



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 21 FEBRUARY 2023

Council Chambers
11 Manning Street, KIAMA NSW 2533

**MINUTES OF THE ORDINARY MEETING OF
THE COUNCIL OF THE MUNICIPALITY OF KIAMA
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON TUESDAY 21 FEBRUARY 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 Environmental Services
Joe Gaudiosi – Chief Operating Officer
Mike Dowd – Director Engineering and Works
Daryl Hagger – Interim Chief Financial Officer

OPENING OF MEETING

The Mayor declared the meeting open at 5 pm.

WEBCASTING STATEMENT

The Mayor informed those in attendance that the meeting is recorded and made publicly available on the Council’s website and that persons attending should refrain from making any defamatory statements.

1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Mayor acknowledged the traditional owners:

“I would like to acknowledge the land on which we meet is that of the Wadi Wadi people of the Dharawal nation, and I would like to show our respect to their Elders past, present and emerging, and look forward to their guidance spiritually in our meeting as we proceed.”

2 APOLOGIES

Nil.

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.”

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Council meeting held on 20 December 2022

23/001OC

Resolved that the Minutes of the Ordinary Council meeting held on 20 December 2022 be received and accepted.

(Councillors Larkins and Brown)

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

Against: Nil

4 BUSINESS ARISING FROM THE MINUTES

Nil.

5 DECLARATIONS OF INTEREST

Disclosure of Interest - Councillor Larkins

Councillor Larkins declared a significant non-pecuniary interest in matter 12.5 *Federal funding for Trove* as the staff recommendation makes direct reference to Councillor Larkins employer. Councillor Larkins proposed to disclose, leave the Chamber and take no part in voting on item 12.5.

Disclosure of Interest - Councillor Draisma

Councillor Draisma declared a non-significant non-pecuniary interest in matter 12.2 *10.2021.26.1 Golden Valley Road, Jamberoo* as Councillor Draisma knows the applicant and the applicant's family. Councillor Draisma proposed to disclose and vote.

Disclosure of Interest - Councillor Brown

Councillor Brown declared a non-significant non-pecuniary interest in matter 12.2 *10.2021.26.1 Golden Valley Road, Jamberoo* as Councillor Brown is on the Illawarra Walking Tracks Partnership Committee with the applicant. Councillor Brown proposed to disclose and vote.

6 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil.

7 PUBLIC ACCESS SUMMARY

Name	Item	Subject
Belinda Hibbert	8.4	Jamberoo Flood Study
Ros Neilson	12.2	10.2021.26.1 - 15 Golden Valley Road, Jamberoo
Lawson Fredericks	12.2	10.2021.26.1 - 15 Golden Valley Road, Jamberoo
Sarah Worboys	12.3	10.2022.109.1 - 15-17 Blackwood Street, Gerringong
Jim Murray	12.3	10.2022.109.1 - 15-17 Blackwood Street, Gerringong

8 MAYORAL MINUTE

8.1 Vale Tony Hardy

23/002OC

Resolved that Council acknowledge the passing of Tony Hardy, Council's Manager of Waste Service, and observe a minute's silence.

(Councillor Reilly)

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

Against: Nil

All those present paid their respects, standing for a minute's silence.

8.2 Australia Day 2023 Awards

23/003OC

Resolved that Council formally congratulate the following recipients of the 2023 Australia Day awards for the Kiama Municipality:

- Community Group of the Year – Surf Rescue 50 Crews
- Senior Citizen of the Year – Bev Sherwood
- Young Citizen of the Year – Ava Snelling

- Citizen of the Year – Korin Koutsomihalis

(Councillor Reilly)

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

Against: Nil

8.3 Congratulations Gary McKay, Darrell Shephard and Maura Cato Australia Day Honours Roll 2023

23/004OC

Resolved that Council formally congratulate Gary McKay, Darrell Shephard, Maura Cato and the late Peter Bowman on receiving a Medal of the Order of Australia.

(Councillor Reilly)

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

Against: Nil

8.4 Jamberoo Flood Study

23/005OC

Resolved that Council:

1. Take immediate action to investigate and establish an early warning system to provide early notice to the Jamberoo Preschool of impending flooding.
2. Write to the Hon Sarah Mitchell MLC, Minister for Education and Early Childhood Learning, the Hon Prue Car MP, Shadow Minister for Education and Early Childhood Learning, the Hon Gareth Ward, Member for Kiama, the Hon Ryan Park MP, Shadow Minister for the Illawarra and South Coast and to Georgina Harrisson, Secretary of the Department of Education seeking their support in finding a long term solution to relocate the Jamberoo Preschool to a purpose-built facility, potentially attached to the school system.
3. Write to the Hon Steph Cooke MP, Minister for Flood Recovery, Emergency Services and Resilience and the Hon Jihad Dib MP Shadow Minister for Emergency Services seeking their support for Council's submission to the NSW Flood Recovery and Resilience - Emergency Response Fund regarding flood warning systems.

(Councillor Reilly)

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

Against: Nil

Procedural motion**23/006OC**

Resolved that Council move in globo and adopt the recommendations contained with the report for items 9.3, 11.7, 11.8, 12.1, 13.1, 13.2, 13.3, 13.4, 13.5, 15.1, 15.5, 15.6, 15.7, 15.8, 15.9 and 15.10.

(Councillors Draisma and Larkins)

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

Against: Nil

9 MINUTES OF COMMITTEES**9.1 Minutes: Audit, Risk and Improvement Committee - 15 December 2022****23/007OC**

Resolved that the Minutes of the Audit, Risk and Improvement Committee meeting held on 15 December 2022 be received and the recommendations accepted, being:

22/142ARIC that the Audit, Risk and Improvement Committee notes the information in the report on action items.

22/143ARIC that the Audit, Risk and Improvement Committee note the information on risk management activity contained in this report and provide feedback on strategic risk register prior to Council endorsement.

22/144ARIC that the Audit, Risk, and Improvement Committee note the recommendations made in the internal audit report on payroll and leave management.

22/145ARIC that the Audit, Risk, and Improvement Committee notes the information in the progress report on audit recommendations.

22/146ARIC that the Audit, Risk and Improvement Committee receive the Monthly Financial Report for October 2022.

22/147ARIC that the Audit, Risk and Improvement Committee note the update provided on the 2021 and 2022 audit of Council's financial statements.

22/148ARIC that the Audit, Risk and Improvement Committee notes the information provided in the revised cash flow for the 2 year period until 2024 and requested by TCorp.

22/149ARIC that the Audit, Risk and Improvement Committee note and receive the update provided by the Chief Executive Officer on the operations of the business.

(Councillors Steel and Renkema-Lang)

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

Against: Nil

9.2 Minutes: Destination Kiama Tourism Advisory Committee Meeting – 24 January 2023

23/008OC

Resolved that the Minutes of the Tourism Advisory Committee Meeting held on 24 January 2023 be received and the following recommendations therein accepted, being:

1. That the proposed *Local Tourism Survey* is distributed to Destination Kiama Partners as well as the wider local community, with special effort to reach local minority groups. Along with the survey, an invitation to join a Focus Group to further assist in setting priorities to shape the Tourism Action Plan in 2023 will be provided.
2. That the Kiama New Year's Eve Sky Show 2022 Post Event Report is received for information.
3. That the Seaside and Valley Post Event Report is received for information.
4. That the request to roll the allocated Destination Kiama Event Funding for the Jamberoo Car Show from 2021/22 financial year to 2022/23 be accepted and reallocated.

(Councillors Brown and Croxford)

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

Against: Nil

9.3 Minutes: Kiama Local Traffic Committee - 7 February 2023

23/009OC

Resolved that the Minutes of the Kiama Local Traffic Committee meeting held on 7 February 2023 be received and the following recommendations accepted:

23/001LTC

That the traffic changes associated with the Kiama Beach Tag event on Saturday 4 March 2023 from 7am to 9pm be approved subject to the following conditions:

1. The event organiser comply with the Traffic Management Plan shown in Attachments.

2. Notification of the closures be given to Police, local emergency services, businesses and affected residents by the event organiser, including the holiday park.
3. Signage to be placed along Bonaira Street stating "Side road closed ahead".
4. Notification of the closures shall be placed on Council's website a minimum of seven days prior to the event.

23/002LTC

That the traffic changes associated with the Jazz & Blues Festival event from 10am to 6pm on Sunday 12 March 2023 be approved subject to the following conditions:

1. The event organiser comply with the Traffic Management Plan shown in Attachments.
2. Notification of the closures be given to Police, local emergency services, transport agencies businesses and affected residents by the event organiser a minimum of seven (7) days prior to the event.
3. The Traffic Management Plan be updated to include hostile vehicle mitigation measures and the organiser is notified with this condition.
4. Access will need to be maintained for police and emergency vehicles.
5. Notification of the closures shall be placed on Council's website a minimum of seven (7) days prior to the event.

23/003LTC

That the traffic changes associated with the Wind & Waves Festival event on Saturday 11 and Sunday 12 February 2023, from 6am to 6pm. each day, be approved subject to the following conditions:

1. The event organiser comply with the Traffic Management Plan shown in Attachments.
2. Notification of the closures be given to Police, local emergency services, businesses, the holiday park and affected residents especially near the entrance to the event, by the event organiser a minimum of seven (7) days prior to the event.
3. Notification of the closures shall be placed on Council's website a minimum of seven (7) days prior to the event.
4. Residents, including van park visitors will be permitted to gain vehicular access to their properties at all times.

(Councillors Draisma and Larkins)

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

Against: Nil

10 PUBLIC ACCESS REPORTS

No reports brought forward.

11 REPORT OF THE CHIEF EXECUTIVE OFFICER

11.1 Arrangements for administration of the 2024 Ordinary Council Election

23/0100C

Resolved that Council resolves:

1. Pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) (“the Act”) that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.
4. To authorise the Chief Executive Officer to conduct negotiations with the NSW Electoral Commission for the administration of the Ordinary Council Election in 2024 and to finalise a contract for engagement, no later than 13 March 2023.

(Councillors Draisma and Larkins)

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

Against: Nil

11.2 Australian Local Government Association - National General Assembly 2023 - Councillor attendance and call for motions

23/0110C

Resolved that Council:

1. Determines Councillors Rice, Reilly, Draisma and Renkema-Lang to attend the Australian Local Government Association’s National General Assembly held in Canberra on 13-16 June 2023.
2. Determines Councillors Reilly, Draisma and Rice to be registered as the voting delegates at the National General Assembly.
2. Submits any motions for the National General Assembly to the Australian Local Government Association prior to 24 March 2023.

(Councillors Brown and Steel)

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

Against: Nil

11.3 Integrated Planning and Reporting: half-yearly report July - December 2022**23/0120C**

Resolved that Council receives the half-yearly progress report of the Delivery Program 2022-2026 and the Operational Plan 2022-2023 for the period July to December 2022.

(Councillors Keast and Steel)

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

Against: Nil

11.4 Monthly Financial Report - December 2022**23/0130C**

Resolved that Council receive the Monthly Financial Report for December 2022.

(Councillors Brown and Croxford)

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

Against: Nil

11.5 Statement of Investments - January 2023**23/0140C**

Resolved that Council defer item 11.5 to the Extraordinary Council meeting being held on 28 February 2023.

(Councillors Keast and Rice)

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

Against: Nil

11.6 Financial quarterly budget review - quarter ending December 2022**23/015OC****Resolved** that Council:

1. Receive and adopt the quarterly budget review for the quarter ending 31 December 2022.
2. Adopt the revenue, expenditure and capital budget adjustments as noted in the December Quarterly Budget review.

(Councillors Renkema-Lang and Brown)

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

Against: Nil

11.7 Endorse for public exhibition: Draft Gifts and Benefits Policy**23/016OC**

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

(Councillors Draisma and Larkins)

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

Against: Nil

11.8 Endorse for public exhibition: Draft Procurement Policy**23/017OC**

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

(Councillors Draisma and Larkins)

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

Against: Nil

12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

12.1 2023 NAIDOC Week School Initiative

23/018OC

Resolved that Council agree to participate in the 2023 NAIDOC Week School Initiative.

(Councillors Draisma and Larkins)

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

Against: Nil

12.2 10.2021.26.1 - 15 Golden Valley Road, Jamberoo

Disclosure of Interest - Councillor Brown

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

Disclosure of Interest - Councillor Draisma

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

23/019OC

An alternate motion was moved by Councillor Renkema-Lang and seconded by Councillor Rice that Council:

1. Refuse Development Application No 10.2021.26.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, for the following reasons:
 - I. Having regard to the matters for consideration in the Environmental Planning and Assessment Act 1979 contained in Section 4.15(1)(a)(iii), the proposal is unacceptable and must be refused because the proposal is inconsistent with the aims of Kiama Development Control Plan 2020 in Topic 1.5 because the proposal:
 - a. Does not ensure future development responds positively to the qualities of the site and the character of the surrounding locality; and
 - b. Does not respond positively to the qualities of the site as it detracts from the natural, cultural and agricultural values of the Kiama LGA and
 - c. Does not promote development that is accessible and adaptable to meet the existing and future needs of all residents.
 - II. Having regard to the matters for consideration in the Environmental Planning and Assessment Act 1979 contained in Section 4.15(1)(a)(iii), the proposal is unacceptable and must be refused because the proposal is inconsistent with the objectives of Topic 12.4 of Kiama Development

Control Plan 2020 as it is not compatible with the desired future character of the Jamberoo Village.

- III. Having regard to the matters for consideration in Environmental Planning and Assessment Act 1979 contained in Section 4.15(1)(b) the proposal is unacceptable and must be refused because adverse impacts will likely result to the known Aboriginal artifacts on site and appropriate mitigation measures and adequate protection has not been provided.
- IV. Having regard to the matters for consideration in the Environmental Planning and Assessment Act 1979 contained in Section 4.15(1)(a)(iii), the proposal is unacceptable and must be refused because the proposal does not comply with the controls contained within Chapter 12 Topic 12.4 of Kiama Development Control Plan 2020 regarding residential subdivision, specifically:
 - a. road design including carriageway widths, parking bays and footpaths.
- V. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(d) the proposal is unacceptable and must be refused as submissions have been lodged objecting to the development on grounds of:
 - a. Non-compliance with DCP controls; and
 - b. Traffic impacts; and
 - c. Sewer and water servicing; and
 - d. Subdivision layout/lot yield; and
 - e. Aboriginal Heritage impacts; and
 - f. Landscaping.
- VI. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(e) the proposed development is not in the public interest since the relevant objectives and controls of Development Control Plan 2020 have been generally consistently applied by the Council since its adoption and have not been abandoned by decisions made by the Council..

2. Advise those that made a submission of Council's decision.

Councillor Croxford foreshadowed a motion to put the staff recommendation.

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

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

Against: Councillors Brown, Croxford and Steel

12.3 10.2022.109.1 - 15-17 Blackwood Street, Gerringong

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

1. Approve Development Application No 10.2022.109.1 – 15-17 Blackwood Street, Gerringong with appropriate conditions of consent.
2. Grant an easement to support the development and condition this within the consent and delegate to the CEO final sign off of legal documentation (including details within 88b Instrument) for the easement.
3. Advise persons who made a submission of Council's decision.

Councillor Renkema-Lang foreshadowed an alternate motion.

At the request of Councillor Larkins and by consent the motion was varied as follows:

That Council:

1. Approve Development Application No 10.2022.109.1 – 15-17 Blackwood Street, Gerringong with appropriate conditions of consent, including:
 - (a) requiring an extension of existing footpath along the Blackwood Street frontage.
2. Grant an easement to support the development and condition this within the consent and delegate to the CEO final sign off of legal documentation (including details within 88b Instrument) for the easement.
3. Advise persons who made a submission of Council's decision.

23/0200C

An amendment was put by Councillor Renkema-Lang and seconded by Councillor Draisma, and resolved as follows:

That Council:

1. Approve Development Application No 10.2022.109.1 – 15-17 Blackwood Street, Gerringong subject to the attached conditions of consent as appropriate, and including:
 - a. Requiring an extension of existing footpath along the Blackwood Street Frontage
 - b. Trees numbered 6,7,8,17,18, 20, 24, 28, and 29 are to be retained
 - c. The applicant must enter into an easement with Council under the standard easement terms of Section 88B Conveyancing Act 1919 for drainage over Lot 4 DP 619072. The easement will be a minimum of 1.5m wide to accommodate the 300mm drainage network.
 - d. The applicant is required to pay compensation to Council as determined by valuation.
 - e. The applicant is responsible for all costs associated with the easement including but not limited to legal costs and surveyors.

2. Grant an easement to support the development and condition this within the consent and delegate to the CEO final sign off of legal documentation (including details within 88b Instrument) for the easement.
3. Advise persons who made a submission of Council's decision.

The **amendment** on being put was **carried**.

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

Against: Councillors Brown, Croxford and Steel

The amendment became the **motion** and was put and **carried**.

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

Against: Nil

12.4 10.2021.248.2 - 143 Terralong Street, Kiama

23/0210C

Resolved that Council:

1. Approve modified Development Application No 10.2021.248.2 - 143 Terralong Street, Kiama with appropriate conditions of consent.
2. Advise persons who made a submission of Council's decision.

(Councillors Brown and Croxford)

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

Against: Nil

12.5 Federal Government Funding for Trove

Disclosure of Interest - Councillor Larkins

Councillor Larkins declared a significant non-pecuniary interest in this matter. Councillor Larkins disclosed, left the Chamber and did not vote on this matter.

Councillor S Larkins left the meeting at 6.32pm.

23/0220C

Resolved that Council:

1. Make representation to the local Federal Member, Fiona Phillips, in relation to the need for a sustainable Federal Government funding model for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.

2. Write to the Hon. Tony Burke, Federal Minister for the Arts and the Hon. Paul Fletcher, Shadow Minister for Science and the Arts, calling for sustainable funding to ensure the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.
3. Endorse the actions of the NSW Public Libraries Association in lobbying for additional sustainable funds for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.
4. Submit a motion to the Australian Local Government Conference in relation to the need for a sustainable funding model for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.

(Councillors Draisma and Rice)

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

Against: Nil

Councillor S Larkins returned to the meeting at 6.32pm.

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

13.1 Contract variation - Holiday Park fire hydrants and hose reel works

23/023OC

Resolved that Council approves a variation of \$220,200 (excl GST) to the contract awarded to T & M Dowling Pty Ltd to complete the Holiday Park fire hydrants and hose reel works taking the total contract value to \$837,810 (excl GST), plus an amended contingency amount of \$62,190 (excl GST).

(Councillors Draisma and Larkins)

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

Against: Nil

13.2 Contract variation - Tender 1039555 - Landslide repairs - various locations

23/024OC

Resolved that Council:

1. Approves the variation to Tender 1039555 – Landslide Repairs – Various Locations of \$70,997.36 (inc GST) to GT Civil, to cover the cost of additional repairs to the Landslip on Foxground Road. Increasing the total contract value to \$344,792.86 (including GST).

2. Approves retention of the original contingency amount of \$56,204.50 to cover any additional costs that may arise during the project at this and other sites.
3. Notes that this variation brings the total cost of the works to \$400,997.36 (including GST).

(Councillors Draisma and Larkins)

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

Against: Nil

13.3 Endorse for public exhibition: Draft Unsolicited Proposals Policy

23/025OC

Resolved that Council place the Draft Unsolicited Proposal Policy on public exhibition for a period of 28 days for public comment.

(Councillors Draisma and Larkins)

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

Against: Nil

13.4 Grants Update

23/026OC

Resolved that Council notes the update on grants as contained in this report.

(Councillors Draisma and Larkins)

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

Against: Nil

13.5 Proposed closure: South Kiama Drive, Kiama (formerly Marsden Street)

23/027OC

Resolved that Council:

1. Continue the formal road closure process for the surplus road reserve located between Numbers 70 and 80 South Kiama Drive (historically referred to as Marsden Street), Kiama under the *Roads Act 1993*,
2. Note that the costs associated with processing the road closure will be covered by Council's existing budget allocations,

3. Upon closure, classify the subject area of road between numbers 70 and 80 South Kiama Drive, Kiama as operational land and issue a certificate of title subject to public notice of the proposed classification under Section 31 and 34 of the *Local Government Act 1993*,
4. Delegate to the Chief Executive Officer authority to sign under the seal or sign on behalf of Council, any documentation associated with the road closure, and
5. Note that a separate report will be provided to Council for the proposed sale of the residential lot at the completion of the road closure process.

(Councillors Draisma and Larkins)

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

Against: Nil

14 REPORT OF THE CHIEF OPERATING OFFICER

Nil.

15 REPORTS FOR INFORMATION

23/0280C

Resolved that the following Reports for Information listed for the Council's consideration are received and noted as part of the in globo resolution:

- 15.1 Amendment to 2022-2023 fees and charges
- 15.5 Question for future meeting: implementation of Council's resolutions
- 15.6 Question for future meeting: Youth and Mental Health Services
- 15.7 Questions for Future Meeting Register - February 2023
- 15.8 Minutes: Minnamurra Progress Association - 7 February 2023
- 15.9 Minutes: Jamberoo Valley Ratepayers and Residents Association – 7 February 2023
- 15.10 Mayor, Cr Neil Reilly report on attendance at SWITCH 2022 conference.

(Councillors Draisma and Larkins)

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

- 15.2 Question for future meeting: Assessment criteria - Expressions of Interest for tender process
- 15.3 Question for future meeting: Agritourism Legislation
- 15.4 Question for future meeting: Corporate Emissions Reduction Plan

16 ADDENDUM TO REPORTS

Nil.

17 NOTICE OF MOTION

17.1 Notice of Motion: Councillor Renkema-Lang | Property divestment business case

An amended motion was put by Councillor Renkema-Lang and seconded by Councillor Keast that Council:

1. Prior to making any further resolution to sell a Council owned asset:
 - a. Council prepares a consolidated business case that includes a comparative assessment of any assets under divestment consideration and valued at over \$8m - with respect to lease, keep or sale of each, and
 - b. in accordance with the Community Engagement Strategy, Council prepares a project management plan which outlines how the community will be engaged at each stage of Council's considerations of the sale of assets.
2. The content and structure of the business case referred to in point 1a above is consistent with NSW Government endorsed business case templates and advice provided by the Financial Advisory Committee.
3. Council prioritises funding the costs associated with points 1a and 1b above from the savings identified in the December 2022 quarterly budget review statement.

A **point of order** was raised by Councillor Renkema-Lang that a vote is required for a motion to be put before voting on the motion. Councillor Croxford moved to put the amended motion and the Mayor ruled that the amended motion would be put.

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

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

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

For: Councillors Keast, Renkema-Lang and Rice

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

18 QUESTIONS FOR FUTURE MEETINGS

18.1 Seven Mile Beach community consultation

Councillor Rice requested a report on what else stands in the way of actioning Point 2 of the following resolutions 19/170OC, 19/171OC and 19/172OC from 21 May 2019 – “*That Council expedites the community consultation to devise new guidelines for the use of Seven Mile Beach*” now that finalisation of Council's Crown Lands

Management Plans is likely to occur within a few months. The matter was referred to the Director Engineering and Works for action.

18.2 Prioritising actions from Delivery Program and Operational Plan

Councillor Renkema-Lang requested a report on what is the methodology used by Council to prioritise actions in the Delivery Program and Operational Plan and how are community priorities, risks and budget constraints taken into account. The matter was referred to the Chief Operating Officer for action.

18.3 Bonds for Council owned spaces

Councillor Draisma requested a report on how bond amounts are determined for the use of Council owned spaces. Are there any particular matrixes or terms of references used for determining bond amounts. The matter was referred to the Director Engineering and Works for action.

19 CONFIDENTIAL SUMMARY

23/0290C

Resolved that at this time, 7.07pm, 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 Keast 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:

23/0300C

Committee recommendation that in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, Council close the meeting of the Confidential Committee of the Whole to the Press and Public to deal with the following matters on the grounds as detailed below.

20.1 MANAGED NETWORK SERVICES TENDER (KIAMA-1036764) RESPONSE ANALYSIS REPORT

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 BLUE HAVEN UPDATE - JANUARY 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.

20.3 CHIEF EXECUTIVE OFFICER MID-TERM PERFORMANCE REVIEW

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 Larkins and Draisma)

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

Against: Nil

Councillor Renkema-Lang raised a **point of order** under clause 10.4 of the Code of Meeting Practice that the Mayor's ruling, on putting the motion for item 17.1 that was withdrawn by the mover, is invalid. The Mayor overruled the point and procedure had been followed correctly.

20 CONFIDENTIAL REPORTS

20.1 Managed Network Services Tender (KIAMA-1036764) Response Analysis Report

23/0310C

Committee recommendation that Council:

1. Accept the tender from QuantSec for the provision of Managed Network Services for Kiama Municipal Council and Blue Haven Bonaira.
2. Authorise the Mayor and CEO to sign and seal documentation relating to the tender.

(Councillors Larkins and Brown)

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

Against: Nil

20.2 Blue Haven update - January 2023

23/032OC

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

(Councillors Brown and Steel)

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

Against: Nil

Senior staff left the chamber at 7.17pm.

20.3 Chief Executive Officer mid-term performance review

23/033OC

Committee recommendation that Council note the outcome of the mid-term performance review of the Chief Executive Officer undertaken by the Performance Review Committee on 14 February 2023 and thank her for her good work.

(Councillors Brown and Steel)

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

Against: Nil

Close of Confidential Committee of the Whole:

23/034OC

Committee recommendation that at this time, 7.34pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Larkins and Croxford)

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

Against: Nil

Adoption of Report

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

23/035OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 23/030OC to 23/034OC be confirmed and adopted.

(Councillors Larkins and Draisma)

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

Against: Nil

21 CLOSURE

There being no further business the meeting closed at 7.36pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 21 March 2023.



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Mayor