



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 16 AUGUST 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 16 AUGUST 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, Director Environmental Services, 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 Ordinary Council meeting on 19 July 2022

22/2070C

Resolved that the Minutes of the Ordinary Council meeting held on 19 July 2022 be received and accepted.

(Councillors Steel 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

Nil

6 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

7 PUBLIC ACCESS SUMMARY

The Chief Executive Officer formally reported the Public Access speakers as follows:

Name	Item No.	Subject
John Wynne	12.1	10.2021.344.1 – 92 Jerrara Road, Jerrara
Mark Nelson	12.1	10.2021.344.1 – 92 Jerrara Road, Jerrara
Glenn Jones	12.3	10.2022.50.1 – 35 Manning Street, Kiama
Marianne Hanson	17.1	Notice of Motion: ICAN cities appeal
John Battersby	20.2	Blue Haven Independent Living Units – vacation of premises

8 MAYORAL MINUTE

8.1 Local Government Regional NAIDOC Awards 2022

22/208OC

Resolved that Council formally congratulate Aunty Jodie Stewart and Alira Morgan on being recipients of the 2022 NAIDOC awards.

(Councillor Reilly)

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

Against: Nil

The Mayor made a presentation to Aunty Jodie Stewart and publicly acknowledged her achievement in receiving a 2022 NAIDOC award.

8.2 Megan Dalley Memorial, Trainee of the Year Award 2022**22/209OC**

Resolved that Council congratulate James Carli and Ben Johnston on receiving the 'Megan Dalley Trainee of the Year Award' for 2022.

(Councillor Reilly)

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

Against: Nil

The Mayor made a presentation to Ben Johnston and publicly acknowledged his achievement in receiving the 'Megan Dalley' award for 2022.

8.3 Robert East Community Service Award - 2022**22/210OC**

Resolved that Council congratulate Lachlan Davidson on receiving the 'Robert East Community Service Award' for 2022.

(Councillor Reilly)

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

Against: Nil

8.4 Congratulations to Grace Stewart - Commonwealth Games 2022**22/211OC**

Resolved that Council congratulate Grace Stewart for her achievements at the Commonwealth Games 2022.

(Councillor Reilly)

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

Against: Nil

Procedural motion

Resolved that at this time, 5.08pm, Council bring forward and deal with the supplementary item, Mayoral Minute 16.2 *Councillor finance workshop*.

(Councillors Reilly and Brown)

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

Against: Nil

16.2 Councillor Finance Workshop**22/2120C**

Resolved that Council:

1. Undertake by the 31 August 2022, an in-house financial workshop to better understand and determine how Council might safeguard its future financial sustainability and demonstrate that it is a going concern able to meet its financial obligations as and when they fall due.
2. Give delegated authority to the Chief Executive Officer to work with a suitably qualified specialist firm to review and present our Property Divestment Portfolio with associated recommendations for divestment and potential dates for realisation of return which can be used to inform cash flow analysis. The Chief Executive Officer shall be responsible for the conduct of all preliminary negotiations for land divestments.
3. All negotiations undertaken by the Chief Executive Officer must be conducted on the basis that any potential divestment is subject to consideration and resolution by Council at a future meeting.

(Councillor Reilly)

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

Against: Councillor Renkema-Lang

Procedural motion

Resolved that Council bring forward, move in globo and adopt the recommendations contained within the report, for items 9.1, 9.5, 9.7, 11.2, 13.1, 15.3 and 15.6.

(Councillors Draisma and Larkins)

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

Against: Nil

9.1 Minutes: Audit, Risk and Improvement Committee - Extraordinary meeting dated 24 June 2022

22/213OC

Resolved that the Minutes of the Audit, Risk and Improvement Committee extraordinary meeting held on 24 June 2022 be received and the recommendations therein accepted, being:

22/119ARIC that the following Report for Information listed for the Audit, Risk and Improvement Committee's consideration be received and noted:

3.1 Annual Financial Statements 2020/2021.

(Councillors Draisma and Larkins)

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

Against: Nil

9.5 Minutes: Kiama Local Traffic Committee Meeting - 2 August 2022

22/214OC

Resolved that Council:

1. Receive the minutes of the Kiama Local Traffic Committee Meeting held on 2 August 2022 accept the following recommendation:
 - a. That, pending satisfactory feedback from public consultation, Council approve the revised upgrade to the existing Kiss & Drop Zone in Charles Avenue Minnamurra, with the revised plan including regulatory signage and line marking at the locations as per the signage and line marking plan.
2. Note the positive feedback provided by the Minnamurra Progress Association in response to the revised proposal.

(Councillors Draisma and Larkins)

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

Against: Nil

9.7 Executive summary: South Precinct Meeting - 14 July 2022**22/215OC**

Resolved that the executive summary of the minutes of the South Precinct meeting held on 14 July 2022 be received and the motions therein noted, being:

1. That Shane Douglas and Chris Cassidy be elected as delegates to the Combined Community Advocacy Group.
2. That South Precinct support the Combined Community Advocacy Group in advocating on behalf of the community in matters of importance across the Local Government Area.

(Councillors Draisma and Larkins)

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

Against: Nil

11.2 Councillor Briefing Sessions Policy**22/216OC**

Resolved that Council does not adopt the draft Councillor Briefing Session policy and that the sessions are discontinued.

(Councillors Draisma and Larkins)

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

Against: Nil

13.1 Policy Review - Public Land Management Guidelines**22/217OC**

Resolved that Council:

1. Approve the public exhibition of the Draft Public Land Management Policy.
2. Note that following consideration of community submissions, the finalised policy will be tabled at a future meeting for adoption, including the outcomes of the public exhibition process.

(Councillors Draisma and Larkins)

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

Against: Nil

15 REPORTS FOR INFORMATION

22/218OC

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

15.3 Mark Honey Emeritus Mayor

15.6 Question for future meeting: Green waste - rural residents

(Councillors Draisma and Larkins)

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 – Extraordinary meeting dated 24 June 2022 has been dealt with earlier in the meeting as part of the in globo procedural motion.

9.2 Minutes: Audit, Risk and Improvement Committee - 9 August 2022

22/219OC

Resolved that the Minutes of the Audit, Risk and Improvement Committee meeting held on 9 August 2022 be received and the recommendations therein accepted, being:

22/122ARIC That the Audit, Risk and Improvement Committee note the status of External Audit 2021 progress and endorse the need for a joint statement between Management and Council on the draft Financial Statements and the going concern memo.

22/123ARIC That the following statement from the independent members of the Audit, Risk and Improvement Committee is noted:

The ARIC considered and endorsed the draft statements presented to its Extraordinary Meeting of 24 June 2022 and additional information provided subsequent to that meeting. At that time, the ARIC had been advised that all outstanding issues and/or information requirements of the auditors had been finalised.

We have been advised that the auditors have provided a list of matters on 22 July 2022 that in their view remain outstanding. Given the volume and materiality of the items

included on this list, had this information been available to us at our Meeting of 24 June, we do not believe we would have been in a position to endorse the statements.

We understand from the Audit Office that “the 2021 financial statements audit has, for all intents and purposes, come to an end in terms of fieldwork”. Council will issue a ‘joint statement’ with respect to the financial statements which may then be used to finalise the audit opinion.

We will continue to provide advice and support KMC with a view to finalising the 20/21 audit and commencing work on the 21/22 statements as soon as practical.

- 22/124ARIC That the Audit, Risk and Improvement Committee note the information on risk management activity contained in this report.
- 22/125ARIC That the Audit, Risk and Improvement Committee note the information contained in the report on the Office of Local Government draft Guidelines for risk management and internal audit.
- 22/126ARIC That the Audit, Risk and Improvement Committee note the information contained in the internal auditor’s update.
- 22/127ARIC That the Audit, Risk and Improvement Committee note the information in the progress report on audit recommendations and approves the requested timeframe extensions.
- 22/128ARIC That the Audit, Risk and Improvement Committee receive the information relating to the Monthly Financial Report for May 2022.
- 22/129ARIC That the Audit, Risk and Improvement Committee note the 2022-23 Delivery Program, Operational Plan (Budget) and Fees and Charges adopted by Council on 28 June 2022.
- 22/130ARIC That the Audit, Risk and Improvement Committee note the Long Term Financial Plan 2022/23 – 2031/32.
- 22/131ARIC That the Audit, Risk and Improvement Committee note the requested information on contractual financial arrangements at Blue Haven.

Subject to amendments to minor administrative errors to correct movers and seconders for items 6.4, 6.6, 6.7 and 6.9, and to add that Councillors Keast and Rice left the meeting at 5.30pm.

(Councillors Keast and Brown)

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

Against: Nil

9.3 Minutes: Destination Kiama Tourism Advisory Committee - 25 July 2022**22/2200C**

Resolved that the Minutes of the Destination Kiama Tourism Advisory Committee Meeting held on 25 July 2022 be received and the following recommendations accepted:

1. That the Tourism Advisory Committee appoints Councillor Matt Brown as Chairperson.
2. That the Tourism Advisory Committee Draft Terms of Reference are endorsed with a point under the heading Meeting Administration to be added as follows:

The Committee Agenda is to be reviewed by each member and Conflicts of Interest are to be called as a matter of process. Where there is a conflict, Council's Code of Conduct will be adhered.
3. That Council note a request that the Tourism and Events Manager as well as an industry representative from the Tourism Advisory Committee be included on Council's newly formed Grants Committee.
4. That Council provide support for the following events as part of the Destination Event Funding Program - Round 1:

Event	Event date	Applicant	Support
Folk by the Sea	23 & 24 September 22	Illawarra Folk Club	\$3,000 + two day hire cost of The Pavilion, Kiama (\$2,000).
Red Hot Summer Tour	16 October 22	Regional Touring	\$5,000 + one day hire cost of The Pavilion, Kiama (\$2,450).
Jamberoo Car Show and Family Day	Sunday 30 October 22	Steve McBride	\$3,000 + in-kind support for 8 general waste and 8 recycling bins (\$320).
Kiama Sevens	25 February 23	Kiama Rugby Football Club	\$7,500 + \$7,500 in-kind support.
Kiama Jazz and Blues Festival	10-12 March 23	Kiama Jazz and Blues Festival – Caretaker	\$6,000 (<i>in addition to the \$14,000 previously committed by Council</i>).

5. That the Tourism and Events Department:
 - a) apply for the Regional Events Acceleration Fund to run a winter event once again in June 2023 using a percentage of the profit generated from the Ignite – Kiama Winter Festival's ice-skating rink to cover Council's 25% co-contribution.

- b) consider an application under the Business Case and Strategy Development Fund to progress the extension of the Kiama Coast Walk to Gerroa.
6. That Council note the section within the draft policy that notes that Councillors and Council Staff will be treated as any other resident and sales of goods would be on the goods merit rather than it being looked upon as a conflict of interest. To this end, the sale of Councillor Steel's souvenir books will be considered as any other saleable item at the Kiama Visitor Information Centre.

(Councillors Brown and Croxford)

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

Against: Councillor Rice

9.4 Minutes: Finance Advisory Committee - 7 July 2022

22/221OC

Resolved that the Minutes of the Finance Advisory Committee Meeting held on 7 July 2022 be received and the recommendations therein accepted, being:

22/022FAC that the Finance Advisory Committee notes the extent of work undertaken to date on the implementation of its resolution from 23 May 2022 and note the proposed approach for future actions.

22/023FAC that the Finance Advisory Committee establish a working group to investigate term deposit interest rate options. The working group to include the Chief Executive Officer, a member of Council's Finance Team and two Finance Advisory Committee members. Working group to provide recommendations for Council to consider.

22/024FAC that the Finance Advisory Committee note the contents of the action tracker report.

22/025FAC that the Finance Advisory Committee note the monthly financial report.

22/026FAC that the Finance Advisory Committee note the report on the Long Term Financial Plan.

22/027FAC that the Finance Advisory Committee note the Blue Haven report.

(Councillors Draisma and Steel)

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

Against: Nil

Item 9.5 Minutes: Kiama Local Traffic Committee meeting – 2 August 2022 has been dealt with earlier in the meeting as part of the in globo procedural motion.

9.6 Executive summary of minutes: Central Precinct - 26 July 2022**22/222OC**

Resolved that the executive summary of the minutes of the Central Precinct meeting held on 26 July 2022 be received and noted.

(Councillors Larkins and Brown)

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

Against: Nil

Procedural motion

Resolved that at this time, 5.44pm, Council bring forward and deal with supplementary item *16.3 Minutes: Finance Advisory Committee – 10 August 2022*.

(Councillors Reilly and Brown)

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

Against: Nil

16.3 Minutes: Finance Advisory Committee - 10 August 2022**22/223OC**

Resolved that the Minutes of the Finance Advisory Committee Meeting held on 10 August 2022 be received and the recommendations therein accepted, being:

22/029FAC that the Finance Advisory Committee receive the information relating to the Statement of Investments and notes the following movements in the External and Internal Reserves:

Externally restricted fund movements

- Developer contributions – increased by \$132k with a carrying amount of \$10,256,422.

Internal restricted fund movements

- Carry over works reduced to a nil balance with spend on projects during the month.
- Council Elections invoice paid during June with a carrying balance of \$49,776.

- Waste and Sustainability Reserve decreased by \$9,715 with a carrying amount of \$558,180.

22/030FAC that the Finance Advisory Committee receive and note the information relating to the Monthly Financial Report for May 2022 and note the discussion regarding developer contributions.

22/031FAC that the Finance Advisory Committee meetings are rescheduled to allow the monthly financial report to be received in a timely manner.

22/032FAC that the Finance Advisory Committee note the KPMG scope or works.

22/033FAC that the Finance Advisory Committee receive the verbal update from the Chief executive Officer.

22/034FAC that the Finance Advisory Committee notes the information provided in the update from the Chief Operating Officer on the Blue Haven business case and the financial performance.

(Councillors Draisma and Croxford)

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

Against: Councillor Renkema-Lang

10 PUBLIC ACCESS REPORTS

Nil public access reports were brought forward.

11 REPORT OF THE CHIEF EXECUTIVE OFFICER

11.1 2022 NSW Public Libraries SWITCH Conference

22/224OC

Resolved that Council approve the attendance of Councillor Reilly at the NSW Public Libraries Conference to be held 8-11 November 2022 in Albury.

(Councillors Brown and Croxford)

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

Against: Councillor Renkema-Lang

Item 11.2 Councillor Briefing Sessions Policy has been dealt with earlier in the meeting as part of the in globo procedural motion.

11.3 Local Government NSW annual conference 2022 - Councillor attendance and call for motions and voting delegations

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

1. Approve the attendance of Councillors Reilly, Draisma and Brown to the Local Government NSW conference at Crowne Plaza Hunter Valley on 23-25 October 2022.
2. Submit any motions for the conference to Local Government NSW prior to 29 August 2022.
3. Approve Councillors Reilly, Draisma and Brown to be registered as voting delegates for motions.

22/225OC

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

That Council:

1. approve the attendance of Councillors Reilly, Draisma and Brown to the Local Government NSW conference at Crowne Plaza Hunter Valley on 23-25 October 2022.
2. submit any motions for the conference to Local Government NSW prior to 29 August 2022.
3. approve Councillors Reilly, Draisma and Brown to be registered as voting delegates for motions.
4. approve that from all Councillors attending conferences as delegates of Kiama Council continue the practice of providing a conference report in a timely manner. This allows the major highlights and learnings from the conference to be received by other councillors, staff, and the community

(Councillors Larkins and Brown)

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

Against: Councillor Renkema-Lang

11.4 LGNSW Annual Conference Notice of Motion: Aged Care in Local Government**22/226OC**

Resolved that Council endorse the submission of a Motion to the Local Government NSW Annual Conference as follows:

That Local Government NSW advocate to State and Federal Governments to:

1. work together on assisting and providing a workable and sustainable funding model for Local Government approved providers of aged care services which secures the financial viability of aged care services and assets; and
2. respond to the urgent need for increased Federal funding specifically for local government providers of aged care services, across the sector as detailed in the Royal Aged Care Commission report.

(Councillors Draisma and Brown)

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

Against: Nil

Councillor Keast raised a **point of order** to move into Committee of the Whole.

22/2270C

Resolved that at this time, 6.04pm, Council form itself into a Committee of the Whole to deal with items as set out below:

11.5 Monthly Financial Report – June 2022

11.6 Statement of Investments – July 2022

(Councillors Keast and Renkema-Lang)

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

Against: Councillors Brown and Steel

It was **moved** by Councillor Croxford and seconded by Councillor Brown that the motion to move into Committee of the Whole be rescinded.

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

For: Councillors Brown, Croxford, Reilly and Steel

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

11.5 Monthly Financial Report - June 2022

It was **moved** by Councillor Renkema-Lang and seconded by Councillor Brown that Council receive and adopt the information relating to the Monthly Financial Report for June 2022.

22/228OC

At the request of Councillor Keast and by consent the **motion was varied and recommended** as follows –

That Council:

1. note the information relating to the Monthly Financial Report for June 2022.
2. note that these are ‘management’ reporting results which are prior to any year-end adjustment for accounting standards and material reconciliations.
3. note that the March 2022 Quarterly Budget Review Statement has not been presented to Council for review, leading to the inability to vary the 2021-22 budget and provide adjustment to income and expenditure based on trends to date.
4. review and update the 2022-23 Budget and long-term financial plan, taking into account the results from the year-to-date 30 June 2022 Finance Report, as well as the outcome of the in-house finance workshop held before 31 August 2022.

(Councillors Renkema-Lang and Brown)

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

Against: Nil

11.6 Statement of Investments - July 2022

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

1. Receive and adopt the information relating to the Statement of Investments.
2. Note no movements in the External and Internal Reserves for July 2022.

22/229OC

At the request of Councillor Keast and by consent the **motion was varied and recommended** as follows –

That Council:

1. Receive the information relating to the Statement of Investments.
2. Note the decreased movement in cash and investments for June and July 2022.
3. Note no movements in the External and Internal Reserve balances for July 2022 due to the end of financial year movements and reconciliations not having been finalised. The below Reserves balances for June 2022 will change as part of the end of year movements:

- Unexpended Grants
 - Domestic Waste
 - Blue Haven Terralong ILU Maintenance Levy
 - Blue Haven Bonaira ILU Maintenance Levy
 - Blue Haven Home Care Packages
 - Crown Holiday Parks
 - Carry Over Works
 - Employee Leave Liability
 - Plant Replacement
 - Waste Business Unit
4. Note that Internally Restricted Reserve funds were used to cover the negative unrestricted balance in:
- a. April 2022 of \$2,149,780; and
 - b. June 2022 of \$1,116,049; and
 - c. July 2022 of \$4,381,721.
5. Urgently review and update Council's Restricted Assets Policy, which was due to be reviewed in May 2022, for the purpose of detailing the type and level of internal restrictions that Council (inclusive of Blue Haven) should set aside out of available funds to meet cash outgoings, and to specify reporting and decision-making processes.

(Councillors Renkema-Lang and Brown)

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

Against: Nil

Resumption of ordinary business

Committee recommendation that at this time, 6.40pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Larkins and Keast)

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

Against: Nil

Adoption of Committee of the Whole report**22/230OC**

Resolved that Council formally confirm, adopt and endorse the Committee recommendations made by Council sitting as a Committee of the Whole as detailed in the Committee recommendations numbered 22/228OC and 22/229OC above.

(Councillors Keast and Rice)

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

Against: Nil

12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES**12.1 10.2021.344.1 - 92 Jerrara Road, Jerrara****22/231OC**

Resolved that Council

1. Approve development application 10.2021.344.1 for an intensive plant agriculture and ancillary netting structure at 92 Jerrara Road, Jerrara, subject to the conditions as attached to the report.
2. Advise persons who made a submission on development application 10.2022.344.1 of Council's decision.

(Councillors Brown and Steel)

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

Against: Councillors Draisma, Renkema-Lang and Rice

12.2 10.2021.336.1 - 41-43 Thomson Street, Kiama**22/232OC**

Resolved that Council approve Development Application No 10.2021.336.1 at 41-43 Thomson Street, Kiama subject to the conditions of consent as attached to this report, being updated to include the following:

An independent structural engineer undertakes an excavation movement analysis and a vibration excavation and monitoring program with the aim of minimising piling and excavation damage to neighbouring properties.

(Councillors Renkema-Lang and Rice)

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

Against: Councillor Croxford and Reilly

Councillor Renkema-Lang raised a **point of order** in relation to clarifying with the Public Officer that moving the above motion complies with the Code of Meeting Practice. Councillor Reilly requested that Councillor Renkema-Lang proceed with reading her motion.

12.3 10.2022.50.1 - 35 Manning Street, Kiama

It was **moved** by Councillor Steel and seconded by Councillor Croxford that Council defer development application 10.2022.50.1.

Following advice from staff, Councillor Steel withdrew the motion.

22/233OC

Resolved that Council refuse development application 10.2022.50.1 for the following reasons:

1. An overdevelopment of the site, with excessive variation sought to the building height development standard of 11m under Kiama Local Environmental Plan (LEP) 2011, and the minimum lot width control under Kiama Development Control Plan (DCP) 2012 – Chapter 6.5.2
2. An unsatisfactory design when considering the Kiama LEP 2011 definitions of mixed development and shop top housing which requires “at least the ground floor is used for commercial premises.” The predominant use of the ground floor is access and parking, with the single commercial premises being an ancillary component.
3. Inconsistency with Kiama LEP 2011 – Objectives of the B2 Local Centre zone. The development proposes to replace two existing commercial premises with one small commercial premises which will reduce employment opportunities and is contrary to zone objectives.
4. Inconsistency with Kiama LEP 2011 – Clause 4.3 Height of buildings; objective (a) to ensure future development is in keeping with the desired scale and character of the street and local area.
5. The Clause 4.6 Variation Request submitted in support of the application under Kiama LEP 2011 – Clause 4.6 was found to be unsatisfactory. In these circumstances development consent must not be granted for development that contravenes a development standard.
6. Inconsistency with Kiama LEP 2011 Clause 5.10 Heritage conservation, with excess bulk and scale in context of its location and town setting, adjacent to three heritage items at No’s 32, 33 and 48 Manning Street.
7. Inconsistency with SEPP No 65 – Design Quality of Residential Apartment Development, with regards to Principle 1: Context and neighbourhood character, Principle 2: Built form and scale, Principle 5: Landscape, Principle

- 6: Amenity, Principle 7: Safety, Principle 8: Housing Diversity and social interaction, Principle 9: Aesthetics. SEPP 65 states that Council must not grant consent where it considers that the development does not satisfy the design principles.
8. Inconsistency with the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021, in particular development within the Coastal Use Area, due to impacts on cultural and built environment heritage.
 9. An unsatisfactory active street frontage within the B2 Local Centre zone, with the ground floor commercial premises occupying only 40% of the façade length, with the remained occupied by access to the basement and residential access/egress.
 10. Unsatisfactory loss of privacy, with most balconies directly overlooking the rear private open space of the neighbouring property to the north – 33 Manning Street.
 11. Unsatisfactory driveway access over the Manning Street footpath which conflicts with pedestrian movement
 12. Development that is not within the public interest, noting the issues raised in the public submissions.

(Councillors Larkins and Draisma)

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

Against: Nil

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

Item 13.1 Policy Review -Public Land Management Guidelines has been dealt with earlier in the meeting as part of the in globo procedural motion.

13.2 Post exhibition endorsement: Acquisition and Disposal of Land and Easements Policy

An **amendment** was moved by Councillor Renkema-Lang and seconded by Councillor Keast that Council adopt the Acquisition and Disposal of Land and Easements Policy as attached to this report with the following amendment –

Replacement for point 7 under 6.0 Policy: Assessing the potential for community use, to generate revenue via joint ventures, or to be sold to realise its commercial potential based on the following criteria:

- a) Existing usage – Is the land used or likely to be used to meet operational, community or recreational needs?
- b) Potential future use – is the land or road likely to be required for Council's operational needs.

- c) Spatial distribution – are there adequate-like facilities and opportunity to meet future needs in the area and serving the local community?
- d) Conservation value – does the land or road have cultural, natural or heritage value that should be maintained?
- e) Site constraints and opportunities – in addition to conservation value are there other site constraints which may extend to [but not restricted to] flood liability, land slip, mine subsidence or other physical impairment?
- f) Maintenance issues – what maintenance requirement does Council have for the land?

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

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

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

22/234OC

Resolved that Council adopt the Acquisition and Disposal of Land and Easements Policy as attached to the report.

(Councillors Rice and Larkins)

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

Against: Councillor Renkema-Lang

14 REPORT OF THE BLUE HAVEN CHIEF OPERATING OFFICER

Nil

15 REPORTS FOR INFORMATION

22/235OC

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

15.2 Major event wrap up

15.4 Question for future meeting: Coastal walking track signage

15.5 Question for future meeting: Finances of other NSW coastal councils - impacts

15.7 Question for future meeting: Kiama Harbour Clean Up

15.8 Question for future meeting: Scenic Management Guidelines

15.10 Questions for Future Meeting Register - August 2022.

(Councillors Brown and Croxford)

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

Against: Nil

15.1 Gerry Emery Reserve project update

22/236OC

Resolved that Council:

1. Take all necessary steps to implement the previously resolved position to issue a letter of consent to Gerringong District All Sports Incorporated to submit a Development Application.
2. Continue to liaise with Gerringong District All Sports Incorporated throughout the preparation of the Gerry Emery Facilities Refurbishment, Development Application.

(Councillors Draisma and Brown)

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

Against: Nil

Councillor Draisma apologised for her comments on staff conduct.

15.9 Question for future meeting: Short term rental accommodation - rates

22/237OC

Resolved that Council:

1. Expresses concern that the short-term rental accommodation properties are likely rated residential.
2. The Chief Executive Officer be delegated authority to work with Councillor Larkins to draft and submit a Notice of Motion to the Local Government NSW Annual Conference to advocate to the Independent Pricing and Regulatory Tribunal and the NSW Government to charge a different rate for Short Term Rental Accommodation and the rationale for why this is required.
3. Refers this report and topic as an item of consideration to the Finance Advisory Committee, with intent to further investigate this topic.

(Councillors Larkins and Reilly)

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

Against: Councillors Brown and Steel

16 ADDENDUM TO REPORTS

16.1 Agenda item 11.5 attachment: Finance Report - June 2022

Attachment only

Supplementary items 16.2 and 16.3 have been dealt with earlier in the meeting.

17 NOTICE OF MOTION

17.1 Notice of Motion: ICAN Cities Appeal

[22/238OC](#)

Resolved that Council endorses the following statement:

1. Kiama is concerned about the grave threat that nuclear weapons pose to communities throughout the world. We firmly believe that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long-lasting consequences for people and the environment. Therefore, we warmly welcome the adoption of the Treaty on the Prohibition of Nuclear Weapons by the United Nations in 2017, and we call on our national government to sign and ratify it without delay.
2. That the Mayor and Chief Executive Officer jointly write to International Campaign to Abolish Nuclear Weapons (ICAN) advising that Kiama Municipal Council has agreed to endorse the ICAN Cities Appeal.

(Councillors Larkins and Draisma)

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

Against: Councillors Brown and Croxford

17.2 Notice of Motion: Kendalls Beach Holiday Park

It was **moved** by Councillor Steel and seconded by Councillor Croxford that Council improve our financial situation by seeking partners to develop and lease the Kendalls

Beach Holiday Park, establishing a 5 star standard hotel with particular focus on environmental friendliness.

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

For: Councillors Croxford and Steel

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

It was **moved** by Councillor Croxford and seconded by Councillor Steel that Council resolves to direct the Chief Executive Officer to include Kendalls on the Beach Holiday Park land - DP 658245 and DP 1105389 - into the list of property divestment opportunities identified within Council's Strategic Improvement Plan Issue 2 for investigation, and report to Councillors.

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

For: Councillors Croxford, Draisma, Reilly and Steel

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

17.3 Notice of Motion: Leisure Centre Expression of Interest

This motion was withdrawn by Councillor Steel.

17.4 Notice of Motion: Monthly virtual Town Hall meetings

This motion was withdrawn by Councillor Croxford.

17.5 Notice of Motion: Regional rental crisis

22/239OC

Resolved that Council:

1. Note that the 2021 Census results show that 16.5% private dwellings (or 1,699 properties) were unoccupied in the Kiama Local Government Area, which is 7.1% higher than the NSW average of 9.4%.
2. Acknowledges that the rental crisis in the Illawarra Shoalhaven region, including the Kiama Local Government Area, has significantly worsened over the last six months
3. Write to non-resident ratepayers urging them to consider placing their unoccupied secondary homes into the local rental market, as an increased composition of short-term rental accommodation and underutilised properties

in the Kiama Local Government Area are contributing to the regional housing crisis.

(Councillors Draisma and Larkins)

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

Against: Councillor Steel

18 QUESTIONS FOR FUTURE MEETINGS

18.1 Property boundary encroachments

Councillor Croxford requested a report on how many complaints since January 2016 has Council received on property boundary encroachment onto each of the following land classifications within the Municipality:

- a. Deposited Land,
- b. Operational Land,
- c. Community Land,
- d. Crown Land,
- e. Road Reserve, and/or
- f. Other Estates?

What specific action/s does Council take upon receipt of any such complaint?

How many complaints identified above remain unresolved within each land classification:

- a. Deposited Land,
- b. Operational Land,
- c. Community Land,
- d. Crown Land,
- e. Road Reserve, and/or
- f. Other Estates?

Under what circumstances does Council allow property boundary encroachment onto:

- a. Deposited Land,
- b. Operational Land,
- c. Community Land,
- d. Crown Land,
- e. Road Reserve, and/or
- f. Other Estates?

Under what circumstances does Council direct the property boundary encroachment owner to remove the encroachment, and at whose expense:

- a. Deposited Land,
- b. Operational Land,

- c. Community Land,
- d. Crown Land,
- e. Road Reserve, and/or
- f. Other Estates?

The matter was referred to the Director Engineering & Works for investigation and report.

18.2 Youth and mental health services

Councillor Brown requested a report providing an update on youth services and mental health services in the Kiama Municipality, particularly in regards to the North Kiama Neighbourhood Centre. The matter was referred to the Director Environmental Services for investigation and report.

18.3 Trees on rural properties

Councillor Brown requested a report providing information regarding what development application obligations exist for the planting of trees on rural property. The matter was referred to the Director Environmental Services for investigation and report.

18.4 Community Response Policy

Councillor Rice requested a report on progress and the estimated completion date of the “Community Response Policy” that she called for several years ago. It is understood that this may now be known by a different name, Customer Services Charter or similar. The matter was referred to the Director Environmental Services for investigation and report.

18.5 Strategic Improvement Plan

Councillor Renkema-Lang requested a report for the September 2022 Council meeting detailing:

- The details of Version 2 of the Strategic Improvement Plan
- The status of the completed and outstanding short term and long term actions in the first version of the Strategic Improvement Plan
- An assessment of the extent to which the Strategic Improvement Plan actions have been effective or otherwise.

The matter was referred to the Chief Executive Officer for investigation and report.

18.6 Fortnightly meetings with the Unions

Councillor Draisma requested a report on why fortnightly meetings with the unions have been discontinued or cancelled, and if they have not been discontinued why are councillors no longer invited to these meetings. The matter was referred to the Chief Executive Officer for investigation and report.

18.7 Bong Bong Street speed bump

Councillor Reilly requested a report, following Council's resolution, on actioning removing the speed bumps on Bong Bong Street and replacing them with a less aggressive form of traffic calming device like a flashing sign or the like. The matter was referred to the Director Engineering & Works for investigation and report.

18.8 Chapman Reserve amenities

Councillor Reilly requested a report on ceasing progress on the project to build a toilet block on Chapman Reserve and investigating a temporary disabled access facility near the car park as a trial. The matter was referred to the Director Engineering & Works for investigation and report.

18.9 Council owned community buildings

Councillor Reilly requested a report on reviewing community buildings, specifically halls which we hire. This should result in a report on ways in which Council can best meet community needs within budgetary restraints. From this Council can develop a policy providing a framework for safe access, consistent equitable and efficient use for occupant groups. Consideration, among other things, should be given to the establishment of facilities manager(s), who could be on site when necessary to maximise the use for the benefit of the community. These roles could be voluntary, grant funded, by a levy on the users or allocation of Council's operating budget. The matter was referred to the Director Engineering & Works for investigation and report.

19 CONFIDENTIAL SUMMARY

22/2400C

Resolved that at this time, 8.24pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Brown and Keast)

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

Against: Nil

Public Representations:

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

19.1 Exclusion Of Press And Public:**22/2410C**

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

20.1 BLUE HAVEN INDEPENDENT LIVING UNITS - CARETAKING FUNCTION

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.

20.2 BLUE HAVEN INDEPENDENT LIVING UNITS - VACATION OF PREMISES

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

20.3 ENDORSEMENT: WERRI BEACH HOLIDAY PARK FLOOD MITIGATION INVESTIGATION

Reason for Confidentiality: This matter deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege as per Section 10A(2)(g) of the Local Government Act.

20.4 ORGANISATIONAL STRUCTURE

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.

20.5 PURCHASE OF SIDE LOADER COMPACTOR

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.

20.6 TENDER FOR HOLIDAY PARK FIRE HYDRANTS AND HOSE REEL WORKS

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.

20.7 TRADE SERVICES PANEL

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.

20.8 CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW

Reason for Confidentiality: This matter deals with personnel matters concerning particular individuals (other than councillors) as per Section 10A(2)(a) of the Local Government Act.

20.9 BLUE HAVEN GOVERNANCE OPTIONS

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 Keast)

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

Against: Nil

Procedural motion

Committee recommendation that Council bring forward, move in globo and adopt the recommendations contained with the report, for items 20.1, 20.2, 20.5, 20.6 and 20.8.

(Councillors Draisma and Brown)

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

Against: Nil

20 CONFIDENTIAL REPORTS

20.1 Blue Haven Independent Living Units - Caretaking function

22/242OC

Committee recommendation that Council approves inviting tenders for contract caretaking for Blue Haven Independent Living Units in the manner detailed in the report.

(Councillors Draisma and Brown)

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

Against: Nil

20.2 Blue Haven Independent Living Units - Vacation of premises**22/243OC**

Committee recommendation that Council does not grant an exemption from Deferred Management Fees as requested.

(Councillors Draisma and Brown)

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

Against: Nil

20.5 Purchase of side loader compactor**22/244OC**

Committee recommendation that Council approves the variation of \$48,723 + GST for the purchase of one (1) Dennis Eagle 6x4 chassis with 20m³ Bucher compaction body from Penske Australia.

(Councillors Draisma and Brown)

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

Against: Nil

20.6 Tender for Holiday Park fire hydrants and hose reel works**22/245OC**

Committee recommendation that Council:

1. In accordance with Clause 178(1)(a) of the Local Government (General) Regulation 2005, accept the tender of T & M Dowling Pty Ltd for Tender KIAMA- 1022043 – Fire Hydrants and Fire Hose Reels for Kiama Holiday Parks, for the sum of \$700,000 (excluding GST), but including a contingency allowance.
2. Delegate to the Chief Executive Officer the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
3. Grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

(Councillors Draisma and Brown)

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

Against: Nil

20.8 Chief Executive Officer's Performance Review

22/246OC

Committee recommendation that Council note the Chief Executive Officer's 12 month Performance Review will be facilitated by Local Government NSW.

(Councillors Draisma and Brown)

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

Against: Nil

20.3 Endorsement: Werri Beach Holiday Park Flood Mitigation Investigation

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

1. Endorse the Werri Beach Holiday Flood Mitigation Investigation by Water Modelling Solutions noting the identified flood impacts and risks
2. Endorse delivery of the recommended mitigation action of changing flood affected Holiday Van sites to casual caravan hire sites.
3. Note that affected holiday van owners will be communicated with and accommodated at alternative sites, where available, as part of the broader Holiday Park Improvement Program.

22/247OC

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

1. Endorse the Werri Beach Holiday Flood Mitigation Investigation by Water Modelling Solutions noting the identified flood impacts and risks
2. Endorse delivery of Council's recommended mitigation action of changing flood affected holiday van sites to casual caravan hire sites.
3. Note that affected holiday van owners will be communicated with and accommodated at alternative sites, where available, as part of the broader Holiday Park Improvement Program.
4. Include a revision of the Kiama Development Control Plan, in the forward budget estimates register for 2023/2024 (or sooner if grant funds become available) to include controls specific to holiday and caravan parks.

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

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

Against: Councillors Brown, Croxford, Larkins and Steel

The amendment became the motion.

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

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

Against: Nil

Senior staff left the meeting at 8.38pm

20.4 Organisational Structure

22/248OC

Committee recommendation that Council endorse the recommendation to proceed to the proposal stage of the Award for a Senior Staff Structure that includes an additional senior staff position (to be called Director Organisational Performance), reporting directly to the Chief Executive Officer.

(Councillors Brown and Croxford)

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

Against: Nil

Senior staff returned to the meeting at 8.42pm

20.7 Trade Services Panel

22/249OC

Committee recommendation that Council:

1. Approves the establishment of eight (8) Panels of Preferred Suppliers for the Supply of Trade Services for a period of 3 years and accepts the following tenderers appointment to each panel.
 - a. Air Conditioning Panel
 - i. Camray Air Pty Ltd
 - ii. Kiama Electrical Services
 - iii. IEC Solutions Pty Ltd T/as Innovate Energy

- b. Asbestos Removal Panel
 - i. Affective Services Australia Pty Ltd
 - ii. Brena Group Pty Ltd
 - iii. P&D Envirotech Pty Ltd
 - c. Building & Carpentry Panel
 - i. DRC Built Pty Ltd
 - ii. Perspective Carpentry & Construction Pty Ltd
 - iii. Reylon Constructions Pty Ltd
 - iv. Rogers Construction Group Pty Ltd
 - d. Concreting Panel
 - i. Diverse Civil Contacting Pty Ltd
 - ii. Halroc Pty Ltd T/as P & V Williams Concrete Contractors Pty Ltd
 - iii. Rogers Construction Group Pty Ltd
 - e. Electrical Panel
 - i. Easther Electrical Pty Ltd
 - ii. Kiama Electrical Services
 - iii. G L Jurd
 - iv. Ian Jorgenson Electric Data Pty Ltd T/as IJED Pty Ltd
 - f. Painting Panel
 - i. Colour Creations Painting & Decorating
 - ii. Dynamac Pty Ltd
 - iii. Pro-Asset Painting Maintenance Pty Ltd
 - g. Plumbing Panel
 - i. Allworx Plumbing Co Pty Ltd
 - ii. Garry Wynn Plumbing
 - iii. Parrish Group NSW Pty Ltd
 - iv. SOS Hot Water & Plumbing Services Pty Ltd
 - h. Roofing Panel
 - i. Parrish Group NSW Pty Ltd
 - ii. SOS Hot Water & Plumbing Services Pty Ltd
 - iii. Spackman & Kentwell
2. Note that based on estimated panel usage, the total estimated value of these trade services panels will be approximately \$4,000,000 plus GST over three years, to be funded from Council's approved Capital Works and Maintenance Budgets.

(Councillors Brown and Larkins)

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

Against: Nil

20.9 Blue Haven governance options

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

1. Rescind the current Blue Haven Advisory Board s355 Policy.
2. Endorse the formation of a sub-committee (consisting of the Chief Executive Officer and the remaining Blue Haven Advisory Board members) to develop the Terms of Reference for:
 - a) A Blue Haven Community and Aged Care Advisory Committee that meets the obligations of the Aged Care Quality and Safety Commission and the Aged Care Act, and is consistent with the advice provided in the Blue Haven legal advice dated 4 March 2022.
 - b) A Blue Haven Independent Living Unit Advisory Committee that meets the obligations of the Retirement Villages Act 1999 and operates in accordance with the relevant Council Committee policies.
3. Delegate to the Chief Executive Officer to commence initial discussion and consultation with various parties with a view to seeking indicative expressions of interest for new committee members, with a final recommendation on terms of reference and composition of committees to be presented to Council for consideration.

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

For: Councillors Keast and Renkema-Lang

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

22/2500C

Committee recommendation that Council

1. Rescind the current Blue Haven Advisory Board s355 Policy.
2. Delegate to the Chief Executive Officer to develop Terms of Reference for a new Blue Haven Advisory Committee to be presented to Council at its next meeting.
3. Delegate to the Chief Executive Officer to commence initial discussion and consultation with various parties with a view to seeking indicative expressions of interest for new committee members, with a final recommendation on composition to be presented to Council for consideration.

(Councillors Brown and Croxford)

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

Against: Councillor Renkema-Lang

Close of Confidential Committee of the Whole:

22/251OC

Committee recommendation that at this time, 8.52pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Brown and Larkins)

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

Against: Nil

Adoption of Report

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

22/252OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 22/241OC to 22/251OC be confirmed and adopted.

(Councillors Steel and Brown)

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

Against: Nil

21 CLOSURE

There being no further business the meeting closed at 8.56pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 20 September 2022.

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Mayor