



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 12 APRIL 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 12 APRIL 2022 AT 5PM**

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

IN ATTENDANCE: Chief Executive Officer, Director Environmental Services, Chief
Financial Officer and Director Engineering and Works

1 APOLOGIES

Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Mayor declared the meeting open and acknowledged the traditional owners.

The Mayor acknowledged the passing of Sandra Steel and asked those present to be upstanding for a period of silence in her memory.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Minutes: Extraordinary Council Meeting - 23 March 2022

22/0120C

Resolved that the Minutes of the Extraordinary Council Meeting held on 23 March 2022 be received and accepted.

(Councillors Larkins and Draisma)

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

Against: Nil

3.2 Minutes: Ordinary Council Meeting - 15 March 2022**22/0130C**

Resolved that the Minutes of the Ordinary Council Meeting held on 15 March 2022 be received and accepted.

(Councillors Brown and Croxford)

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 Reilly**

Councillor Reilly declared a non-significant non-pecuniary interest in item 12.1 10.2018.273.3 – 81 Jerrara Road, Jerrara – Review of Determination as the applicant was a participant on Councillor Reilly's team for the Local Government Election 2021. Councillor Reilly declared to take no part in discussion or voting on this matter.

6 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

7 PUBLIC ACCESS SUMMARY

Name	Item No.	Subject
Megan Collins Ros Neilson	9.1	Minutes: Jamberoo Youth Hall s355 Committee - 16 March 2022
Lisa Ryan	12.1	10.2018.273.3 – 81 Jerrara Road, Jerrara - Review of Determination
Mark Oxenham	12.5	10.2021.314.1 - 32 Pacific Avenue, Werri Beach
Craig Richardson	12.6	10.2019.27.2 - 17 Minnamurra Street, Kiama

Name	Item No.	Subject
Alex Orchard Will Orchard	12.6	10.2019.27.2 - 17 Minnamurra Street, Kiama
Kate Troy Carolyn Lee	17.1	Companion Animals Management Plan
Peter O'Neil	17.2	Bombo Quarry timeline

8 MAYORAL MINUTE

Nil

9 MINUTES OF COMMITTEES

9.1 Minutes: Jamberoo Youth Hall s355 Committee - 16 March 2022

22/014OC

Resolved that the Minutes of the Jamberoo Youth Hall s355 Committee Meeting held on 16 March 2022 be received and accepted.

(Councillors Larkins and Renkema-Lang)

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

Against: Nil

Suspension of Standing Orders

22/015OC

Resolved that at this time, 5:18pm, Standing Orders be suspended in order to rectify an audio technical issue.

(Councillors Larkins and Croxford)

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

Against: Nil

Resumption of Standing Orders**22/016OC****Resolved** that at this time, 5.24pm, Standing Orders be resumed.

(Councillors Larkins and Croxford)

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

Against: Ni

9.2 Minutes: Kiama Central Precinct Meeting - 22 February 2022

It was **moved** by Councillor Rice and seconded by Councillor Draisma that the Minutes of the Central Precinct Committee Meeting held on 22 February 2022 be received and that Council notes matters raised in the minutes and highlights the following:

1. the Police Residence in Kiama requested to be included on the State Heritage register should be raised with the relevant State Government agency in the first instance, and not with Council.
2. there is currently no operational funding to undertake any open space or amenity plan specifically for Kiama Heights and this request cannot be actioned within the operational and financial resources of the Council at this time.
3. Council previously resolved and undertook a delegation regarding Attunga Avenue and this matter has been actioned by staff and Councillors. Notes were taken by the Chief Executive Officer at the meeting, and it is again noted that East Beach owners declined to make access formally available to the public due to public liability, risks to person's and livestock, and in respect to their private property rights over the parcel of land.

An **amendment** was **moved** by Councillor Renkema-Lang and **accepted** by the mover that Council:

1. receive and accept the Minutes of the Central Precinct Committee Meeting held on 22 February 2022
2. make allowances in the 2022/2023 draft Operational Plan and Budget towards development of the planned Open Space and Recreation Strategy which will benefit all urban areas through greater understanding and documentation of community needs.
3. investigate the viability of Council putting in a state heritage nomination for the Police residence, Court House and Police Station on Terralong Street in consultation with the state government

4. in consultation with Transport for NSW, reconsider the zoning of the Kiama Heights railway lands in the next review of the Kiama Local Environmental Plan.
5. notes matters raised in the minutes and highlights that Council previously resolved and undertook a delegation regarding Attunga Avenue and this matter has been actioned by staff and Councillors. Notes were taken by the Chief Executive Officer at the meeting, and it is again noted that East Beach owners declined to make access formally available to the public due to public liability, risks to person's and livestock, and in respect to their private property rights over the parcel of land.

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

For: Councillors Renkema-Lang and Rice

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

22/0170C

Councillor Larkins **foreshadowed** the original motion which was seconded by Councillor Brown that the Minutes of the Central Precinct Committee Meeting held on 22 February 2022 be received and that Council notes matters raised in the minutes and highlights the following:

1. The Police Residence in Kiama requested to be included on the State Heritage register should be raised with the relevant State Government agency in the first instance, and not with Council.
2. There is currently no operational funding to undertake any open space or amenity plan specifically for Kiama Heights and this request cannot be actioned within the operational and financial resources of the Council at this time.
3. Council previously resolved and undertook a delegation regarding Attunga Avenue and this matter has been actioned by staff and Councillors. Notes were taken by the Chief Executive Officer at the meeting, and it is again noted that East Beach owners declined to make access formally available to the public due to public liability, risks to person's and livestock, and in respect to their private property rights over the parcel of land.

(Councillors Larkins and Brown)

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

Against: Nil

9.3 Minutes: Kiama Central Precinct Meeting - 22 March 2022

It was **moved** by Councillor Rice and seconded by Councillor Brown that the Minutes of the Kiama Central Precinct Meeting held on 22 March 2022 be received and accepted.

22/018OC

An **amendment** was moved by Councillor Renkema-Lang and **accepted** by the mover that Council:

1. receive and accept the Minutes of the Kiama Central Precinct Meeting held on 22 March 2022.
2. Council strives to continually improve customer service in consultation with the community.

(Councillors Rice and Brown)

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

Against: Councillor Croxford

9.4 Minutes: Kiama Local Traffic Committee Meeting - 5 April 2022**22/019OC**

Resolved that the Minutes of the Kiama Local Traffic Meeting held on 5 April 2022 be received and the following recommendations accepted:

1. that Council approves the road closure for the Anzac March in Jamberoo for Saturday 23 April 2022, subject to organisers and suitably qualified traffic controllers complying with the following conditions:
 - i) the road closures to be undertaken by organisers in compliance with the Traffic Management Plan No. NT-0011 prepared by Traffic Management Services Pty Ltd;
 - ii) a Road Occupancy Permit being issued by Transport for NSW;
 - iii) notification of this closure be given to Police, Local Emergency Services, businesses and residents effected by the closure;
 - iv) proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event;
 - v) an advertisement be placed in the local media advising of the closure; and
 - vi) vehicles to be used to create a physical barrier on the street to protect pedestrians and participants of the march.

2. that Council approves the road closure for the Anzac March in Kiama for Monday 25 April 2022, subject to organisers and suitably qualified traffic controllers complying with the following conditions:
 - i) the road closures to be undertaken by organisers in compliance with the Traffic Management Plan Nos. 6134 and T2305-0415 prepared by Traffic Logistics Pty Ltd and Traffic Management Services Pty Ltd;
 - ii) notification of this closure be given to Police, Local Emergency Services, businesses and residents effected by the closure;
 - iii) an advertisement be placed in the local media advising of the closure;
 - iv) proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event; and
 - v) vehicles to be used to create a physical barrier on the street to protect pedestrians and participants of the march.

3. that Council approve the proposed temporary road closure of a section of Terralong Street, Kiama from Collins Street to Shoalhaven Street on Saturday 30 April 2022 from 2pm to 9pm in accordance with the Road Closure Plan included in this report, with the following conditions:
 - i) VMS boards must be in place at least 7 days prior to the event, to advise the community of the road closure on Terralong Street on 30 April from 2pm until 9pm;
 - ii) an advertisement be placed in the local media advising of the closure;
 - iii) further signage will be installed 2 weeks prior to the event date, along the parking spaces along the section of Terralong Street to be closed, advising of the road closure;
 - iv) any vehicles that remain in this area from 2pm onwards must remain in place until the end of the event at 9pm;
 - v) from 12pm on the day of the event, Traffic Logistics are to advise drivers parking in Terralong Street that they will need to remove their vehicles before 1.45pm as it will be closed from 2pm and their vehicle will be locked in until after 9pm;
 - vi) vehicles are to be used to create a physical barrier on the street to protect pedestrians within the event; and
 - vii) notification of this closure is to be given to Police, Local Emergency Services, businesses and residents effected by the closure.

4. that Council approve the removal of speed humps and implementation of new traffic management arrangements for the Bong Bong Street / Railway Parade precinct, Kiama as per plan included in the report, with the following condition:
 - i) That the design plans be amended to improve accessible pedestrian access in Eddy Street, adjustment to signage and duplication of the proposed speed cushions.

5. that Council approve the upgrade of the existing Pedestrian Refuge including regulatory signage and line marking at Belinda Street, Gerringong as per drawing number 2620-C01 and incorporate the TfNSW amendments and feedback.

(Councillors Larkins and Brown)

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

Against: Nil

COMMITTEE OF THE WHOLE

22/0200C

Resolved that at this time, 5:47pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

Report of the Chief Executive Officer

Report of the Director Environmental Services

Report of the Director Engineering and Works

Reports for Information

(Councillors Draisma and Rice)

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

Against: Nil

10 PUBLIC ACCESS REPORTS

22/0210C

Committee recommendation that at this time, 5.48pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Draisma and Rice)

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

Against: Nil

11 REPORT OF THE CHIEF EXECUTIVE OFFICER

11.1 Application for additional Special Rate Variation

22/022OC

Committee recommendation that Council resolves:

1. to formally apply for the special variation under section 508(2) of the Act for a temporary special variation under section 508(2) of the Act
2. that the additional income projected to be received if the special variation is approved is formally approved and will be used to fund the delivery of essential services and facilities for the benefit of ratepayers
3. to note the impact on ratepayers and the community in 2022-23 and, noting that this special rate variation is proposed as temporary and considers that it is reasonable impost given the challenges associated with recent disaster events, and ongoing impact of loss of revenue from COVID.

(Councillors Brown and Draisma)

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

Against: Councillor Croxford

11.2 Monthly Financial Report February 2022

22/023OC

Committee recommendation that Council receive and adopt the information relating to the Monthly Financial Report for February 2022, noting that the format and content is still be worked on to improve quality of information.

(Councillors Keast and Larkins)

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

Against: Nil

11.3 Code of Conduct Policy

22/024OC

Committee recommendation that Council adopts the amendments to the Code of Conduct for Councillors and receives and notes the List of Authorised Staff.

(Councillors Brown and Steel)

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

Against: Nil

11.4 Committes of Council - urgent operational requirements

22/0250C

Committee recommendation that Council approve the exemption from the resolution of March 2022 – Number 22/045OC for the following Committees of Council to enable, the Committees to meet and manage critical business and legislative requirements:

- Audit, Risk and Improvement Committee
- Finance Advisory Committee
- Destination Kiama
- Blue Haven Advisory Board
- Kiama Local Traffic Committee

(Councillors Brown and Draisma)

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

Against: Nil

11.5 Strategic Improvement Plan for Kiama Municipal Council

It was **moved** by Councillor Lang and seconded by Councillor Draisma that Council:

1. adopts the Strategic Improvement Plan for Kiama Municipal Council and ensures proactive delivery within the immediate and longer term to ensure future sustainability of the business
2. dedicate the resources of the organisation to the delivery of the Strategic Improvement Plan, ensuring this is given ultimate priority
3. proactively advise relevant stakeholders of the Strategic Improvement Plan and note the progress made against actions to date
4. note the correspondence received from the Audit Office of NSW concerning the financial statements for 2020/21

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

1. adopts the Strategic Improvement Plan for Kiama Municipal Council to ensure future sustainability of the business

2. dedicate the resources of the organisation to the delivery of the Strategic Improvement Plan, ensuring this is given ultimate priority
3. proactively advise relevant stakeholders of the Strategic Improvement Plan and note the progress made against actions to date
4. note the correspondence received from the Audit Office of NSW concerning the financial statements for 2020/21
5. prepare a business case that defines the parameters & criteria (financial & non-financial) to use in considering divestment/retention of assets (ensuring compliance with the Local Government Act 1993; the Real Property Act 1900; the Roads Act 1993, and other relevant legislation.)
6. request that the Finance Advisory Committee review and make comment on:
 - a. the draft business case on divestment/retention of assets
 - b. performance of business units cash flow contributions
 - c. other financial actions as detailed in the Strategic Improvement Plan
7. request that the Finance Advisory Committee meet monthly, for the next 6 months, or more frequently if circumstances require.

22/0260C

A **further amendment** was **moved** by Councillor Draisma and **accepted** by the mover that Council:

1. adopts the Strategic Improvement Plan for Kiama Municipal Council to ensure future sustainability of the business
2. dedicates the resources of the organisation to the delivery of the Strategic Improvement Plan, ensuring this is given ultimate priority
3. proactively advises relevant stakeholders of the Strategic Improvement Plan and note the progress made against actions to date
4. notes the correspondence received from the Audit Office of NSW concerning the financial statements for 2020/21
5. prepares a business case that defines the parameters & criteria (financial and non-financial) to use in considering divestment/retention of assets (ensuring compliance with the Local Government Act 1993; the Real Property Act 1900; the Roads Act 1993, and other relevant legislation.)
6. requests that the Finance Advisory Committee review and make comment on:
 - a. the draft business case on divestment/retention of assets
 - b. performance of business units cash flow contributions
 - c. other financial actions as detailed in the Strategic Improvement Plan
7. requests that the Finance Advisory Committee meet monthly, for the next 6 months, or more frequently if circumstances require

8. amends its website to include a dedicated page for the Strategic Improvement Plan to maximise transparency and access to outstanding council actions and strategic improvement.

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

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

Against: Nil

11.6 Change of June 2022 meeting date

22/027OC

Committee recommendation that Council endorse the change of the June meeting date to 28 June 2022.

(Councillors Rice and Draisma)

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

Against: Nil

11.7 Australian Local Government Association - National General Assembly 2022 - Councillor attendance

22/028OC

Committee recommendation that Council determines Councillors Reilly and Draisma to attend the Australian Local Government Association's National General Assembly held in Canberra on 19-22 June 2022.

(Councillors Brown and Larkins)

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

Against: Nil

11.8 Quarterly Budget Review Statement for the period ending December 2021

It was **moved** by Councillor Brown and seconded by Councillor Croxford that Council receive and adopt the revised budget for the period ending 31 December 2021.

An **amendment** was moved by Councillor Renkema-Lang and **accepted** by the mover that:

1. Council receive and adopt the revised budget for the period ending 31 December 2021.
2. Future Quarterly Budget Review Statements include a list of definitions in lay terms for the public - (in line with the definitions in the KPI sections on page 207 but more broadly) and expanded commentary on variances and outputs.

22/0290C

A further **amendment** was moved by Councillor Keast and **accepted** by the mover that:

1. Council receive and adopt the revised budget for the period ending 31 December 2021.
2. Future Quarterly Budget Review Statements include a list of definitions in lay terms for the public - (in line with the definitions in the KPI sections on page 207 but more broadly) and expanded commentary on variances and outputs.
3. Council report, in future Quarterly Budget Review Statements, the set of minimum requirements as outlined by the Office of Local Government in its report called *Quarterly Budget Review Statement for NSW Local Government*, where possible.

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

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

Against: Nil

12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

Disclosure of Interest - Councillor Reilly

Councillor Reilly declared a non-significant non-pecuniary interest in item 12.1 10.2018.273.3 – 81 Jerrara Road, Jerrara – Review of Determination as the applicant was a participant on Councillor Reilly's team for the Local Government Election 2021. Councillor Reilly left the chamber and took no part in discussion or voting on this matter.

Councillor N Reilly left the meeting at 6.23 pm and Councillor Draisma took the Chair.

12.1 10.2018.273.3 – 81 Jerrara Road, Jerrara - Review of Determination

22/0300C

Committee recommendation that Council in its review of determination:

1. Uphold its determination and refuse the modification of consent 10.2018.273.3 as per the reasons for refusal.

2. Advise persons who made a submission on Development Application No 10.2018.273.3 of Council's decision.

(Councillors Rice and Brown)

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

Against: Nil

Councillor N Reilly returned to the meeting at 6:25 pm and Councillor Draisma vacated the Chair

Councillor M Brown left the meeting at 6.26 pm.

Councillor M Brown returned to the meeting at 6.28 pm.

12.2 Monthly development application report

22/0310C

Committee recommendation that Council note the update that has been provided on the development assessment timeframes and process.

(Councillors Croxford and Steel)

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

Against: Nil

12.3 Question for future meeting: Update of Coastal Management Program - Minnamurra River and Crooked River Coastal Zone Management Plans

22/0320C

Committee recommendation that Council note the information provided in this report.

(Councillors Renkema-Lang and Brown)

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

Against: Nil

12.4 2022 NAIDOC Week School Initiative**22/033OC**

Committee recommendation that Council agree to participate in the 2022 NAIDOC Week School Initiative.

(Councillors Larkins and Reilly)

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

Against: Nil

12.5 10.2021.314.1 - 32 Pacific Avenue, Werri Beach**22/034OC**

Committee recommendation that Council:

1. approve Development Application No 10.2021.314.1 for the demolition of the existing dwelling and detached shed, erection of an attached dual occupancy, swimming pools and two (2) lot Torrens Title subdivision at 32 Pacific Avenue, Werri Beach, subject to the conditions as attached to this report.
2. advise persons who made a submission on Development Application No 10.2021.314.1 of Council's decision.

(Councillors Brown and Croxford)

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

Against: Nil

12.6 10.2019.27.2 - 17 Minnamurra Street, Kiama**22/035OC**

Committee recommendation that Council:

1. approve Application to Modify Consent No 10.2019.27.2 subject to the conditions as attached to this report.
2. advise persons who made a submission on the Application to Modify Consent No 10.2019.27.2 of Council's decision.

(Councillors Renkema-Lang and Brown)

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

Against: Nil

12.7 Endorsement of Planning Amendments for Agriculture (Agritourism) to Kiama Local Environmental Plan 2011

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

1. provide a formal response to inform the NSW Department of Planning & Environment that Council wishes to:
 - a. adopt optional clauses 5.23 and 5.24 as outlined in the Standard Instrument (LEP) Amendment (Agritourism) Order 2021 as follows:
 - i. Clause 5.23(1)(c) – no other objectives required
 - ii. Clause 5.23(2)(b) – insert 120
 - iii. Clause 5.23(2)(c) – insert 20
 - iv. Clause 5.23(2)(d) – insert 5
 - v. Clause 5.24(1)(c) – no other objectives required
 - vi. Clause 5.23(2)(a) – insert 200
 - vii. Clause 5.23(2)(b) – insert 50

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

1. provide a formal response to inform the NSW Department of Planning & Environment that Council wishes to:
 - a. adopt optional clauses 5.23 and 5.24 as outlined in the Standard Instrument (LEP) Amendment (Agritourism) Order 2021 as follows:
 - i. Clause 5.23(1)(c) – no other objectives required
 - ii. Clause 5.23(2)(b) – insert 100
 - iii. Clause 5.23(2)(c) – insert 20
 - iv. Clause 5.23(2)(d) – insert 5
 - v. Clause 5.24(1)(c) – no other objectives required
 - vi. Clause 5.23(2)(a) – insert 200
 - vii. Clause 5.23(2)(b) – insert 50

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

For: Councillors Brown, Larkins, Reilly and Steel

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

22/036OC

A foreshadowed motion was **moved** by Councillor Rice and seconded by Councillor Lang that Council:

1. provide a formal response to inform the NSW Department of Planning & Environment that Council wishes to:
 - a. adopt optional clauses 5.23 and 5.24 as outlined in the Standard Instrument (LEP) Amendment (Agritourism) Order 2021 as follows:
 - i. Clause 5.23(1)(c) – no other objectives required
 - ii. Clause 5.23(2)(b) – insert 80
 - iii. Clause 5.23(2)(c) – insert 20
 - iv. Clause 5.23(2)(d) – insert 5
 - v. Clause 5.24(1)(c) – no other objectives required
 - vi. Clause 5.23(2)(a) – insert 200
 - vii. Clause 5.23(2)(b) – insert 50

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

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

Against: Councillors Brown, Croxford, Reilly and Steel

Councillor S Larkins left the meeting at 7.19 pm.

12.8 2021-22 NSW EPA Better Waste Recycling Fund (BWRF) Projects

22/0370C

Committee recommendation that Council:

1. accept the grant funding of \$10,000 received from the NSW Environment Protection Authority under their Scrap Together Funding for the delivery of a targeted education campaign to encouraged continued and enhanced use of Council's food organics programs and services and delegate to the Chief Executive Officer the signing and returning the Letter of Agreement including the tax invoice.
2. delegate to the Chief Executive Officer authority to sign the funding agreement and associated documents to enable the \$10,000 grant to be received by Council.

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

Councillor S Larkins returned to the meeting at 7.20 pm.

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

13.1 Road Closure - Cnr Gray Street and Bergin Drive, Gerringong

22/038OC

Committee recommendation that Council:

1. endorse the sale of the unused section of public road reserve identified in Figure 1 of this report to the registered owner of Lot 1 DP 797886 Gray Street, Gerringong.
2. endorse the purchase price of \$32,000 (GST exclusive).
3. authorise the Mayor and Chief Executive Officer to sign any documentation associated with the sale of the land on behalf of Council under Council seal.

(Councillors Steel and Renkema-Lang)

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

Against: Nil

13.2 Draft Public Tree Management Policy 2022

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

1. repeal the existing 'Tree Planting Policy – Council Reserves and Public Places 2015' and 'Tree & Vegetation Vandalism Policy 2018'
2. adopt the 'Public Tree Management Policy 2022' subject to an amendment to remove paragraphs 6.1 (viii), 6.2 (i) and 6.2 (vii)
3. write letters of thanks to those community members who made submissions on the draft policy and those who participated in the pre-exhibition focus group.

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

For: Councillors Brown, Croxford, Reilly and Steel

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

22/039OC

A **foreshadowed motion** was **moved** by Councillor Lang and seconded by Councillor Rice that Council:

1. repeal the existing 'Tree Planting Policy – Council Reserves and Public Places 2015' and 'Tree & Vegetation Vandalism Policy 2018'
2. adopt the 'Public Tree Management Policy 2022' with the following modifications:

- a) that an increase in the reward for information on vandalism to \$1,000 (in section 7.3.2) be considered as part of the 2022/23 draft Operational Plan and Budget
 - b) that bushfire resistant native plants be considered in bushfire prone locations (in Section 4.5 – Selection of species)
3. seek funding opportunities through grants or with the Destination South Sydney and Surrounds program to invest in new or updated attractive/low profile signage along our nature trails, wetlands, and coastal walks that highlights the value of trees and vegetation in supporting the unique and distinctive bio-diversity across our municipality.
 4. write letters of thanks to those community members who made submissions on the draft policy and those who participated in the pre-exhibition focus group.
(Councillors Brown and Croxford)

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

Against: Councillor Steel

13.3 Draft Acquisition and Disposal of Land and Easements Policy for Public Exhibition

22/0400C

Committee recommendation that Council:

1. approve the public exhibition of the draft Acquisition and Disposal of Land and Easements Policy
2. note that the finalised Policy will be tabled at a future meeting for adoption, together with a report on the outcomes of the public exhibition process.
3. as a matter of priority conduct an expression of interest process to create a tender panel of realtors and agents for Council to engage on property, asset disposal and acquisitions.

(Councillors Draisma and Brown)

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

Against: Nil

13.4 Terms of Reference - Kiama Local Traffic Committee

22/0410C

Committee recommendation that Council endorse the Terms of Reference document for the Kiama Local Traffic Committee.

(Councillors Larkins and Brown)

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

Against: Nil

14 REPORT OF THE BLUE HAVEN CHIEF OPERATIONS OFFICER

Nil

15 REPORTS FOR INFORMATION

22/0420C

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

- 15.1 Minutes: South Precinct - executive summary - 10 March 2022
- 15.2 Question for future meeting: Hindmarsh Park refurbishment consultation report and concept plan submission
- 15.3 Minutes: Minnamurra Progress Association - March 2022
- 15.4 Revised catering contract - The Pavilion, Kiama
- 15.5 Questions for Future Meeting Register as at March 2022.

(Councillors Croxford and Larkins)

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

Against: Nil

RESUMPTION OF ORDINARY BUSINESS

22/0430C

Committee recommendation that at this time, 7:47pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Reilly and Croxford)

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

Against: Nil

ADOPTION OF COMMITTEE OF THE WHOLE REPORT**22/044OC**

Resolved that Council formally confirm, adopt and endorse the Committee recommendations made by Council sitting as a Committee of the Whole as detailed in the Committee recommendations numbered 22/021OC to 22/043OC above.

(Councillors Larkins and Renkema-Lang)

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

Against: Nil

16 ADDENDUM TO REPORTS

Nil

17 NOTICE OF MOTION**17.1 Companion Animals Management Plan****22/045OC**

Resolved that Council:

1. as part of considerations for the 2022/23 draft Operational Plan and Budget consider funding and the allocation of resources to undertake the development of a five-year Companion Animals Management Plan.
2. include in the Plan:
 - a. A Dog Friendly Spaces Strategy.
 - b. Identifying potential future dog friendly spaces, including potential options for fenced dog spaces in the Kiama Local Government Area.
 - c. An outline of how Council responds and actions incidents of companion animal aggression and attacks.
 - d. Identify potential Council initiatives to encourage the desexing, registration, microchipping and behavioural management of companion animals.
 - e. Providing community information on responsible pet ownership, including but not limited to information around best practice management of cats, and the consideration on the use of therapy and assistance Dogs and other animals in the Local Government Area.
3. regularly provide yearly data to Councillors on the number of animals registered in the Kiama Local Government Area, including a breakdown of suburb area, and include the rates of desexing, animal vaccinations and

number of incidents involving companion animal attacks and number of listed dangerous dogs residing in the Local Government Area. This is to assist with informing future Council policy decisions.

4. That Council explores options for additional animal management initiatives, and business efficiencies, through the Illawarra-Shoalhaven Joint Organisation for council services.

(Councillors Larkins and Draisma)

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

Against: Nil

17.2 Bombo Quarry timeline

22/046OC

Resolved that Council:

1. support the use of Bombo Quarry for future housing, commercial, industrial and community services and spaces, as outlined in Objective 20 and Action 9 of the Illawarra-Shoalhaven Plan 2041
2. write to the relevant NSW Government Ministers to request a timeline on the development and usage of Bombo Quarry, including the timeframe for cessation of quarrying by the NSW government
3. ensure that Bombo quarry housing options are explicitly included in the housing calculations of the Housing Strategy Reference Group with input from relevant community associations.

(Councillors Larkins and Draisma)

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

Against: Nil

17.3 Rural and Agricultural Lands Strategy

22/047OC

Resolved that Council:

1. acknowledge the importance of agriculture and rural lands as unique to the identity of the Kiama Municipality
2. as part of considerations for the 2022/23 draft Operational Plan and Budget undertake to develop a Rural and Agricultural Opportunities Strategy (the Strategy)

3. engage the community in the development of the Strategy through the Rural Futures Reference Group (the Group), as resolved at the 24 February 2022 Extraordinary Council Meeting
4. supports community engagement through the Group to identify both the challenges and opportunities for the rural environment, economy and infrastructure in the Kiama Municipality.

(Councillors Draisma and Larkins)

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

Against: Nil

17.4 2022/2023 Delivery Program, Operational Plan and Budget

22/0480C

Resolved that the Council 2022/2023 Delivery Program, Operational Plan and Budget includes the commencement of programs aligned with the priorities identified in the Community Strategic Plan 2017-2027 and Community Satisfaction Survey 2020, and giving consideration to:

1. An investigation of alternative sources of revenue for Council in new clean technologies, rural and agricultural ventures, and in tourism initiatives that protect and preserve our natural landscapes, wildlife habitats and marine and land biodiversity
2. Systematically and progressively implementing the long outstanding actions required to preserve and protect the vulnerable land and marine species, ecological communities, and wildlife corridors throughout the municipality (as identified in Councils 33 Plans of Management and other key documents such as the Coastal Management Program and the Crooked River and Minnamurra River and estuary management plans), and
3. Systematically and progressively implementing work to rectify inadequacies in Council's road and storm water infrastructure network that are resulting in significant damage and escalating risks across the municipality (informed by the impacts of recent and recurring storm weather, flooding, and landslides across the municipality and in the context of existing and recently completed flood studies across Jamberoo, Gerringong, and Spring Creek).

(Councillors Renkema-Lang and Rice)

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

Against: Nil

17.5 Building organisational capability**22/049OC****Resolved** that Council in revising the organisation structure gives consideration to:

- a) the resources required to address the priorities identified in the Community Strategic Plan 2017-2027 and Community Satisfaction Survey 2020
- b) the introduction of new or strengthening existing capability (with additional suitably qualified people) to better manage our finances, and also our natural environment, rural lands, and critical infrastructure
- c) introducing a dedicated grants officer to maximise revenue from grant funding
- d) building skills and capability in contract, risk, and project management across the organisation.

(Councillors Renkema-Lang and Rice)

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

Against: Nil

17.6 Kiama Coastal Walking Track**22/050OC****Resolved** that Council:

1. notes that The Kiama Coastal Walking Track Stage 2 has been recognised by Council since 1997 as part of the overall plan for establishing a Coastal Walking Track along the full length of the Municipality.
2. notes that Stage 2 is the Council endorsed top priority of the Walking Trails and Cycleways Committee.
3. notes that stage 1 is recognised nationally and has been a tremendous success for the local community and Tourism.
4. notes that funding is available via the NSW Coastal Lands Protection Scheme and is not dependent on gaining "Wish List" money or promises from election candidates.
5. as part of the considerations for the draft 2022/23 Operational Plan and Budget that sufficient administrative funding for scoping the project be allocated
6. contacts the owners of land identified in the 2021 endorsed route, with advice that Council wishes to apply for acquisition funding and seeks their response to this.
7. contacts the Department of Primary Industries Coastal Planning and Professor Bruce Thom for advice and initiation of the grant application.

8. Reports progress back to Council.

(Councillors Rice and Reilly)

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

Against: Nil

18 QUESTIONS FOR FUTURE MEETINGS**18.1 Jones Beach - coastal vegetation**

Councillor Croxford requested a report on what Council is doing to manage the coastal vegetation area of Jones Beach, with particular regard to the clean-up of the sand dunes at Jones Beach, and the dead and dying vegetation which is being overrun by lantana. The report to include advice on whether the existing vegetation is considered native vegetation which is appropriate for a location like Jones Beach, and if not, what is appropriate native vegetation for a location such as Jones Beach. The matter was referred to the Director Environmental Services for investigation and report.

18.2 Farmers Market parking impacts on medical businesses opposite Coronation Park

Councillor Croxford requested a report on the impact the Wednesday afternoon Farmers Market at Coronation Park is having on car parking availability for patients, particularly those with disabilities, post-surgical immobility, and the frail and elderly, who need to access those professional businesses, being the doctors surgery, the pathology clinic, and the chemist, located at 83 Manning. The matter was referred to the Director Environmental Services for investigation and report.

18.3 Economic lands options with the local government area

Councillor Croxford requested a report on what options Council can consider in the 2022/23 draft operation budget to increase the availability of economic lands, to present opportunities for new and expanding businesses, jobs and complimentary economic benefits. The matter was referred to the Director Environmental Services for investigation and report.

18.4 Financial relief opportunities for ratepayers

Councillor Keast requested a report to inform Councillors and our community of the financial relief already being provided to ratepayers and the community, and opportunities for further relief to be provided in the 2022/23 and 2023/24 financial years (with reference to section 567, Section 610E and Section 356 of the Local Government Act 1993). The matter was referred to the Chief Financial Officer for investigation and report.

18.5 Feedback and complaints policy and processes

Councillor Keast requested a report on its feedback and complaints policy and processes, to identify what is currently in place and how we may systematically improve this important part of a quality improvement system. The matter was referred to the Director Environmental Services for investigation and report.

18.6 State heritage nomination - police residence, court house and police station

Councillor Renkema-Lang requested a report on the process, confirming whether Council can submit a State Heritage nomination to list the police residence, the courthouse, and the police station located on Terralong Street, and the cost impact of doing so. The matter was referred to the Director Environmental Services for investigation and report.

18.7 Urban greening strategy

Councillor Renkema-Lang requested a report on the impact of expanding the forthcoming urban greening strategy to a municipality wide greening strategy that addresses biodiversity offsets, promotion of natural habitats and wildlife corridors, which together with the municipal wide vegetation study will inform future review of the Tree Management Policy. The matter was referred to the Director Environmental Services for investigation and report.

18.8 Jones Beach plans of management

Councillor Draisma requested a report on when the Jones Beach and Cathedral Rocks plans of management will be reviewed, an update on the rehabilitation of Jones Beach since the degradation of the area in 2017 and if there are any outstanding actions, and to that point is there any plan that exists which can be used for the purposes of seeking funding to rehabilitate the area. The matter was referred to the Director Environmental Services for investigation and report.

19 CONFIDENTIAL SUMMARY

22/0510C

Resolved that at this time, 8.27pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Reilly and Draisma)

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

Against: Nil

Public Representations:

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

19.1 Exclusion Of Press And Public:

22/0520C

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 HOLIDAY PARK MANAGEMENT CONTRACTS

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 SELECTION OF PREFERRED COMPANY TO FACILITATE ASSET AND OPTIONS EXPLORATION FOR BLUE HAVEN

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.

(Councillors Reilly and Croxford)

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

Against: Nil

20 CONFIDENTIAL REPORTS

20.1 Holiday Park Management Contracts

22/0530C

Committee recommendation that Council defer item 20.1 and give delegated authority to the CEO to include in a future business paper at her discretion.

(Councillors Brown and Draisma)

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

Against: Nil

20.2 Selection of preferred company to facilitate asset and options exploration for Blue Haven

22/054OC

Committee recommendation that Council invite the preferred consultant, McVay Real Estate to provide a written quote for services related to asset options and exploration for Blue Haven.

(Councillors Brown and Steel)

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

Against: Councillors Renkema-Lang and Rice

Close of Confidential Committee of the Whole:

22/055OC

Committee recommendation that at this time, 8.51pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Draisma)

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

Against: Nil

Adoption of Report

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

22/056OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 22/52OC to 22/55OC be confirmed and adopted.

(Councillors Steel 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 8.53pm.

These Minutes were confirmed at the Ordinary Meeting of Council held
on 17 May 2022.



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Mayor