



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

commencing at 5pm on

**TUESDAY 21 NOVEMBER 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 NOVEMBER 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 Planning, Environment and Communities  
Michael Malone – Director Infrastructure and Liveability  
Joe Gaudiosi – Chief Operating Officer  
Olena Tulubinska – Chief Financial Officer  
Darryl Hagger – Public Officer

## **1 OPENING OF MEETING**

The Mayor opened the meeting at 5pm.

## **2 WEBCASTING STATEMENT**

This meeting is being recorded and made publicly available on the Council website and persons attending the meeting should refrain from making any defamatory statements.

## **3 ACKNOWLEDGEMENT OF COUNTRY**

The Mayor acknowledged the traditional owners of the land on which we meet, the Wodi Wodi people of the Dharawal nation, and paid our respects to elders past, present.

## **4 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

Standing orders were suspended at 5.03pm in order to undertake mandatory alcohol and other drugs testing.

Standing orders were resumed at 5.23 pm

## 6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### 6.1 Ordinary Council on 17 October 2023

#### 23/306OC

**Resolved** that the Minutes of the Ordinary Council Meeting held on 17 October 2023 be received and accepted, subject to amending recommendation 23/297OC to read:

Councillor Croxford raised a point of order and it was resolved that a 3 minute speaking limit be applied to Item 19.1 *Prohibit e-scooters* and Item 19.2 *Jamberoo Pool*.

(Councillors Larkins and Draisma)

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 Brown – Item 12.4

Councillor Brown declared a less than significant non-pecuniary interest in Item 12.4 *Minutes: Tourism and Economic Advisory Committee – 2 November 2023* as he is a member of the Kiama Surf Life Saving Club. Councillor Brown proposed to disclose and vote on this matter.

### Disclosure of Interest - Councillor Renkema-Lang – Item 13.4

Councillor Renkema-Lang declared a less than significant non-pecuniary interest in item 13.4 *Request for in-kind donation and sponsorship: Australia Day 2023* as she is a member of the Kiama Lions Club and the Gerringong Lions Club are requesting funds. Councillor Renkema-Lang proposed to disclose and vote on this matter.

### Disclosures of Interest - Councillor Larkins – Items 13.4 and 15.4

Councillor Larkins declared a less than significant non-pecuniary interest in 13.4 *Request for in-kind donation and sponsorship: Australia Day 2023* as he is a volunteer for the Lions Clubs in the Kiama Local Government Area and the Gerringong Lions

Club is listed in the report. Councillor Larkins proposed to disclose and vote on this matter.

Councillor Larkins declared a less than significant non-pecuniary interest in Item 15.4 *Post exhibition: Finalisation of Kiama Heritage Planning Proposal* as he was previously employed by a current tenant in one of the properties listed in the report. Councillor Larkins proposed to disclose and vote on this matter.

#### **Disclosure of Interest - Councillor Draisma – Item 17.6**

Councillor Draisma declared a significant non-pecuniary interest in item 17.6 *Correspondence – Statement Government – The Hon Paul Scully* as she worked for the Hon Paul Scully in the capacity as Senior Electorate Officer in his Wollongong Electoral Office. Councillor Draisma proposed to disclose and leave the Chamber.

## **9 TABLING OF PETITIONS AND OTHER DOCUMENTS**

Nil.

## **10 PUBLIC FORUM SUMMARY**

<b>Name</b>	<b>Item No.</b>	<b>Subject</b>
Phillip Perry	12.4	Minutes: Tourism and Economic Advisory Committee – 2 November 2023
Elaine Treglown	15.3	Kiama Town Centre Planning Proposal - finalisation
Colin Hollis	19.1	NOM: Peace Park
Jacqueline Forst	19.2	NOM: Minnamurra River

## **11 MAYORAL MINUTE**

### **11.1 Illawarra Business Awards 2023**

#### **23/3070C**

**Resolved** that Council congratulate all of the local businesses who were finalists and “Jamberoo Action Park” on receiving the award for Excellence in Tourism and Hospitality at the IMB Bank Illawarra Business Awards 2023.

(Councillor Reilly)

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

Against: Nil

**11.2 InnovationAus 2023 Award recipients****23/308OC**

**Resolved** that Council formally congratulate Lumi.Media in winning the InnovationAus 2023 Award for Excellence in the Creative Technology category and MIPCOM Cannes Content Innovation Award for Sustainability and Innovation.

(Councillor Reilly)

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

Against: Nil

**11.3 Mayor's Giving Tree 2023****23/309OC**

**Resolved** that Council endorse the 2023 Mayor's Giving Tree appeal.

(Councillor Reilly)

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

Against: Nil

**Procedural motion: In globo resolutions****23/310OC**

**Resolved** that Council move in globo and adopt the recommendations contained within the report for items 12.3, 13.4, 14.1, 14.2, 14.3, 14.4, 15.2, 15.4, 15.5, 15.6, 16.2, 16.4, and 16.5 and note the report for items 17.2, 17.3, 17.4, 17.5, 17.10.

(Councillors Draisma and Larkins)

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

Against: Nil

**Procedural motion****23/311OC**

**Resolved** that Council in accordance with clause 10.30 of the Code of Meeting Practice, shorten the duration of speeches to three (3) minutes to expedite the consideration of business at the meeting.

(Councillor Reilly)

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

Against: Councillors Keast, Renkema-Lang and Rice

**Procedural motion: Councillor excused from standing**

**23/312OC**

**Resolved** that Councillor Steel is excused from the requirement to stand when speaking.

(Councillor Reilly)

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

Against: Nil

**Procedural motion: Matter of urgency**

**23/313OC**

**Resolved** in accordance with clause 9.3 of the Code of Meeting Practice, that Councillor Rice's motion in relation to the December 2023 meeting date is considered urgent on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.

(Councillor Reilly)

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

Against: Nil

**Councillor Rice motion: December meeting dates**

**23/314OC**

**Resolved** that Council:

1. Change the date for the December 2023 Ordinary Council Meeting, briefing and Public Forum to all be held on Thursday 14 December 2023.
2. In subsequent years, schedule the December Council meeting to occur on the second Tuesday of December.

(Councillors Rice and Draisma)

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

Against: Nil

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## 12 MINUTES OF COMMITTEES

### 12.1 Minutes: Audit, Risk and Improvement Committee Meeting - 10 October 2023

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

1. receive the Minutes of the Audit, Risk and Improvement Committee meeting held on 10 October 2023, subject to an amendment to the Minutes to properly reflect that Councillor Keast declared an interest in item 8.1 *Self-reporting notification* and that Councillor Keast left the Chamber at 1:05 pm and returned at 1:30pm.
2. accept the recommendations, being
  - 23/034ARIC that the Audit, Risk and Improvement Committee note the information on risk management activity contained in this report
  - 23/035ARIC that the Audit, Risk, and Improvement Committee notes the information in the progress reports on:
    1. Internal audit recommendations
    2. External audit recommendations
    3. CRIP audit recommendations
    4. Forsyths recommendations
    5. Hopwood Governance Report recommendations.
  - 23/036ARIC that the Audit, Risk, and Improvement Committee notes the information contained in the report on action items and approves due dates for outstanding items.
  - 23/037ARIC that the Audit, Risk and Improvement Committee notes the information contained in the internal auditors update, including the findings and recommendations in the general procurement internal audit report and the payroll and leave management follow-up internal audit report.
  - 23/038ARIC that the Audit, Risk and Improvement Committee endorse the draft ARIC annual report for inclusion in Council's Annual Report.
  - 23/039ARIC that the Audit, Risk and Improvement Committee note the late change to the audit opinion issued by NSW Audit Office to their audit of Council's 2022 Financial Statements.
  - 23/040ARIC that the Audit, Risk & Improvement Committee notes the information update pertaining to the sale of Blue Haven Bonaira and updated activities.
  - 23/041ARIC that the CEO undertake a review and investigation of matters in relationship to Council.

Councillor Croxford raised a **point of order** that the minutes of Committee meetings cannot be amended by Council, only by the Committee itself. The Mayor ruled that

he considered the matter to be a procedural one rather than it changing the material content of the minutes.

### 23/315OC

At the request of Councillors Brown and Croxford and by consent, the **motion was varied** and resolved as follows –

That Council:

1. receive the Minutes of the Audit, Risk and Improvement Committee meeting held on 10 October 2023.
2. accept the recommendations, being:
  - 23/034ARIC that the Audit, Risk and Improvement Committee note the information on risk management activity contained in this report
  - 23/035ARIC that the Audit, Risk, and Improvement Committee notes the information in the progress reports on:
    1. Internal audit recommendations
    2. External audit recommendations
    3. CRIP audit recommendations
    4. Forsyths recommendations
    5. Hopwood Governance Report recommendations.
  - 23/036ARIC that the Audit, Risk, and Improvement Committee notes the information contained in the report on action items and approves due dates for outstanding items.
  - 23/037ARIC that the Audit, Risk and Improvement Committee notes the information contained in the internal auditors update, including the findings and recommendations in the general procurement internal audit report and the payroll and leave management follow-up internal audit report.
  - 23/038ARIC that the Audit, Risk and Improvement Committee endorse the draft ARIC annual report for inclusion in Council's Annual Report.
  - 23/039ARIC that the Audit, Risk and Improvement Committee note the late change to the audit opinion issued by NSW Audit Office to their audit of Council's 2022 Financial Statements.
  - 23/040ARIC that the Audit, Risk & Improvement Committee notes the information update pertaining to the sale of Blue Haven Bonaira and updated activities.
  - 23/041ARIC that the CEO undertake a review and investigation of matters in relationship to Council.
3. Note that Councillor Keast declared an interest in item 8.1 *Self-reporting notification* and that Councillor Keast left the Chamber at 1:05 pm and returned at 1:30pm.

(Councillors Keast and Draisma)



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

Against: Nil

### **12.2 Minutes: Infrastructure and Liveability Advisory Committee - 10 October 2023**

It was **moved** by Councillor Brown and seconded by Councillor Croxford that the Minutes of the Infrastructure & Liveability Advisory Committee meeting held on 10 October 2023 be received and the recommendations accepted with an amendment to point 1 of 23/005IALAC, being

23/004IALAC It was acknowledged that there being no other nominations, MM declared that Jennifer Wulff will be the Chair for the inaugural term of the Infrastructure & Liveability Advisory Committee.

23/005IALAC 1. The Committee will appoint the Paid Parking Sub-committee at the next Committee meeting in accordance with Council Policy.

2. That the Community members of this Committee are to forward their preferences for possible project areas for the Committee by the end of the week. Once all preferences have been received then the Committee can come together to discuss the options.

Councillor Draisma foreshadowed the original motion.

#### **23/316OC**

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

That the Minutes of the Infrastructure & Liveability Advisory Committee meeting held on 10 October 2023 be received.

(Councillors Brown and Croxford)

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

Against: Councillor Larkins

### **12.3 Minutes: Sustainable Communities Advisory Committee - 24 October 2023**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/310OC.

#### **23/317OC**

**Resolved** that Council note the Minutes of the Sustainable Communities Advisory Committee meeting held on 24 November 2023.

(Councillors Draisma and Larkins)

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

Against: Nil

#### **12.4 Minutes: Tourism and Economic Advisory Committee - 2 November 2023**

##### **Disclosure of interest**

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

##### **23/318OC**

**Resolved** that the Minutes of the Tourism and Economic Advisory Committee Meeting held on 2 November 2023 be received and the following recommendations therein accepted, being:

**23/020TEAC** that given the success of the Reconnecting Regional NSW Community Events Program, the Tourism and Economic Advisory Committee write to the Department of NSW and provide feedback on the value of program, in particular the positive impacts bestowed to the community.

**23/021TEAC** that the Tourism and Economic Advisory Committee

1. receive and approve the Australian Body Surfing Classic post event report, and in doing so, signal their final funding instalment be paid.
2. receive and approve the Folk by the Sea post event report, and in doing so, signal their final funding instalment be paid.
3. request staff look to attracting an event and/or partnership opportunity to co-deliver an event in April or May 2024.

**23/022TEAC** that the Tourism and Event Manager explore apportioning a percentage of the marketing budget to allocate to social media promotion of the local major event calendar, while continuing to update free communication opportunities such as The Fold and Coal Coast.

**23/023TEAC** that the Tourism and Event Manager engage a consultant to prepare an independent report to

1. capture data and qualitative feedback from Kiama's local business and residents as well as event attendees, to determine the value and impacts of major events.
2. apply these findings to provide Council a recommendation on the number and size of events suitable for Kiama, to strike a sustainable balance for event activation and community amenity
3. recommend to Council the most appropriate support mechanism to enable this.

- 23/024TEAC** that the Tourism and Economic Advisory Committee
1. issue formal congratulations to Jamberoo Action Park for their win in the Excellence in Tourism and Hospitality category at the Illawarra Business Awards
  2. invite Ashleigh Smith, Associate Director Engagement, the Office of the 24 Hour Economy Commissioner to address the Tourism Economic Advisory Committee, Kiama & District Chamber of Commerce Board and Council as they prepare policy to increase evening economic activity in targeted precincts across the six cities region.
  3. issue formal congratulations to all Kiama & District Chamber of Commerce board members on their appointment
  4. look forward to receiving and reviewing the State of the Economy Report at the next meeting in January/February 2024.

- 23/026TEAC** that Destination Kiama work with and support the volunteers of the region's Surf Lifesaving Clubs in collecting donations at the 2023 New Year's Eve Sky Show and continue to work with the Gerringong Lions Club to collect cans to present to the return and earn program.
- (Councillors Brown and Draisma)

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

Against: Nil

## 13 REPORT OF THE CHIEF EXECUTIVE OFFICER

### 13.1 2022-23 Annual Report

#### **23/319OC**

**Resolved** that Council

1. Endorse the 2022-23 Annual Report, subject to an amendment on page 177 of the Annual Report to reflect that Cr Keast, Cr Reilly and Cr Renkema-Lang participated in the LGNSW Mentoring Program with Cr Rice not having registered for this program.
2. Notes that the financial statements of 2022-23 are still being completed and therefore the audited financial information will be provided to Council by separate report when available.

(Councillors Keast and Renkema-Lang)

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

Against: Nil

**13.2 2024 Ordinary Council meeting schedule**

It was **moved** by Councillor Larkins and seconded by Councillor Draisma that Council set the 2024 dates for Ordinary Council meetings, with meetings commencing at 5pm, as follows:

Tuesday 13 February  
Tuesday 19 March  
Tuesday 16 April  
Tuesday 21 May  
Tuesday 18 June  
Tuesday 16 July  
Tuesday 13 August  
Tuesday 15 October  
Tuesday 26 November  
Tuesday 17 December

**23/320OC**

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

That Council set the 2024 dates for Ordinary Council meetings, with meetings commencing at 5pm, as follows:

Tuesday 13 February  
Tuesday 19 March  
Tuesday 16 April  
Tuesday 21 May  
Tuesday 18 June  
Tuesday 16 July  
Tuesday 13 August  
Tuesday 15 October  
Tuesday 26 November  
Tuesday 10 December

(Councillors Larkins and Draisma)

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

Against: Nil

### 13.3 Council delegates to outside bodies, appointments to regional and other organisations

#### 23/3210C

**Resolved** that Council determine the following representation to external organisations for the period to September 2024, noting that a vote was held for the Illawarra Shoalhaven Joint Organisation representative with Councillor Brown receiving 4 votes and Councillor Draisma 5 votes:

CivicRisk Mutual	1 Councillor	Cr Renkema-Lang
Cleary Bros Community Consultative Committee	1 Councillors	Cr Croxford
Friends of Kiama Library	1 Councillor 1 Alternative	Cr Larkins Cr Keast
Illawarra Academy of Sport	Mayor/Delegate	Cr Croxford
Illawarra Bushfire Management Committee	1 Councillor	Cr Larkins
Illawarra District Weeds Authority Committee	1 Councillor	Cr Draisma
Illawarra Regional Airport Management Advisory Committee	Mayor	Cr Reilly
Illawarra Rural Fire District Service Agreement Committee	1 Councillor	Cr Larkins
Illawarra Shoalhaven Joint Organisation	Mayor 1 Councillor 1 Alternative	Cr Reilly Cr Draisma Cr Brown
Kiama and District Sports Association	1 Councillor	Cr Croxford
Kiama Liquor Accord	2 Councillors	Cr Croxford Cr Steel
NSW Public Library South East Zone Committee	1 Councillor	Cr Reilly

South Coast Co-operative Library Service	1 Councillor	Cr Reilly
Southern Regional Planning Panel	Mayor 1 Councillor 1 Alternative	Cr Reilly Cr Draisma Cr Larkins

(Councillors Larkins and Draisma)

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

Against: Nil

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

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/310OC.

#### Disclosures of interest

Councillor Renkema-Lang declared a less than significant non-pecuniary interest in this matter, disclosed and voted.

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

#### 23/322OC

**Resolved** that Council:

1. Provide in-kind support for the provision of waste services, road occupation including advertising, native title (if applicable) in addition to sponsorship of \$1,000 to Gerringong Lions Club, Kiama Downs Surf Club, Kiama Rotary and Jamberoo Red Cross for the Australia Day 2024 breakfasts.
2. Further, that the community groups who received funding for the Australia Day 2024 breakfasts be advised Council would appreciate appropriate recognition of support of the event.

(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

### 14.1 Endorse for public exhibition: Draft Child Safe Policy and Behavioural Standards for Keeping Children Safe

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/310OC.

#### 23/323OC

**Resolved** that Council:

1. proceed to public exhibition of the Draft Child Safe Policy and the Behavioural Standards for Keeping Children Safe for a period of 28 days.
2. note if submissions are received during the exhibition period a further report will be provided on any proposed amendments to the Draft Child Safe Policy and Behavioural Standards for Keeping Children Safe
3. adopt the Draft Child Safe Policy and the Behavioural Standards for Keeping Children Safe if no submissions are received on the day after the completion of the public exhibition period.

(Councillors Draisma and Larkins)

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

Against: Nil

### 14.2 Endorse for public exhibition: Draft Complaints Handling Policy

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/310OC.

#### 23/324OC

**Resolved** that Council:

1. proceed to public exhibition of the Draft Complaints Handling Policy for a period of 28 days.
2. note if submissions are received during the exhibition period a further report will be provided on any proposed amendments to the Petitions Policy.
3. adopt the Complaints Handling Policy if no submissions are received on the day after the completion of the public exhibition period.

(Councillors Draisma and Larkins)

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

Against: Nil

**14.3 Endorse for public exhibition: Draft Local Government Elections (Caretaker Period provisions) Policy**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/310OC.

**23/325OC**

**Resolved** that Council:

1. proceed to public exhibition of the Draft Local Government Elections (Caretaker Period provisions) Policy for a period of 28 days.
2. note if submissions are received during the exhibition period a further report will be provided on any proposed amendments to the Draft Local Government Elections (Caretaker Period provisions) Policy.
3. adopt the Local Government Elections (Caretaker Period provisions) Policy if no submissions are received on the day after the completion of the public exhibition period.

(Councillors Draisma and Larkins)

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

Against: Nil

**14.4 Endorse for public exhibition: Draft Mandatory Notification of Data Breach Policy**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/310OC.

**23/326OC**

**Resolved** that Council:

1. proceed to public exhibition of the Draft Mandatory Notification of Data Breach Policy for a period of 28 days.
2. note if submissions are received during the exhibition period a further report will be provided on any proposed amendments to the Draft Mandatory Notification of Data Breach Policy.
3. adopt the Mandatory Notification of Data Breach Policy if no submissions are received on the day after the completion of the public exhibition period.

(Councillors Draisma and Larkins)

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

Against: Nil



**14.5 Quarterly Budget Review - September 2023****23/327OC****Resolved** that Council:

1. Receive and adopt the quarterly budget review statement for the quarter ending 30 September 2023.
2. Adopt the operational revenue, expenditure, and capital budget adjustments as noted in the September quarterly budget review.

(Councillors Brown and Larkins)

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

Against: Councillor Renkema-Lang

**14.6 September 2023 Monthly Financial Report****23/328OC****Resolved** that Council receive and adopt the Monthly Financial Report for September 2023.

(Councillors Brown and Croxford)

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

Against: Nil

**14.7 Statement of Investments - October 2023****23/329OC****Resolved** that Council:

1. Receives the information relating to the Statement of Investments as at 31 October 2023.
2. Approves the transfer of \$2,174,773 from the Land Development Reserve to Unrestricted Funds and endorses the restricted funds position outlined in the report.

(Councillors Croxford and Brown)

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

Against: Nil

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## 15 REPORT OF THE DIRECTOR PLANNING, ENVIRONMENT AND COMMUNITIES

### 15.1 Endorse for public exhibition: Coastal Management Program - Stage 4 23/330OC

**Resolved** that Council:

1. Note the draft Stage 4 Kiama Coastline Coastal Management Plan.
2. Endorse public exhibition of the draft Stage 4 Kiama Coastline Coastal Management Plan, for a period of 28 days.
3. Note, if submissions are received during the exhibition period, a further report will be provided on any proposed amendments to the draft Stage 4 Kiama Coastline Coastal Management Plan.
4. Adopt the draft Stage 4 Kiama Coastline Coastal Management Plan if no submissions are received on the day after the completion of the public exhibition period.

(Councillors Brown and Draisma)

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

Against: Nil

### 15.2 Endorse for public exhibition: Draft Development Control Plan - Chapter 13 - Agritourism

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/310OC.

#### 23/331OC

**Resolved** that Council

1. Endorse the Draft DCP Chapter 13 – Agritourism, Amendment No 22 for public exhibition for a period of 28 days in accordance with Council's Community Participation Plan.
2. Following the closure of the formal exhibition process, make changes as necessary and report the final Draft DCP Chapter 13 – Agritourism, Amendment No 22 of the Kiama Development Control Plan 2020 back to the elected Council for formal endorsement and adoption.

(Councillors Draisma and Larkins)

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

Against: Nil

**15.3 Kiama Town Centre Planning Proposal - Finalisation****23/3320C****Resolved** that Council

1. Make the following amendments to Kiama Local Environmental Plan 2011 under section 3.36(1) of the Environmental Planning & Assessment Act 1979:
  - i. Amend Sheet HOB\_012 of Kiama LEP 2011 to increase the maximum height of buildings permitted:
    - a. Along the southern side of Terralong Street, between Thomson Street and Collins Street, to 14.3m.
    - b. Parts of Kiama Centrepoint Shopping Mall, to 14.3m.
    - c. Parts of the Akuna Street strategic site, to 14.3m, 17.4m and 21m.
  - ii. Amend Sheet FSR\_012 of Kiama LEP 2011 to increase the maximum floors space ratio permitted:
    - a. Along the southern side of Terralong Street, between Thomson Street and Collins Street, to 2:1.
    - b. Parts of Kiama Centrepoint Shopping Mall, to 2:1.
    - c. Parts of the Akuna Street strategic site, to 2:1, 2.5:1 and 3:1.
  - iii. Amend Sheet ASF\_012 and clause 6.8 of Kiama Local Environmental Plan 2011 to outline that the active street frontage development standards, within the Kiama Town Centre, only apply to the areas marked as 'primary active frontages'.
  - iv. Amend clause 6.8 of Kiama Local Environmental Plan 2011 to rezone Lot 154 DP 751279, 72 Manning Street (i.e. Silica Restaurant) from RE1 Public Recreation to B2 Local Centre and amend Sheet HOB\_012 and FSR\_012 to apply a 11m maximum building height and a floor space ratio of 1.5:1 for the site.
2. Delegate the Chief Executive Officer the authority to send the Planning Proposal to the Office of the NSW Parliamentary Counsel in accordance with section 3.36(1) of the Environmental Planning & Assessment Act 1979 to draft the legal instrument that will give effect to this Planning Proposal.
3. Delegate to the Chief Executive Officer the authority to make minor mapping and Local Environmental Plan instrument changes if required by the Office of the NSW Parliamentary Counsel.
4. Delegate to the Chief Executive Officer the authority to finalise the Planning proposal by placing the final instrument received from the NSW Parliamentary Counsel (referred to in recommendation 1) in the NSW Government Gazette and on the NSW Legislation Website.

(Councillors Brown and Croxford)

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

Against: Councillors Keast, Renkema-Lang and Rice

**15.4 Post exhibition: Finalisation of Kiama Heritage Planning Proposal**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/310OC.

**Disclosure of interest**

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

**23/333OC****Resolved** that Council:

1. Adopt the following amendments to Kiama LEP 2011 for the purpose of sending the amendments to the office of the NSW Parliamentary Counsel under section 3.36(1) of the Environmental Planning & Assessment Act 1979, subject to the maps being finalised in the Standard Instrument format:
  - (a) Amend Schedule 5 of the Kiama LEP 2011 to:
    - I. To incorporate the Blowhole Tennis Court (Terralong Street – Lot 1 DP 1115376) in heritage item I164
    - II. To incorporate Saints Peter and Paul Catholic Church (94-112 Manning Street, Kiama – Lot 1002 DP 859186) in heritage item I117.
    - III. List the following sites as new individual local heritage items:
      - (i) 24 Manning Street, Kiama – Lot 21 DP 1186998 (I180)
      - (ii) 5 Noorinan Street, Kiama – Lot 12 DP 1166458 (I181)
      - (iii) 51 Shoalhaven Street, Kiama – Part Lot 200 DP 1017091 (I182)
      - (iv) 23 Barney Street, Kiama – Lot 1 DP 194007 (I183)
      - (v) 72 Collins Street, Kiama – Lot 1 DP 781177 (I184)
      - (vi) 1 Bong Bong Street, Kiama – Lot 1 DP 1115376 (I185)
      - (vii) 19 Barney Street, Kiama – Lot 1 DP 1014606 (I186).
    - IV. List the following areas as new local Heritage Conservation Areas (HCA):
      - (i) Smiths Farm Heritage Conservation Area  
The area generally between Akuna Street, Shoalhaven Street, Barney Street, Seaview Street, Belvedere Street and Collins Street and 87 Shoalhaven Street – Lot 7 DP 258846 as the Smiths Farm HCA.
      - (ii) Kiama Town Centre Heritage Conservation Area  
Manning Street, from Bong Bong Street to Terralong Street, and Terralong Street, from its eastern extent to Collins Street, including the façade of 66 and 68 Terralong Street – Lots 1 & 2 DP 508891, as the Kiama Town Centre HCA.

- (b) Amend sheet HER\_012 to include the seven (7) new heritage items, listed above, and the two (2) new heritage conservation areas.
2. Delegate the Chief Executive Officer the authority to send the Planning Proposal to the office of the NSW Parliamentary Counsel in accordance with section 3.36(1) of the Environmental Planning & Assessment Act 1979 to draft the legal instrument that will give effect to this Planning Proposal.
  3. Delegate to the Chief Executive Officer the authority to make minor mapping and Local Environmental Plan instrument changes if required by the office of the NSW Parliamentary Council.
  4. Delegate to the Chief Executive Officer the authority to finalise the Planning proposal by placing the final instrument received from the NSW Parliamentary Counsel (referred to in recommendation 1) in the NSW Government Gazette and on the NSW Legislation Website.

(Councillors Draisma and Larkins)

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

Against: Nil

### **15.5 Post exhibition endorsement: Disability Inclusion Action Plan 2023-2027**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/310OC.

#### **23/334OC**

**Resolved** that Council:

1. Endorse the Disability Inclusion Action Plan 2023-2027 for implementation.
2. Submit a copy of the endorsed plan to the New South Wales Disability Council and Minister for Disability Inclusion by 1 December 2023.

(Councillors Draisma and Larkins)

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

Against: Nil

### **15.6 Repeal of Section 7.11 Contribution Plans Nos 1, 2 and 3**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/310OC.

#### **23/335OC**

**Resolved** that Council:

1. Places a notice on Council's website providing 14 days' notice of its intention to repeal the following contribution plans:

- Section 7.11 Contribution Plan No.1 – Municipal Wide Plan
  - Section 7.11 Contribution Plan No.2 – Northern Region
  - Section 7.11 Contribution Plan No.3 – Southern Region
2. Following the 14 day notice period, place a notice on Council’s website advising that the following contribution plans have been repealed:
- Section 7.11 Contribution Plan No.1 – Municipal Wide Plan
  - Section 7.11 Contributions Plan No.2 – Northern Region
  - Section 7.11 Contributions Plan No.3 – Southern Region
3. Upon repeal of the Section 7.11 contribution plans, transfer the balances to the Section 7.12 reserve and levy all future applications under the 7.12 plan.

(Councillors Draisma and Larkins)

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

Against: Nil

## 16 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY

### 16.1 Endorse for submission to the Minister: Draft Crown Land Plan of Management

#### 23/336OC

**Resolved** that Council, in accordance with the Crown Lands Management Act 2016, endorse the updated draft Plan of Management for submission to the NSW department of Planning, Industry & Environment – Crown Lands for Ministerial approval.

(Councillors Brown and Steel)

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

Against: Nil

### 16.2 Post exhibition endorsement: Updates to Cemetery Operating Policy

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/310OC.

#### 23/337OC

**Resolved** that Council adopt the Cemetery Operating Policy with updates as per the submissions table.

(Councillors Draisma and Larkins)

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

Against: Nil

### **16.3 Removal of Confidentiality - Request for Financial Assistance - hardship due to natural disaster**

#### **23/338OC**

**Resolved** that Council, at the request of the ratepayer:

1. Removes the confidential status of Report Item 22.2 of its meeting of 15 August 2023.
2. Provides a copy of Report Item 22.2 of its meeting of 15 August 2023 to the affected ratepayer.

(Councillors Draisma and Larkins)

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

Against: Nil

### **16.4 Traffic Management - Kiama Local Traffic Committee Meeting – 7 November 2023**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/310OC.

#### **23/339OC**

**Resolved** that Council endorse the traffic management plans for the events reviewed by the Kiama Local Traffic Committee at its meeting of 7 November 2023 as follows:

1. The proposal to endorse the Traffic Management Plans for the Kiama Sky Show and Kiama Show 2024 be the subject of a written advice to Transport for NSW and NSW Police that Council will be proceeding with the proposals, with implementation after the 14 day notice period.
2. Subject to there not being an appeal from TfNSW or NSW Police on the notice to of intention to proceed; approve the Traffic Management Plan associated with the Kiama Sky Show event at Black Beach Reserve, to be held on Sunday 31 December 2023, subject to the organisers and suitably qualified traffic controllers complying with the following conditions:
  - a. The Traffic Management Plans attached to the report
  - b. All road closures, diversions and traffic changes be undertaken by suitably qualified traffic controllers in compliance with the Traffic Control Plan TLTGS-6618-41549 prepared by Traffic Logistics Pty Ltd.
  - c. The organisers be responsible for the supply, erection and removal of all traffic control devices, equipment and personnel associated with the

- implementation of the approved Traffic Control Plan. Road registered VMS devices are to be placed in lawful parking areas.
- d. The following provisions be made to address anti-terrorism, hostile vehicle guidelines and provide a safe environment for attendees to the event:
    - i. Road closure on a section of Terralong Street, from Railway Parade to Manning Street roundabout, between 2pm and 10:30pm and from Railway Parade to Collins Street roundabout, between 4pm and 10:30pm; intended to allow for attendees to exit the event using Terralong Street as a pedestrian zone free from vehicles until 10:30pm.
    - ii. Road closure on a section of Shoalhaven Street, from Minnamurra Street roundabout to Terralong Street, from 4pm – 10:30pm; intended to provide a safe environment for attendees to walk between the event sites in Hindmarsh Park & Black Beach reserve; and amplify the event by delivering an 'Eat Street' on Shoalhaven Street.
    - iii. Road closure on a section of Stobo Road, between 8pm to 9:30pm for the fireworks exclusion zone.
  - e. Road closure of Bong Bong Street on either side of the Bong Bong Street / Manning Street roundabout, 8pm to 10:30pm, to guide traffic from the Blowhole.
  - f. Lodgement with Council of an application for a Section 138 Roads Act permit and payment of associated fee.
  - g. Notification of proposed traffic changes be given to police, local emergency services, businesses and residents effected by the closure.
  - h. An advertisement be placed in the local media advising of the closure.
3. Subject to there not being an appeal from TfNSW or NSW Police on the notice to of intention to proceed; approve of the Kiama Show 2024 Traffic Management Plan associated with the event on Friday 26 January 2024 and Saturday 27 January 2024 from 5am to 10pm each day, subject to organisers complying with the following conditions:
- a. The event organiser complies with the Traffic Management Plan attached to the report.
  - b. Notification of the closures be given to Police, local emergency services, businesses and affected residents.
  - c. An advertisement be placed in the local media advising of the closure a minimum of seven days prior to the event.

(Councillors Draisma and Larkins)

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

Against: Nil



**16.5 Transfer of Crown Road located between Lot 7018 DP 1074642 - Reserve 131 and Lot 7037 DP 1032268 - Reserve 1001381 to Council**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/310OC.

**23/340OC****Resolved that Council**

1. Make an application to NSW Department of Planning and Environment – Crown Lands to transfer the road to Council as outlined within the attached letter.
2. Give the CEO and/or Mayor delegated authority to sign any documentation as necessary to affect the road dedication process including the affixing of the Council Seal, if required.

(Councillors Draisma and Larkins)

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

Against: Nil

**17 REPORTS FOR INFORMATION****Disclosure of interest**

Councillor Draisma declared a significant non-pecuniary interest in item 17.6 and advised that she would leave the chamber for any discussion.

The following Reports for Information listed for the Council's consideration are noted:

- 17.1 Australian Liveability Census 2023 - Kiama Local Government Area results
- 17.2 CEO Picnics 2024
- 17.3 Christmas / New Year - annual close down period
- 17.4 Conference report: Councillor Brown - Australian Regional Tourism Convention 2023
- 17.5 Conference report: Councillor Reilly, Mayor - Asia Pacific Summit and Mayors' Forum
- 17.6 Correspondence - State Government - The Hon Paul Scully
- 17.7 Question for future meeting: Community transport service
- 17.8 Question for future meeting: Investment Policy
- 17.9 Questions for Future Meeting Register - November 2023
- 17.10 Social Media Policy - administrative update.

## 18 LATE ITEMS

### 18.1 Australian Coastal Councils Association - election of NSW Representative to the Committee of Management for 2023-2025

23/3410C

**Resolved** that Council:

1. support candidates Neil Reilly, Mayor – Kiama Municipal Council and Sharon Cadwallader, Mayor – Ballina Shire Council as NSW representatives on the Australian Coastal Councils Association Committee of Management.
2. return the voting form to the Australian Coastal Councils Association before close of business on 24 November 2023.

(Councillors Reilly and Steel)

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

Against: Councillors Renkema-Lang and Rice

## 19 NOTICE OF MOTION

### 19.1 Notice of Motion: Peace Park

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

1. Acknowledges the important role that the Illawarra Rose Society, the Kiama Garden Society, and the Friends of Peace Park have had in the establishment and ongoing maintenance of Peace Park.
2. As part of future budget reviews, consider seeking grant funding to cover the cost of establishing a suitable storage solution for the garden equipment used by the volunteers who maintain Peace Park.
3. Pending the outcome of point 2 above, consider waiving any fees associated with the ongoing use of the storage facility.

An **amended motion** was **moved** by Councillor Brown and seconded by Councillor Steel that Council:

1. Acknowledges the important role that the Illawarra Rose Society, the Kiama Garden Society, and the Friends of Peace Park have had in the establishment and ongoing maintenance of Peace Park.
2. As part of future budget reviews, consider seeking grant funding to cover the cost of establishing a suitable storage solution for the garden equipment used by the volunteers who maintain Peace Park.
3. Pending the outcome of point 2 above, consider waiving any fees associated with the ongoing use of the storage facility.
4. Council recognises the excellent work carried out by the volunteers of Peace Park and requests a report from the Director of Infrastructure and Liveability

on how Council can assist the Kiama Rose Society in their ongoing work at Peace Park, including:

- (a) the erection of a shed for the storage of garden tools, mower, mulch etc;
- (b) bricks to be sold and laid;
- (c) maintenance of the ground-cover on the Manning Street side;
- (d) insurance for works carried out;
- (e) pepper-corn licence fee; and
- (f) other related matters.

Councillor Renkema-Lang raised a **point of order** that there is a motion that has been moved and seconded and Councillor Brown has put up an alternative motion. The Mayor ruled that it was an amendment.

Councillor Renkema-Lang raised a **point of order** that Councillor Brown should speak to the amendment alone, not speak broadly about the matter. The Mayor asked Councillor Brown to conclude his remarks.

Councillor Renkema-Lang foreshadowed the original motion

On being **put** the amendment became the **motion**.

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

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

### **23/342OC**

**Resolved** that Council:

1. Acknowledges the important role that the Illawarra Rose Society, the Kiama Garden Society, and the Friends of Peace Park have had in the establishment and ongoing maintenance of Peace Park.
2. As part of future budget reviews, consider seeking grant funding to cover the cost of establishing a suitable storage solution for the garden equipment used by the volunteers who maintain Peace Park.
3. Pending the outcome of point 2 above, consider waiving any fees associated with the ongoing use of the storage facility.
4. Recognises the excellent work carried out by the volunteers of Peace Park and requests a report from the Director of Infrastructure and Liveability on how Council can assist the Kiama Rose Society in their ongoing work at Peace Park, including:
  - (a) the erection of a shed for the storage of garden tools, mower, mulch etc;
  - (b) bricks to be sold and laid;
  - (c) maintenance of the ground-cover on the Manning Street side;
  - (d) insurance for works carried out;

- (e) pepper-corn licence fee; and
- (f) other related matters.

(Councillors Brown and Steel)

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

Against: Nil

### 19.2 Notice of Motion: Minnamurra River

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

1. Welcomes and supports the much-needed improved public health facilities to be provided by the Shellharbour Hospital and integrated services project.
2. Acknowledges the Minnamurra Progress Association's concerns about the potential adverse impact of the hospital development on the biodiversity of the Minnamurra River and surrounding eco-systems.
3. Writes to the Hon. (Penny) Penelope Gail Sharpe, NSW Minister for the Environment noting that Kiama Local Government constituents are seeking to understand the extent that the NSW Government Coastal Management Act (2016) and the Federal Government Environmental Protection and Biodiversity Conservation Act (1999) were considered as part of the Shellharbour Hospital project Environmental Impact Assessment.

Following discussion on the matter Councillor Renkema-Lang **withdrew** her notice of motion, and will revise the motion and resubmit to a future meeting.

### 19.3 Notice of Motion: Taylor Street, Kiama - bus route

**23/343OC**

**Resolved** that Council:

1. Acknowledges concerns raised by Taylor Street, Kiama residents about the number of buses that have been transiting through their street.
2. Notes that the establishment or alterations to bus routes are outside the specific remit of Council and the Local Traffic Committee unless Council is providing an additional road connection or seeking to relocate a Bus Stop/Zone for a road management or safety reason.
3. Writes to the NSW Minister for Regional Transport and Roads, the Hon Jenny Aitchison MP, on behalf of residents concerned about the bus route that that goes through their street, requesting that an alternative route be investigated to reduce the impacts on the residents and the potential conflicts issues due to the narrow road and lack of footpaths.
4. That where feasible, prioritise the provision of a footpath on Taylor Street, to assist with pedestrian movement on the street under a future Operational Plan.

(Councillors Larkins and Draisma)

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

Against: Councillor Croxford

## 20 QUESTIONS FOR FUTURE MEETINGS

The Mayor asked Councillor Croxford to withdraw his question relating to union matters and apologise as the Chamber is not the appropriate place for the question. Councillor Croxford withdrew his question and apologised.

### 20.1 Short term rental accommodation - cost recovery strategies

Councillor Rice requested a report on short term rental accommodation and the possible cost recovery strategies being explored by other local government areas in NSW that are experiencing a high density of this type of tourist accommodation. This matter was referred to the Director Planning, Environment and Communities.

### 20.2 Code of conduct - Blue Haven

Councillor Renkema-Lang requested a report on the number and outcome of Code of Conduct complaints relating to Blue Haven Bonaira and Blue Haven Terralong in the past two years. This matter was referred to the Chief Operating Officer.

### 20.3 Beach patrol extension

Councillor Draisma requested a report, in light of recent near-drowning events in Kiama, two in the last week, on the capacity for beach patrols to be extended further into the afternoon and evening. This matter was referred to the Director Infrastructure and Liveability.

## 21 CONFIDENTIAL SUMMARY

### 23/344OC

**Resolved** that at this time, 7.26pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Draisma and Brown)

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:****23/345OC**

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

**22.1 BLUE HAVEN UPDATE**

**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 and 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.

**22.2 DIVESTMENT OF LAND - IRVINE STREET, KIAMA**

**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.

**22.3 CODE OF CONDUCT - ALLEGED BREACH - INVESTIGATION REPORT**

**Reason for Confidentiality:** This matter deals with alleged contraventions of any code of conduct requirements applicable under section 440 as per Section 10A(2)(i) of the Local Government Act.

**22.4 CEO REMUNERATION 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 Draisma and Brown)

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

Against: Nil

## 22 CONFIDENTIAL REPORTS

### Procedural motion: in globo resolutions

#### 23/346OC

**Resolved** that Council move in globo and adopt the recommendations contained within the report for items 22.1 and 22.2.

(Councillors Draisma and Brown)

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

Against: Nil

### 22.1 Blue Haven Update

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/346OC.

#### 23/347OC

**Resolved** that Council note the information provided in the Blue Haven Update report.

(Councillors Draisma and Brown)

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

Against: Nil

### 22.2 Divestment of Land - Irvine Street, Kiama

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/346OC.

#### 23/348OC

**Resolved** that Council

1. Adopt the market reserve price as outlined within the body of the report.
2. Delegate to the Chief Executive Officer and/or Mayor authorisation to sign and execute all documentation in relation to the contract of sale including the seal of Council.
3. Delegate the Chief Executive Officer and/or Mayor to enter into a contract of sale for Lot 121 DP1282295 and effect immediate exchange of contracts if sold at auction in event the market reserve is achieved.

(Councillors Draisma and Brown)

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

Against: Nil

Councillor N Reilly left the meeting at 07:30 pm.

All Council officers except the CEO left the meeting.

The Deputy Mayor took the Chair.

Councillor Croxford raised a **point of order** that the options for Councillor Renkema-Lang to address Council are to provide a written report or to speak, not to do both. The Deputy Mayor ruled that as per the Procedures for the Administration of the Code of Conduct (clause 7.49), because Councillor Renkema-Lang had provided a written report she would not be able to speak.

Councillor Renkema-Lang requested a dispensation from the Chair that she be allowed to speak.

The Deputy Mayor again, advised that the Procedures would be followed.

Councillor K Renkema-Lang left the meeting at 07:36 pm.

#### **Procedural motion: time extension**

##### **23/349OC**

**Resolved** that Council in accordance with clause 18.2 of the Code of Meeting Practice extend the meeting to 8:15pm.

(Councillors Larkins and Brown)

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

Against: Nil

#### **22.3 Code of Conduct - Alleged Breach - Investigation Report**

Matt Brown raised a **point of order** that Councillors need to be referring to the report and making a decision on the report, not considering other information. The Deputy Mayor ruled that fundamentally Council is making a decision on the report before them.

Councillor Keast foreshadowed an alternate motion.

Councillor Croxford raised a **point of order** that his suggested amendment "*that the Committee suggests that Councillor Renkema-Lang voluntarily engage in appropriate training or educational programs, specifically targeting areas pertinent to the Code of Conduct breaches, to deepen her understanding and adherence to*



*the expected standards and ethics*” had been misinterpreted and is legal. The Deputy Mayor ruled that it was the mover’s decision to accept the amendment.

The mover did not accept Councillor Croxford’s amendment.

### 23/3500C

**Resolved** that Council:

1. Under the provisions of 7.37b, 7.46 and 7.58b of the Procedures for the Administration of the Code of Conduct and in line with section 440G of the Local Government Act, officially and formally censure Councillor Karen Renkema Lang for breaching section 440G by breaching the following clauses of the Code of Conduct flowing on from a radio interview on 21 June 2023 where the following breaches were found to be substantiated by the independent investigator:
  - Clause 3.1 conducting herself in a manner likely to bring other Council Officials into disrepute;
  - Clause 3.1(c) conducting herself in a manner that was improper or unethical; and
  - Clause 31.1 breach of the Policy (Code of Conduct).
2. Note no further action is to be taken in relation to comments published in a June 2023 newsletter published by or on behalf of Councillor Renkema-Lang, as the Councillor removed the newsletter and therefore the complaint in respect to that matter was withdrawn.
3. Review the Social Media Policy to include reference to all forms of media (social or otherwise) used by or on behalf of Councillors regarding their role as a Councillor.
4. Remind all Councillors of the need for compliance with the Social Media Policy.
5. Continue to progress the development of a draft media policy that clearly identifies who can speak for and on behalf of the Council regarding matters within the Council.

(Councillors Larkins and Steel)

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

Against: Councillors Keast and Rice

Councillor N Reilly returned to the meeting at 08:09 pm.

Councillor K Renkema-Lang returned to the meeting at 08:09 pm.

The CEO left the meeting and the COO returned to the meeting at 8:09 pm.

**Procedural motion: time extension****23/351OC**

**Resolved** that Council in accordance with clause 18.2 of the Code of Meeting Practice extend the meeting to 8:30pm.

(Councillors Croxford and Rice)

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

Against: Nil

**22.4 CEO Remuneration Review****23/352OC**

**Resolved** that Council note the outcome of the annual performance review of the Chief Executive Officer undertaken by the Performance Review Committee in October 2023 and in accordance with the terms and conditions of the employment contract, under delegated authority to the remuneration review committee, review the position description, currency of the CEO's contract and conduct negotiations with the Chief Executive Officer on the Total Remuneration Package, ensuring that these functions are conducted in compliance with the Local Government Act 1993.

(Councillors Brown and Croxford)

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

Against: Councillor Renkema-Lang

Councillor officers returned to the meeting at 8:15pm

**Close of Confidential Committee of the Whole:****23/353OC**

**Resolved** that at this time, 8.15pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Draisma and Brown)

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.

**23/354OC**

**Resolved** that the Confidential Committee of the Whole recommendations numbered 23/345OC to 23/353OC be confirmed and adopted.

(Councillors Croxford and Draisma)

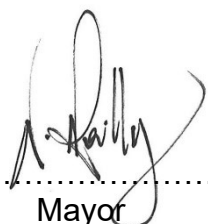
For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,  
Renkema-Lang, Rice and Steel

Against: Nil

**23 CLOSURE**

There being no further business the meeting closed at 8.18 pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on  
14 December 2023.

  
.....  
Mayor