



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 4pm on

TUESDAY 20 DECEMBER 2022

Council Chambers
11 Manning Street, KIAMA NSW 2533
And by Teams

**MINUTES OF THE ORDINARY MEETING
OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON TUESDAY 20 DECEMBER 2022 AT 4PM**

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: Mike Dowd – Acting Chief Executive Officer
Jessica Rippon - Director Environmental Services
Joe Gaudiosi - Chief Operating Officer
Peter Luke – Acting Director Engineering and Works

BY TEAMS: Jane Stroud - Chief Executive Officer
Christy Ratnakumar – Chief Financial Officer
Peter Tegart (Observer)

OPENING OF MEETING

The Mayor declared the meeting open at 4.05pm.

WEBCASTING STATEMENT

The Mayor informed those in attendance that the meeting is recorded and made publicly available and that persons attending should refrain from making any defamatory statements.

1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Mayor acknowledged the traditional owners.

2 APOLOGIES

Nil.

STATEMENT OF ETHICAL OBLIGATIONS

The Mayor read the statement of ethical obligations:

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Council meeting held on 15 November 2022

22/383OC

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

(Councillors Larkins and Steel)

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

Against: Nil

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 DECLARATIONS OF INTEREST

Disclosure of Interest – Councillor Renkema-Lang

Councillor Renkema-Lang declared a less than significant non-pecuniary interest in item 13.3 *Proposed road closure of Noorinan Street* as a party to this item was directly involved in Councillor Renkema-Lang's 2012 election campaign. Councillor Renkema-Lang proposed to disclose and leave the chamber.

Disclosure of Interest – Councillor Keast

Councillor Keast declared a less than significant non-pecuniary interest in Item 20.3 *Purchase of water truck and street sweeper* as a family friend of Councillor Keast is an employee of Council and may have had input into the tender submission assessments. Councillor Keast proposed to disclose and leave the chamber.

6 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

7 PUBLIC ACCESS SUMMARY

8 MAYORAL MINUTE

Councillor Renkema-Lang joined the meeting at 4.12pm.

8.1 Christmas Wishes

22/384OC

Resolved that Council extends to all, the wish for a happy and peaceful Christmas and for a safe and prosperous New Year.

(Councillors Reilly)

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

Against: Nil

Councillor Draisma joined the meeting at 4.19pm.

Procedural motion

22/385OC

Resolved that Council bring forward, move in globo and adopt the recommendations contained within the report for items 9.2, 9.3, 9.4, 11.5, 12.2, 12.3, 12.5, 13.1, 13.2, 15.2, 15.3, 15.4, 15.6, 15.7, 15.9, 15.10, 15.11, 15.12, 15.13, 16.2 and 16.3.

(Councillors Larkins and Croxford)

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

Against: Nil

9.2 Minutes: Kiama Local Traffic Committee - 6 December 2022

22/386OC

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 6 December be received and the following recommendations accepted:

***22/001LTC – Signposted work zone – No. 45 and 47 Thomson Street
Kiama***

That the Committee endorse the creation of a temporary Work Zone adjacent to 45 and 47 Thomson Street, Kiama in accordance with the proposed signage plan.

(Councillors Larkins and Croxford)

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

Against: Nil

9.3 Executive summary of minutes: Central Precinct - 22 November 2022

22/387OC

Resolved that the executive summary of the minutes of the Central Precinct Committee Meeting held on 22 November 2022 be received and noted.

(Councillors Larkins and Croxford)

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

Against: Nil

9.4 Executive summary of minutes: South Precinct - 10 November 2022

22/388OC

Resolved that the Executive Summary of the minutes of the South Precinct Committee Meeting held on 10 November 2022 be received and the following motions noted:

Motion 1: South Precinct expresses its concern about the lack of consultation with experienced community members and groups who could have provided well supported and documented information to fill gaps in the recently completed Kiama Vegetation Study. South Precinct requests that Council finds ways to enhance the study with that information.

Motion 2: South Precinct requests that Council investigates changing the LED street lighting settings from cool white to warm white given concerns about resident sensitivity to the new LED lighting.

(Councillors Larkins and Croxford)

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

Against: Nil

11.5 Strategic Risk Report

22/389OC

Resolved that Council consider and approve the consolidated strategic risk content, treatment plans and review schedule.

(Councillors Larkins and Croxford)

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

Against: Nil

12.2 Amendments to Fees and Charges 2022 - 2023

22/390OC

Resolved that Council endorse for public exhibition the revised Fees and Charges 2022-2023.

(Councillors Larkins and Croxford)

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

Against: Nil

12.3 Endorse for public exhibition: Draft Development Assessment Process Policy

22/391OC

Resolved that Council seek feedback from the community and other external stakeholders on the draft Kiama Development Assessment Policy and draft amendments to the Kiama Community Participation Plan by placing the draft Policies on public exhibition until 30 January 2023.

(Councillors Larkins and Croxford)

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

Against: Nil

12.5 Post exhibition adoption: updates to Planning Proposal Policy

22/392OC

Resolved that Council adopt the Amendment No 3 to the Kiama Planning Proposal Policy.

(Councillors Larkins and Croxford)

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

Against: Nil

13.1 Delegations over 2022/2023 Christmas period

22/393OC

Resolved that Council delegate to the Chief Executive Officer and the Mayor, or Deputy Mayor, the authority to accept tenders under Request for Tender processes between 21 December 2022 and 7 February 2023, with a report on the exercise of such delegation to be provided to the first Ordinary meeting of Council in February 2023.

(Councillors Larkins and Croxford)

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

Against: Nil

13.2 Kiama Coast Holiday Parks sponsorship and donations program

22/394OC

Resolved that Council:

1. approves \$300 in sponsorship to the Kiama Game Fishing Club for the “Big Fish” event, from the Kiama Coast Holiday Parks marketing budget
2. approves \$1,000 donations to six local Primary Schools for continuation of music programs within the schools, from the Kiama Coast Holiday Parks marketing budget
3. notes the approval processes for the proposed 2022/23 Holiday Park sponsorship and donation activities.

(Councillors Larkins and Croxford)

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

Against: Nil

22/395OC

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

- 15.2 Minutes: Jamberoo Valley Ratepayers and Residents Association – 6 December 2022

- 15.3 Minutes: Kiama Liquor Accord Meeting - 16 November 2022
- 15.4 Minutes: Minnamurra Progress Association - 4 October 2022 and 1 November 2022
- 15.6 Question for future meeting: Coastal Lands Protection Scheme - Kiama Heights
- 15.7 Question for future meeting: Community Response Policy
- 15.9 Question for future meeting: Council owned community buildings
- 15.10 Question for future meeting: Kiama Heights open space
- 15.11 Question for future meeting: Quarterly budget review requests
- 15.12 Question for future meeting: Warri Beach Holiday Park mitigation investigation report
- 15.13 Questions for Future Meeting Register - December 2022.

(Councillors Larkins and Croxford)

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

Against: Nil

16.2 Statement of Investments - November 2022

22/396OC

Resolved that Council:

1. Receives the information relating to the Statement of Investments for November 2022.
2. Endorses the movement in the restricted funds position as outlined in the report.

(Councillors Larkins and Croxford)

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

Against: Nil

16.3 Monthly Financial Report - October 2022

22/397OC

Resolved that Council receive and note the financial reports for October 2022.

(Councillors Larkins and Croxford)

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

Against: Nil

9 MINUTES OF COMMITTEES

9.1 Minutes: Finance Advisory Committee - 28 November 2022

22/398OC

Resolved that the Minutes of the Finance Advisory Committee Meeting held on 28 November 2022 be received and the following motions noted:

22/048FAC: That the Finance Advisory Committee:

1. note and receive the update provided by the Chief Executive Officer on the operations of the business.
2. meet with ARIC and urgently discuss and provide advice to Council on the requirement to resolve to seek a Special Rate Variation application through late submission to the State Government for the purposes of improving the organisation's long term financial sustainability.

22/049FAC: Kiama Council enter into a contract to obtain independent advice on the request for a special rate variation.

22/050FAC: That the Finance Advisory Committee:

1. note the information relating to the most recent update to Council's Local Infrastructure Contribution Plans and the verbal presentation / update provided by Council's Manager Strategic Planning.
2. recommend an annual review of the Contribution Development Plans and that a review of the calculations used to determine the charge levels be undertaken.

22/051FAC: That the Finance Advisory Committee note the pricing options provided in comparison to current pricing for Blue Haven Independent Living Units as previously requested and recommends as part of the yearly budget process for Independent Living Units that a price comparison is provided to the Resident Committees.

22/052FAC: That the Finance Advisory Committee note the information provided for the 2023 Blue Haven budget.

22/053FAC: That the Finance Advisory Committee note:

1. the information relating to the Statement of Investments.
2. the information and movement in the restricted funds position as outlined in the report.
3. future reports will provide comparison of cash balance actual to forecast.

- 22/054FAC: That the Finance Advisory Committee note:
1. the quarterly budget review for the quarter ended September 2022.
 2. that due to staffing and operational constraints that the focus of this first quarter QBR process has been restricted to the review of operating and capital budget variances
 3. the 2022-23 second-quarter quarterly budget review and contain additional information as per the suggested reporting guidelines, including:
 - Contractor review
 - Key Performance Indicator review
 - Consultancy and legal expenses overview.
- 22/055FAC: That the Finance Advisory Committee receive and note the information relating to the Monthly Financial Report for October 2022.
- 22/056FAC: That the Finance Advisory Committee notes the information provided in the revised cash flow for the 2 year period until 2024 as requested by TCorp.
- 22/057FAC: That the Finance Advisory Committee receive and provide feedback on the draft Term Deposit Investment Procedure.

(Councillors Keast and Brown)

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

Against: Nil

The following items were dealt with earlier in the meeting as part of the in globo resolution:

- Item 9.2 *Minutes: Kiama Local Traffic Committee – 6 December 2022*
- Item 9.3 *Executive summary of minutes: Central Precinct - 22 November 2022*
- Item 9.4 *Executive summary of minutes: South Precinct - 10 November 2022*

10 PUBLIC ACCESS REPORTS

Nil

11 REPORT OF THE CHIEF EXECUTIVE OFFICER

11.1 2023 Ordinary Council Meeting Schedule

It was **moved** by Councillor Renkema-Lang and seconded by Councillor Steel that Council adopt the Ordinary meeting schedule for 2023 as follows:

1. 2nd Monday of the month at 5pm - Councillor briefing
2. Monday prior to the 3rd Tuesday at 9am – agenda review
3. Monday prior to the 3rd Tuesday at 5pm – public access forum
4. 3rd Tuesday of the month – Council meeting.

22/399OC

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

That Council adopt the Ordinary meeting schedule for 2023 as follows:

1. First Tuesday of the month at 5pm - Councillor briefing
2. Monday prior to the 3rd Tuesday at 9am – agenda review
3. Monday prior to the 3rd Tuesday at 5pm – public access forum
4. 3rd Tuesday of the month – Council meeting.

(Councillors Renkema-Lang and Steel)

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

Against: Nil

11.2 Endorse for public exhibition: Social Media Policy

It was **moved** by Councillor Keast and seconded by Councillor Draisma that Council proceed to public exhibition (until 30 January 2023) of the draft Social Media Policy and that a subsequent finalised policy be presented to a future Council meeting for consideration and adoption, after a Councillor workshop is held on this policy.

22/400OC

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

That Council proceed to public exhibition (from 1 February 2023) of the draft Social Media Policy and that a subsequent finalised policy be presented to a future Council meeting for consideration and adoption, after a Councillor workshop is held on this policy.

(Councillors Keast and Draisma)

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

Against: Nil

11.3 Model Code of Conduct Complaints Statistics 2021 - 2022

22/401OC

Resolved that Council:

1. note the Model Code of Conduct Complaints Statistics report for the period 1 September 2021 to 31 August 2022 as presented.
2. note that the NSW Government is seeking feedback on the findings of an independent review into *Councillors Conduct Accountability in NSW*.
3. note that councillors, members of the public and employees in the local government sector can submit feedback in writing to the Office of Local Government until 3 February 2023.

(Councillors Renkema-Lang and Larkins)

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

Against: Nil

11.4 Post exhibition endorsement: Restricted Funds Policy

22/402OC

Resolved that Council endorse the Restricted Funds Policy subject to Appendix 1 being removed from the policy document and being presented to Council as a report in February 2023.

(Councillors Keast and Brown)

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

Against: Nil

Item 11.5 *Strategic Risk Report* was dealt with earlier in the meeting as part of the in globo resolution.

12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

12.1 10.2022.174.1 - Lot 601 Bridges Road, Gerringong - refund of fees

22/403OC

Resolved that Council reimburse Development Application fees of \$2,586.32 for Development Application No 10.2022.174.1, to Mr John Trevenar.

(Councillors Rice and Larkins)

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

Against: Nil

The following items were dealt with earlier in the meeting as part of the in globo resolution:

Item 12.2 *Amendments to Fees and Charges 2022 – 2023*

Item 12.3 *Endorse for public exhibition: Draft Development Assessment Process Policy*

12.4 Jamberoo Heritage Review - Commencement of Community Consultation

22/404OC

Resolved that Council:

1. Engage with the community, on the most appropriate ways to celebrate and conserve items and areas identified by Niche Environment and Heritage as being of heritage significance.
2. Review and revise the documents listed in a. to c. below to correct anomalies and errors and re-present them to Council in early 2023.
 - a. Jamberoo Heritage Review – Heritage Places Study: Summary Report,
 - b. Jamberoo Heritage Review – Existing Items
 - c. Jamberoo Heritage Review – Potential Items Jamberoo Heritage Review documents
3. Acknowledge the contribution to the study of Sue Eggins, Stuart Richardson and Michael Forsyth, as members of the Jamberoo Heritage Reference Group.

(Councillors Renkema-Lang and Draisma)

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

Against: Councillor Larkins

Item 12.5 *Post exhibition adoption: updates to Planning Proposal Policy* was dealt with earlier in the meeting as part of the in globo resolution.

12.6 Public access to development assessment information and planning integration progress

22/405OC

Resolved that Council note work undertaken by the Manager of Strategic Planning and the team which has helped improve access to information provided to both the community and applicants through the DA process and following determination of the applications.

(Councillors Brown and Croxford)

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

Against: Nil

12.7 Spring Creek housing opportunities - State candidates advocacy

22/406OC

Resolved that Council:

1. Urgently seeks a commitment from the State Government to extinguish the covenant restricting residential development on Lot 26 DP 709368 and Lot 11 DP 810839 until quarry activities have ceased within Bombo Quarry
2. The letter attached to this report be provided to the following Members of Parliament, Public Servants and Community representatives:
 - Sam Faraway MLC – Minister for Regional Roads and Transport
 - Bruce Morgan – Chair of the Board, NSW Transport Asset Holding Entity.
 - Benedicte Colin – Chief Executive Officer, NSW Transport Asset Holding Entity.
 - Gareth Ward MP – Member for Kiama.
 - Kaitlin McInerney – Labor candidate for Kiama.
 - Dr Tonia Gray – Greens candidate for Kiama.
 - Ms Jenny Aitchison MP, Shadow Regional Minister for Transport and Roads

- Peter Poulos MLC, Parliamentary Secretary for Wollongong and the Illawarra

(Councillors Croxford and Larkins)

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

Against: Nil

12.8 Update on request for State Heritage Listing nomination - Justice Precinct Kiama

22/407OC

Resolved that Council note the outcome of the request to seek State Heritage listing of the Justice Precinct and the completion of the recommendation made by Council.

(Councillors Renkema-Lang and Brown)

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

Against: Nil

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

The following items were dealt with earlier in the meeting as part of the in globo resolution:

Item 13.1 *Delegations over 2022/2023 Christmas period*

Item 13.2 *Kiama Coast Holiday Parks sponsorship and donations program*

13.3 Proposed road closure - Noorinan Street, Kiama

Disclosure of Interest - Councillor Renkema-Lang

Councillor Renkema-Lang declared a less than significant non-pecuniary interest in this item. Councillor Renkema-Lang disclosed and did not vote.

Councillor Renkema-Lang left the room at 5.09pm.

Councillor Renkema-Lang returned to the room at 5.10pm.

22/408OC

Resolved that Council:

1. Continue the road closure process for the section of road reserve along Noorinan Street, Kiama (generally behind No's 10 – 40 Elimatta Place, Kiama) under the Roads Act 1993.
2. Approve classification of the subject are of road reserve as operation 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. Delegate to the Chief Executive Office the authority to sign under seal or as landowner any documentation associated with the road closure.
4. Note that following completion of the road closure process a future report will be provided to Council in relation to the subdivision and sale of the lands.

(Councillors Draisma and Brown)

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

Against: Nil

13.4 Proposed road closure - Riverside Drive, Kiama Downs

22/409OC

Resolved that Council:

1. approves the closure of the section of road reserve at Riverside Drive, Kiama Downs as outlined within the attached plan.
2. approves classification of the subject area of road reserve as operational land upon closure and the issue of a certificate of title subject to public notice of the proposed classification under Section 34 of the *Local Government Act 1993*.
3. gives the Mayor and/or CEO delegated authority to sign under seal or as landowner any documentation associated with the road closure.
4. note that following completion of the road closure process a future report will be provided to Council in relation to the potential subdivision and/or sale of the lands.

(Councillors Brown and Renkema-Lang)

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

Against: Nil

14 REPORT OF THE CHIEF OPERATING OFFICER BLUE HAVEN

Nil

15 REPORTS FOR INFORMATION

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

- 15.1 Final response to the Notice of Intention to issue a Performance Improvement Order
- 15.5 Question for future meeting: Budget variances
- 15.8 Question for future meeting: community services, events and programs

The remainder of the Reports for Information were dealt earlier in the meeting as part of the in globo resolution.

16 ADDENDUM TO REPORTS

16.1 Post exhibition endorsement: Blue Haven Guest Policy

It was **moved** by Councillor Brown and seconded by Councillor Steel that Council endorse the Blue Haven Villages Guest Policy.

22/4100C

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

That Council endorse the Blue Haven Villages Guest Policy with an amendment to clause 7.2.2 that reversion to the single rate will apply after the guest has been absent for one month.

(Councillors Brown and Steel)

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

Against: Nil

The following items were dealt with earlier in the meeting as part of the in globo resolution:

Item 16.2 *Statement of Investments - November 2022*

Item 16.3 *Monthly Financial Report - October 2022*

17 NOTICE OF MOTION

17.1 Notice of Motion: Domestic and gender-based violence

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

1. acknowledge the extent of domestic and gender-based violence across the Illawarra Shoalhaven region.
2. acknowledge the resultant health, social and financial implications for children, youth, families, neighbours, work colleagues, and the elderly.
3. acknowledge our responsibility as community leaders and policy makers to play our part in addressing this concerning and growing problem.
4. work with Lake Illawarra Police District, community groups, neighbouring councils and other organisations as opportunities arise to do so in a cost neutral way.
5. consider developing a gender equity strategy and action plan as part of the 2023/2024 budget considerations.

22/4110C

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

That Council:

1. acknowledge the extent of domestic and gender-based violence across the Illawarra Shoalhaven region.
2. acknowledge the resultant health, social and financial implications for children, youth, families, neighbours, work colleagues, and the elderly.
3. acknowledge our responsibility as community leaders and policy makers to play our part in addressing this concerning and growing problem.
4. work with Lake Illawarra Police District, community groups, neighbouring councils and other organisations as opportunities arise to do so in a cost neutral way.
5. consider developing a gender equity strategy and action plan as part of the 2023/2024 budget considerations.
6. actively advocate with federal and state representatives to identify and secure funding resources including grants to assist in the development of the gender equity strategy and action plan.

(Councillors Renkema-Lang and Reilly)

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

Against: Nil

17.2 Notice of Motion: Electric vehicle charging stations**22/412OC**

Resolved that Council:

1. notes the NSW Government's recent announcement of 500 electric vehicle charging stations across the state.
2. notes that there were no sites in the Kiama Local Government Area (LGA) as part of the announcement.
3. notes that Kiama has been identified as a priority location in the NSW Government's Electric Vehicle Masterplan.
4. writes to the NSW Minister for Energy, the Honorary Matt Kean MP, to seek funding for electric vehicle charging stations in the Kiama LGA.
5. continues to seek grant funding for public electric vehicle chargers in the Kiama LGA.

(Councillors Larkins and Draisma)

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

Against: Nil

17.3 Notice of Motion: Offshore wind farm proposal

It was **moved** by Councillor Brown and seconded by Councillor Croxford that Council opposes the development of over 100 floating wind generated power producers off our coast.

22/413OC

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

That Council:

1. Opposes the proposed development of over 100 floating wind generated power producers off our coast.
2. Has significant unanswered concerns about the development of over 100 floating wind driven power generators off our coast.
3. Writes to the Hon Chris Bowen, the Federal Minister for Climate Change and Energy, and the Hon Matt Kean, the NSW Minister for Energy, Blue Float Energy and Energy Estate requesting explanation of how the substantial risks of environmental and economic impacts to our coastal waters and townships have been considered and evaluated throughout their planning for the Illawarra Renewable Energy Zone.

(Councillors Brown and Croxford)

Councillor Renkema-Lang foreshadowed a motion to remove point 1.

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

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

17.4 Notice of Motion: Refusal of venue hire

A motion was moved by Councillor Croxford and seconded by Councillor Steel that Council refuse applications for Council venue hire from speculative wind farm development proponents for the purpose of community information sessions until such time as the Commonwealth legislates an offshore wind energy zone adjacent to the Kiama local government area.

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

For: Councillors Croxford and Steel

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

17.5 Notice of Motion: Virtual town hall meetings

Councillor Croxford proposed a motion which was seconded by Councillor Steel that Council:

1. resolve to trial, over six (6) consecutive months commencing February 2023, monthly virtual Town Hall Meetings as follows:
 - a. Such meetings would be no more than 90-minutes duration per meeting and be specifically for the public response to lodged questions on notice from residents, ratepayers or business owners from within the Kiama local government area.
 - b. Virtual town hall meetings are to be separate to the monthly scheduled ordinary and public access meetings of Kiama Council.
 - c. The Chief Executive Officer be responsible for the regular scheduling of the monthly virtual Town Hall meeting to ensure such meetings do not conflict with existing Council commitments.
 - d. Questions and answers to be curated by Council in the same manner as monthly ordinary and public access meetings of Council for ongoing public reference.
2. at the end of the trial period conduct a standard community consultation period to determine the effectiveness of the trial, and make recommendation for Councillors' consideration whether or not to adopt monthly virtual Town Hall Meetings into Council's ongoing business as usual practice.

Councillor Renkema-Lang foreshadowed a motion to consider the inclusion of virtual town meetings in Council's Community Engagement Policy development.

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

For: Councillors Croxford and Steel

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

Councillor Steel raised a **point of order** that Councillor Renkema-Lang was reading off notes when speaking to the motion. Councillor Reilly ruled Councillor Steel out of order.

22/414OC

Resolved that Council consider virtual town meetings as part of Council's Community Engagement Policy.

(Councillors Renkema-Lang and Croxford)

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

Against: Nil

18 QUESTIONS FOR FUTURE MEETINGS

18.1 Agritourism legislation

Councillor Rice requested a report on how the recently introduced Agritourism legislation is expected to impact rural land in Kiama. The matter was referred to the Director Environmental Services for action.

18.2 Corporate Emissions Reduction Plan

Councillor Rice stated that 7 % of Kiama Council's carbon emissions come from Gas usage and requested a report that outlines the cost of gas to Council and how Council plans to transition from this fuel under Council's Corporate Emissions Reduction Plan. The matter was referred to the Director Environmental Services for action.

18.3 Insurance arrangements

Councillor Keast requested a report on Council's insurance arrangements, in particular focusing on events that are not covered by insurance and which Council owned infrastructure would not have insurance coverage. The matter was referred to Acting Director Engineering and Works.

18.4 Failed implementation of the Finance System

Councillor Renkema-Lang requested a report on the key outcomes, actions, and implications of the review of the failed implementation of the Finance System - referred to on page 511 of the 20 December agenda papers – including, where available:

1. total expenditure since Council resolved to accept the tender from TechnologyOne at the Ordinary meeting 25 June 2019 (resolution 19/247OC)
2. original budget, schedule and projected completion date
3. initial cost and schedule estimates for data migration services as per resolution to accept the tender from AAXT for the provision of a Data Migration Strategy (20/264OC)
4. approved variations to budget and schedule for TechnologyOne and Data Migration since the project commenced
5. anticipated project completion date
6. forecast budget required to finalise the project
7. ongoing yearly costs to maintain the system (licence, support and maintenance)

The matter was referred to the Chief Financial Officer for action.

18.5 Implementation of Council resolutions

Councillor Renkema-Lang requested a report detailing how the Chief Executive Officer is monitoring the implementation of Council resolutions, noting that Council has a responsibility to ensure legal decisions of Council are implemented without undue delay and is responsible for monitoring the implementation of its decisions via reports by the Chief Executive Officer to council meetings - as detailed in the Office of Local Government guidelines.

Note: Refer to Council resolution 22/153OC of 28 June Ordinary meeting, and that progress against resolutions has not been reported in quarterly reports as advised. The matter was referred to the Chief Executive Officer for action.

19 CONFIDENTIAL SUMMARY

22/415OC

Resolved that at this time, 6.47pm, 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 Steel)

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.

Procedural Motion

22/416OC

Committee recommendation that Council move item 20.7 *Blue Haven Bonaira cashflow* out of Confidential Committee of the Whole into Open Council.

(Councillors Renkema-Lang and Draisma)

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

Against: Nil

20.7 Blue Haven Bonaira Development Cash Flow - Update

22/417OC

Resolved that Council notes the updated financial information and use of cash reserves for the Blue Haven Bonaira Development.

(Councillors Brown and Rice)

Councillor Reilly raised a **point of order** in relation to comments made by Councillor Rice impugning previous councillors, councillors and staff and requested that Councillor Rice retract her comments. Councillor Rice withdrew her comments.

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

Against: Nil

19.1 Exclusion Of Press And Public:

22/4180C

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 DIVESTMENT STRATEGY CASHFLOW UPDATE

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

20.2 KIAMA LEISURE CENTRE - MEMBERSHIP ISSUE

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.

20.3 PURCHASE OF WATER TRUCK AND STREET SWEEPER

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

20.4 TENDER 1040474 - LANDSLIDE REPAIRS: JAMBEROO MOUNTAIN ROAD AND WALLABY HILL ROAD

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.

20.5 TENDER 1039555 - LANDSLIDE REPAIRS - VARIOUS LOCATIONS

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.

20.6 BLUE HAVEN BONAIRA TIMELINE UPDATE

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

20.8 INDEPENDENT LIVING UNITS - CONTRACT CARETAKING ARRANGEMENTS

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

20.9 BLUE HAVEN UPDATE

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

(Councillors Keast and Larkins)

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

Against: Nil

20 CONFIDENTIAL REPORTS**Procedural motion****22/4190C**

Committee recommendation that the Council bring forward, move in globo and adopt the recommendations contained within the report for items 20.1, 20.4, 20.5, 20.6 and 20.8.

(Councillors Draisma and Larkins)

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

Against: Nil

20.1 Divestment strategy cashflow update

This report was for information only.

20.4 Tender 1040474 - Landslide repairs: Jamberoo Mountain Road and Wallaby Hill Road**22/4200C****Committee recommendation that Council:**

1. In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, accept the tender of The RIX Group for KIAMA Tender 1040474 - Landslide repairs: Jamberoo Mountain Road and Wallaby Hill Road – **Site 2A – Wallaby Hill Road**, for the sum of \$1,065,368.30 (inc. GST) plus a contingency of 25% (\$266,342) for a total value of \$1,331,710.30.
2. In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, accept the tender of Civil and Civic Group for KIAMA Tender 1040474 - Landslide repairs: Jamberoo Mountain Road and Wallaby Hill Road, - **Site 2C – Wallaby Hill Road and all Jamberoo Mountain Road sites**, for the sum of \$1,712,751.07 (including GST) plus a contingency allowance of 25% (\$428,187.75) and an allowance for likely improvements of \$440,300.00 making a total value of \$2,580,938.83 (including GST).
3. Note that the total value of the two contracts including contingencies is \$3,912,649.13 (inc. GST)
4. Delegate to the Chief Executive Officer the authority to finalise and execute the contracts and any other documentation required to give effect to this resolution.
5. Grant authority for the use of the Common Seal of Council on the contracts and any other documentation, should it be required, to give effect to this resolution.

(Councillors Draisma and Larkins)

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

Against: Nil

20.5 Tender 1039555 - Landslide repairs - various locations**22/4210C****Committee recommendation that Council:**

1. In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, accept the tender of GT Civil for KIAMA-1039555 – Landslide repairs - various locations, for the sum of \$273,795.50 (including GST) plus a contingency allowance of \$56,204.50 (Total value of \$330,000.00 (including GST)).
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 Larkins)

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

Against: Nil

20.6 Blue Haven Bonaira Timeline Update

22/422OC

Committee recommendation that Council notes the timeline for the processes and activities related to the sale of Blue Haven Bonaira.

(Councillors Draisma and Larkins)

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

Against: Nil

20.8 Independent Living Units - contract caretaking arrangements

22/423OC

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

(Councillors Draisma and Larkins)

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

Against: Nil

Item 20.1 *Divestment strategy cashflow update* was dealt with earlier in the meeting as part of the in globo resolution.

20.2 Kiama Leisure Centre - membership issue**22/424OC****Committee recommendation** that Council:

1. Notes the content of the report.
2. Declines a 12-month free membership at the Kiama Leisure Centre, and future requests for free membership, for the constituent.

(Councillors Larkins and Croxford)

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

Against: Councillors Keast, Renkema-Lang and Rice

20.3 Purchase of water truck and street sweeper**Disclosure of Interest – Councillor Keast**

Councillor Keast declared a less than significant non-pecuniary interest in this item. Councillor Keast disclosed and did not vote.

Councillor Keast left the room at 7.13pm.

Councillor Keast returned to the room at 7.13pm.

22/425OC**Committee recommendation** that Council:

1. approve the purchase of one (1) Scarab Mistral sweeper from Rosmech Sales & Service Pty Ltd with a capital value of \$381,661 + GST.
2. approve the purchase of one (1) Hino FM 2632 chassis with Allquip water tank body from Illawarra Hino with a capital value of \$299,484.54 + GST.

(Councillors Brown and Draisma)

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

Against: Nil

The following items were dealt with earlier in the meeting as part of the in globo resolution:

Item 20.4 *Tender 1040474 - Landslide repairs: Jamberoo Mountain Road and Wallaby Hill Road*

Item 20.5 *Tender 1039555 - Landslide repairs - various locations*

Item 20.6 Blue Haven Bonaira Timeline Update

Item 20.7 Blue Haven Bonaira cashflow was dealt with during Open Council.

Item 20.8 Independent Living Units - contract caretaking arrangements was dealt with earlier in the meeting as part of the in globo resolution.

20.9 Blue Haven update

22/426OC

Committee recommendation that Council notes the information update pertaining to its Blue Haven Residential and Community Aged Care, and Retirement Village operations.

(Councillors Rice and Brown)

Councillor Brown raised a **point of order** that Councillor Renkema-Lang's comments on conflicts of interest were out of order. The Mayor requested that Councillor Renkema-Lang retract her phrase, which she did.

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

Against: Nil

Close of Confidential Committee of the Whole:

22/427OC

Committee recommendation that at this time, 7.18pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Larkins and Draisma)

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

Against: Nil

Adoption of Report

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

22/428OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 22/383OC to 22/429OC be confirmed and adopted.

(Councillors Croxford and Brown)

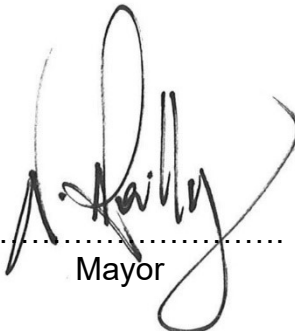
For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,
Renkema-Lang, Rice and Steel

Against: Nil

21 CLOSURE

There being no further business the meeting closed at 7.27pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on
21 February 2023.



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Mayor