L'Étape Australia for 2022, 2023, 2024 and advocate for the ride to start and finish in Kiama Municipal Council.
2. Write to Lateral Events and express Council's support and excitement for long-awaited 2022 event, noting Council's preference for the start and end of the race to be held in Kiama.
3. Provide Lateral Event Management a one year agreement for the in-kind support for venue hire, waste services and storage of a storage container in association with the L'Étape Australia Event.
4. Include within the one year agreement a 50% contribution to the crowd control barriers for the event, to a maximum of \$5,000 in association of the L'Étape Australia November 2022 event.
5. Not include within the agreement the cost of any catering services associated with the event or any damage or bond deposits.
6. Include within any agreement, minimum requirements in acknowledging Council sponsorship and aiding in the promotion of Kiama as set in the agreement of 2020 and require thorough post event and economic impact reporting.

7. Note that the agreement is subject to all required documentation pertaining to permits, risk and waste management, as well as communications being received within the required timeframes.
8. Explain Council's inability to commit beyond the 2022-23 financial year, and instead, provide in-principal support for the subsequent two years following the success of the 2022 event and refer this item to the forward budget estimates register.
9. Note that Lateral will provide a post event analysis including postcode breakdown, event report, and economic impact report after each edition of the event.

(Councillors Steel and Larkins)

For: Councillors 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

It was **moved** by Councillor Draisma and seconded by Councillor Croxford 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

22/185OC

An amendment was moved by Councillor Renkema-Lang and seconded by Councillor Keast that:

1. Council note the update that has been provided on the:
 - a. Planning Reform Program,
 - b. Development Assessment timeframes,
 - c. Land and Environment Court Appeals,
 - d. Planning Proposals,
 - e. Clause 4.6 Variation Approvals, and
 - f. Dwelling Approval and Completion Statistics
2. Future quarterly planning updates include:
 - a. A table listing Land and Environment Court Appeals and outcomes

- b. Projections for population growth and housing needs in the Kiama LGA as part of the dwelling approval and completion statistics where available.

(Councillors Renkema-Lang and Keast)

The **Amendment** on being put was **Carried**.

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

Against: Councillors Draisma, Larkins, Reilly and Steel

The Amendment was carried on the casting vote of the Mayor

The **Amendment** became the adopted **Motion**

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

Against: Nil

Councillor Keast raised a **point of order** to move into Committee of the Whole.

22/186OC

Resolved that at this time, 6.10pm, Council form itself into a Committee of the Whole to deal with Item 12.2 10.2021.317.1 - 2/18 Bourrool Lane, Kiama and 13.1 Encroachments onto Eureka Reserve.

(Councillors Keast)

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

Against: Nil

12.2 10.2021.317.1 - 2/18 Bourrool Lane, Kiama

Disclosure of Interest – Councillor Keast

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

22/187OC

Committee recommendation that Council approve Development Application No 10.2021.317.1 for alterations and additions at 2/18 Bourrool Lane subject to conditions of consent.

(Councillors Steel and Croxford)

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

Against: Councillors Keast, Renkema-Lang and Rice

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

13.1 Encroachments onto Eureka reserve

An amendment was moved by Councillor Steel, seconded by Councillor Croxford and further amended by Councillor Larkins that Council:

1. Re-affirms that private encroachments on public-reserve land is unacceptable and will enforce breaches under the Local Government Act 1993.
2. Resolves to commence the reclassification of land forming part of lot 1 DP593079 Eureka Reserve located adjacent to lots DP231597, 1019, 1020, 1021, and 1018 from community purpose to operational land, to enable the disposal of the land to affected land owners and to address long standing encroachment issues that Council's own building and swimming pool approval processes contributed to and which created a false boundary line at the rear of the properties.
3. Charges all costs associated with the land reclassification and disposal costs onto the affected landowners of lots and notes the undertakings given from all owners made in correspondence and during public access to pay those costs and purchase the land once reclassified.
4. Notes that failure to proceed and comply with points 2 and 3 of the report entitled "Encroachments onto Eureka Reserve" dated 19 July 2022 will result in Council seeking costs and expenses from the affected landowners of lots DP231597, 1019, 1020, 1021, and 1018 which are adjacent to 1 DP593079 Eureka Reserve, and the continuation of Notices and Orders under the Local Government Act 1993 for the removal of the illegal structures and ground reinstatement.
5. Notes the measures taken by staff to ensure that current development assessment approval processes and additional checks are in place to avoid a reoccurrence of this issue.

22/188OC

Committee recommendation was moved by Councillor Steel, seconded by Councillor Croxford and further amended by Councillor Larkins that Council:

1. Re-affirms that private encroachments on public-reserve land is unacceptable and will enforce breaches under the Local Government Act 1993.
2. Resolves to commence the reclassification of land forming part of lot 1 DP593079 Eureka Reserve located adjacent to lots DP231597, 1019, 1020, 1021, and 1018 from community purpose to operational land, to enable the disposal of the land to affected land owners and to address long standing encroachment issues that Council's own building and

- swimming pool approval processes contributed to and which created a false boundary line at the rear of the properties.
3. Charges all costs associated with the land reclassification and disposal costs onto the affected landowners of lots and notes the undertakings given from all owners made in correspondence and during public access to pay those costs and purchase the land once reclassified.
 4. Notes that failure to proceed and comply with points 2 and 3 of the report entitled "Encroachments onto Eureka Reserve" dated 19 July 2022 will result in Council seeking costs and expenses from the affected landowners of lots DP231597, 1019, 1020, 1021, and 1018 which are adjacent to 1 DP593079 Eureka Reserve, and the continuation of Notices and Orders under the Local Government Act 1993 for the removal of the illegal structures and ground reinstatement.
 5. Notes the measures taken by staff to ensure that current development assessment approval processes and additional checks are in place to avoid a reoccurrence of this issue.

(Councillors Steel and Larkins)

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

Against: Councillors Keast and Rice

22/189OC

Resolved that at this time, 6.40pm, the Committee of the Whole revert to Open Council.

(Councillors Larkins and Keast)

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

Against: Nil

22/190OC

Resolved that at this time, 6.41pm, bring into Ordinary Council the recommendations made in Committee of the Whole

(Councillors Draisma and Larkins)

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

Against: Nil

13.2 Markets Policy

22/191OC

Committee recommendation that Council adopt the Policy for Markets – Public Spaces as attached to this report.

(Councillors Draisma and Larkins)

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

Against: Nil

14 REPORT OF THE DIRECTOR BLUE HAVEN

Item 14.1: Blue Haven Villages - resident meetings has been dealt with earlier in the meeting as part of the in globo resolution.

15 REPORTS FOR INFORMATION

RECOMMENDATION

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

15.1 Question for future meeting: Bombo Quarry Stairs has been dealt with earlier in the meeting as part of the in globo resolution

15.2 Minutes: Jamberoo Valley Ratepayers and Residents Association - 5 July 2022 has been dealt with earlier in the meeting as part of the in globo resolution

15.3 Questions for Future Meeting Register - July 2022

15.4 Kiama Local Environmental Plan 2011.

22/192OC

Resolved that at this time, 6.42pm, Council form itself into a Committee of the Whole to deal with Item 15.4 Kiama Local Environmental Plan 2011.

(Councillors Keast and Draisma)

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

Against: Nil

15.4 Kiama Local Environmental Plan 2011

The Mayor raised a **point of order** requesting that Councillor Croxford withdraw comments regarding state government employees. Councillor Croxford's audio was inconsistent at this point in time.

22/1930C

Resolved that :

1. The Mayor and CEO jointly write to the Minister for Planning and Homes on Council's behalf, requesting that the NSW Government overturn the Department of Planning's decision to rezone South Kiama for urban development and seek advocacy from the Premier and Local Member on the same matter on the grounds that:
 - a. Rezoning of this land will result in the permanent loss of Agricultural land with "great potential for small-scale agricultural development to support the recovery and resilience of farm businesses in regional economies and represent a diverse and unique tourism offering, including food and wine trails, farm stays, farmers, and farm experiences" (page 41- Illawarra Shoalhaven Strategic Plan 2041)
 - b. The NSW Government has yet to advise on their strategy for the protection of important agricultural land in the Kiama Local Government Area, as the mapping of State Significant Agricultural Land has yet to be completed
 - c. Population projections and dwelling number requirements are changing due to external and unpredictable influences, as acknowledged on page 17 of the independent assessor's report
 - d. The current sewer system is already beyond capacity as evidenced by the frequent sewerage spills into Boneyard, Bombo, and Black Beaches (major international tourist attractions to the Kiama LGA)
 - e. An LGA-wide analysis of housing types, numbers, time-frames, and the combined stormwater and sewerage capacity requirements is required to inform the feasibility, appropriate timing, and most suitable location for any urban rezoning and expansion
 - f. The independent assessment did not adequately consider the strong community sentiment and high value placed on this landscape by both Aboriginal and non-indigenous people, as expressed in over 300 written submissions.
 - g. That the area is highly prone to landslips.
 - h. That Council has not been provided satisfactory information by Transport for NSW and the NSW Department of Education on this proposals impact on the Princes Highway, local roads and schools.
2. A copy of this letter, in point 1, is provided to the NSW Opposition Leader, Mr Chris Minns MP.

(Councillors Renkema-Lang and Keast)

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

Against: Nil

22/194OC

Resolved that at this time, 7.08pm, the Committee of the Whole revert to Open Council.

(Councillors Larkins and Draisma)

22/195OC

Resolved that at this time, 7.08pm, bring into Ordinary Council the recommendations made in Committee of the Whole

(Councillors Keast and Larkins)

22/196OC

Resolved that Item 15.4 Kiama Local Environmental Plan 2011 was decided by a motion unanimously.

(Councillors Reilly and Draisma)

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

Against: Nil

16 ADDENDUM TO REPORTS

Nil

17 NOTICE OF MOTION

17.1 Blue Haven Bonaira financing table to be withdrawn, re-worked and re-reported.

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

1. Recognises the limitations and possibility of errors and omissions in reporting reserve movements, as advised in briefings provided to Council on the forensic audit.
2. Reviews the Statement of Investments reports to validate movements of Blue Haven reserves for the period August 2016 and July 2018.
3. Corrects the errors and omissions in the table outlining the financing of Blue Haven Bonaira (Item 16.3, page 417 of the Council's supplementary agenda, 28 June 2022) and places the corrected data on the public record.
4. Makes a public statement that Council will continue to work towards presenting complete and accurate data about previous financial movements and correct anomalies as they come to light.

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

Against: Councillors Croxford, Larkins, Reilly and Steel

The resolution was **lost** on the casting vote of the Mayor.

17.2 Assessment criteria for approving applications to prune or remove trees

22/1970C

Resolved that Council:

1. Review and revise DCP Chapter 2 – clauses 2.4.1 to 2.4.3 and the tree assessment risk matrix at appendix 5, so that the risks to all people (on private or public land) are considered when Council is assessing applications to prune or remove trees.
2. Development of the Kiama Urban Greening Strategy and associated policies related to tree management be included in the forward budget estimates register for consideration in the 23/24 budget.

(Councillors Renkema-Lang and Keast)

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

Against: Nil

17.3 Limit of Council meeting times and volume of agenda papers

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

1. A Councillor briefing session be held, no later than 9 August, to give all Councillors the opportunity to provide suggestions:
 - a. for improving Council agenda papers with regard to structure and reducing the total volume of pages to be considered at each meeting
 - b. for ensuring open and fair debate is fostered while keeping the duration of each meeting to an acceptable timeframe.
2. The draft code of meeting practice be updated to reflect agreed outcomes of the briefing.

3. Council avoid, as far as practical, training or ad hoc meetings between release of agenda papers and the date of the Council meeting (particularly if a large agenda is expected).

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

Against: Councillors Croxford, Draisma, Larkins and Reilly

The resolution was **lost** on the casting vote of the Mayor.

17.4 Rock Fishing safety

22/198OC

Resolved that Council:

1. Write to the Illawarra Shoalhaven Joint Organisation, with a request to collaborate with Kiama Council in identifying high-risk Rock Fishing locations in the Kiama LGA.
2. Pursue stakeholder and community engagement for 28 days on a proposal to opt-in to the Rock Fishing Act 2016, which would see areas within the Kiama LGA declared as high-risk fishing locations as part of 2022/23 Budget and Delivery Program, subject to availability of additional grant funding or remaining budgetary funds.
3. Bring a report to Council with the outcome of the engagement with a view to have Council resolve to request the Minister for Local Government to make a declaration under the Rock Fishing Safety Act 2016 that the Kiama LGA is an area where high risk rock fishing takes place.

(Councillors Draisma and Larkins)

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

Against: Nil

17.5 Bluehaven transparency

Upon receiving advice from the Public Officer Councillor Draisma withdrew the motion.

18 QUESTIONS FOR FUTURE MEETINGS

The Mayor referred to Council's Drug and Alcohol Policy and requested Councillor Croxford confirm that his comments related to prescription drugs only.

18.1 – Increasing flood risks across the LGA

Councillor Lang requested a report to be provided on Council's plans to respond to the increasing flood risks across the LGA giving consideration to the incidents reported to Council over the past two years where intense rain and flooding has resulted in people having to evacuate, having to be rescued from flood waters, or being isolated because of landslides or flooded roads. Having regard to the correlation with incidents reported above with the high risks identified in the Jamberoo and Gerringong flood studies risks H3-H6 affecting people, elderly and children and the escalating risk to public safety and Council for responsibility for duty of care and how Council plans to prioritise spending and actions in the short, medium and long term to mitigate these escalating risks.

18.2 – Ongoing plan of management for cemeteries

Councillor Larkins requested a report on whether Council have an ongoing plan of management for cemeteries in the Kiama, specifically for Bombo Cemetery, that responds to adverse weather impacts and cemeteries at capacity?

18.3 – Budgeted funds for coastal walking track

Councillor Rice requested a report on how the funds budgeted for signage of the coastal walking track in the Operational Plan, are planned to be used in the next financial year.

When will details of this be provided for the information of councillors and the walking tracks and cycleways committee.

18.4 – Aged care facility on community land

Councillor Rice requested Council be provided with a report that concisely explains why an aged care facility cannot operate on community land when it can be identified as seniors housing.

19 CONFIDENTIAL SUMMARY

22/1990C

Resolved that at this time, 8.01pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Draisma and Keast)

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:*22/2000C*

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 FINANCE ADVISORY COMMITTEE - BUDGET RECOMMENDATIONS

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. .

20.2 CONSIDERATION - AGED CARE FACILITY RESIDENT ACCOUNT DEFICIT

Reason for Confidentiality: This matter deals with discussion in relation to the personal hardship of a resident or ratepayer as per Section 10A(2)(b) of the Local Government Act. .

20.3 AGED CARE QUALITY AND SAFETY COMMISSION COMPLAINTS UPDATE

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. .

20.4 SUPPLY AND LAY OF ASPHALTIC CONCRETE 2022

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. .

20.5 INDEPENDENT LIVING UNITS - CARETAKING FUNCTION

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. .

20.6 REFER TO ITEM 15.4: INDEPENDENT REVIEW REPORT - SOUTH KIAMA PLANNING PROPOSAL

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

(Councillors Keast and Renkema-Lang)

20 CONFIDENTIAL REPORTS

20.1 Finance Advisory Committee - budget recommendations

22/2010C

An **amendment** was moved by Councillor Draisma, seconded by Councillor Croxford. A further amendment was moved by Councillor Larkins and accepted by the mover. A further amendment was also moved by Councillor Keast and accepted by the mover.

Resolved that Council:

1. Receive and thank the Finance Advisory Committee for their recommendations on potential cost savings, income generation and asset divestments to support Council's forward budget and long term financial plan.
2. Consider at a future workshop for Councillors which of the Finance Advisory Committee recommendations they wish to:
 - a. incorporate, with agreed outcomes into the 2022/23 first quarter budget review report; and/or
 - b. have further investigated for future consideration.

(Councillors Draisma and Croxford)

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

Against: Nil

20.2 Consideration - aged care facility resident account deficit

Disclosure of Interest – Councillor Larkins

Councillor Larkins disclosed a significant non-pecuniary interest in this item 20.2 Consideration – aged care facility resident account deficit as a co-worker is a direct beneficiary of the relevant estate. Councillor Larkins left the chamber and took no part in discussion or voting on this matter.

Councillor S Larkins left the meeting at 8.17pm.

22/2020C

Resolved that this matter be deferred.

(Councillors Draisma and Keast)

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

Against: Nil

Councillor S Larkins returned to the meeting at 8.21pm.

20.3 Aged Care Quality and Safety Commission complaints update

22/203OC

Resolved that Council receive the update on Aged Care Quality and Safety Commission current complaints for the Blue Haven residential aged care facility.

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

20.4 Supply and Lay of Asphaltic Concrete 2022

22/204OC

Resolved that Council:

1. Approves the purchase of Asphaltic Concrete from Roadworx at an average cost of \$191.19 + GST per tonne
2. Note that based on estimated supply volume of 5000t per annum, the total estimated value of this supply agreement will be approximately \$1,000,000 plus GST, to be funded from Council's approved Capital Works Budget.

(Councillors Steel and Larkins)

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

Against: Nil

20.5 Independent Living Units - Caretaking Function

22/205OC

Resolved that Council endorse the changes to the contract caretaking arrangements from 1 July 2022, as described in the report.

(Councillors Steel and Draisma)

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

Against: Nil

20.6 REFER TO ITEM 15.4: Independent Review Report - South Kiama Planning Proposal

The business papers were re-run on 15 July 2022 following the NSW State Government making this report public.

Close of Confidential Committee of the Whole:

22/206OC

Resolved that at this time, 8.23pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Draisma)

For: Councillors 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.

RECOMMENDED

Resolved that the Confidential Committee of the Whole recommendations numbered 22/171OC to 22/208OC be confirmed and adopted.

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

Against: Nil

21 CLOSURE

There being no further business the meeting closed at 8.27pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 16 August
2022

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Mayor