



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 19 SEPTEMBER 2023

Council Chambers
11 Manning Street, KIAMA NSW 2533

**MINUTES OF THE ORDINARY MEETING OF
THE COUNCIL OF THE MUNICIPALITY OF KIAMA
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON TUESDAY 19 SEPTEMBER 2023 AT 5PM**

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

IN ATTENDANCE: Jane Stroud – Chief Executive Officer
Jessica Rippon – Director Planning, Environment and Communities
Michael Malone – Director Infrastructure and Liveability
Joe Gaudiosi – Chief Operating Officer
Olena Tulubinska – Chief Financial Officer
Daryl Hagger – Public Officer

1 OPENING OF MEETING

The Mayor opened the meeting at 5pm.

2 WEBCASTING STATEMENT

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

3 ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the Traditional Custodians of Dharawal Country, the Wodi Wodi people and recognised their continued connection to the land, paying respect to elders past, present and emerging and the contribution that they make to our community.

4 STATEMENT OF ETHICAL OBLIGATIONS

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

5 APOLOGIES

Nil

At 5.01pm a presentation was made by Kiama High School students Sophie Yates and Hallie Richmond on their attendance during August 2023, at the International Youth Science forum in London.

Request from Councillors Brown, Croxford and Keast to attend meeting via video conference.

23/238OC

Resolved that Council allow Councillors Brown, Croxford and Keast to attend the Ordinary Council meeting held on 19 September 2023 by audio-visual link.

(Councillors Reilly and Draisma)

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

Against: Nil

Procedural Motion

23/239OC

Resolved that Councillors vote by show of hands for the remainder of this meeting.

(Councillors Reilly and Rice)

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

Against: Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council on 15 August 2023

23/240OC

Resolved that the Minutes of the Ordinary Council meeting held on 15 August 2023 be received and accepted subject to amending the minute numbering so it is consecutive from the previous month.

(Councillors Reilly and Larkins)

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

Against: Nil

7 BUSINESS ARISING FROM THE MINUTES

Nil

8 DISCLOSURE OF INTEREST**Disclosure of Interest - Councillor Rice**

Councillor Rice declared a less than significant non-pecuniary interest in item 17.1 *Petition: Maintaining the Community Garden* as Councillor Rice is a member of the Kiama Community Garden but has played no role in its governance since 2012, nor in the initiation of this petition. Councillor Rice 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 15.2 *10.2022.229.1 – 36C Farmer Street, Kiama* as the applicant has received Destination Kiama funding for Rugby Sevens. Councillor Brown proposed to disclose and vote on this matter.

9 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

10 PUBLIC FORUM SUMMARY

Name	Item No.	Subject
Richard Sharpe and Jo Lambert	15.2	10.2022.229.1 - 36C Farmer Street, Kiama
Mark Bryant and Mark Redding	15.2	10.2022.229.1 - 36C Farmer Street, Kiama
Paul Beaupark	15.1	10.2022.175.1 – 31 - 37 Coinda Place, Kiama
Van Janevski	15.1	10.2022.175.1 – 31 - 37 Coinda Place, Kiama
Peter Maywald	17.1	Petition: Maintaining the Community Garden

11 MAYORAL MINUTE**11.1 Vale Winsome Barker****23/2410C**

Resolved that Council acknowledge the passing of Winsome Barker and observe a minute's silence.

(Councillors Reilly and Draisma)

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

Against: Nil

All those present paid their respects and observed a minutes silence.

Procedural Motion

23/242OC

Resolved that Council bring forward Item 13.1 Election of Mayor and Item 13.2 Election of Deputy Mayor.

(Councillors Reilly and Draisma)

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

Against: Croxford

13.1 Election of Mayor

The Mayor vacated the Chair and the Public Officer assumed the Chair as Returning Officer.

The Returning Officer, advised that one nomination for the position of Mayor had been received, this being for Councillor Reilly.

The Public Officer then formally declared that this being the case Councillor Neil Reilly was elected to the position of Mayor unopposed for the period until September 2024.

13.2 Election of Deputy Mayor

At this time, 5.27pm, the Public Officer acting as Returning Officer, advised that two nominations had been received for the position of Deputy Mayor, those being for Councillor Keast and Councillor Draisma.

An open vote for the election of the Deputy Mayor was then conducted. The Returning Officer then formally declared Councillor Draisma elected as the Deputy Mayor for the period until September 2024 by 5 votes to 4.

For Cr Keast: Councillors Keast, Renkema-Lang, Rice and Steel

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

Procedural Motion**23/243OC**

Resolved that Council bring forward Item 18.1 – 2021/2022 Annual Financial Statements.

(Councillors Draisma and Larkins)

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

Against: Nil

18.1 2021/2022 Annual Financial Statements

At 5.31pm Lisa Berwick, Director – Financial Audit, Audit Office of NSW presented on the 2021/2022 Annual Financial Statements.

At 5.42pm the Chief Executive Officer addressed the Council concerning the 2021/22 financial statements.

23/244OC

Resolved that Council:

1. Resolves to release all internal reserve balances held as at 30 June 2022 for accounting purposes to address unrestricted cash deficit as presented in Note C1-3 of 2021/22 General Purpose Financial Statements. Internal reserves to be re-established for management reporting purposes in the following month.
2. Notes the financial result for the year ending 30 June 2022.
3. Notes the governance role played by Council's Audit, Risk and Improvement Committee in overseeing the preparation and finalisation of the audited 2021/22 financial statements.
4. Authorises the Statement by Councillors and Management be signed by the Chief Executive Officer, the Responsible Accounting Officer, the Mayor and a Councillor as required by the Local Government Act 1993.

(Councillors Keast and Larkins)

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

Against: Nil

At 5.56pm Lisa Berwick and Mubashshir Hassan from the Audit Office of NSW left the meeting.

Procedural motion: In globo resolutions**23/245OC**

Resolved that Council move in globo and adopt the recommendations contained within the report for items 12.1, 12.4, 13.6, 14.1, 14.2, 14.4, 15.3, 16.1 and 16.2.

(Councillors Draisma and Larkins)

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

Against: Nil

12 MINUTES OF COMMITTEES**12.1 Minutes: Kiama Local Traffic Committee Meeting - 5 September 2023**

This item was moved as part of the in globo recommendation – 23/245OC.

23/246OC

Resolved that Council:

1. Note the Minutes of the Kiama Local Traffic Committee meeting held on 5 September 2023.
2. Adopt the following recommendations as endorsed by the Kiama Local Traffic Committee:

23/001LTC the implementation of a 'No Stopping' zone at the intersection of Bong Bong and Thomson Streets, through the installation of regulatory signage and C3 line marking.

23/002LTC the implementation of a 95m long 'No Parking' in Eastern View Place, Kiama, through the installation of regulatory signage.

23/003LTC the implementation of a 'Bus Zone' on Jamberoo Road Opposite Dido Street Kiama through the installation of regulatory signage and line marking.

23/004LTC the change in control from Give way to Stop at the intersection of Hothersal and Minnamurra Streets Kiama, through the installation of regulatory signage and line marking.

(Councillors Draisma and Larkins)

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

Against: Nil

12.2 Minutes: Tourism and Economic Advisory Committee Meeting – 21 August 2023**23/2470C**

Resolved that the Minutes of the Tourism and Economic Advisory Committee Meeting held on 21 August 2023 be received and the following recommendations therein accepted, being:

23/009TEAC That the Tourism and Economic Advisory Committee attend a family to the Minnamurra Rainforest together with volunteers and staff from the Visitor Information Centre to experience the reopened section of the walk.

23/010TEAC That the Tourism and Economic Advisory Committee supports committee member, Craig Hardy in his continued effort working with Council to provide an overlay to the Kiama Coast Walk that identifies sites of indigenous significance and accompanying stories.

23/011TEAC That the Tourism and Economic Advisory Committee accept the 2022-23 annual report for The Pavilion Kiama and extend the Committee's thanks to the team for the comprehensive information.

23/012TEAC That the Tourism and Economic Advisory Committee:

1. Receive and note the key discussion points and outcomes from the Illawarra Shoalhaven Joint Organisation Economic Development Forum held on 17 July 2023.
2. Further note the highest priority is a rail link between the Illawarra and western Sydney.
3. Request an invitation be extended to Astrolabe Group, who facilitated the Forum, to provide a briefing to Councillors and the Tourism Economic Advisory Committee.

23/013TEAC That the Tourism and Economic Advisory Committee:

1. Support work on the development and progress of the Kiama Economic Development and Employment Lands Strategy.
2. Note the focal points of the Strategy include; limited labour supply, lack of industrial lands, office space shortage, retail space shortage, housing affordability, high cost of living, infrastructure (roads), infrastructure (water, sewer, drainage, etc), public transport, seasonality, promoting local entrepreneurship, increasing regional output, competing with other regions, improving skills/education, government engagement and parking limitations, amongst other elements that may be identified.

23/014TEAC That the Tourism and Economic Advisory Committee endorse the Draft 2023 Illawarra Business Awards Marketing Strategy.

23/015TEAC That the Tourism and Economic Advisory Committee endorse the Careers at Council program.

23/016TEAC That the Tourism and Economic Advisory Committee accept Dave and Tamara Campbell's request to allow the Destination Event

Funding allocation of \$5,000.00 in support of The Kazador event is permitted to be transferred to the KISS Arts Festival 21-22 October 2023 following a cancellation of The Kazador this year.

23/017TEAC That the Tourism and Economic Advisory Committee endorse the two nominations received for the Above and Beyond Award which will be announced at the spring Tourism After Hours event.

23/018TEAC That the Tourism and Economic Advisory Committee:

1. Receive the Post Event Reports submitted for the *Kiama Coastal Classic* and the *Kiama Winter Festival – Ice Skating by the Sea* and forward applicants any outstanding balance owing.
2. Extend congratulations to the Destination Kiama team for the success of the *Kiama Winter Festival – Ice Skating by the Sea* and look forward to running it again in 2024.

(Councillors Brown and Larkins)

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

Against: Nil

12.3 Minutes: Infrastructure and Liveability Advisory Committee – 12 September 2023 and Terms of Reference

Councillor Renkema-Lang foreshadowed an alternate motion.

An amended motion was moved by Councillor Renkema-Lang that:

1. The Minutes of the Infrastructure and Liveability Advisory Committee meeting held on 12 September 2023 be received together with the Terms of Reference for the Committee, and the following recommendations therein accepted, being:

23/001IALAC That Councillor Larkins Chair the September meeting of the Infrastructure and Liveability Advisory Committee.

23/002IALAC That the Infrastructure and Liveability Advisory Committee:

1. adopt the Terms of Reference for the Committee subject to the following changes to the draft –
 - (a) the second dot point of the purpose be amended to read, *“review and monitor, as appropriate, the implementation of actions as outlined in Pillar 4 of the Kiama Community Strategic Plan 2022-2032”*.
 - (b) the meeting schedule be amended to read, *“Meetings are held every month on the second Tuesday of the month.”*
 - (c) the number of community representatives changed to 4.

- (d) the meeting quorum be amended to read at point 1, *“minimum of 50% of the voting members...”*
 2. note that the Committee consider changing the term of membership to a maximum of two, 4-year terms, if this complies with Council’s policies.
 3. defer to the Code of Meeting Practice to determine voting delegations for Committee members.
2. That the Infrastructure and Liveability Advisory Committee Terms of Reference be further amended to include the following statement in the Code of Conduct section:

“Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest shall be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.”

The Mayor ruled the motion out of order as point 2 is referenced in the Code of Conduct and is therefore unnecessary.

23/248OC

Resolved that the Minutes of the Infrastructure and Liveability Advisory Committee meeting held on 12 September 2023 be received together with the Terms of Reference for the Committee, and the following recommendations therein accepted, being:

- 23/001IALAC That Councillor Larkins Chair the September meeting of the Infrastructure and Liveability Advisory Committee.
- 23/002IALAC That the Infrastructure and Liveability Advisory Committee:
1. Adopt the Terms of Reference for the Committee subject to the following changes to the draft –
 - (a) the second dot point of the purpose be amended to read, *“review and monitor, as appropriate, the implementation of actions as outlined in Pillar 4 of the Kiama Community Strategic Plan 2022-2032”*.
 - (b) the meeting schedule be amended to read, *“Meetings are held every month on the second Tuesday of the month.”*
 - (c) the number of community representatives changed to 4.
 - (d) the meeting quorum be amended to read at point 1, *“minimum of 50% of the voting members...”*
 2. note that the Committee consider changing the term of membership to a maximum of two, 4-year terms, if this complies with Council’s policies.

3. defer to the Code of Meeting Practice to determine voting delegations for Committee members.

(Councillors Larkins and Croxford)

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

Against: Nil

12.4 Executive summary of the minutes: South Precinct meeting - 10 August 2023

This item was moved as part of the in globo recommendation – 23/245OC.

23/249OC

Resolved that Council receive and note the executive summary of the minutes of the South Precinct Committee Meeting held on 10 August 2023.

(Councillors Draisma and Larkins)

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

Against: Nil

13 REPORT OF THE CHIEF EXECUTIVE OFFICER

13.3 Committees Framework Policy and update on Precinct Guidelines

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

1. Adopt the Committees Framework Policy.
2. Confirms through the decision of April 2023 23/1070C, that Precinct Groups and Community Associations are no longer formal Committees of Council. This change requires that:
 - (a) The minutes of precinct committees are no longer included within Council business papers.
 - (b) Precinct Groups and Community Associations operate within their own terms of reference and requirements and will not operate under the Precinct Guidelines.
 - (c) The Precinct Guidelines will no longer be maintained or updated by Council.
3. Recognises and confirms that (despite the above change) Precincts and Community Associations continue to operate and provide a valuable contribution to both the community and Council and ongoing involvement in the development of the Community Engagement Strategy.

4. Appreciates the hard work and collaboration between Council and the Precinct Groups and Community Associations and looks forward to continued discussion of Municipal development, Planning, and Policies with these groups.
5. Will continue to offer the following benefits to the existing recipients another year (to be reviewed within the next 12 months alongside the new committee structure):
 - (a) Provision of \$500 per annum to assist with administration and publicity.
 - (b) Provision of \$99 per annum for Microsoft Office suite subscription.
 - (c) A second-hand notebook/laptop for minute taking and correspondence.
 - (d) A meeting venue free of charge.
 - (e) Personal accident insurance over the executive of Precinct committees for twelve months.
6. Refers to the forward budget estimate register for 2024-25 a request to scope and consider options for the creation of a dedicated page on the Council's website where the minutes and conversations of all community organisations can be contributed.
7. Will write to and visit the two Precinct groups (Central and South) and Community Associations (Jamberoo Valley Ratepayers and Residents and Minnamurra Progress) to advise them of this decision.

Councillor Renkema-Lang raised a **Point of Order** that the proposed motion as worded is unlawful and should be ruled out of order.

The Mayor ruled Councillor Renkema-Lang's Point of Order unlawful.

Councillor Lang **moved** a motion of dissent.

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

For: Councillors Keast and Renkema-Lang

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

Councillor Croxford foreshadowed the original motion should this motion be lost.

23/2500C

Resolved that Council:

1. Adopt the Committees Framework Policy.
2. Confirms through the decision of April 2023 23/1070C, that Precinct Groups and Community Associations are no longer formal Committees of Council. This change requires that:
 - (a) The minutes of precinct committees are no longer included within Council business papers.
 - (b) Precinct Groups and Community Associations operate within their own terms of reference and requirements and will not operate under the Precinct Guidelines.

- (c) The Precinct Guidelines will no longer be maintained or updated by Council.
- 3. Recognises and confirms that (despite the above change) Precincts and Community Associations continue to operate and provide a valuable contribution to both the community and Council and ongoing involvement in the development of the Community Engagement Strategy.
- 4. Appreciates the hard work and collaboration between Council and the Precinct Groups and Community Associations and looks forward to continued discussion of Municipal development, Planning, and Policies with these groups.
- 5. Will continue to offer the following benefits to the existing recipients another year (to be reviewed within the next 12 months alongside the new committee structure):
 - (a) Provision of \$500 per annum to assist with administration and publicity.
 - (b) Provision of \$99 per annum for Microsoft Office suite subscription.
 - (c) A second-hand notebook/laptop for minute taking and correspondence.
 - (d) A meeting venue free of charge.
 - (e) Personal accident insurance over the executive of Precinct committees for twelve months.
- 6. Refers to the forward budget estimate register for 2024-25 a request to scope and consider options for the creation of a dedicated page on the Council's website where the minutes and conversations of all community organisations can be contributed.
- 7. Will write to and visit the two Precinct groups (Central and South) and Community Associations (Jamberoo Valley Ratepayers and Residents and Minnamurra Progress) to advise them of this decision.

(Councillors Rice and Larkins)

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

Against: Councillors Croxford and Renkema-Lang

13.4 Councillor membership for Council Committees

The Mayor advised that four nominations had been received for the Councillor membership of Tourism and Economic Advisory Committee; Councillors Brown, Steel, Rice and Draisma. The Mayor conducted an open vote then formally declared Councillor Brown by 5 votes to 4 and Councillor Steel by 5 votes to 4.

The Mayor advised that two nominations had been received for the Councillor nomination of Chief Executive Performance Review Committee; Councillors Keast and Croxford. The Mayor conducted an open vote then formally declared Councillor Croxford by 5 votes to 4.

23/2510C

Resolved that Council determine the Councillor membership for the following Council committees:

1. Audit, Risk and Improvement Committee – Councillor Keast.
2. Blue Haven Advisory Board – Councillor Reilly (as Mayor).
3. Finance Advisory Committee – Councillor Reilly (as Mayor) and Councillor Renkema-Lang.
4. Tourism and Economic Advisory Committee – Councillor Brown and Councillor Steel.
5. Kiama Local Traffic Committee – Councillor Larkins and Councillor Croxford as alternate.
6. Chief Executive Performance Review Committee, being Councillor Reilly (as Mayor), Councillor Draisma (as Deputy Mayor), Councillor Croxford and Councillor Larkins (nominated by the CEO).

(Councillors Larkins and Draisma)

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

Against: Nil

At 6.36pm Councillor Croxford left the meeting.

At 6.42pm Councillor Croxford returned to the meeting.

13.5 Post exhibition endorsement: Petitions Policy

An amendment was **moved** by Councillor Renkema-Lang and seconded by Councillor Rice that Council endorse the Petitions Policy subject to include ePetitions.

23/2520C

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

That Council:

1. Endorse the Petitions Policy.
2. Consider updating the Petitions Policy within 12 months to consider ePetitions.

(Councillors Draisma and Larkins)

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

Against: Nil

At 6.44pm Councillor Brown left the meeting.

At 6.45pm Councillor Brown returned to the meeting.

13.6 Signature Community Event Funding Program assessment

This item was moved as part of the in globo recommendation – 23/245OC.

23/253OC

Resolved that Council

1. Receives and notes this report
2. Endorses the recommendations by the internal grant assessment panel for the following applicants and support value:

	Applicant	Event	Date	Value of support
1	Becky Guggisberg, President and Festival Director	Kiama Jazz and Blues Festival (KJBF)	8-10 March 2024	\$17,000.00
2	Seven Marks	NEW LIGHT, an Emerging Artists Initiative by SEVENMARKS Gallery	1-29 June 2024	\$3,000.00
3	Laughter House Entertainment	The Kazador - Kiama's mini Spiegeltent season	25 Sept – 20 Oct 2024	\$20,000.00
TOTAL				\$40,000.00

(Councillors Draisma and Larkins)

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

Against: Nil

14 REPORT OF THE CHIEF OPERATING OFFICER

14.1 NSW Treasury Corporation (TCorp) - Amendments to loan agreements

This item was moved as part of the in globo recommendation – 23/245OC.

23/254OC

Resolved that Council delegate to the Chief Executive Officer to affix the Seal of Kiama Municipal Council to the Amendments to the loan agreements between New

South Wales Treasury Corporation (TCorp) and Kiama Municipal Council as set out in the Schedule provided by TCorp.

(Councillors Draisma and Larkins)

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

Against: Nil

14.2 July 2023 Monthly Financial Report

This item was moved as part of the in globo recommendation – 23/245OC.

23/255OC

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

(Councillors Draisma and Larkins)

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

Against: Nil

14.3 Statement of Investments - August 2023

23/256OC

Resolved that Council:

1. Receives the information relating to the Statement of Investments as at 31 August 2023.
2. Notes an administrative error in relation to one of the new term deposits listed in the report (“Heritage and Peoples Choice Ltd \$2 million for 63 days” should state “Bendigo and Adelaide \$2 million for 63 days”) and that Council continues to comply with its Investment Policy and Ministerial Investment Order 2011.
3. Approves the transfer of \$1,800,000 from the Land Development Reserve to Unrestricted Funds and endorses the restricted funds position outlined in the report as amended.

(Councillors Keast and Brown)

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

Against: Nil

14.4 Yellow Rock Renaming

This item was moved as part of the in globo recommendation – 23/245OC.

23/257OC

Resolved that Council endorse the proposal to rename the suburb of Yellow Rock to Yellow Rock Ridge and submission of the proposal to NSW Geographical Names Board for consideration.

(Councillors Draisma and Larkins)

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

Against: Nil

15 REPORT OF THE DIRECTOR PLANNING, ENVIRONMENT AND COMMUNITIES

15.1 10.2022.175.1 - 31 & 37 Coinda Place, Kiama

Councillor Steel foreshadowed an alternate motion to defer the matter should this motion be lost.

23/258OC

Resolved that Council:

1. Refuse Development Application No 2022.175.1 - 31 & 37 Coinda Place, Kiama subject to the following reasons:
 - (a) Pursuant to Section 4.15(1)(a)(iii) of the EP&A Act, the proposal is inconsistent with Kiama Development Control Plan 2020 (DCP), with regards to the provisions for onsite visitor parking, resident parking, rear setback, adaptable housing, solar access and storage.
 - (b) Pursuant to Section 4.15(1)(b) of the EP&A Act, the proposal is likely to cause adverse runoff impacts during peak rainfall events, and adverse impacts on street parking.
 - (c) Pursuant to Section 4.15(1)(c) of the EP&A Act, the proposal is considered unsuitable for the site due to potential impacts on the surrounds including stormwater runoff, solar access and parking. A revised design is required to demonstrate site suitability.
 - (d) Pursuant to Section 4.15(1)(d) of the EP&A Act, the proposal is considered unsatisfactory in response to issues raised in residents' submissions, particularly concerns of stormwater runoff, solar access, and parking.
 - (e) Pursuant to Section 4.15(1)(e) of the EP&A Act, the proposal is not considered within the public interest due to non-compliance with key controls of Kiama Development Control Plan 2020 (DCP) and impacts with regards to parking, stormwater runoff and solar access.

2. Advise persons who made a submission on the Development Application of Council's decision.

(Councillors Brown and Larkins)

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

Against: Councillors Croxford and Steel

15.2 10.2022.229.1 - 36C Farmer Street, Kiama

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

23/259OC

Resolved that Council :

1. Refuse Development Application No 10.2022.229.1 subject to the following reasons:
 - (a) Pursuant to S.4.15(1)(b) of the Environmental Planning and Assessment Act 1979 the proposal is considered to provide insufficient information with regard to the stormwater drainage easement required over downstream property (34 Farmer Street, Lot 1 SP 81633).
 - (b) Pursuant to Kiama DCP Chapters 5.1.15, 5.1.16 and 5.1.18 the proposal exceeds the allocated resources for battleaxe, contrary to the provisions outlined in Kiama DCP and is not supported. It should be noted that the proposal has the potential to diminish the capacity of existing access rights.
 - (c) The proposed development is deemed not to be in the public interest.
2. Advise persons who made a submission on Development Application No 10.2022.229.1 of Council's decision.

(Councillors Rice and Larkins)

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

Against: Councillors Brown, Croxford and Steel

15.3 Impacts for Council and Customers - Housing and Productivity Contributions Act 2023

This item was moved as part of the in globo recommendation – 23/245OC.

23/260OC

Resolved that Council:

1. Commence a communication process with customers and industry to detail the new, State Housing and Productivity Contributions Act 2023 which imposes charge and changes and must be implemented by Council from October 2023.
2. Continue to communicate to the State Government regarding any impacts and feedback received about the State imposed charges and changes from our customers.
3. Note the financial impact that this will have on developments and applicants in our local government area.

(Councillors Draisma and Larkins)

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

Against: Nil

15.4 Question for future meeting: Development Application Processing Delegations

Councillor Brown foreshadowed the original motion should this motion be lost.

23/261OC

Resolved that Council:

1. Place the draft Development Assessment Policy on exhibition for 28 days and actively seek feedback from the development industry and community.
2. Establish an Industry Reference Group modelled from Cairns City Council.
3. Provide support and mentorship to the newly formed Planning and Economic Development Team to improve customer experience and online self-service.
4. Delegate to the CEO the authority to determine development applications and modification applications up to a value of \$10,000,000, except for developments:
 - (a) Where developments are for subdivisions of over fifty (50) allotments; and
 - (b) Where there are greater than 12 individual objections.

(Councillors Rice and Renkema-Lang)

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

Against: Councillors Brown, Croxford, Reilly and Steel

At 7.29pm Councillor Brown left the meeting due to technical issues and did not return.

15.5 Question for future meeting: Public Art opportunities**23/262OC**

Resolved that Council:

1. Develop a Public Art Policy and Procedure which outlines opportunities, requirements and life cycle considerations for the installation of public art in the Kiama LGA.
2. As part of the development of the Cultural and Arts Strategy, work with local landlords to identify suitable walls and spaces for public art.
3. Explore existing internal grant streams to determine whether budget could be available to support public art opportunities at identified sites and in unexpected places.
4. At the next review of the Kiama Development Control Plan incorporate controls, incentives and/or provisions for public art in public places and new subdivisions.

(Councillors Draisma and Larkins)

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

Against: Nil

16 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY**16.1 Endorse for public exhibition: Draft Cemetery Operating Policy**

This item was moved as part of the in globo recommendation – 23/245OC.

23/263OC

Resolved that Council:

1. Proceed to public exhibition of the Cemetery Operating Policy for a period of 28 days.
2. Note if submissions are received during the exhibition period a further report will be provided on any proposed amendments to the Cemetery Operating Policy.
3. Adopt the Cemetery Operating Policy if no submissions are received on the day after the completion of the public exhibition period.

(Councillors Draisma and Larkins)

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

Against: Nil

16.2 Proposed road closure: Brown Street, Kiama

This item was moved as part of the in globo recommendation – 23/245OC.

23/264OC

Resolved that Council;

1. Commence the formal road closure process for the surplus road reserve located on Brown Street, Kiama under the Roads Act 1993, as shown on the diagram in this report,
2. Classify the subject area of road at Brown Street, Kiama as operational land upon closure and the issue of a certificate of title subject to public notice of the proposed classification under Section 31 and 34 of the *Local Government Act 1993*,
3. Give the Chief Executive Officer delegated authority to sign under seal or sign on behalf of Council, any documentation associated with the road closure; and
4. Consider a separate report for the proposed sale of the lot at the completion of the road closure process.

(Councillors Draisma and Larkins)

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

Against: Nil

17 REPORTS FOR INFORMATION

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

17.2 Councillor Larkins and Councillor Croxford report - 2023 National Local Roads, Transport and Infrastructure Congress

17.3 Question for future meeting: Councillor Code of Conduct complaints

17.5 Questions for Future Meeting Register - September 2023.

At 7.32pm Councillor Croxford left the meeting.

At 7.36pm Councillor Croxford returned to the meeting.

17.1 Petition: Maintaining the Community Garden

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

23/265OC**Resolved that :**

1. Council recognises the value of the Kiama Community Garden to the community and re-affirms its support for the community garden to continue operating from the Havilah Place site.
2. As Council begins to examine future usage of the Blue Haven Terralong land, the petition from the Kiama Community Garden is recognised.

(Councillors Keast and Larkins)

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

Against: Nil

17.4 Question for future meeting: Domestic and family violence**23/266OC****Resolved that Council:**

1. Produce a poster that identifies the different manifestations of domestic and gender-based violence, for display in Council managed facilities.
2. Provide access to the poster on Council's website.
3. Encourage local businesses, and sporting clubs and entertainment venues to download and display the poster.

(Councillors Renkema-Lang and Draisma)

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

Against: Nil

18 LATE ITEMS**18.2 Strategic Improvement Plan - Progress Report****23/267OC****Resolved that Council:**

1. Receive and adopt the update report for September 2023 on the Strategic Improvement Plan 2 and the progress of actions undertaken; and
2. Delete from the Strategic Improvement Plan 2 the highlighted actions contained within the attachment note at (1) above since subsequent Council resolutions have rendered those actions nonactionable.

(Councillors Renkema-Lang and Larkins)

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

Against: Nil

18.3 Public Interest Disclosure Policy

23/268OC

Resolved that Council endorse the Draft Public Interest Disclosure Policy.

(Councillors Larkins and Draisma)

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

Against: Councillor Croxford

19 NOTICE OF MOTION

19.1 Notice of Motion: Electric Vehicle Charge Stations

23/269OC

Resolved that Council:

1. Note the commercial benefits to local businesses if they install electrical vehicle charging stations including:
 - (a) Competitive advantages gained by attracting the growing number of electric vehicle owners looking for sustainable travel options.
 - (b) Hotel partnership deals that offer up to 75% discount on charging station purchase costs.
 - (c) NSW Government funding opportunities available to destination organisations (Public and Private) for installing electric vehicle charge stations.
2. Promotes the installation of electric vehicle charge stations by local businesses, as opportunities arise and within Council budget constraints.
3. Continues to raise local awareness of the benefits and opportunities available for community members and local business for moving to electric vehicles.

(Councillors Renkema-Lang and Larkins)

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

Against: Councillor Croxford

20 QUESTIONS FOR FUTURE MEETINGS

20.1 Planned future uses for Joyce Wheatley Community Centre

Councillor Renkema-Lang requested a report:

1. On the planned future uses for the Joyce Wheatly Centre.
2. Grants received to fund upgrades to the Joyce Wheatley Centre.
3. How the funds have been or will be used and the timing for the upgrades.

This matter was referred to the Director Planning, Environment and Communities for consideration.

20.2 Inclusion of holiday parks in the Disability Inclusion Action Plan

Councillor Draisma requested a report to clarify whether there is scope to consider upgrades, which could improve further accessibility at holiday park operations, as part of the Draft Disability Inclusion Action Plan.

This matter was referred to the Director Planning, Environment and Communities for consideration.

20.3 Community awards

Councillor Reilly requested a report listing all the awards granted to the community in our LGA and the timing of those awards.

This matter was referred to the Director Planning, Environment and Communities for consideration.

20.4 Grants policy

Councillor Reilly requested Council review existing policies and deliver a revised Grants Policy.

This matter was referred to the Director Planning, Environment and Communities for consideration.

Procedural Motion

It was **moved** by Councillor Renkema-Lang and seconded by Councillor Rice that Council bring forward Item 22.4 – Blue Haven ILU Pricing Review out of Confidential Committee into Open Council.

Under Section 10A(2) of the Local Government Act, the Mayor ruled against this request.

21 CONFIDENTIAL SUMMARY

23/2700C

Resolved that at this time, 7.48pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Draisma and Rice)

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

Against: Nil

Public Representations:

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

21.1 Exclusion Of Press And Public:

23/2710C

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

22.1 BLUE HAVEN UPDATE - SEPTEMBER 2023

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

22.2 SELECTIVE TENDER: SALE OF AKUNA STREET (SOUTH) CARPARK

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

22.3 TENDER - KT200626 - OMEGA SHARED PATH

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

22.4 BLUE HAVEN ILU PRICING REVIEW

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.

22.5 QUESTION FOR FUTURE MEETING: SALE OR PLANNED SALE OF PUBLIC LAND AND OTHER ASSETS

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.

(Councillors Draisma and Rice)

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

Against: Nil

Procedural Motion - In globo resolutions

23/272OC

Resolved that council move in globo and adopt the recommendations contained within the report for items 22.3 and 22.4.

(Councillors Draisma and Larkins)

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

Against: Nil

22 CONFIDENTIAL REPORTS

22.1 Blue Haven update - September 2023

23/273OC

Resolved that Council notes the information update pertaining to Blue Haven residential and community aged care operations and retirement village operations.

(Councillors Larkins and Draisma)

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

Against: Nil

22.2 Selective Tender: Sale of Akuna Street (South) Carpark

23/274OC

Resolved that Council:

1. Award the tender for the sale of the Akuna Street (South) carpark described as Lot 4, 5, 6 and 11 DP 229319 to the preferred tenderer for the sale price as

detailed in this report and with settlement terms of 35 days from exchange, noting no extensions are permissible.

2. Delegate to the Chief Executive Officer and Mayor authorisation to sign and execute all documentation in relation to the contract of sale and use of the seal of Council if required.
3. Prepare correspondence thanking all submitters and noting the outcome of the tender process as resolved at item (1) above.

(Councillors Draisma and Renkema-Lang)

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

Against: Councillor Rice

22.3 Tender - KT200626 - Omega Shared Path

This item was moved as part of the in globo recommendation – 23/272OC.

23/275OC

Resolved that Council:

1. In accordance with the Local Government Regulations 2021 Clause 178 (1) (b) decline to accept any of the tenders and cancel the proposed works.
2. Note that the grant with Transport for New South Wales will be rescinded for the unexpended portion.

(Councillors Draisma and Larkins)

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

Against: Nil

22.4 Blue Haven ILU Pricing Review

This item was moved as part of the in globo recommendation – 23/272OC.

23/276OC

Resolved that Council approves an average accommodation entry price increase of 7% to Blue Haven Bonaira and Terralong Independent Living Units.

(Councillors Draisma and Larkins)

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

Against: Nil

22.5 Question for future meeting: Sale or planned sale of public land and other assets

It was **moved** by Councillor Renkema-Lang and seconded by Councillor Rice that Council receive a report that details the extent to which Council has met the need for divestment of assets as a short-term sustainability strategy, as detailed in the Financial Sustainability Strategy presented to Council on 28 February 2023 (resolution 23/042OC).

On the casting vote of the Mayor the motion was **lost**.

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

Against: Councillors Croxford, Larkins, Reilly and Steel

Close of Confidential Committee of the Whole:**23/277OC**

Resolved that at this time, 8.06pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Larkins and Draisma)

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.

23/278OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 23/271OC to 23/277OC be confirmed and adopted.

(Councillors Larkins and Croxford)


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

Against: Nil

23 CLOSURE

There being no further business the meeting closed at 8.11pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on
17 October 2023.



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Mayor