



# **MINUTES OF THE ORDINARY MEETING OF COUNCIL**

**commencing at 5pm on**

**TUESDAY 20 JUNE 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  
ON TUESDAY 20 JUNE 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  
Darryl Hagger – Public Officer / Interim Chief Financial Officer

## **1 OPENING OF MEETING**

The Mayor declared the meeting open at 5pm.

## **2 WEBCASTING STATEMENT**

The Mayor advised that the meeting was being recorded and made publicly available on the Council website and 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

## 6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### 6.1 Ordinary Council meeting on 16 May 2023

#### 23/1450C

**Resolved** that the Minutes of the Ordinary Council meeting held on 16 May 2023 be received and accepted subject to amending the division on item 19.1 Notice of Motion: paid parking, to record that Councillor Larkins was against the motion and remove his name from being in favour of the motion.

(Councillors Draisma 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 significant non-pecuniary interest in item 17.1 *Fiona Phillips MP correspondence – Transport for NSW response – Spring Creek restrictive covenant* as he is an employee of the specified person. Councillor Larkins proposed to take disclose and leave the chamber.

## 9 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

## 10 PUBLIC FORUM SUMMARY

Name	Item No.	Subject
Ros Neilson Roger Lyle	17.5	Question for future meeting: Jerrara Dam divestment
Boni Maywald	18.1	Planning Proposal: Finalisation – Lot 2 DP 1215276, No 14A Bonaira Street, Kiama
John Greer	19.2	Notice of Motion: Blue Haven Bonaira

## 11 MAYORAL MINUTE

### 11.1 Country Mayors Association meeting - 26 May 2023

**23/146OC**

**Resolved** that Council note the report of the Country Mayors Association meeting held on 26 May 2023.

(Councillor Reilly)

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

Against: Nil

### 11.2 Amending delegation powers for development applications - enhancing efficiency and reducing appeals

This item was withdrawn by the Mayor, Councillor Reilly

### 11.3 Kiama hosts Katherine High School students

**23/147OC**

**Resolved** that Council:

1. Acknowledge the support of local businesses Project Dry Hire, AVCON and Gerroa Surf School in hosting Katherine High School Year 11 students in Kiama.
2. Thank the students and teachers from Katherine High School for visiting.

(Councillor Reilly)

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

Against: Nil

### 11.4 South Pacific Offshore Wind Project

Councillor Renkema-Lang raised a **point of order** that Councillor Brown was speaking out of turn and that he should withdraw his comments. The Mayor ruled in support of the point of order and respectfully requested that Councillor Brown retract his comments, which he did.

**23/148OC**

**Resolved** that Council welcomes the decision that BlueFloat Energy has selected an alternate site than the Kiama Coast for the South Pacific Offshore Wind Project,

preferring a location between Shellharbour and Clifton. This is aligned with Council's previous determination on this matter.

(Councillor Reilly)

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

Against: Nil

### **Procedural motion: In globo resolutions**

#### **23/149OC**

**Resolved** that Council move in globo and adopt the recommendations contained within the agenda of items 12.1, 12.2, 13.1, 14.2, 14.3 and 16.2.

(Councillors Draisma and Reilly)

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

Against: Nil

## **12 MINUTES OF COMMITTEES**

### **12.1 Executive summary of minutes: South Precinct meeting - 11 May 2023**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/149OC.

#### **23/150OC**

**Resolved** that the executive summary of the minutes of the South Precinct Committee Meeting held on 11 May 2023 be received and noted.

(Councillors Draisma and Reilly)

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

Against: Nil

### **12.2 Executive summary of minutes: Central Precinct - 23 May 2023**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/149OC.

**23/151OC**

**Resolved** that the executive summary of the minutes of the Central Precinct Committee Meeting held on 23 May 2023 be received and noted.

(Councillors Draisma and Reilly)

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

Against: Nil

**13 REPORT OF THE CHIEF EXECUTIVE OFFICER****13.1 NSW Local Government Remuneration Tribunal - Annual fees payable to Mayors and Councillors**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/149OC.

**23/152OC**

**Resolved** that the annual fees payable for the period 1 July 2023 to 30 June 2024 be:

1. \$21,730 for each Councillor including the Mayor, and
2. \$47,420 additional fee for the Mayor.

(Councillors Draisma and Reilly)

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

Against: Nil

**13.2 Request for donation: Kiama High School students - International Youth Science Forum 2023**

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

1. delegate to the CEO to make a financial contribution of \$1,000 to Kiama High School for science students Sophie Yates and Hallie Richmond to assist their attendance at the International Science Forum in London in July 2023.
2. make arrangements for Sophie and Hallie to provide a brief presentation of their experience to Council's September 2023 meeting.

**23/153OC**

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

That Council:

1. delegate to the CEO to make a financial contribution of \$1,000 to Kiama High School for science students Sophie Yates and Hallie Richmond to assist their attendance at the International Science Forum in London in July 2023
2. make arrangements for Sophie and Hallie to provide a brief presentation of their experience to a Council meeting.

(Councillors Rice and Croxford)

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

Against: Councillor Brown

## 14 REPORT OF THE CHIEF OPERATING OFFICER

### 14.1 Monthly Financial Report - April 2023

#### **23/154OC**

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

(Councillors Renkema-Lang and Brown)

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

Against: Nil

### 14.2 Re-assessment of Additional Special Rate Variation - Request to Amend 2022 Submission

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/149OC.

#### **23/155OC**

**Resolved** that Council notes the decision by NSW IPART to not accept Council's request to have its 2022 Application for an Additional Special Variation (ASV) application of 0.9% amended from temporary to permanent in line with other Councils across NSW.

(Councillors Draisma and Reilly)

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

Against: Nil

### 14.3 Statement of Investments - May 2023

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/149OC.

#### 23/156OC

**Resolved** that Council:

1. Receives the information relating to the Statement of Investments as at 31 May 2023.
2. Notes the upcoming payment to NSW TCorp of \$15M on 23 June 2023.
3. Notes and delegates to the CEO to progress new loan negotiations with NSW TCorp for the remaining \$15M currently due in August 2023.

(Councillors Draisma and Reilly)

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

Against: Nil

## 15 REPORT OF THE DIRECTOR PLANNING, ENVIRONMENT AND COMMUNITIES

#### 23/157OC

**Resolved** that at this time, 5.22pm, Council bring forward and deal with matters pertaining to the Addendum to Reports, that is item 18.1 *Planning Proposal – finalisation – Lot 2 DP 1215276, 14A Bonaira Street Kiama* and item 18.2 *Attachments in support of item 18.1 Planning Proposal – finalisation – Lot 2 DP 1215276, 14A Bonaira Street Kiama*.

(Councillors Brown and Croxford)

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

Against: Nil

## COMMITTEE OF THE WHOLE

#### 23/158OC

**Resolved** that at this time, 5.23pm, Council form itself into a Committee of the Whole to deal with items 18.1 and 18.2.

(Councillors Renkema-Lang and Rice)

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

Against: Councillors Brown, Croxford and Steel



**18.1 Planning Proposal - Finalisation- Lot 2 DP 1215276, 14A Bonaira Street, Kiama**

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

1. Subject to satisfactory design, the land occupied by the historic Barroul House and its curtilage be subdivided from Lot 2 DP1215276 for retained classification as Community Land.
2. Following finalisation of the subdivision in one (1) above, that Council as the plan making authority exercises its authority under s 3.36 of the Environmental Planning and Assessment Act 1979, to vary the Planning Proposal to reclassify Lot 2 DP 1215276, 14A Bonaira Street Kiama to Operational Land, by excluding the land referred to in 1 above.
3. Council seeks an extension of time if necessary and forwards the revised planning proposal to the Minister of the Department of Planning and Environment.
4. Those who made a submission are advised of the decision of Council.

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

For: Councillors Keast, Renkema-Lang and Rice

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

Councillor Brown raised a **point of order** that Councillor Renkema-Lang should retract her comments regarding Council's Chief Executive Officer as it brings the Council into disrepute. The Mayor requested that Councillor Renkema-Lang withdraw her comments. Councillor Renkema-Lang refused stating that what she said was a question only. Councillor Reilly accepted this.

Councillor Croxford raised a **Point of Order** that it was the imputation of Councillor Renkema-Lang's question rather than the content that would bring Council into disrepute if the comments were not retracted. Councillor Reilly replied that he had already made a ruling.

Councillor Croxford foreshadowed moving the original motion.

**23/159OC**

**Committee recommendation** that Council as the plan making authority exercises its authority under s 3.36 of the Environmental Planning and Assessment Act 1979 to:

1. Finalise the Planning Proposal for Lot 2 DP 1215276, 14A Bonaira Street Kiama to reclassify this parcel of land to operational classification
2. Insert Lot 2 DP 1215276, 14A Bonaira Street Kiama into Schedule 4 (classification and reclassification of public Land) Part 1 (Land classified or reclassified as operational land - no interests changed).
3. Forward the resolution of Council and finalised documents to the Department of Planning and Environment.

4. Advise those making a submission of the decision of Council.

(Councillors Reilly and Croxford)

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

Against: Councillors Keast, Renkema-Lang and Rice

## **18.2 Attachments in support of item 18.1 Planning Proposal - Lot 2 DP 1215276, No 14A Bonaira Street, Kiama**

### **23/160OC**

**Committee recommendation** that Council notes the attachments provided in support of Item 18.1 Planning Proposal – Lot 2 DP 1215276, No 14A Bonaira Street, Kiama in relation to legal advice received and funding/grant agreements.

(Councillors Reilly and Brown)

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

Against: Nil

## **Close of Committee of the Whole**

### **23/161OC**

**Committee recommendation** that at this time, 6.25pm, Council resume the ordinary business of the meeting with all Councillors and staff present at the adjournment of the meeting being present.

(Councillors Reilly and Brown)

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

Against: Nil

## **Adoption of Committee of the Whole report**

### **23/162OC**

**Resolved** that Council formally confirm, adopt and endorse the Committee recommendations made by Council sitting as a Committee of the Whole as detailed in the Committee recommendations numbered 23/159OC to 23/161OC and noting the voting division for items 18.1 and 18.2.

(Councillors Reilly and Brown)

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 Beach Lifeguard Services 2022/2023 Annual Report

#### 23/163OC

**Resolved** that Council note the report of the Lifeguard Supervisor for the 2022/2023 beach patrol season.

(Councillors Brown and Croxford)

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

Against: Nil

### 16.2 Capital budget adjustments - Landslide repairs - various locations

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/149OC.

#### 23/164OC

**Resolved** that Council:

1. Reduces the Capital Budget – Buildings & Facilities allocation by \$180,000.
2. Increases the Capital Budget – Roads & Bridges allocation by \$911,235 funded by General Revenue for \$180,000 (from the Buildings & Facilities program) and the NSW Disaster Assistance Arrangements funding for \$731,235.

(Councillors Draisma and Reilly)

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

Against: Nil

## 17 REPORTS FOR INFORMATION

### Disclosure of Interest - Councillor Larkins

Councillor Larkins declared a significant non-pecuniary interest in item 17.1 as he is an employee of the specified person. Councillor Larkins disclosed and left the chamber.

Councillor S Larkins left the meeting at 06:29 pm.

Councillor S Larkins returned to the meeting at 06:29 pm.

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

- 17.1 Fiona Phillips MP correspondence - Transport for NSW response - Spring Creek restrictive covenant
- 17.2 Minutes: Jamberoo Valley Ratepayers and Residents Association - 6 June 2023
- 17.3 Minutes: Minnamurra Progress Association - 5 May 2023
- 17.4 Question for future meeting: Commercial bin food waste trial
- 17.5 Question for future meeting: Jerrara Dam divestment
- 17.6 Question for future meeting: reducing the number of elected representatives
- 17.7 Question for future meeting: Soft plastic recycling
- 17.8 Questions for Future Meeting Register - June 2023.

Councillor Croxford raised a **point of order** to reject Councillor Renkema-Lang's comments as she was not speaking to the item being 17.7 *Question for future meeting: soft plastic recycling*. Councillor Reilly rejected the point of order and advised Councillor Renkema-Lang to keep her discussion relevant to the item.

### **17.3 Minutes: Minnamurra Progress Association - 5 May 2023**

#### **23/165OC**

**Resolved** that Council formally thank the outgoing president of the Minnamurra Progress Association for his service to the community

(Councillors Draisma and Brown)

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

Against: Nil

## **18 LATE ITEMS**

Item 18.1 *Planning Proposal – finalisation – Lot 2 DP 1215276, 14A Bonaira Street Kiama* and item 18.2 *Attachments in support of item 18.1 Planning Proposal – finalisation – Lot 2 DP 1215276, 14A Bonaira Street Kiama* were brought forward in the meeting as part of the reports of the Director Planning, Environment and Communities.

## 19 NOTICE OF MOTION

### 19.1 Notice of Motion: Australian Pollinator Week 2023

**23/166OC**

**Resolved** that Council:

1. Acknowledges the benefits of pollinators, such as bees, insects and butterflies, are necessary for healthy, secure and resilient ecosystems and food security.
2. Notes with concern the declining pollinator populations globally and in Australia.
3. Notes that many local governments in NSW and Australia have begun incorporating and developing pollinator-friendly strategies.
4. Resolves to communicate and promote to our community Australian Pollinator Week, 11 to 19 November 2023, and the importance of participating in the Australian Pollinator Count 2023.
5. Seeks the CEO's agreement to allowing operational staff as part of their duties, where reasonable and not detracting from scheduled Council work, to participate in the Australian Pollinator Count 2023.

(Councillors Larkins and Draisma)

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

Against: Nil

### 19.2 Notice of Motion: Blue Haven Bonaira

This notice of motion was withdrawn by Councillor Rice.

### 19.3 Notice of Motion: Three Phase Power Coronation Park

**23/167OC**

**Resolved** that a report be provided to Council on the feasibility and estimate of costs for providing reticulated three phase power to Coronation Park to improve the useability of the site, especially for ongoing markets.

(Councillors Brown and Draisma)

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

Against: Nil

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## 20 QUESTIONS FOR FUTURE MEETINGS

### 20.1 Councillor Code of Conduct complaints

Councillor Croxford requested a report on Councillor Code of Conduct complaints that have been lodged since the convening of this Council in January 2022 through to 30 June 2023. The report should contain anonymised data with the following information:

- The total number of Councillor Code of Conduct complaints lodged during this period.
- The number of these matters that have been dealt with internally versus those referred for external action.
- The average cost of handling each Councillor Code of Conduct complaint, broken down by those managed internally and those handled externally, and total cost to date.
- The number of Councillor Code of Conduct complaints that have been upheld compared to those that have been dismissed.
- A table showing the number of complaints lodged by each anonymised councillor, ranging from those who have lodged no complaints to the councillor(s) who has lodged the highest number of complaints.
- How does this current council compare to the previous four councils over a comparable period of time.

This matter was referred to the Chief Operating Officer for action.

### 20.2 Blue Haven Bonaira finances

Noting the Council decision to sell Blue Haven Bonaira, well supported by the local community, Councillor Brown requested a report that:

1. confirms Blue Haven is losing \$3.5M per annum.
2. confirms the development of Blue Haven Bonaira cost \$105m which left an initial cash shortfall for Council of \$21M.
3. explains how this shortfall was met.
4. provides a figure of how much money the ratepayers have subsidised for this venture.

This matter was referred to the Chief Operating Officer for action.

### 20.3 Public Art

Councillor Draisma requested a report on how Council can facilitate and work with landlords to promote and deliver more street and public art in the Kiama local government area to help retain the character and vibrancy of our urban spaces, where appropriate.

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

## 20.4 Sydney Water issues

Councillor Renkema-Lang requested a report detailing the number and locations of untreated sewerage breaches from the Bombo Sewer Treatment Plant, or the associated infrastructure, over the past 5 years. Including breaches that have resulted in pollution of beaches, creeks, rivers, or other public spaces in the townships of Kiama Heights, Kiama, Bombo, Kiama Downs, Jamberoo, and Minnamurra.

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

## 21 CONFIDENTIAL SUMMARY

### 23/168OC

**Resolved** that at this time, 6.52pm, 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 Keast and Rice)

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:

#### 23/169OC

**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 COMMUNITY BATTERY INITIATIVE

**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.

#### 22.2 DEALINGS IN LAND HOLDINGS - BARNEY STREET, KIAMA

**Reason for Confidentiality:** This matter deals with personnel matters concerning particular individuals (other than councillors) as per Section 10A(2)(a) of the Local Government Act and information that would, if disclosed, confer a commercial

advantage on a 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 HINDMARSH PARK REDEVELOPMENT - TENDER 1049063**

**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 THE HOUSING TRUST - LOT 208 DP 792192 - 9 O'CONNELL STREET, 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 and discussion in relation to the personal hardship of a resident or ratepayer as per Section 10A(2)(b) of the Local Government Act.

### **22.5 WRITE-OFF OF OUTSTANDING DEBTS**

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

### **22.6 1/1 CHAPMAN STREET ENCROACHMENTS**

**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.

### **22.7 BLUE HAVEN ADVISORY COMMITTEE - MEMBER FEE**

**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.

### **22.8 BLUE HAVEN UPDATE - MAY 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.

(Councillors Reilly and Draisma)

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

Against: Nil

### **Procedural motion: In globo resolutions**

#### **23/1700C**

**Committee recommendation** that Council move in globo and adopt the recommendations contained within the confidential agenda of items 22.1, 22.3, 22.5, 22.6 and 22.7.

(Councillors Draisma and Larkins)



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

Against: Nil

## 22 CONFIDENTIAL REPORTS

### 22.1 Community battery initiative

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/1700C.

#### 23/1710C

**Committee recommendation** that Council:

1. Authorise the CEO to provide approval to Endeavour Energy to install the Community Battery at the new location of Gainsborough Chase Reserve at the end of Thornett Way in DP790657.
2. Accept the land valuation of \$10,000 (plus GST) that is to be paid by Endeavour Energy to Council.
3. Grant an easement to support the community battery. Delegate to the CEO final sign off of legal documentation (including details within 88b Instrument) for the easement.

(Councillors Draisma and Larkins)

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

Against: Nil

### 22.2 Dealings in land holdings - Barney Street, Kiama

Councillor Croxford raised a **point of order** that Councillors Keast, Rice and Renkema-Lang were participating in caucusing. The Mayor ruled against the point of order.

#### 23/1720C

**Committee recommendation** that Council:

1. Thanks the proponent for the unsolicited offer and notes that the negotiation process has concluded.
2. Respectfully declines the offer made by the proponent dated 7 September 2022.
3. Notes the current lease of the land continues through to the end of the contract.

(Councillors Renkema-Lang and Rice)

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

Against: Nil

### **22.3 Hindmarsh Park Redevelopment - Tender 1049063**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/1700C.

#### **23/1730C**

**Committee recommendation** that Council:

1. Rescind its decision of 18 April 2023 for Item 15.1 Tender 1049063 - Hindmarsh Park Redevelopment, Minute 23/1080C with respect to declining all tenders.
2. In accordance with the Local Government Regulations 2021 clause 178 (1) **(b)** decline to accept any of the tender submissions for tender KIAMA 1049063.
3. In accordance with the Local Government Regulations 2021 clause 178 (3) **(e)** Council resolve to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.
4. In accordance with Local Government Regulations 2021 clause 178 **(4)** the reasons for not inviting fresh submissions and to negotiate are the project has been unsuccessfully tendered three times, all tenders significantly exceed available budget, likely inflationary rise in costs reflected in any delayed future tenders, the grant fund timelines are critical and direct negotiation provides the flexibility to adjust the scope of works maximise the project outcomes within budget.
5. Proceed with redesigning the proposed development as required to deliver an outcome within the available funding outlined in the report and enable a contract to be entered into.
6. Note that due to the timing constraints of the grants, no further formal community consultation be undertaken.
7. Delegate to the Chief Executive Officer the authority to negotiate within available budgets, to finalise and execute contracts and other documentation required to give effect to this resolution.
8. This report remains confidential until the completion of the tender process.

(Councillors Draisma and Larkins)

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

Against: Nil

**22.4 The Housing Trust - Lot 208 DP 792192 - 9 O'Connell Street, Gerringong****23/174OC****Committee recommendation** that Council:

1. Notes the efforts of Council staff to complete the actions required on this matter under previous resolutions of Council, including negotiating potential lease terms with the Housing Trust
2. Acknowledges the efforts of the Housing Trust in providing much needed affordable rental accommodation for Kiama.
3. Delegates to the Chief Executive Officer to engage with the Housing Trust to identify other options for maintaining or increasing the scale of affordable rental accommodation at 9 O'Connell Street, Gerringong.
4. Defers further consideration on the divestment of this property until the Housing Trust advises Council on its interest in an alternative approach as per Resolution 3, expected by August 2024.

(Councillors Draisma and Larkins)

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

Against: Nil

**22.5 Write-off of outstanding debts**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/170OC.

**23/175OC**

**Committee recommendation** that Council resolve to delegate to the Chief Executive Officer to write-off outstanding debts totalling \$14,895.30 within Blue Haven Community Services operations in accordance with the information contained in the report.

(Councillors Draisma and Larkins)

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

Against: Nil

**22.6 1/1 Chapman Street encroachments**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/170OC.

**23/176OC**

**Committee recommendation** that Council:

1. Continue with the process to have the encroaching structures at the location set out in the report, removed in accordance with Notices and Orders under the *Local Government Act 1993*;
2. The structures be removed and the ground reinstated within one (1) year from the date of this resolution, and;
3. The respective adjoining landowners be responsible for the costs associated with the removal of structures and ground reinstatement.

(Councillors Draisma and Larkins)

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

Against: Nil

**22.7 Blue Haven Advisory Committee - member fee**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/170OC.

**23/177OC**

**Committee recommendation** that Council approves the payment to the Blue Haven Advisory Committee independent members of \$800 per meeting, with a total estimated annual cost of \$9,600.

(Councillors Draisma and Larkins)

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

Against: Nil

**22.8 Blue Haven update - May 2023****23/178OC**

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

(Councillors Brown and Croxford)

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

Against: Nil

**Close of Confidential Committee of the Whole:****23/1790C**

**Committee recommendation** that at this time, 7.25pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Reilly and Brown)

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

Against: Nil

**Adoption of Report**

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

**23/1800C**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 23/1690C to 23/1790C be confirmed and adopted.

(Councillors Reilly and Draisma)

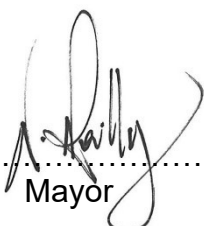
For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,  
Renkema-Lang, Rice and Steel

Against: Nil

**23 CLOSURE**

There being no further business the meeting closed at 7.32pm.

These Minutes were confirmed at the Ordinary Meeting of Council  
held on 18 July 2023

  
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Mayor