



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 28 JUNE 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 28 JUNE 2022 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: Chief Executive Officer (online), Director Environmental Services, Chief Financial Officer, Blue Haven Chief Operating 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.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Extraordinary Council on 23 May 2022

22/107OC

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

(Councillors Croxford and Larkins)

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

Against: Nil

3.2 Ordinary Council on 17 May 2022

22/108OC

Resolved that the Minutes of the Ordinary Council meeting held on 17 May 2022 be received and accepted.

(Councillors Croxford and Larkins)

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 Draisma

Councillor Draisma declared a less than significant non-pecuniary interest in Item 12.5 *10.2019.187.2 – 7 Federal Street, Minnamurra* as she lived at 7 Federal Street from 2016 to 2019. Councillor Draisma proposed to disclose and not vote on this matter

Disclosure of Interest - Councillor Larkins

Councillor Larkins declared a less than significant non-pecuniary interest in Item 12.7 *Post Exhibition - Endorsement of Chapter 4 Heritage and Cultural Conservation of the Kiama Development Control Plan 2020 and preparation of Planning Proposal to amend Schedule 5 of the Kiama Local Environmental Plan 2011* as he is a former employee of the tenant currently occupying 66 and 68 Terralong Street, Kiama. Councillor Larkins proposed to disclose and vote on this matter.

Disclosure of Interest - Councillor Brown

Councillor Brown declared a less than significant non-pecuniary interest in Item 20.1 *Selective tender – sale of Akuna Street landholdings* as he is on the same charity board (Kiama and District Stronger Community) as one of the Directors of a tendering company. Councillor Brown proposed to disclose and vote on this matter.

Disclosure of Interest - Councillor Keast

Councillor Keast declared a less than significant non-pecuniary interest in Item 20.3 *Consideration – aged care facility resident account deficit* as the son of the person whose Estate is the subject of this report is in the same political party. Councillor Keast proposed to disclose and vote on this matter.

Disclosure of Interest - Councillor Larkins

Councillor Larkins declared a significant non-pecuniary interest in Item 20.3 *Consideration – aged care facility resident account deficit* as a family member directly involved in the matter is a recent/new work colleague. Councillor Larkins proposed to disclose, leave the Chamber and not vote on this matter.

6 TABLING OF PETITIONS AND OTHER DOCUMENTS

Councillor Larkins tabled a petition relating to a community request for the establishment of a fenced off-leash dog park within the Kiama Local Government Area.

7 PUBLIC ACCESS SUMMARY

Name	Item No.	Subject
Brian Weir	12.7	Post Exhibition - Endorsement of Chapter 4 Heritage and Cultural Conservation of the Kiama Development Control Plan 2020 and preparation of Planning Proposal to amend Schedule 5 of the Kiama Local Environmental Plan 2011
Alex McAdam	12.7	Post Exhibition - Endorsement of Chapter 4 Heritage and Cultural Conservation of the Kiama Development Control Plan 2020 and preparation of Planning Proposal to amend Schedule 5 of the Kiama Local Environmental Plan 2011
Derek McMahon	13.3	Proposed Lease - McMahons Transport
Susan Spence	15.6	Question for future meeting: Endeavour Energy Policies
John Trevenar	17.2	Notice of Motion: Gerry Emery Oval
John Battersby	20.9	Independent Living Units – vacation of units policy

8 MAYORAL MINUTE

8.1 Winners - Rural Management Challenge 2022

22/1090C

Resolved that Council formally congratulate the Kiama Council Rural and Regional Management Challenge Team for winning the State Final.

(Councillor Reilly)

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

Against: Nil

The Mayor presented the winner's plaque to team members Kate Daly, Hope Prosser, Alyson Hodgekiss, Melissa Andrews and mentor, Daniel Barnes and publicly acknowledged the success of the team.

8.2 Congratulations: Ms Val Fell - Medal of the Order of Australia

22/1100C

Resolved that Council formally congratulate Val Fell on receiving an Order of Australia (OAM) award.

(Councillor Reilly)

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

Against: Nil

8.3 Fiona Phillips election win

22/1110C

Resolved that Council formally extend its congratulations to Fiona Phillips on her election as the Member for Gilmore.

(Councillor Reilly)

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

Against: Nil

Procedural motion

Resolved that Council bring forward, move in globo, and adopt the recommendations contained within the report, for items 9.1, 9.4, 9.6, 11.1, 11.2, 11.3, 11.7, 11.8, 11.9, 12.1, 12.2, 12.4, 12.6, 13.1, 13.4, 13.5, 14.1, 15.1, 15.3, 15.4, 15.5, 15.7, 15.8, 15.9, 15.13.

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

9.1 Minutes: Audit, Risk and Improvement Committee - 14 June 2022**22/112OC**

Resolved that the Minutes of the Audit, Risk and Improvement Committee meeting held on 14 June 2022 be received and the recommendations therein accepted, being:

- 22/107ARIC That the Audit, Risk and Improvement Committee note the information on risk management activity contained in this report.
- 22/108ARIC That the Audit, Risk, and Improvement Committee notes the information in the report on action items and approves due dates for outstanding action items.
- 22/109ARIC That the proposal suggested in recent media articles to form sub-committees of the Audit, Risk and Improvement Committee (ARIC) is outside the current remit of the ARIC Charter and is not supported.
- 22/110ARIC that the Audit, Risk and Improvement Committee notes the update on the Office of Local Government draft guidelines for risk management and internal audit.
- 22/111ARIC That the Audit, Risk, and Improvement Committee:
1. notes the agreed recommendations contained within the internal audit report on procurement - tendering and contract management
 2. approves and adopts the strategic internal audit plan for 2022-2025 subject to the actions for the next 3 years being risk rated to help determine priority
 3. supports additional resourcing of the Internal Auditor position due to current issues and complexities.
- 22/112ARIC That the Audit, Risk, and Improvement Committee notes the information contained in the progress report on implementation of audit actions.
- 22/113ARIC That the Audit, Risk and Improvement Committee note the timetable for the 2022 financial statements.
- 22/114ARIC That the Audit, Risk and Improvement Committee note the completion of the draft Long Term Financial Plan 2022-2032.
- 22/115ARIC That the Audit, Risk and Improvement Committee note the completion and public exhibition of the draft Community Strategic Plan, Delivery Program and Operational Plan, Fees and Charges and associated documents.
- 22/116ARIC That the Audit, Risk and Improvement Committee note the contents of the Statement of Investments for April 2022.
- 22/117ARIC That the Audit, Risk and Improvement Committee notes the contents of the March 2022 monthly financial report.
- 22/118ARIC That the Audit, Risk and Improvement Committee notes the contents of the Chief Executive Officer update.

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

9.4 Executive summary of minutes: Central Precinct - 3 May 2022

22/1130C

Resolved that the executive summary of the minutes of the Central Precinct meeting held on 3 May 2022 be received and the motion therein noted:

1. That Central Precinct request Council to give a presentation to the Central Precinct on the Greater Cities Commission and the implications for the future growth of the Kiama Local Government Area, especially as it relates to future housing, transport, and employment. In particular:
 - (a) What effect will the Greater Cities Commission will have on future planning for the Kiama Local Government Area?
 - (b) The relationship between Kiama Council and the Illawarra-Shoalhaven City – what is likely to be coordinated at a district level?
 - (c) What Council functions are likely to be subsumed by the Greater Cities Commission?
 - (d) There are currently housing requirements set out in the Illawarra Shoalhaven Regional Plan that will be subsumed in the Greater Cities Commission. What is the likely outcome now that there will be set housing numbers for 5-, 10- and 20-year periods?
 - (e) Will this likely lead to greater centralisation and amalgamation of Council functions to produce a more homogeneous set of policies for the Greater Cities region?

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

9.6 Executive summary of minutes: South Precinct - 9 June 2022

22/1140C

Resolved that the Executive Summary of minutes of the South Precinct Committee Meeting held on 9 June 2022 be received.

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

11.1 Sponsorship request: Kiama Show Society - Kiama Show 2023**22/115OC**

Resolved that Council provide in-kind sponsorship of the 2023 Kiama Show through:

1. Donating The Pavilion Kiama hire fee for the 2023 Kiama Show Trivia Night, booked for Friday 26 August 2022.
2. Donating The Pavilion Kiama hire fee for the 2023 Kiama Show Ball, booked for Friday 4 November 2022.
3. The provision of waste services for the 2023 Kiama Show, on Friday 27 January 2023 and Saturday 28 January 2023.
4. Waiving the road closure and footpath occupation fee for the 2023 Kiama Show.

In return for recognition of Kiama Council and The Pavilion Kiama as major supporters of these events.

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

11.2 Kiama Jazz and Blues Festival - 5 year business case**22/116OC**

Resolved that Council approve the Kiama Jazz and Blues Festival 5-year plan and note this year's financial contribution of \$14,000.

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

11.3 Request for return of bond - Spiegel tent 2022**22/117OC**

Resolved that Council make a financial contribution of \$1,775 to Laughter House Entertainment for their Kazador 2022 event.

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

11.7 Endorsement: Long Term Financial Plan 2022/23 - 2032/33

22/118OC

Resolved that Council adopt the Long Term Financial Plan 2022/23 – 2031/32.

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

11.8 Monthly Financial Report - April 2022

22/119OC

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

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

11.9 Statement of Investments - May 2022

22/120OC

Resolved that Council:

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

Externally restricted fund movements

- Developer contributions – increased by \$78,845 with a carrying amount of \$10,124,055.
- Domestic Waste – decreased by \$127,379 with a carrying amount of \$4,104,551.
- Loan Restrictions – T-corp – decreased by \$885,995 with a carrying amount of \$27,788,678.

- Blue Haven Home Care Packages – decreased by \$281,512 with a carrying amount of \$408,706
- Crown Land Holiday Parks – decrease by \$1,918,063 with a carrying amount of \$445,937

Internal restricted fund movements

- Carry Over Works reduced by \$17,427 with a carrying amount of \$59,210.
- Plant Replacement - decreased by \$333,982 with a carrying amount of \$280,475.
- Risk Improvement Incentive – increased by \$1,237 with a carrying amount of \$106,237.
- Waste Business Unit – decrease by \$947,312 with carrying amount of \$962,688.
- Waste and Sustainability – increased by \$87,938 with a carrying capacity of \$567,895.

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

12.1 Creative Capital Funding

22/1210C

Resolved that Council:

1. Approve the submission of an application to Create NSW Creative Capital – minor capital and equipment projects funding for \$170,000, for enhancements to and refurbishment of the Joyce Wheatley Community Centre.
2. Delegate to the CEO the signing of a funding agreement if funding is successful through Create NSW.

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

12.2 Cultural Grants 2021/22 Funding Round

22/1220C

Resolved that Council approve the following recommended Cultural Grants funding applications:

- Bronte Alva EP \$5,000
- BAMAL Pilgrim (2022) \$5,000
- Classical Kiama \$5,000
- Extraordinary Ordinary Women in the Arts \$5,000

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

12.4 Monthly Planning Update and Statistics

22/123OC

Resolved that Council note the update that has been provided on the:

- Planning Reform Program
- Development Assessment timeframes
- Land and Environment Court Appeals
- Planning Proposals
- Clause 4.6 Variation Approvals
- Dwelling Approval and Completion Statistics.

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

12.6 Post exhibition - Endorsement of amendments to Local Infrastructure Contribution Plans

22/124OC

Resolved that Council adopt the following Local Infrastructure Contribution Plans and publish a notice of this decision on Council's website within 28 days:

- Section 7.11 Contribution Plan No 1 – Municipal Wide;
- Section 7.11 Contribution Plan No 2 – Northern Region;
- Section 7.11 Contribution Plan No 3 – Southern Region;
- Section 7.12 Contribution Plan.

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

13.1 Beach Lifeguard Services Annual Report

22/125OC

Resolved that Council note the report of the Lifeguard Supervisor for the 2021/22 beach patrol season.

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

13.4 Proposed Road Closure - South Kiama Drive (ex Marsden Street) Kiama

22/126OC

Resolved that Council:

1. Commence the formal road closure process for the surplus road reserve located between Numbers 70 and 80 South Kiama Drive (historically referred to as Marsden Street), Kiama under the Roads Act 1993.
2. Note that the costs associated with processing the road closure will be covered by Council's existing budget allocations.
3. Upon closure, classify the subject area of road between numbers 70 and 80 South Kiama Drive, Kiama as operational land and issue a certificate of title subject to public notice of the proposed classification under Section 31 and 34 of the Local Government Act 1993
4. Delegate to the Chief Executive Officer authority to sign under the seal or sign on behalf of Council, any documentation associated with the road closure
5. Note that a separate report will be provided to Council for the proposed sale of the residential lot at the completion of the road closure process.

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

13.5 Review of Section 355 Committee Policy and Jamberoo Youth Hall Committee operating arrangements**22/1270C****Resolved** that Council:

1. Acknowledge and accept the formal request of the Jamberoo Youth Hall Committee to disband the s355 Committee and commence a lease agreement for operation of the Jamberoo Youth Hall.
2. Delegate to the Chief Executive Officer all necessary authority associated with the commencement of a new lease agreement.
3. Amend the s355 Committee Policy to remove reference to the Jamberoo Youth Hall Committee operating under the *Local Government Act 1993*.

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

14.1 Endorse for public exhibition: Aged Care Prudential Standards - Draft Policy**22/1280C****Resolved** that Council:

1. Endorse the draft Aged Care Act Prudential Standards Policy for a 28-day public exhibition process.
2. Following the public exhibition process, report the final amendments to the elected Council for formal adoption.

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

15.0 Reports for information**22/1290C****Resolved** that the following Reports for Information listed for the Council's consideration be received and noted

15.1 Manager Community Programs Blue Haven - update June 2022

15.3 Minutes: Kiama Liquor Accord Meeting - 25 May 2022

- 15.4 Wedding Catering Contract - The Pavilion Kiama
- 15.5 Question for future meeting: Economic lands options within the Local Government Area
- 15.7 Question for future meeting: Feedback and complaints policy and processes
- 15.8 Question for future meeting: Financial statements
- 15.9 Question for future meeting: Governance Committees - processes
- 15.13 Question for future meeting: Wallaby Hill Road works.

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

9 MINUTES OF COMMITTEES

Item 9.1: Minutes: Audit, Risk and Improvement Committee – 14 June 2022 has been dealt with earlier in the meeting as part of the in globo resolution.

9.2 Minutes: Finance Advisory Committee - 2 June 2022

22/130OC

Resolved that the Minutes of the Finance Advisory Committee meeting held on 2 June 2022 be received and the recommendations therein accepted, being:

22/106FAC That the Finance Advisory Committee:

1. note the contents of the Long Term Financial Plan 2022-2032.
2. meets informally to discuss and review both the Long Term Financial Plan assumptions and the 2022-23 budget and make any recommendations and advice available to the Council by the 16 June 2022 briefing.

22/017FAC That the Finance Advisory Committee notes the contents of the draft Community Strategic Plan, Delivery Program and Operational Plan, 2022/23 Budget, and the Fees and Charges and include these documents for discussion at the Finance Advisory Committee workshop to be scheduled prior to the Councillor briefing on 16 June 2022.

22/018FAC That the Finance Advisory Committee note the contents of the Statement of Investments for April 2022.

22/019FAC That the Finance Advisory Committee notes the draft Acquisition and Disposal of Land and Easements Policy.

22/020FAC That the Finance Advisory Committee notes the contents of the March 2022 monthly financial report.

Subject to a correction on page 4 of the minutes that recommendation 22/019FAC refers to the “draft” Acquisition and Disposal of Land and Easements Policy.

(Councillors Keast and Brown)

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

Against: Nil

9.3 Minutes: Kiama Local Traffic Committee Meeting - 7 June 2022

22/1310C

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 7 June 2022 be received and the following recommendations accepted:

1. That further consideration be made regarding the School Zone Infrastructure Project at Minnamurra Public School, in conjunction with feedback from Minnamurra Public School and bus companies.
2. That Council approves the proposed traffic management arrangements for the Winter Wines Festival on 11 and 12 June 2022 at Crooked River Winery, subject to organisers and suitably qualified traffic controllers complying with the following conditions:
 - i) the proposed traffic management changes are to be undertaken by organisers in compliance with the Event Traffic Management Plan and the Traffic Control Plan No. CRO-1 prepared by Cato Traffic Services Pty Ltd
 - ii) a Road Occupancy Licence being issued by Transport for NSW
 - iii) a Section 138 Road Occupancy Permit being issued by Council
 - iv) notification of the traffic changes are given to Police, Local Emergency Services, businesses and residents effected by the changes
 - v) proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event
 - vi) an advertisement be placed in the local media advising of the traffic changes
 - vii) monitoring of the event in regard to pedestrian movements.
3. That Council approves the installation of a formalised raised Children’s Pedestrian Crossing for Kiama Primary School, including regulatory signage and line marking to be installed on Collins Street, Kiama.
4. That Council approves the installation of a formalised raised pedestrian crossing, including regulatory signage and line marking to be installed opposite the main school Gate 1 on Saddleback Mountain Road, Kiama as shown in diagram 262.

5. That Council notes the accessible parking space audit plans attached for Kiama and Gerringong town centre.
6. That Council approves the traffic management arrangements for the Kiama Coastal Classic 2022 event on Sunday 26 June 2022, subject to organisers complying with the following conditions:
 - i) event organisers comply with the traffic control plan
 - 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 social media advising of the closure.
7. That Council approves the temporary closure of Minnamurra Street, Kiama for gas and water installation services, between Hothersal Street and Pacific Street from 27 June 2022 to the 28 June 2022 and between the hours of 7am to 4pm each day, subject to the applicant and suitably qualified traffic controllers complying with the following conditions:
 - i) The applicant complies with the Traffic Management Plan shown in Attachment 1 and conditions of consent imposed in the Road Occupation Permit by the Roads Authority.
 - ii) Notification of the closures be given to Police, local emergency services, businesses and affected residents a minimum of 72 hours prior to works occurring by the Applicant.
 - iii) An advertisement be placed in local media advising of the closure a minimum of 72 hours prior to any closure by Council;
 - iv) Work dates and times delayed by inclement weather may be extended at the discretion and written approval of the Roads Authority.
8. That Council approves the request from Kiama Coaches who are part of the Premier Transport Group to become an informal advisor on the Kiama Local Traffic Committee.

(Councillors Larkins and Brown)

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

Against: Nil

Item 9.4: Executive summary of minutes: Central Precinct - 3 May 2022 has been dealt with earlier in the meeting as part of the in globo resolution.

9.5 Executive summary of minutes: Central Precinct - 24 May 2022

22/1320C

Resolved that Council:

1. Receive the executive summary of the minutes of the Central Precinct meeting held on 24 May 2022

2. Note the Kiama central precincts request to extend the membership of the Local Housing Strategy Group to include a person or persons with back grounds in social policy, social housing and place making management.
3. Include the consideration of building of a safety barrier and replacement of the picnic table at the historic lookout on the corner of Long Brush and Old Saddleback Road in the Strategy for Open Spaces and Recreation Places.

(Councillors Renkema-Lang and Brown)

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

Against: Nil

Item 9.6: Executive summary of minutes: South Precinct - 9 June 2022 has been dealt with earlier in the meeting as part of the in globo resolution.

10 PUBLIC ACCESS REPORTS

Nil reports brought forward.

11 REPORT OF THE CHIEF EXECUTIVE OFFICER

Item 11.1: Sponsorship request: Kiama Show Society - Kiama Show has been dealt with earlier in the meeting as part of the in globo resolution.

Item 11.2: Kiama Jazz and Blues Festival - 5 year business case has been dealt with earlier in the meeting as part of the in globo resolution.

Item 11.3: Request for return of bond - Spiegeltent 2022 has been dealt with earlier in the meeting as part of the in globo resolution.

11.4 Kiama Tourism Advisory Committee - Industry representative appointment

22/1330C

Resolved that Council:

1. Endorse the recommendation of the Select Committee to appoint the following four candidates to the Destination Kiama Tourism Advisory Committee as industry representatives:
 - Craig Hardy
 - Kate Mather
 - Anthony Body
 - Leah Hill.

2. Formally thank all applicants for their interest and time in applying to join the Committee.

(Councillors Brown and Steel)

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

Against: Nil

11.5 Endorse for public exhibition: Code of Meeting Practice

22/134OC

Resolved that Council:

1. Receive the Draft Code of Meeting Practice for public exhibition.
2. Undertake public exhibition of the report for a period of no less than 28 days.

(Councillors Renkema-Lang and Keast)

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

Against: Nil

11.6 Endorsement: Kiama Tourism and Events Strategic Plan 2022-2026

It was **moved** by Councillor Brown and seconded by Councillor Steel that Council endorse the Kiama Tourism and Events Strategic Plan 2022 – 2026 and the accompanying Background Report.

At the request of Councillor Rice and by consent, the **motion was varied** to read as follows:

That Council endorse the Kiama Tourism and Events Strategic Plan 2022-2026 and the accompanying Background Report with the following change:

That dot point 4 of Objective 5 be revised to read:

“Assess the impact on tourism investment when Council is reviewing and establishing documents that relate to restricting or broadening policies, frameworks and plans that may impact future tourism development, amenity or the visitor economy.”

22/135OC

At the request of Councillor Renkema-Lang and by consent, the **motion was further varied** and **resolved** as follows:

That Council:

1. Endorse the Kiama Tourism and Events Strategic Plan 2022-2026 and the accompanying Background Report with the following change:

That dot point 4 of Objective 5 be revised to read:

“Assess the impact on tourism investment when Council is reviewing and establishing documents that relate to restricting or broadening policies, frameworks and plans that may impact future tourism development, amenity or the visitor economy.”

2. Undertake broader community consultation during the development of the Tourism Action Plan, Events Strategy and Action Plan and the Marketing and Promotions Plan.

(Councillors Brown and Steel)

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

Against: Nil

Item 11.7: Endorsement: Long Term Financial Plan 2022/23 - 2032/33 has been dealt with earlier in the meeting as part of the in globo resolution.

Item 11.8: Monthly Financial Report - April 2022 has been dealt with earlier in the meeting as part of the in globo resolution.

Item 11.9: Statement of Investments - May has been dealt with earlier in the meeting as part of the in globo resolution.

11.10 Update to Banking Signatories

This report was withdrawn by the Chief Executive Officer.

11.11 Resignation of Blue Haven Advisory Board Members

22/136OC

Resolved that Council thank the outgoing members of the Blue Haven Advisory Board for their service on the Board and contribution to the operations of Blue Haven.

(Councillors Brown and Steel)

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

Against: Nil

11.12 Strategic Improvement Plan - Monthly Progress Report**22/1370C**

Resolved that Council receive the report on the Strategic Improvement Plan, note the progress of actions undertaken for the past month and also note that action 3.5 relating to Council committees on page 388 of the business paper is the subject of a future Council report.

(Councillors Renkema-Lang and Keast)

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

Against: Nil

12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

Item 12.1: Creative Capital has been dealt with earlier in the meeting as part of the in globo resolution.

Item 12.2: Cultural Grants 2021/22 Funding Round has been dealt with earlier in the meeting as part of the in globo resolution.

12.3 South Coast Regional Arts Development Organisation (RADO) - Update and request to Council**22/1380C**

Resolved that Council:

1. Support the continued development and establishment of the South Coast Regional Arts Development Organisation.
2. Nominate Councillor Draisma to represent Kiama Municipal Council on the Board of the South Coast Regional Arts Development Organisation with an appropriate staff member as support person and proxy.
3. Allocate \$19,412 from the general funds in the 2022/23 FY budget as Council's financial contribution and recurrent funding + 3.5% increase year on year thereafter.
4. Approve under delegation that the Chief Executive Officer (Director Environmental Services) enter into a Memorandum of Understanding with South Coast Regional Arts Development Organisation which will also detail the provision of in-kind support to be provided by Council.

(Councillors Larkins and Brown)

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

Against: Nil

12.5 10.2019.187.2 - 7 Federal Street, Minnamurra**Disclosure of Interest - Councillor Draisma**

Councillor Draisma disclosed a less than significant non-pecuniary interest in this item and did not vote on this matter.

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

1. Support the request to vary a development standard of Kiama Local Environmental Plan 2011 for the variation to the floor space ratio; and
2. Approve Modification Development Application 10.2019.187.2 for an attached dual occupancy and two Lot Torrens Title subdivision at 7 Federal Street, Minnamurra, subject to the conditions attached to this report.

22/139OC

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

That Council:

1. Support the request to vary a development standard of Kiama Local Environmental Plan 2011 for the variation to the floor space ratio.
2. Approve Modification Development Application 10.2019.187.2 for an attached dual occupancy and two Lot Torrens Title subdivision at 7 Federal Street, Minnamurra, subject to the conditions attached to this report, with the following addition –

That a condition of consent be imposed to ensure that the storage cavities are not used for habitable purposes.

(Councillors Brown and Steel)

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

Against: Nil

Item 12.6: Post exhibition - Endorsement of amendments to Local Infrastructure Contribution Plans has been dealt with earlier in the meeting as part of the in globo resolution.

12.7 Post Exhibition - Endorsement of Chapter 4 Heritage and Cultural Conservation of the Kiama Development Control Plan 2020 and preparation of Planning Proposal to amend Schedule 5 of the Kiama Local Environmental Plan 2011**Disclosure of Interest - Councillor Larkins**

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

It was **moved** by Councillor Brown and seconded by Councillor Steel that this matter be deferred for further consideration and consultation with residents.

On being put this motion was **lost**.

For: Councillors Brown, Croxford, Reilly and Steel

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

Councillor Croxford raised a **point of order** in relation to the validity of Councillor Draisma's amendment however the Mayor, Councillor Reilly deemed the amendment valid.

22/1400C

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

That Council:

1. Submit a nomination to the NSW Heritage Council to list the following sites as State heritage items:
 - a. 30 Terralong Street, Kiama – Kiama Police Residence – Part Lot 2 Section 5 DP 758563 and Part Lot 7033 DP 1061038
 - b. 32 Terralong Street, Kiama – Kiama Police Station– Lot 1 Section 5 DP 758563 and Part Lot 7033 DP 1061038
 - c. 34 Terralong Street, Kiama – Kiama Court House - Lot 1 Section 5 DP 758563 and Part Lot 7033 DP 1061038
 - d. Corner of Eddy and Noorinan Street, Kiama – Kiama Rail turntable – Lot 2 DP 1073158. 2.
2. Prepare a Planning Proposal to amend Schedule 5 of the Kiama Local Environmental Plan 2011 to:
 - a. amend Item 164 to incorporate the Blowhole Tennis Court
 - b. amend Item 117 to incorporate Saints Peter and Paul Catholic Church
 - c. list the following the sites as local heritage items:
 - i. 24 Manning – Lot 21 DP 1186998
 - ii. 5 Noorinan - Lot 12 DP 1166458
 - iii. 51 Shoalhaven Street – Part Lot 200 DP 1017091
 - iv. 23 Barney Street – Lot 1 DP 194007
 - v. 72 Collins Street – Lot 1 DP 781177
 - vi. 1 Bong Bong Street – Lot 1 DP 1115376
 - vii. 19 Barney Street – Lot 1 DP 1014606.
 - d. List the following the areas as local Heritage Conservation Areas:

- i. 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 Heritage Conservation Area
 - ii. 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 Heritage Conservation Area.
- e. Map the known historical Dry Stone Walls, as identified by the Dry Stone Wall Program undertaken in 2008.
3. Submit the above Planning Proposal to the NSW Department of Planning & Environment for a Gateway Determination.
4. Undertake consultation with relevant State agencies and the community in accordance with the Gateway Determination and the Kiama Community Participation Plan 2019.
5. Following consultation prepare a future report to enable the elected Council to formally make the above amendments to Schedule 5 of the Kiama Local Environmental Plan 2011.
6. Adopt and publish on the Council's website the enclosed Chapter 4 – Heritage and Cultural Conservation of the Kiama Development Control Plan 2020.
7. Acknowledge the significant contribution of Sue Eggins, Michael Forsyth, Robynne Mills and Kathy Timbs, as members of the Heritage Reference Group since 2016 in the development of Chapter 4 – Heritage and Cultural Conservation of the Kiama Development Control Plan 2020.

(Councillors Draisma and Renkema-Lang)

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

Against: Councillors Brown, Croxford and Steel

12.8 Integrated Planning and Reporting Documents including Community Strategic Plan, Delivery Plan and Operational Plan (including Budget), Fees and Charges and Resourcing Strategy

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

1. Adopt the Community Strategic Plan, Delivery Program and Operational Plan, Fees and Charges, Workforce Plan and Asset Management Plan subject to:
 - a) Changing the bottom action of page 90 in the supplementary business paper be modified to read - *Utilise the SENTRAL buildings as the hub for youth engagement and activity.*
 - b) the measure provided for the third action on page 140 be modified to read: *All Business-as-usual functions are maintained to a high level for Blue Haven, including the Independent Living Units, Residential Aged Care Facility, Home Care programs and transport services."*

- c) That until a separate operational plan for Blue Haven is in force, that four previous Blue Haven actions are re-inserted into Kiama's Operational Plan to complement those Blue Haven actions already listed.
 - I. Maintain a positive volunteer culture within Blue Haven Care.
 - II. Measure satisfaction with Blue Haven Care Community Services
 - III. Monitor the financial performance of Home Care Packages and Residential Care Home.
 - IV. Maintain Occupancy levels to ensure that units are reoccupied within 6 months and timely refunds can be provided as required by legislation.
3. Commit to future revisions of the Operational Plan, budget and Workforce plan addressing limitations as funding becomes available.
4. Adopt the changes that have been made to the Delivery Program and Operational Plan in response to the submissions received.
5. Note the changes that have been made to the budget through discussions with Council Managers and our Executive totalling \$281K additional income, and \$1.7M savings in expenditure.
6. Thank the community for their participation in the development of the plans and their contribution to the engagement process.

On being put the amendment was **lost**.

For: Councillors Keast, Renkema-Lang and Rice

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

Councillor Renkema-Lang raised a **point of order** in relation to Mayor, Cr Reilly stifling debate and it was explained that as the meeting has not moved into Committee of the Whole different rules of debate apply as per the Code of Meeting Practice.

22/1410C

Resolved that Council:

1. Adopt the Community Strategic Plan, Delivery Program and Operational Plan, Fees and Charges, Workforce Plan and Asset Management Plan.
2. Adopt the changes that have been made to the Delivery Program and Operational Plan in response to the submissions received.
3. Note the changes that have been made to the budget through discussions with Council Managers and our Executive totalling \$281K additional income, and \$1.7M savings in expenditure.
4. Thank the community for their participation in the development of the plans and their contribution to the engagement process.

(Councillors Brown and Steel)

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

Standing orders were suspended for a tea break from 6:48pm and the meeting resumed at 7:15pm.

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

Item - 13.1 Beach Lifeguard Services Annual Report - has been moved to another part of the document.

13.2 Option to purchase Roads and Maritime Services land - Kiama State Emergency Service building

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

1. Thank Transport for NSW for seeking Council's position on acquisition of Lot 14 DP869959 to enable the continued occupation of the site as the Kiama SES, but will not determine this request at this point in time
2. Note that a further report will come to Council following receipt of further advice from the State Government regarding Council's obligations and responsibilities in supporting and funding the land tenure on which State Emergency Services Units are located.

22/1420C

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

That Council:

1. Note and consider the request from Transport for NSW seeking Council's position on acquisition of Lot 14 DP869959 to enable the continued occupation of the site as the Kiama SES.
2. Note that a further report will come to Council following receipt of further advice from the State Government regarding Council's obligations and responsibilities in supporting and funding the land tenure on which State Emergency Services Units are located.
3. Write to the State Member Gareth Ward seeking that he approach the State Government to defer any disposal action until point 2 above has been considered.

(Councillors Keast and Draisma)

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

Against: Nil

13.3 Proposed Lease - McMahons Transport

22/143OC

Resolved that Council:

1. Provide “landowner’s consent” for McMahons Transport to submit a development application to occupy part of Lot 1 DP439772, part Lot 1 DP659767 and part Lot 1 DP1108856, Riverside Drive Minnamurra for the purpose of temporary material storage and processing.
2. Note that, subject to development consent being granted, the Chief Executive Officer has delegated authority to approve a lease for McMahons Transport to occupy part of Lot 1 DP439772, part Lot 1 DP659767 and part Lot 1 DP1108856, Riverside Drive, Minnamurra, subject to the following conditions:
 - a. A lease term of three years plus two additional one-year options (3+1+1)
 - b. Annual rental to be determined by Council’s independent valuer.

(Councillors Brown and Draisma)

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

Against: Nil

Item 13.4: Proposed Road Closure - South Kiama Drive (ex Marsden Street) Kiama has been dealt with earlier in the meeting as part of the in globo resolution.

14 REPORT OF THE CHIEF OPERATING OFFICER BLUE HAVEN

Item 14.1: Endorse for public exhibition: Aged Care Prudential Standards - Draft Policy has been dealt with earlier in the meeting as part of the in globo resolution.

14.2 Blue Haven Financial Report

22/144OC

Resolved that Council note the information contained in the 2022 Blue Haven Financial Report.

(Councillors Brown and Croxford)

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

Against: Nil

15 REPORTS FOR INFORMATION

22/145OC

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

- 15.2 Minutes: Jamberoo Valley Ratepayers and Residents association – 7 June 2022
- 15.11 Question for future meeting: State Heritage Nomination - Police residence, court house and police station
- 15.12 Question for future meeting: Urban Greening Strategy
- 15.14 Questions for Future Meeting Register - June 2022.

(Councillors Brown and Steel)

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

Against: Nil

15.6 Question for future meeting: Endeavour Energy Policies

22/146OC

Resolved that Council:

1. Meet with Susan Spence and other impacted neighbours to provide advice on the avenues the constituent can pursue and provide an updated report to Council; and
2. Arrange a meeting with Endeavour Energy to ascertain how they are meeting their commitments to investment in moving power away from overhead to underground.

(Councillors Brown and Croxford)

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

Against: Nil

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

It was **moved** by Councillor Steel and seconded by Councillor Croxford that Council provide a letter of consent to Gerringong District All Sports Incorporated to enable lodgement of a development application for the Gerry Emery Oval amenities redevelopment.

On being put the motion was **lost**.

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

16 ADDENDUM TO REPORTS

16.1 Integrated Planning and Reporting documents for endorsement as per Item 12.8 of the business paper

22/147OC

Resolved that Council consider the attached enclosures which are in relation to Item 12.8 of the Business Paper.

(Councillors Brown and Draisma)

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

Against: Nil

16.2 Business Case and Scope for Blue Haven

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

1. Note the extent of work undertaken to date on the implementation of its resolution from 23 May 2022.
2. Approve the proposed approach for future actions, noting that funding of \$730,000 be utilised from the land development reserve to progress this work, with the following changes: including an action against item 4 that each sub-item a) through c) be noted as a key requirement in any consideration of retain, sell, lease or joint venture decision.

On being put the motion was **lost**.

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

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

22/148OC

Resolved that Council note the extent of work undertaken to date on the implementation of its resolution from 23 May 2022 and approve the proposed approach for future actions, noting that funding of \$730,000 be utilised from the land development reserve to progress this work.

(Councillors Brown and Rice)

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

Against: Councillor Renkema-Lang

16.3 Blue Haven Bonaira development - cash position review

It was moved by Councillor Draisma and seconded by Councillor Brown that Council notes the information regarding the Blue Haven Bonaira development, funding, feasibility, history and resultant cash position.

22/149OC

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

That Council

1. Notes the information regarding the Blue Haven Bonaira development, funding, feasibility, history and resultant cash position.
2. Notes that the documents prepared by Council relating to the history of Blue Haven would have been subject to changing legislative requirements.
3. Whilst undertaking further work on sourcing and releasing information related to the Blue Haven Bonaira Project Build, provide a report to Council.

(Councillors Draisma and Brown)

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

Against: Nil

17 NOTICE OF MOTION

17.1 Notice of Motion: Blue Haven - operational plan

22/150OC

Resolved that the measure provided for in the third action on page 140 of the supplementary business paper be modified to read: *“All Business-as-usual functions are maintained to a high level for Blue Haven, including the Independent Living Units, Residential Aged Care Facility, Home Care programs and transport services”*.

(Councillors Rice and Brown)

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

Against: Nil

17.2 Notice of Motion: Gerry Emery Oval**22/1510C**

Resolved that Council:

1. Support the refurbishment of the Gerry Emery Oval building and facilities.
2. Meet with the Gerringong District All Sports Incorporated, Kiama District Sports Association (KDSA) and representatives of all the sporting clubs who use the building and facilities, within 14 business days to:
 - a) identify concerns about the current facilities
 - b) consider any current design for future upgrades to the building and facilities
 - c) provide advice at the meeting about the current design and the compliance challenges which may arise if submitted as a development application.
 - d) report to councillors on the results of consultation.
3. Upon the completion of the meeting, provide a letter of consent to Gerringong District All Sports Incorporated for the lodgement of a development application for the Gerry Emery Oval building and facilities, noting the:
 - a) extensive work that the clubs have already undertaken
 - b) concerns for capacity for the current building and facilities to meet the community's needs, particularly for women's sport and disability access
 - c) funding opportunities that currently exist and may exist in the future.
4. Report to councillors on all sporting buildings and facilities in the Local Government Area, which identifies:
 - a) the maintenance required
 - b) disability accessibility to facilities and buildings
 - c) whether these facilities provide the capacity for equitable access to sport, particularly for women
 - d) priorities for refurbishment and upgrade of facilities and buildings.

(Councillors Draisma and Larkins)

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

Against: Councillor Croxford

17.3 Notice of Motion - Financial information transparency

A **procedural motion** was moved by Councillor Croxford and seconded by Councillor Steel that this Notice of Motion be ruled out of order.

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

For: Councillors Brown, Croxford and Steel

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

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

1. Release the Executive Summary of the Forsyth's Audit Report by 15 July 2022.
2. Release all financial and non-financial documentation dated from 1 January 2005 to 30 June 2022 by 15 July 2022, which contains reference of the following:
 - a. Independent Living Units (ILU)
 - b. ILU deposits
 - c. Refundable Accommodation Deposit (RAD)
 - d. Refundable Accommodation Contribution (RAC)
 - e. Refundable deposit
 - f. Externally restricted funds, relating to ILU deposits and/or RADs
 - g. Internally restricted funds, relating to ILU deposits and/or RADs
 - h. All matters pursuant to Part 3A.2 and Part 3A.3 of the Aged Care Act 1997.
3. Commencing from the 2022/23 financial year, agrees to a process of regular and ongoing release of financial information, on a quarterly basis, that relates to the operation and ownership of Blue Haven.

On being put the motion was **lost**.

For: Councillors Draisma, Larkins and Reilly

Against: Councillors Brown, Croxford, Keast, Renkema-Lang, Rice and Steel

17.4 Notice of motion: Investigation into paid parking options for Kiama Local Government Area

It was **moved** by Councillor Brown and seconded by Councillor Renkema-Lang that Council investigates options for paid parking, resident permits, and demand surge parking within the Kiama Local Government Area, with particular emphasis on areas of high tourist traffic and parking congestion.

At the request of Councillor Larkins and by consent, the **motion was varied** to read:

That Council:

1. Investigate options for paid parking, resident permits, and demand surge parking within the Kiama Local Government Area, with particular emphasis on areas of high tourist traffic and parking congestion.

2. request that a funding paid parking study be considered as part of the next budgetary round or where savings are identified, with the purpose of identifying paid parking feasibility in the Kiama and Gerringong Townships.

22/1520C

At the request of Councillor Renkema-Lang and by consent, the **motion was further amended** and **resolved** as follows:

That Council:

1. Investigate options for paid parking, resident permits, and demand surge parking within the Kiama Local Government Area, with particular emphasis on areas of high tourist traffic and parking congestion.
2. Request that a funding paid parking study be considered as part of the next budgetary round or prior, where savings are identified, with the purpose of identifying paid parking feasibility in the Kiama and Gerringong Townships.
3. Seek advice from the Finance Advisory Committee in this regard.

(Councillors Brown and Renkema-Lang)

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

Against: Nil

17.5 Notice of Motion: Reporting on resolutions

22/1530C

Resolved that Council is provided with a briefing and a report detailing how the Chief Executive Officer is monitoring the implementation of Council resolutions.

(Councillors Renkema-Lang and Rice)

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

Against: Councillors Croxford, Draisma, Larkins and Steel

18 QUESTIONS FOR FUTURE MEETINGS

18.1 Green waste - rural residents

Councillor Keast requested a report on green waste disposal for rural residents. The report should incorporate a response to the Jamberoo Valley Ratepayers and Residents Association recommendation that Council “*provide rural property owners, who do not have access to green waste disposal, the opportunity to dispose of green waste at the Kiama waste facility four times per year by providing four green waste disposal vouchers up to a value of 150kg of green waste for each voucher. The vouchers could be included annually with the rates notice and could be used*

individually and combined throughout the year if required.” The matter was referred to the Director Environmental Services for investigation and report.

18.2 Bombo Quarry stairs

Councillor Renkema-Lang requested a report on the status of the Bombo Quarry staircase project and for Council officers to undertake an inspection of the site. The matter was referred to the Director Engineering and Works for investigation and report.

18.3 Short Term Rental Accommodation - rates

Councillor Larkins requested a report on whether Short Term Rental Accommodation (STRA) and housing in the Kiama Local Government Area are paying residential rates or commercial rates to Council, and if STRA are not paying commercial rates, can Council recommend a change to their rate charges to the Independent Pricing and Regulatory Tribunal. The matter was referred to the Chief Financial Officer for investigation and report.

19 CONFIDENTIAL SUMMARY

22/154OC

Resolved that at this time, 9.22pm, 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 Croxford 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:

22/155OC

Resolved that in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, Council close the meeting of the Confidential Committee of

the Whole to the Press and Public to deal with the following matters on the grounds as detailed below.

20.1 SELECTIVE TENDER - SALE OF AKUNA STREET LANDHOLDINGS

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 FINANCE ADVISORY COMMITTEE - BUDGET RECOMMENDATIONS

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

20.3 CONSIDERATION - AGED CARE FACILITY RESIDENT ACCOUNT DEFICIT

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

20.4 BLUE HAVEN INDEPENDENT LIVING UNITS - RE-OCCUPANCY STATUS

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

20.5 REFUND REQUEST: PENSIONER REBATE FOR RATES

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.

20.6 RESIDENTIAL AGED CARE ACCREDITATION AND CONSULTANT UPDATE

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 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.

20.7 BLUE HAVEN INDEPENDENT BUSINESS VALUATIONS

Reason for Confidentiality: This matter deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it as per Section 10A(2)(di) of the Local Government Act.

20.8 BLUE HAVEN VILLAGES - MAINTENANCE LEVY BUDGETS

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

20.9 INDEPENDENT LIVING UNITS - VACATION OF UNITS POLICY

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 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.

20.10 AGED CARE QUALITY AND SAFETY COMMISSION COMPLAINTS UPDATE

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

(Councillors Brown and Draisma)

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

Against: Nil

20 CONFIDENTIAL REPORTS**Procedural motion**

Resolved that items 20.2, 20.3, 20.7 and 20.10 be brought forward in globo and deferred to the July Council meeting.

(Councillors Draisma and Brown)

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

Against: Nil

20.2 Finance Advisory Committee - budget recommendations**22/156OC**

Resolved that this matter is deferred to the July Council meeting.

(Councillors Draisma and Larkins)

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

Against: Nil

20.3 Consideration - aged care facility resident account deficit**22/157OC****Resolved** that this matter is deferred to the July Council meeting.

(Councillors Draisma and Brown)

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

Against: Nil

20.7 Blue Haven Independent Business Valuations**22/158OC****Resolved** that this matter is deferred to the July Council meeting.

(Councillors Draisma and Brown)

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

Against: Nil

20.10 Aged Care Quality and Safety Commission complaints update**22/159OC****Resolved** that this matter is deferred to the July Council meeting.

(Councillors Draisma and Brown)

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

Against: Nil

20.1 Selective tender - sale of Akuna Street landholdings**Disclosure of Interest - Councillor Brown**

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

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

1. Decline to accept all tenders; and
2. Enter negotiations with Traders In Purple (TIP) to be the successful tenderer for the following reasons:

- a) TIP offered above market valuation
- b) TIP offered favourable settlement terms (90 days)
- c) TIP offered to build a community space (the old Mitre 10 site the value of which has not been taken into account and could be valued at more than \$7M which would then make it the highest bidder)
- d) TIP have provided good developments, such as Bathers, in our local community
- e) TIP have shown good faith to Council and the community by withdrawing their development application over 66 Collins Street which they plan to incorporate in the potential new development
- f) TIP provided a much more detailed submission of what they propose to build and which has already been viewed positively by many in the community
- g) TIP have indicated they wish to start work in the immediate future which minimises the risk of land banking.

On being put the motion was **lost**.

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

Against: Councillors Draisma, Keast, Larkins, Reilly and Rice

Councillor Brown raised a **point of order** requesting that Councillor Draisma apologise for a statement made relating to his declaration of interest. Councillor Draisma withdrew her statement.

Councillor Croxford raised a **point of order** in relation to Councillor Draisma not having withdrawn her statement completely. Mayor, Councillor Reilly made a ruling not accept Councillor Croxford's point of order.

Procedural motion

Resolved that the meeting time be extended by 15 minutes.

(Councillors Reilly and Larkins)

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

Against: Councillors Brown, Croxford, Renkema-Lang and Steel

22/160OC

Resolved that Council:

1. Award the tender for the sale of the Akuna Street landholdings described as Lot 200 DP1017091, Lot 100 DP1211384, Lot 1 DP506764 and Lot 1 DP50193 to Level 33 Property Group Pty Ltd for the sale price as detailed in this report and with settlement terms of 42 days from exchange.
2. Make the sale price and distribution of funds publicly available after the settlement period has passed.

3. Delegate to the Chief Executive Officer and Mayor authorisation to sign and execute all documentation in relation to the contract for sale including the seal of Council.
4. Direct the net proceeds from the sale of the land to the mix of purposes and restrictions as provided in this report, being to the Land Development, Employee Leave Liabilities, Loan Restrictions – TCorp and Blue Haven Independent Living Unit Deposits restrictions as well as cash injections to Council's operational and capital budgets.

(Councillors Draisma and Larkins)

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

Against: Councillors Brown, Croxford, Renkema-Lang and Steel

Item 20.2: Finance Advisory Committee – budget recommendations has been moved earlier in the confidential meeting to be dealt with as part of the in globo resolution to defer items.

Item 20.3: Consideration - aged care facility resident account deficit has been moved earlier in the confidential meeting to be dealt with as part of the in globo resolution to defer items.

Close of Confidential Committee of the Whole:

22/161OC

Resolved that at this time, 10.13pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Draisma and Croxford)

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

Against: Nil

Adoption of Report

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

22/162OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 22/155OC to 22/161OC be confirmed and adopted.

(Councillors Brown and Steel)

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

Against: Nil

Motion

22/163OC

Resolved that the meeting be adjourned and all remaining items, being 20.4, 20.5, 20.6, 20.8 and 20.9 be held over in globo to the adjourned meeting.

(Councillors Draisma and Larkins)

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

Against: Nil

The meeting being adjourned closed at 10.17pm, 28 June 2022.

The meeting being reconvened commenced at 5.01pm, 4 July 2022 via Zoom.

Apologies were received from Councillor Croxford.

22/164OC

Resolved that at this time, 5.03pm, 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 Rice and Keast)

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

Against: Nil

20.4 Blue Haven Independent Living Units - Re-occupancy status

22/165OC

Resolved that Council note:

1. The improved independent living unit reporting
2. The adjustment to the prices of the identified Blue Haven Terralong independent living units being implemented from 1 July 2022.

(Councillors Larkins and Brown)

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

Against: Nil

20.5 Refund request: Pensioner rebate for rates

It was **moved** by Councillor Brown and seconded by Councillor Larkins that Council find it appropriate to follow the policy.

22/166OC

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

That Council consider and determine it appropriate to refund the fee as detailed in the report and develop a policy so this situation does not reoccur.

(Councillors Brown and Larkins)

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

Against: Nil

20.6 Residential Aged Care Accreditation and Consultant Update

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

1. approve Blue Haven management immediately engage additional consultant support up to a value of \$50,000 to assist with meeting accreditation
2. receive a report to the July meeting with further detail and costings for a longer-term support program, including any lessons learnt from the management of consultancies to date.

22/167OC

At the request of Councillor Draisma and by consent, the **motion was further amended and resolved** as follows:

That Council:

1. approve Blue Haven management immediately engage additional consultant support up to a value of \$50,000 to assist with meeting accreditation
2. receive a report to the July meeting with further detail and costings for a longer-term support program
3. receive a report including an overview of resulting actions or suggested actionable items from the CSS consultancies.

(Councillors Brown and Steel)

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

Against: Nil

Item 20.7: Blue Haven Independent Business Valuations has been moved earlier in the confidential meeting to be dealt with as part of the in globo resolution to defer items.

Councillor M Brown left the meeting at 5.36pm.

20.8 Blue Haven Villages - maintenance levy budgets

22/168OC

Resolved that Council endorse the 2022/2023 maintenance levy budgets for Terralong and Bonaira villages as detailed in the report.

(Councillors Steel and Draisma)

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

Against: Nil

20.9 Independent Living Units - vacation of units policy

It was **moved** by Councillor Draisma and seconded by Councillor Larkins that Council support the implementation of a Blue Haven policy on the vacation of units and that the policy will be made available by request.

22/169OC

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

1. Council support and approve the early part-repayment of an Independent Living Unit resident loan upon departure as per the specific request outlined in the report
2. a further generic and broader information report and/or policy document be presented at a future meeting dealing with non-standard refund requests for both Independent Living and Residential Aged residents.

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

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

Against: Nil

Adoption of Report

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

It was **moved** by Councillor Draisma and seconded by Councillor Rice that the Confidential Committee of the Whole recommendations numbered 22/164OC to 22/169OC be confirmed and adopted.

Councillor Larkins raised a **point of order** in relation to resolution 22/169OC being reported incorrectly. The Mayor asked the Chief Executive Officer to check resolution 22/169OC. The Chief Executive Officer confirmed this required correction and read out in full the correct resolution as per the discussion in confidential and noted in resolution 22/169OC.

22/170OC

Resolved that the Confidential Committee of the Whole recommendations numbered 22/164OC to 22/169OC be confirmed and adopted.

(Councillors Reilly and Keast)

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

Against: Nil

There being no further business the meeting closed at 5.49pm

Item 20.10: Aged Care Quality and Safety Commission complaints update has been moved earlier in the confidential meeting to be dealt with as part of the in globo resolution to defer items.

21 CLOSURE

The meeting being adjourned closed at 10.17pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 19 July 2022.



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Mayor