



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5.00pm on

TUESDAY 21 MAY 2024

Council Chambers
11 Manning Street, KIAMA NSW 2533

Amended as per 24/1750C

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

That the Minutes of the Ordinary meeting held on 21 May 2024 be received and accepted subject to changing item 16.1 to reflect that Councillor Brown moved the staff recommendation and that at the request of Councillor Rice the motion was varied by consent to include point 3.

**MINUTES OF THE ORDINARY MEETING OF
THE COUNCIL OF THE MUNICIPALITY OF KIAMA
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON TUESDAY 21 MAY 2024 AT 5PM**

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

AUDIO-VISUAL: Councillor K Renkema-Lang

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
Stephanie Salviejo – Public Officer

1 OPENING OF MEETING

The Chair opened the meeting at 5pm.

2 WEBCASTING STATEMENT

The Chair advised the meeting was being livestreamed and recorded and would be made publicly available on the Council website. Persons attending the meeting should refrain from making any defamatory statements.

3 ACKNOWLEDGEMENT OF COUNTRY

The Chair declared the meeting open and acknowledged the traditional owners.

4 STATEMENT OF ETHICAL OBLIGATIONS

The Chair reminded Councillors of their oaths or affirmations of office under section 233A of the Local Government Act 1993 and their obligations under the Code of Conduct to disclose and appropriately manage any conflicts of interest.

5 APOLOGIES

Nil

Procedural motion: Councillor excused from standing**24/117OC**

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

(Councillors Draisma and Croxford)

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

Against: Nil

Request by Councillor Renkema-Lang to attend meeting via video conference**24/118OC**

Resolved that Council, as required under section 5.2 of the Code of Meeting Practice, permit Councillor Renkema-Lang to attend the Council meeting held on 21 May 2024 via audio-visual.

(Councillors Brown and Larkins)

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 meeting on 16 April 2024

24/119OC

Resolved that the Minutes of the Ordinary Council meeting held on 16 April 2024 be received and accepted.

(Councillors Larkins and Keast)

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 Larkins**

Councillor Larkins declared a less than significant non-pecuniary interest in item 13.8 *Sponsorship: The Man Walk* as Councillor Larkins participates in The Man Walk events. Councillor Larkins proposed to disclose and vote on this matter.

Disclosure of Interest - Councillor Brown

Councillor Brown declared a less than significant non-pecuniary interest in item 13.8 *Sponsorship: The Man Walk* as Councillor Brown participates in The Man Walk events. Councillor Brown proposed to disclose and vote on this matter.

Disclosure of Interest - Councillor Renkema-Lang

Councillor Renkema-Lang declared a pecuniary interest in item 22.6 *Supreme Court matter* as Councillor Renkema-Lang is the plaintiff in the proceedings. Councillor Renkema-Lang proposed to disclose and leave the Teams meeting.

Disclosure of Interest - Councillor Renkema-Lang

Councillor Renkema-Lang declared a pecuniary interest in item 13.2 *Current legal matters – status update* as Councillor Renkema-Lang is the plaintiff in one of the proceedings listed. Councillor Renkema-Lang proposed to disclose and leave the audio-visual meeting.

Disclosure of Interest - Councillor Renkema-Lang

Councillor Renkema-Lang declared a pecuniary interest in item 12.2 *Minutes: Performance Improvement Order Implementation and Oversight Committee - 9 May 2024* as Councillor Renkema-Lang is the plaintiff in Court proceedings that were discussed at the meeting. Councillor Renkema-Lang proposed to disclose and leave the audio-visual meeting.

9 TABLING OF PETITIONS AND OTHER DOCUMENTS

Councillor Draisma tabled the following documents:

Attachments

- A Australian Press Council Statement of general principles
- B Australian Press Council Standards of Practice - Guideline: Advertorials

10 PUBLIC FORUM SUMMARY

Name	Item No.	Subject
Peter Kennedy	19.2	Notice of Motion: Jamberoo Village speed zone reduction

Procedural motion: in globo resolutions**24/120OC**

Resolved that Council move inglobo and adopt the reommendations contained within the report for items 12.1, 12.3, 13.3, 13.4, 13.5, 13.6, 13.9, 14.1, 14.2, 14.3, 14.4, 15.1, 15.2, 16.2.

(Councillors Draisma and Larkins)

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

Against: Nil

11 MAYORAL MINUTE

11.1 Mayoral Minute: Bombo Quarry

24/121OC

Resolved that Council:

1. Delegate to the CEO to prepare correspondence to all land owners at Bombo Quarry seeking up to date detailed information about their development plans for the site
2. Following receipt of this information from the land owners of Bombo Quarry, that the CEO be requested to organise a workshop for Councillors and essential staff to discuss these developments.

(Councillor Reilly)

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

Against: Nil

11.2 Mayoral Minute: Support for Jamberoo Rural Fire Service

24/122OC

Resolved that Council support the Jamberoo Rural Fire Service request to the NSW Rural Fire Service to provide grant funding to affix photovoltaic panels to the roof of the Jamberoo Rural Fire Service building.

(Councillors Reilly and Draisma)

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

Against: Nil

Procedural motion**24/123OC**

Resolved that at this time 5:15pm, Council bring forward and deal with supplementary item 18.1 *First Nations People Referrals*.

(Councillors Draisma and Larkins)

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

Against: Nil

18.1 First Nations people referrals**24/124OC**

Resolved that Council:

1. Appropriately refers any matter concerning First Nations people to those First Nations people and organisations for consultation before any action, motion or ideas are submitted to the Council.
2. Documents its protocol for appropriate engagement on Local Government matters with First Nations people and makes this available to Councillors and the community.

(Councillor Reilly)

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

Against: Nil

Motion: Late Mayoral Minute – congratulations to Ivy Miller**24/125OC**

Resolved that Council wish Illawarra Academy of Sport athlete, Ivy Miller every success in her endeavours to qualify for the 2024 Olympic Team, at the upcoming Australian Olympic Swimming trials.

(Councillor Reilly)

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

Against: Nil

12 MINUTES OF COMMITTEES

12.1 Minutes: Infrastructure and Liveability Committee Meeting - 9 April 2024

This item was moved as part of the in globo recommendation – refer minute 24/120OC.

24/126OC

Resolved that the Minutes of the Infrastructure & Liveability Advisory Committee meeting held on 9 April 2024 be received and noted.

(Councillors Draisma and Larkins)

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

Against: Nil

Councillor K Renkema-Lang left the meeting at 05:19 pm.

12.2 Minutes: Performance Improvement Order Implementation and Oversight Committee - 9 May 2024

Councillor Renkema-Lang declared a pecuniary interest in this matter, disclosed and left the audio-visual meeting.

24/127OC

Resolved that the Minutes of the Performance Improvement Implementation and Oversight Committee meeting held on 9 May 2024 be received and noted.

(Councillors Brown and Croxford)

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

Against: Councillor Keast and Rice

A **point of order** was raised by Cr Draisma that Cr Keast's comments brings Council into disrepute. The Chair ruled the point of order was not valid as Cr Keast's comments did not bring the Council into disrepute.

Councillor K Renkema-Lang returned to the meeting at 05:33 pm.

12.3 Minutes: Sustainable Communities Advisory Committee - 23 April 2024

This item was moved as part of the in globo recommendation – refer minute 24/120OC.

24/128OC

Resolved that the Minutes of the Sustainable Communities Advisory Committee meeting held on 23 April 2024 be received and noted.

(Councillors Draisma and Larkins)

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

Against: Nil

12.4 Minutes: Tourism and Economic Advisory Committee meeting - 2 May 2024

24/129OC

Resolved that Council receive and note:

1. The minutes of the Committee meeting held on 2 May 2024
2. The State of Our Economy Report 2024.

(Councillors Brown and Steel)

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

Against: Nil

13 REPORT OF THE CHIEF EXECUTIVE OFFICER

13.1 Councillor Neil Reilly attendance at the 2024 Australian Coastal Councils Conference in McLaren Vale, SA - 29-31 May 2024

24/130OC

Resolved that Council endorse the attendance of Councillor Neil Reilly at the 2024 Australian Coastal Council Conference in McLaren Vale from 29 to 31 May 2024.

(Councillors Brown and Larkins)

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

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

Councillor K Renkema-Lang left the meeting at 05:44 pm.

13.2 Current legal matters - status update

Councillor Renkema-Lang declared a pecuniary interest in this matter, disclosed and left the audio-visual meeting.

It was **moved** by Councillor Keast and seconded by Councillor Larkins that Council receive this report and notes that, as of 30 March 2024:

1. Council continues, as it is legally required, to respond to a significant number of legal summons which is placing financial and staff resourcing pressures on the organisation.
2. Council had received the following quotes for legal services but was yet to commence proceedings:

-
- (a) Development application appeal and/or Mediation Conferences within the NSW Land & Environment Court = \$99,000.00
 - (b) Councillor Code of Conduct Investigations = \$5,200.00
 3. Council had commenced and been invoiced for the following legal services:
 - (a) Development application appeal and/or Mediation Conferences within the NSW Land & Environment Court = \$436,765.58
 - (b) NSW Civil & Administrative Tribunal matters = \$176,945.60
 - (c) Councillor Code of Conduct Investigations (including responding to Supreme Court summons) = \$123,461.99
 - (d) Legal/Probity Advice = \$149,180.87
 - (e) Property Development, including road closures, caveats etc., matters = \$76,061.94
 - (f) Federal Court matters = \$3,285,222.50
 - (g) Anti-Discrimination matters = \$43,795.84
 4. Council had commenced but has yet to be invoiced as at 30 March 2024 for the following legal services:
 - (a) Development Application appeal and/or Mediation Conferences within the NSW Land & Environment Court = \$13,260.19
 - (b) NSW Civil & Administrative Tribunal matters = \$249.00
 - (c) Councillor Code of Conduct Investigations (including responding to Supreme Court summons = \$17,839.00
 - (d) Property Development, including road closures, caveats etc., matters = \$5,832.00
 - (e) Federal Court matters = \$41,835.00.

24/1310C

At the request of Councillor Brown and by consent the **motion was varied and resolved** that Council receive this report and note that, as of March 2024:

1. Council continues, as it is legally required, to respond to a significant number of legal summons which is placing financial and staff resourcing pressures on the organisation.
2. Council had received the following quotes for legal services but was yet to commence proceedings:
 - (a) Development application appeal and/or Mediation Conferences within the NSW Land & Environment Court = \$99,000.00
 - (b) Councillor Code of Conduct Investigations = \$5,200.00
3. Council had commenced and been invoiced for the following legal services:
 - (a) Development application appeal and/or Mediation Conferences within the NSW Land & Environment Court = \$436,765.58
 - (b) NSW Civil & Administrative Tribunal matters = \$176,945.60
 - (c) Councillor Code of Conduct Investigations (including responding to Supreme Court summons) = \$123,461.99
 - (d) Legal/Probity Advice = \$149,180.87

- (e) Property Development, including road closures, caveats etc., matters = \$76,061.94
 - (f) Federal Court matters = \$3,285,222.50
 - (g) Anti-Discrimination matters = \$43,795.84
4. Council had commenced but has yet to be invoiced as at 30 March 2024 for the following legal services:
- (a) Development Application appeal and/or Mediation Conferences within the NSW Land & Environment Court = \$13,260.19
 - (b) NSW Civil & Administrative Tribunal matters = \$249.00
 - (c) Councillor Code of Conduct Investigations (including responding to Supreme Court summons = \$17,839.00
 - (d) Property Development, including road closures, caveats etc., matters = \$5,832.00
 - (e) Federal Court matters = \$41,835.00.
5. Requests the CEO to consider including job costings in future reports.
(Councillors Keast and Larkins)

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

Against: Nil

Councillor K Renkema-Lang returned to the meeting at 06:22 pm.

13.3 Deed of permission to reproduce Aunty Jodie's NAIDOC Week artwork on the Kiama Downs community battery

This item was moved as part of the in globo recommendation – refer minute 24/1200C.

24/1320C

Resolved that Council:

1. Delegate to the CEO to prepare correspondence noting Council's formal apology to Aunty Jodie Stewart for any inadvertent confusion and concern which may have occurred as a result of signing the standard licence agreement.
2. Retrospectively delegate authority to the Mayor and/or the CEO to execute the Deed of Permission to Reproduce Aunty Jodie Stewart's artwork on the Endeavour Energy assets at Lot 338 DP790657, 8 Thornett Way Kiama Downs 2533.

(Councillors Draisma and Larkins)

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

Against: Nil

13.4 Endorse for public exhibition: Integrated Planning and Reporting documents 2024-2025

This item was moved as part of the in globo recommendation – refer minute 24/120OC.

24/133OC

Resolved that Council:

1. Endorse the draft Delivery Program 2022-26 & Operational Plan 2024-25, the draft 2024-25 Capital Program and the draft Fees and Charges 2024-25 to be placed on public exhibition for a period of 28 days, calling for submissions.
2. Receive a further report for consideration, if any relevant submissions are received or if any substantial changes are proposed for any other reasons, detailing the public exhibition outcomes and proposed changes with further recommendations regarding adoption
3. On the day after the completion of the public exhibition period, adopt the Delivery Program 2022-26 & Operational Plan 2024-25 and the draft Fees and Charges 2024-25, if there are no relevant submissions received and there are no substantial changes proposed for any other reasons.

(Councillors Draisma and Larkins)

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

Against: Nil

13.5 Kiama Major Events Impact Review and Recommendations Report - Tilma Group

This item was moved as part of the in globo recommendation – refer minute 24/120OC.

24/134OC

Resolved that Council endorse the Kiama Major Events Impact Review and Recommendations Report and implement as part of the work of the Tourism and Events Department's Delivery Program and Operational Plan actions.

(Councillors Draisma and Larkins)

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

Against: Nil

13.6 Presentation of the 2022-23 Annual Financial Statements

This item was moved as part of the in globo recommendation – refer minute 24/120OC.

24/135OC

Resolved that Council present the 2022-23 Audited Financial Statements and Audit Reports to the public in accordance with sections 418 and 419 of the Local Government Act 1993.

(Councillors Draisma and Larkins)

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

Against: Nil

13.7 Question for future meeting: Mayor allowance - motion for Local Government NSW conference 2024

24/1360C

Resolved that Council endorse the following motion for submission to the Local Government NSW Conference:

That Local Government NSW lobbies the NSW Office of Local Government to amend section 249(5) of the Local Government Act 1993 to reflect that during periods that a Mayor takes planned leave, or extended periods of unplanned leave, deputy mayors may act in the role of the mayor and receive the mayoral allowance (including superannuation) whilst not depriving the mayor of the mayoral allowance.

(Councillors Draisma and Brown)

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

Against: Nil

13.8 Sponsorship: The Man Walk

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

Resolved that Council

1. provides one off sponsorship of \$10,000 to The Man Walk in recognition of the Charity's National status and it's dedicated work focused on supporting men's health.
2. delegates to the Chief Executive Officer to prepare a sponsorship agreement for execution to ensure appropriate recognition of Kiama Municipal Council as a sponsor.
3. delegates to the Office of the Chief Executive Officer to prepare a sponsorship policy to assist in guiding requests for sponsorship.

(Councillors Draisma and Steel)

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

Against: Nil

13.9 Submission to Legislative Council: Inquiry into the ability of local governments to fund infrastructure and services

This item was moved as part of the in globo recommendation – refer minute 24/1200C.

24/1370C

Resolved that Council note the submission lodged by Council on 26 April 2024 to the NSW Legislative Council's Standing Committee on State Development inquiry into the ability of local governments to fund infrastructure and services.

(Councillors Draisma and Larkins)

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

Against: Nil

13.10 Submission to House of Representatives Standing Committee: Inquiry into Financial Sustainability of Local Government

24/1380C

Resolved that Council endorse the submission to the House of Representatives Standing Committee on Regional Development, Infrastructure and Transport Inquiry into Financial Sustainability of Local Government and include the following changes:

1. Removal of the words "bed palliative" from the first paragraph on page 2 of the submission.
2. Amend the 4th paragraph on page 13 of the submission to read:

...Kiama is a heavy tourist destination that experiences large surges in population for at least 20% of the year. In providing adequate service to community facilities and amenities, municipal services are required outside normal working hours. This is not addressed by the NSW rate peg, nor recognised in the per capita allocation of Financial Assistance Grants.

(Councillors Draisma and Rice)

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

Against: Nil

14 REPORT OF THE CHIEF OPERATING OFFICER

14.1 Endorse for public exhibition: Draft Long Term Financial Plan 2024-25 to 2033-34

This item was moved as part of the in globo recommendation – refer minute 24/1200C.

24/139OC**Resolved** that Council:

1. Endorse the (Draft) Long Term Financial Plan 2024-25 - 2033-34 to be placed on public exhibition for a period of 28 days calling for submissions.
2. Note the Long Term Financial Plan projects Council achieving a net operating surplus before capital and one-off property sales by 2026-27.
3. Note that the proposed budget and Long Term Financial Plan will directly impact the delivery of services by Council.
4. Note that the outcomes of the exhibition process and the final document will be reported back to the Council for adoption prior to 30 June 2024.

(Councillors Draisma and Larkins)

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

Against: Nil

14.2 Endorse for public exhibition: Restricted Funds Policy

This item was moved as part of the in globo recommendation – refer minute 24/120OC.

24/140OC**Resolved** that Council:

1. Endorse the Restricted Funds Policy to be placed on public exhibition for a period of 28 days calling for submissions.
2. Following conclusion of the exhibition period:
 - a. Receive an updated Restricted Funds Policy, if submissions or feedback received result in substantial change to the Policy, or
 - b. Adopt the Restricted Funds Policy if submissions or feedback received do not result in substantial change to the Policy.

(Councillors Draisma and Larkins)

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

Against: Nil

14.3 Quarterly Budget Review (QBR3) and Monthly Financial Statements March 2024

This item was moved as part of the in globo recommendation – refer minute 24/120OC.

24/141OC**Resolved** that Council:

1. Receive and adopt the quarterly budget review statement for the quarter ending 31 March 2024 including the operating revenue, expenditure, and capital budget adjustments.
2. Note the monthly financial statements for the period ending 31 March 2024.

(Councillors Draisma and Larkins)

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

Against: Nil

14.4 Statement of Investments: April 2024

This item was moved as part of the in globo recommendation – refer minute 24/120OC.

24/142OC

Resolved that Council notes the information relating to the Statement of Investments as at 30 April 2024.

(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

This item was moved as part of the in globo recommendation – refer minute 24/120OC.

15.1 Endorse for public exhibition: Draft Planning Agreements Policy (2024)

24/143OC

Resolved that Council:

1. Endorse the draft Planning Agreements Policy (2024) to be placed on public exhibition for a period of 28 days calling for submissions.
2. Receive a further report for consideration, if any relevant submissions are received or if any substantial changes are proposed for any other reasons, detailing the public exhibition outcomes and proposed changes with further recommendations regarding adoption.
3. On the day after completion of the public exhibition period, adopt the Planning Agreements Policy (2024), if there are no relevant submissions received and there are no substantial changes proposed for any other reasons.

(Councillors Draisma and Larkins)

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

Against: Nil

15.2 Endorse for public exhibition: Draft Section 7.12 Contribution Plan (2024)

This item was moved as part of the in globo recommendation – refer minute 24/120OC.

24/144OC

Resolved that Council:

1. Endorse the draft Section 7.12 Contributions Plan (2024) for public exhibition for a minimum period of 28 days calling for submissions.
2. Receive a further report for consideration, if any relevant submissions are received or if any substantial changes are proposed for any other reasons, detailing the public exhibition outcomes and proposed changes with further recommendations regarding adoption.
3. On the day after completion of the public exhibition period, adopt the Section 7.12 Contributions Plan (2024), if there are no relevant submissions received and there are no substantial changes proposed for any other reasons.

(Councillors Draisma and Larkins)

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

Against: Nil

15.3 Post exhibition endorsement: Community Grants and Donations Policy and Guidelines

24/145OC

Resolved that Council endorse the Grants and Donations Policy and the Grants and donations guidelines for applicants and makes an administrative change to page 6 of the Policy to replace \$2,500,000 with the correct figure of \$2,500.

(Councillors Keast and Larkins)

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

Against: Nil

15.4 Post exhibition endorsement: Kiama Coastline Coastal Management Program

24/146OC

Resolved that Council:

1. Adopt the final Kiama Coastline Coastal Management Program and submit the document to the Minister for Local Government for certification.
2. Factors in incoming grants and outgoing expenditure related to the adoption of the Kiama Coastline Coastal Management Program in the long term financial plan over the next ten years.

(Councillors Croxford and Steel)

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

Against: Nil

16 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY

16.1 Endorsement: Plan of Management - Council Managed Crown Land

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

1. Defers until July 2024 the adoption of the Kiama Municipal Council Plan of Management for Council Managed Crown Land.
2. Reviews the Plan's proposed application of the Park category to beaches.
3. Corrects any other anomalies in the Plan including that for the Reserve Purpose of the Minnamurra Headland.

Councillor Brown **foreshadowed** the original motion.

Councillor Brown raised a **point of order** that his words were being misrepresented by Councillor Rice. The Chair accepted the point of order and requested that Councillor Rice withdraw her statement.

Councillor Rice withdrew her statement.

Councillor Croxford raised a **point of order** that Councillors were wordsmithing on the floor. The Chair rejected the point of order.

The Chair ruled Councillor Rice's motion as unlawful.

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

1. Receive and note this report on the adoption of the Kiama Municipal Council Plan of Management for Council managed Crown Land.
2. Formally adopt the final Kiama Municipal Council Plan of Management for Council managed Crown Land in accordance with the Crown Land Management Act 2016 as shown in attachment 1.

24/1470C

At the request of Councillor Rice and by consent the **motion was varied** to read -

That Council:

1. Receive and note this report on the adoption of the Kiama Municipal Council Plan of Management for Council managed Crown Land.
2. Formally adopt the final Kiama Municipal Council Plan of Management for Council managed Crown Land in accordance with the Crown Land Management Act 2016 as shown in Attachment 1 - Post exhibition Letter of consent to adopt - Council Managed Crown Land - 4 April 2024.

3. Delegate to the CEO to prepare correspondence to the Minister for Lands and Property seeking clarity on the application of the designation of the category of Park specifically for the reserves at Seven Mile Beach, Werri Beach, Easts Beach and Bombo, as well as noting one potential anomaly relating to Reserve Purpose at Minnamurra Headland so that Council can understand the process for any future amendment.

(Councillors Brown and Croxford)

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

Against: Nil

16.2 Traffic management: Kiama Local Traffic Committee meeting - 7 May 2024

This item was moved as part of the in globo recommendation – refer minute 24/120OC.

24/148OC

Resolved that Council receive the Minutes of the Kiama Local Traffic Committee meeting of 7 May 2024 and the following recommendation be adopted, subject to any other approvals that may be required:

24/001LTC the changes to traffic arrangements in Terralong Street Kiama and the installation of the raised medians around the bridge supports, made necessary by the replacement of the railway bridge crash beams, with the exception that the amber flashing lights currently in place be retained.

(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 are noted:

- 17.1 Question for future meeting: Compliance officer activities
- 17.2 Question for future meeting: Terralong Street Kiama - Transverse Rumble Strip Crossings
- 17.3 Questions for Future Meetings Register - May 2024
- 17.4 Resolution Register - February 2024 to March 2024 and update on previous periods
- 17.5 SENTRAL Youth Service - Kiama Youth Week 2024 and Program Update
- 17.6 Question with notice: Cr Croxford - Unreasonable Complainant Conduct Policy

17.7 Question with notice: Cr Croxford - Protection measures for Councillors.

18 LATE ITEMS

That at this time 7.08pm, Council bring forward and deal with matters pertaining to the Addendum to Reports.

18.2 NSW Local Government Remuneration Tribunal - Annual fees payable to Mayors and Councillors

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

1. Note the Local Government Remuneration Tribunal decision made under Section 41 of the Local Government Act 1993, that a 3.75% increase is payable on the annual fees for Mayor and Councillors for the period 1 July 2024 to 30 June 2025.
2. Due to community expectations and Kiama Council's budgetary circumstances, declines to apply the annual fee increase for Mayor and Councillors for the 1 July 2024 to 30 June 2025 period.

Councillor Brown **foreshadowed** the original motion.

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

For: Councillors Draisma, Keast and Renkema-Lang

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

24/149OC

Resolved that Council comply with the Local Government Remuneration Tribunal decision made under Section 41 of the Local Government Act 1993, that a 3.75% increase is payable on the annual fees for Mayor and Councillors for the period 1 July 2024 to 30 June 2025, resulting in the following:

1. \$22,540 for each Councillor including the Mayor, and
2. \$49,200 additional fee for the Mayor.

(Councillors Brown and Croxford)

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

Against: Councillors Draisma, Larkins and Renkema-Lang

19 NOTICE OF MOTION

19.1 Notice of Motion: Cumberland Council censorship action

24/150OC

Resolved that Council, in light of the censorship motion from Cumberland Council (suburbs include: Auburn, Granville, Greystanes, Merrylands and Toongabbie), now overturned, against their libraries holding certain books in relation to same sex parents, will:

1. Support our libraries to be free from intolerant censorship.
2. Encourage our community members to make use of our library resources to help create a rich and diverse and supportive community.
3. Approve the statement from NSW Minister of Arts, the Hon John Graham MLC that the "Cumberland Council resolution contravened the Library Council of NSW Guideline on Freedom of Access to Information".
4. Welcome Cumberland residents to visit Kiama so they can experience an open and loving community without divisive censorship.
5. Do our best to ensure all our residents are as informed and supported, on all issues, as much as is possible.

(Councillors Brown and Draisma)

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

Against: Nil

19.2 Notice of Motion: Jamberoo Village speed zone reduction request

24/1510C

Resolved that Council:

1. Write to Transport for NSW requesting consideration of a reduction in the permanent speed limit for Allowrie and Churchill Streets, Jamberoo from 50 km/h to 40 km/h for the urbanised-higher pedestrian areas of Jamberoo.
2. Provide any data and information, including community feedback, through to Transport for NSW to support the reduction in the permanent speed limit in the area.

(Councillors Larkins and Draisma)

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

Against: Nil

19.3 Notice of Motion: The Bugle

24/1520C

Resolved that Council:

1. Congratulate Ms Chantelle Farah, as Director and Trustee of the Regional Media Unit Trust, on the purchase and being the new owner of The Bugle newspaper.

2. Thank Cathy and Steve Law on the establishment of The Bugle and wish them well in their next endeavours.
3. Invite Ms Farah, to meet with the CEO and Councillors to foster building a professional relationship between Council and the local staff at The Bugle to assist our community.
4. Delegate to the CEO to write to Ms Farah requesting detailed information on the full ownership of The Bugle, specifically seeking to understand who the beneficiaries of the Regional Media Unit Trust are and whether these beneficiaries include persons or entities with interests in property developers or construction companies owning land and property in the Kiama Local Government Area. Additionally, inquire if these beneficiaries are involved in submitting Planning Proposals or Development Applications within the municipality, which ought to be disclosed to mitigate potential conflicts of interest and ensure journalistic integrity.

(Councillors Croxford and Draisma)

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

Against: Nil

20 QUESTIONS WITH NOTICE

Refer items 17.6 and 17.7.

21 CONFIDENTIAL SUMMARY

24/153OC

Resolved that at this time, 7.40pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Rice and Larkins)

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

Against: Nil

Public Representations:

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

21.1 Exclusion Of Press And Public:

24/1540C

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.

22.1 BLUE HAVEN UPDATE

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

22.2 LAND ACQUISITION & TRANSFER UNDER THE NSW COASTAL LANDS PROTECTION SCHEME - GERRINGONG

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.

22.3 SALE OF LAND: 9 O'CONNELL PLACE, GERRINGONG (LOT 208 DP 792192)

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.

22.4 SALE OF LAND: LOT 100 SOUTH KIAMA DRIVE, KIAMA (LOT 100 DP 1231831)

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 SINGLE USE SPORTS CLUB REVIEW OF INSURANCE COSTS

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.

22.6 SUPREME COURT MATTER

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.

(Councillors Larkins and Croxford)

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

Against: Nil

22 CONFIDENTIAL REPORTS

Procedural motion: extension of time

24/155OC

Committee recommendation that in accordance with section 18.2 of the Code of Meeting Practice the meeting be extended by 15 minutes.

(Councillors Larkins and Draisma)

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

Against: Nil

22.1 Blue Haven Update

24/156OC

Committee recommendation that Council:

1. Note the information provided in the Blue Haven Update report.
2. Endorse the onsite administration of the NSW Voluntary Assisted Dying Act 2022 and accompanying Blue Haven policy.

(Councillors Larkins and Brown)

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

Against: Nil

22.2 Land Acquisition & Transfer under the NSW Coastal Lands Protection Scheme - Gerringong

It was **moved** by Councillor Brown and seconded by Councillor Steel that Council reject the offer of land acquisition and transfer under the NSW Coastal Lands Protection.

Councillor Keast **foreshadowed** the original motion.

Councillor Brown withdrew his motion.

Councillor Draisma raised a **point of order** that as Councillor Brown's motion was withdrawn Council must consider the foreshadowed original motion.

The Chair ruled the original motion unlawful.

24/157OC

Committee recommendation that Council strike this matter on land acquisition and transfer under the NSW Coastal Lands Protection Scheme from the business papers.

(Councillors Reilly and Brown)

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

Against: Councillors Keast and Larkins

22.3 Sale of land: 9 O'Connell Place, Gerringong (Lot 208 DP 792192)

24/158OC

Committee recommendation that Council:

1. Note the commencement of the sale process for 9 O'Connell Place, Gerringong (Lot 208 DP 792192), by public auction.
2. Set the reserve price for auction as the highest of the valuations in the body of this report.
3. Delegate the Chief Executive Officer authorisation to enter into negotiations if the reserve price is not met at auction regarding the sale price for the land, including terms, and accept a suitable offer as stipulated in the report.
4. Delegate to the Chief Executive Officer and/or Mayor authorisation to sign and execute all documentation in relation to and including the contract of sale and the application of the seal of Council if required.

(Councillors Croxford and Draisma)

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

Against: Nil

22.4 Sale of land: Lot 100 South Kiama Drive, Kiama (Lot 100 DP 1231831)

24/159OC

Committee recommendation that Council:

1. Delegate to the Chief Executive Officer authorisation to enter into direct negotiations regarding the sale price for Lot 100 South Kiama Drive, Kiama (Lot 100 DP1231831), including terms, and accept a suitable offer as stipulated in the report.

2. Delegate to the Chief Executive Officer and/or Mayor authorisation to sign and execute all documentation in relation to and including the contract of sale and the application of the seal of Council if required.
3. Allocate the proceeds of the sale of Lot 100 to the Roads Reserve.

(Councillors Brown and Steel)

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

Against: Nil

22.5 Single use sports club review of insurance costs

24/160OC

Committee recommendation that Council:

1. Approve waiving of 50% insurance fees charged to those sporting clubs identified as having single use of a facility in 2022/23 financial year.
2. Approve that the 2023/24 insurance costs are not charged to those sporting clubs identified as single use of a facility, and that a review of the Public Land Management Policy, Lease Policy and associated agreements is completed to better resolve this issue.

(Councillors Rice and Draisma)

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

Against: Nil

Councillor K Renkema-Lang left the meeting at 08:03 pm and did not rejoin due to technical difficulties.

Procedural motion: extension of time

24/161OC

Committee recommendation that in accordance with section 18.2 of the Code of Meeting Practice the meeting be extended by 15 minutes

(Councillors Croxford and Larkins)

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

Against: Nil

22.6 Supreme Court matter

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

- 1 set aside resolution 23/350OC from the 21 November 2024³ Ordinary Council meeting as agreed in consent orders issued by the Supreme Court in the matter of *Renkema-Lang v Kiama Municipal Council and Symons* (2024) NSWSC 61606 as the resolution is invalid due to the Second Defendant conceding that the Second Defendant's final investigation report (dated 31 October 2023) was affected by a reasonable apprehension of bias.
- 2 respectfully urges the plaintiff, Councillor Karen Renkema-Lang, to also recognise the consent orders as mentioned in point 1 above and the outcome as stated in point 1 above, and cease and desist from any further legal action in this matter to reduce the cost burden of the Kiama LGA ratepayer.

Councillor Draisma **foreshadowed** the original motion.

Councillor Brown's motion was varied by consent.

24/162OC

Committee recommendation that Council set aside resolution 23/350OC from the 21 November 2023 Ordinary Council meeting as agreed in consent orders issued by the Supreme Court in the matter of *Renkema-Lang v Kiama Municipal Council and Symons* [2024] NSWSC 61606 due to the Second Defendant's final investigation report (dated 31 October 2023) being affected by a reasonable apprehension of bias which therefore makes the Council resolution invalid.

(Councillors Brown and Steel)

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

Against: Nil

Close of Confidential Committee of the Whole:

24/163OC

Resolved that at this time, 8:30pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Keast and Croxford)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, 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.

24/164OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 24/154OC to 24/163OC be confirmed and adopted.

(Councillors Keast and Croxford)

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

Against: Nil

23 CLOSURE

There being no further business the meeting closed at 8:38pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 18 June 2024.



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Mayor