



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

**commencing at 5pm on**

**TUESDAY 21 MARCH 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 MARCH 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

## **1 OPENING OF MEETING**

The Mayor opened the meeting at 5pm.

## **2 WEBCASTING STATEMENT**

The Mayor stated that the meeting is being recorded and made publicly available on the Council website, and that persons attending the meeting should refrain from making any defamatory statements.

## **3 ACKNOWLEDGEMENT OF COUNTRY**

The Mayor acknowledged the traditional owners:

*“This meeting is being held on the land of the Wadi Wadi people who are custodians of this ancient land, they are part of the Dharawal nation, and I show our respects to their Elders past, present and emerging, and a special warm welcome to any first nations people*

## **4 STATEMENT OF ETHICAL OBLIGATIONS**

The Mayor read the statement of ethical obligations:

*“Councillors are reminded of their oaths or affirmations of office under section 233A of the Act and their obligations under the Code of Conduct to disclose and appropriately manage any conflicts of interest.”*

## 5 APOLOGIES

Nil.

## 6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### 6.1 Ordinary Council meeting on 21 February 2023

#### 23/057OC

**Resolved** that the Minutes of the Ordinary Council meeting held on 21 February 2023 be received and accepted.

(Councillors Brown and Draisma)

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

Against: Councillor Renkema-Lang

### 6.2 Extraordinary Council meeting on 28 February 2023

#### 23/058OC

**Resolved** that the Minutes of the Extraordinary Council meeting held on 28 February 2023 be received and accepted subject to the following amendment:

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

(Councillors Larkins and Brown)

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

Against: Nil

## 7 BUSINESS ARISING FROM THE MINUTES

Nil.

## 8 DISCLOSURE OF INTEREST

### Disclosure of Interest - Councillor Renkema-Lang

Councillor Renkema-Lang declared a significant non-pecuniary interest in item 11.2 *Spring Creek caveat* as Councillor Renkema-Lang resides in the Spring Creek area and does not want to be perceived as having a bias for lifting or not lifting the caveat.

Councillor Renkema-Lang proposed to leave the Chamber and not vote on this matter.

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

Councillor Croxford declared a significant pecuniary interest in item 14.1 *10.2021.347.1 – Lot 442 Henry Parkes Drive, Kiama Downs* as Councillor Croxford's primary residence is immediately adjacent to the subject property. Councillor Croxford proposed to leave the Chamber and not vote on this matter.

#### **Disclosure of Interest - Councillor Brown**

Councillor Brown declared a less than significant non-pecuniary interest in item 19.4 *Rescission motion Golden Valley Road* as Councillor Brown is on the Illawarra Walking Tracks Partnership Committee with the public forum speaker on this item. Councillor 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 19.4 *Rescission motion Golden Valley Road* as Councillor Draisma knows the applicant and the applicant's family. Councillor 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 22.1 *Consideration – aged care facility resident account deficit* as Councillor Keast knows a member of the subject family. Councillor Keast proposed to leave the Chamber and not vote on this matter.

#### **Disclosure of Interest - Councillor Rice**

Councillor Rice declared a less than significant non-pecuniary interest in item 22.1 *Consideration – aged care facility resident account deficit* as Councillor Rice knows a member of the subject family. Councillor Rice proposed to leave the Chamber and not vote on this matter.

#### **Disclosure of Interest - Councillor Larkins**

Councillor Larkins declared a significant non-pecuniary interest in item 22.1 *Consideration – aged care facility resident account deficit* as Councillor Larkins works with a member of the subject family. Councillor Larkins proposed to leave the Chamber and not vote on this matter.

#### **Disclosure of Interest - Councillor Larkins**

Councillor Larkins declared a less than significant non-pecuniary interest in item 22.2 *Write off of outstanding debts* as Councillor Larkins knows the children of one of the

party listed in the report.. Councillor Larkins proposed to disclose and voted on this matter.

## 9 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil.

## 10 PUBLIC FORUM SUMMARY

Name	Item No.	Subject
Calvin Houlison	14.1	10.2021.347.1 – Lot 442 Henry Parkes Drive, Kiama Downs
Kelly MacDonald	14.1	10.2021.347.1 – Lot 442 Henry Parkes Drive, Kiama Downs
Erica Warren Hamish McCallum	14.4	10.2022.147 – 177 Long Brush Road, Jerrara
Alan Woodward	17.1	Question for future meeting: Coastal Walking Track carpark
Stephen Brazier	17.2	Question for future meeting: management arrangements for Crown Reserve between track 8 and Crooked River
Jill Moir Kate Harris	19.4	Rescission motion: Golden Valley Road
Neville Fredericks	19.4	Rescission motion: Golden Valley Road

## 11 MAYORAL MINUTE

### 11.1 Affordable electric vehicles - Cities Power Partnership

#### 23/059OC

**Resolved** that Council endorse the Cities Power Partnership joint statement to national media that calls on the Federal Government to implement fuel efficiency standards.

(Councillors Reilly and Larkins)

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

Against: Nil

## 11.2 Spring Creek caveat

### Disclosure of Interest - Councillor Renkema-Lang

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

Councillor Renkema-Lang left the meeting at 05:16 pm.

### 23/0600C

**Resolved** that Council:

1. Seek legal advice on the removal of the Caveat imposed on Council investment land for all three parcels Lot 286 DP 823193 Glenbrook, Lot 45 DP 800176 Spring Creek, Lot 11 DP 810839 Spring Creek, by means of either:
  - formal withdrawal
  - the caveat lapsing
  - a court order.
2. Seek advice on legal options to pursue compensation from the State Government for any loss of revenue incurred during the Caveat's imposition.
3. Seek as a matter of urgency for the CEO to work with the Greater Cities Commission to utilise Spring Creek as a catalyst site and seek the removal of the caveat through other State agencies on behalf of Kiama Municipal Council.

(Councillor Reilly)

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

Against: Nil

Councillor Renkema-Lang returned to the meeting at 05:23 pm.

### Procedural motion

### 23/0610C

**Resolved** that Council move in globo and adopt the recommendations contained within the report for items 12.1, 12.2, 13.1, 13.2, 13.3, 13.4, 13.5, 14.2, 14.5, 15.2, 17.3, 17.4, 17.5 and 17.8.

(Councillors Draisma and Reilly)

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

Against: Nil

## 12 MINUTES OF COMMITTEES

### 12.1 Minutes: Finance Advisory Committee meeting - 27 February 2023

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/061OC.

#### 23/062OC

**Resolved** that the Minutes of the Finance Advisory Committee meeting held on 27 February 2023 be received and the following recommendations accepted:

**23/002FAC** that the Finance Advisory Committee note the Monthly Financial Report for December 2022.

**23/003FAC** that the Finance Advisory Committee note the quarterly budget review for the quarter ending 31 December 2022.

**23/004FAC** that the Finance Advisory Committee note the information relating to the Statement of Investments for January 2023; and the movement in the restricted funds position as outlined in the report.

**23/005FAC** that the Finance Advisory Committee note the strategy report that shows Council can rectify its current financial adversity and provide any relevant feedback for Council consideration.

**23/006FAC** that the Finance Advisory Committee note the action tracker updates for February 2023.

(Councillors Draisma and Reilly)

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

Against: Nil

### 12.2 Minutes: Kiama Local Traffic Committee - 7 March 2023

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/061OC.

#### 23/063OC

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

**23/001LTC** that a 'No Stopping' zone be created on the southern side of Belinda Street Gerringong adjacent to the Gerringong Hotel (Cronin's Pub) driveway, with the installation of regulatory signage and line marking. The 'No Stopping' zone is to extend around Campbell Street, with the installation of a S1 sign at the end of the 'No Stopping' zone, as per the diagram.

**23/002LTC** that a heavy vehicle zone with "No Trucks" signage be created on Colley Drive, Swan Place and Hothersal Street Kiama, with the installation of regulatory signage.

**23/003LTC** that a 'No Parking' zone be created in the cul-de-sac of Barton Drive and Belvedere Street Kiama, to prohibit parking from 6am to 2pm on Wednesdays only through the installation of regulatory signage, subject to consultation with the childcare facility on 88 Barton Drive, Kiama.

(Councillors Draisma and Reilly)

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

Against: Nil

### 12.3 Minutes: Audit, Risk and Improvement Committee - 24 February 2023

#### 23/064OC

**Resolved** that the Minutes of the Audit, Risk and Improvement Committee meeting held on 24 February 2023 be received and the following recommendations accepted:

**23/001ARIC** that the Audit, Risk and Improvement Committee notes the information in the report on action items and approves due dates for outstanding actions.

**23/003ARIC** that the Audit, Risk and Improvement Committee note the information on risk management activity and provide feedback on the strategic risk table prior to council endorsement.

**23/004ARIC** that the Audit, Risk and Improvement Committee notes the information contained in the Office of Local Government update; and accepts Council's proposal for early adoption of the non-voting status of Councillors on the Committee.

**23/005ARIC** that the Audit, Risk and Improvement Committee notes the information contained in the internal audit update.

**23/006ARIC** that the Audit, Risk and Improvement Committee notes the information in the progress report on audit recommendations.

**23/007ARIC** that the Audit, Risk and Improvement Committee receive the Monthly Financial Report for October 2022, November 2022 and December 2022.

**23/008ARIC** that the Audit, Risk and Improvement Committee note the update provided on the 2021 and 2022 audit of Council's financial statements; and supports additional resources for the finance department in order to complete the 2022 financial statements as a matter of urgency in accordance with the schedule outlined in table 2 of the report.

(Councillors Renkema-Lang and Keast)

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

Against: Nil



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## 13 REPORT OF THE CHIEF EXECUTIVE OFFICER

### 13.1 Councillor Renekma-Lang attendance at the National Forum on Coastal Hazards in Fremantle

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/061OC.

#### 23/065OC

**Resolved** that Council endorse the attendance of Councillor Karen Renkema-Lang at the 2023 National Forum on Coastal Hazards in Fremantle 29-31 March 2023.

(Councillors Draisma and Reilly)

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

Against: Nil

### 13.2 National General Assembly 2023 Notice of Motion: Sustainable funding model for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/061OC.

#### 23/066OC

**Resolved** that Council endorse the submission of a Motion to the Australian Local Government Associations National General Assembly as follows:

*That the Australian Local Government Association 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.*

(Councillors Draisma and Reilly)

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

Against: Nil

### 13.3 National General Assembly 2023 Notice of Motion: Grant funding conditions

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/061OC.

#### 23/067OC

**Resolved** that Council endorse the submission of a Motion to the Australian Local

Government Associations National General Assembly as follows:

*That the Australian Local Government Association write to all State and Federal Ministers responsible for local government calling for changes to the funding conditions for all future state and federal government grants to local government for projects above \$250,000, to allow grant funds to be used in the administration and project management of grants.*

(Councillors Draisma and Reilly)

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

Against: Nil

### **13.4 Monthly Financial Report - January 2023**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/061OC.

#### **23/068OC**

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

(Councillors Draisma and Reilly)

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

Against: Nil

### **13.5 Statement of Investments - February 2023**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/061OC.

#### **23/069OC**

**Resolved** that Council:

1. Receives the information relating to the Statement of Investments as at February 2023.
2. Endorses the restricted funds position as outlined in the report.

(Councillors Draisma and Reilly)

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

Against: Nil

### 13.6 Strategic Improvement Plan 2

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

1. Adopt as a working draft for future discussion and workshop the draft Strategic Improvement Plan 2 (SIP2) as the document that will be used to manage the work to be undertaken as a result of the initial Strategic Improvement Plan and the Performance Improvement Order issued by the Office of Local Government.
2. Prepare a financial modelling worksheet to produce draft cashflow statements and long-term financial plan data based on different scenarios.
3. Present the financial models referred to in point 2 above at future workshops aimed at progressing the working draft plans adopted at the 28 February 2023 meeting.
4. Following Councillor workshops, ensure a further report to Council is provided to finalise SIP2 at the April Ordinary meeting.

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

For: Councillors Keast, Renkema-Lang and Rice

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

### 23/0700C

**Resolved** that Council:

1. Adopt as a working draft for future discussion and workshop the draft Strategic Improvement Plan 2 (SIP2) as the document that will be used to manage the work to be undertaken as a result of the initial Strategic Improvement Plan and the Performance Improvement Order issued by the Office of Local Government.
2. Following Councillor workshops, ensure a further report to Council is provided to finalise SIP2 at the April Ordinary meeting.

(Councillors Larkins and Brown)

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

Against: Nil

## 14 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

### 14.1 10.2021.347.1 - Lot 442 Henry Parkes Drive, Kiama Downs

#### Disclosure of Interest - Councillor Croxford

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

Councillor Croxford left the meeting at 05:50 pm.

**23/071OC**

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

That Council:

1. Approve Development Application No 10.2021.347.1 for a 37 lot subdivision of Lot 442 DP 1201831 Henry Parkes Drive, Kiama Downs subject to appropriate conditions of consent, including:
  - (a) Conditions that protect the historical stone walls during the bulk earthworks process, as identified on page 130 of the Council meeting agenda.
  - (b) Conditions that require local Indigenous trees to be included in the landscape plan to be submitted to Council for approval prior to issue of a Construction Certificate.
2. Advise persons who made a submission on Development Application No 10.2021.347.1 of Council's decision.

(Councillors Brown and Steel)

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

Against: Councillor Renkema-Lang

Councillor M Croxford returned to the meeting at 05:57 pm.

**14.2 Request to Remove Restriction-as-to-User – Lot 245 DP 263906 – 58 Barton Drive, Kiama Downs**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/061OC.

**23/072OC**

**Resolved** that Council delegate authority to the Mayor and Chief Executive Officer to affix the Council seal to the relevant documentation to release the restriction as to user secondly referred to in the Section 88B Instrument attached to Deposited Plan 263906, for Lot 245 known as 58 Barton Drive, Kiama Downs.

(Councillors Draisma and Reilly)

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

Against: Nil

**14.3 Coastal Management Program (CMP) - Proposed Stage 3 Management Actions****23/073OC**

**Resolved** that Council resolve to proceed with the community consultation of the proposed Stage 3 Management Actions as presented in this report.

(Councillors Larkins and Brown)

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

Against: Nil

**14.4 10.2022.147.1 - 177 Long Brush Road, Jerrara**

Councillor Rice foreshadowed the following amendment that was ruled unlawful by the Mayor:

That Council:

1. Approve Development Application 10.2022.147.1 for the Temporary use of a farm for events at 177 Long Brush Road, Jerrara subject to appropriate conditions of consent with the following amendments:
  - a. Point 9 to read "For safety and traffic reasons, no vehicles shall park in the public road before, during or after events. Appropriate signage shall be placed at entry points of the venue discouraging vehicles from parking within the road reserve"
  - b. Point 10 to read "Any damage to road verges caused by any vehicles accessing the property shall be repaired by the venue operator, to the satisfaction of Council within 48 hours of the conclusion of the event."
2. Advise persons who made a submission on Development Application No 10.2022.147.1 of Council's decision.

**23/074OC**

**Resolved** that Council:

1. Approve Development Application 10.2022.147.1 for the temporary use of a farm for events at 177 Long Brush Road, Jerrara subject to appropriate conditions of consent.
2. Advise persons who made a submission on Development Application No 10.2022.147.1 of Council's decision.

(Councillors Croxford and Draisma)

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

Against: Nil

#### 14.5 Amendments to Fees and Charges 2022 - 2023

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/061OC.

##### 23/075OC

**Resolved** that Council adopt revised Fees and Charges 2022-2023 as detailed in this report noting the hall hire bond fees will remain unchanged and are subject to further review.

(Councillors Draisma and Reilly)

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

Against: Nil

### 15 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

#### 15.1 Flood management and storm impact update

##### 23/076OC

**Resolved** that Council note the update provided in this report and that the CEO and Mayor jointly write to the relevant NSW Government Ministers responsible for the various flood assistance programs to seek an update on Council's grant funding applications, particularly under the Infrastructure Betterment Fund.

(Councillors Larkins and Draisma)

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

Against: Nil

#### 15.2 Supply and delivery of pre-mixed concrete

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/061OC.

##### 23/077OC

**Resolved** that Council:

1. In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, establish a Panel of Preferred Suppliers for the Supply and Delivery of Pre-mixed Concrete for a period of three (3) years and accepts the following tenderers appointment to the Panel.
  - a. Baines Transport Pty Ltd
  - b. Cleary Bros (Bombo) Pty Ltd

- c. Hanson Construction Materials
  - d. Hy-Tec Industries.
2. Delegate to the Chief Executive Officer the authority to finalise and execute the contracts 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 contracts and any other documentation, should it be required, to give effect to this resolution.

(Councillors Draisma and Reilly)

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

Against: Nil

## 16 REPORT OF THE CHIEF OPERATING OFFICER

### 16.1 2021 Financial Statements - audit update

#### 23/078OC

**Resolved** that Council note the update pertaining to the audit opinion for the 2021 Financial Statements.

(Councillors Renkema-Lang and Draisma)

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

Against: Nil

## 17 REPORTS FOR INFORMATION

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/061OC.

#### 23/079OC

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

- 17.3 Questions for Future Meeting Register - March 2023
- 17.4 Minutes: Kiama Liquor Accord Meeting - 15 February 2023
- 17.5 Question for future meeting: Servicing and maintenance of public land, road easements, footpaths and reserves
- 17.8 Minutes: Jamberoo Valley Ratepayers and Residents Association - 7 March 2023.

(Councillors Draisma and Reilly)

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

Against: Nil

## 17.6 Rezoning Pathways Program

### 23/0800C

**Resolved** that following the election, Council requests a briefing with Sydney Water on capacity and service levels.

(Councillors Brown and Reilly)

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

Against: Nil

### 23/0810C

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

17.1 Question for future meeting: Coastal Walking Track carpark

17.2 Question for future meeting: Management arrangements for Crown Reserve between track 8 and Crooked river

17.7 Question for future meeting: Historic Blue Haven documentation.

(Councillors Reilly and Rice)

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

Against: Nil

Councillor Croxford requested a **question on notice** for the CEO: How can Council ensure that all relevant information including historical documentation is easily accessible to elected representatives and advisory boards to make informed decisions into the future?

## 18 LATE ITEMS

### 18.1 CEO note in respect to Item 19.1

There was no mover or seconder for this motion so the motion lapsed.



## 19 NOTICE OF MOTION

### 19.1 Call to ban United Services Union (USU) officials, Aaron Vann, Rudi Oppitz and Stuart Geddes

The Mayor gave Councillor Croxford the opportunity to withdraw and amend motion 19.1 so that it was lawful.

The amended motion moved by Councillor Croxford was also ruled unlawful by the Mayor and therefore lapsed and was not put.

#### **Motion of dissent**

It was moved by Councillor Croxford that the meeting dissent from the Mayor's ruling on the amendment being unlawful.

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

For: Councillor Croxford and Steel

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

### 19.2 Future nuclear submarine base

It was **moved** by Councillor Croxford and seconded by Councillor Brown that Council endorse Port Kembla as the preferred location for a future nuclear submarine base.

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

For: Councillors Brown, Croxford and Steel

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

### 19.3 B2 Zone Kiama

Councillor Renkema-Lang withdrew her motion.

Councillor Brown raised a **point of order** that Councillor Renkema-Lang could not speak to the motion as it had been withdrawn. The Mayor ruled that Councillor Brown was correct.

### 19.4 Rescission motion Golden Valley Road

#### **Disclosure of Interest - Councillors Brown and Draisma**

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

It was **moved** by Councillor Brown and seconded by Councillor Croxford that Council rescind resolution 23/019OC 10.2021.26.1 – 15 Golden Valley Road, Jamberoo from

the February 2023 ordinary meeting and revert to the original recommendation:

That Council:

1. Approve Development Application No 10.2021.26.1 – 15 Golden Valley Road, Jamberoo with appropriate conditions of consent.
2. Advise those that made a submission of Council's decision.

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

For: Councillors Brown, Croxford, Reilly and Steel

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

## 20 QUESTIONS FOR FUTURE MEETINGS

### 20.1 Support for local businesses and investment in live music

Councillor Croxford requested a report on how Council can better support local businesses and encourage investment in live music venues, that also addresses the challenges of using private certifiers, and how Council can proactively support the growth and development of the local music scenes while promoting tourism and cultural events in Kiama. The matter was referred to the Director Environmental Services for action.

### 20.2 Waste Services billing

Councillor Croxford requested a report on what was the root cause of the error identified in the waste service billing investigated by the current affairs program. Is there a need to review Council's internal controls and processes to identify any underlying issues that could lead to similar errors in the future? How can we ensure that our systems are robust and effective in preventing such errors, and how can we improve our governance to ensure the ongoing integrity of our billing and accounting practices? The matter was referred to the Director Engineering and Works for action.

## 21 CONFIDENTIAL SUMMARY

### 23/0820C

**Resolved** that at this time, 7.24pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Brown and Keast)

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

Against: Nil

### **Public Representations:**

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

### **21.1 Exclusion of Press and Public:**

#### **23/0830C**

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

#### **22.1 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.

#### **22.2 WRITE OFF OF OUTSTANDING DEBTS**

**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.

#### **22.3 BLUE HAVEN UPDATE - FEBRUARY 2023**

**Reason for Confidentiality:** This matter deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council as per Section 10A(2)(dii) of the Local Government Act.

(Councillors Renkema-Lang and Draisma)

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

Against: Nil

## 22 CONFIDENTIAL REPORTS

### 22.1 Consideration - aged care facility resident account deficit

#### Disclosure of Interest - Councillor Keast and Councillor Rice

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

#### 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 K Rice left the meeting at 07:29 pm.

Councillor J Keast left the meeting at 07:30 pm.

Councillor S Larkins left the meeting at 07:30 pm.

### 23/084OC

**Committee recommendation** that Council not waive the fee as detailed in this report due to concern for creating a precedent, amongst other things.

(Councillors Brown and Steel)

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

Against: Nil

Councillor J Keast returned to the meeting at 07:32 pm.

Councillor S Larkins returned to the meeting at 07:32 pm.

Councillor K Rice returned to the meeting at 07:32 pm.

### 22.2 Write off of outstanding debts

#### Disclosure of Interest – Councillor Larkins

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

### 23/085OC

**Committee recommendation** that Council write off outstanding debts totalling \$177,428.68 in accordance with the information contained within the report.

(Councillors Steel and Brown)

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

Against: Nil

**22.3 Blue Haven update - February 2023****23/086OC**

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

(Councillors Larkins and Renkema-Lang)

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

Against: Nil

**Close of Confidential Committee of the Whole:****23/087OC**

**Committee recommendation** that at this time, 7.33pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Draisma and Reilly)

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.

**23/088OC**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 23/082OC to 23/086OC be confirmed and adopted.

(Councillors Draisma and Reilly)

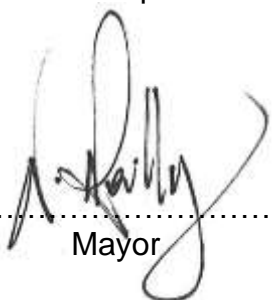
For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,  
Renkema-Lang, Rice and Steel

Against: Nil

**23 CLOSURE**

There being no further business the meeting closed at 7.35pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 18 April 2023.



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Mayor