



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

**commencing at 4 pm on**

**TUESDAY 10 DECEMBER 2024**

Council Chambers  
11 Manning Street, KIAMA NSW 2533

**MINUTES OF THE ORDINARY MEETING OF  
THE COUNCIL OF THE MUNICIPALITY OF KIAMA  
HELD IN THE COUNCIL CHAMBERS, KIAMA  
ON TUESDAY 10 DECEMBER 2024 AT 4 PM**

**PRESENT:** Mayor – Councillor C McDonald (Chair),  
Deputy Mayor – Councillor M Matters,  
Councillors M Brown, M Cains, I Draisma, S Larkins, M Lawton,  
Y Tatrai and E Warren

**IN ATTENDANCE:** Jane Stroud – Chief Executive Officer  
Ed Paterson – Director Planning, Environment and Communities  
Peter Luke – Acting Director Infrastructure and Liveability  
Joe Gaudiosi – Chief Operating Officer  
Olena Tulubinska – Chief Financial Officer  
Stephanie Salviejo - Public Officer

## **1 OPENING OF MEETING**

The Chair declared the meeting open at 4.02pm.

## **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 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.

## 6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### 6.1 Ordinary Council on 20 November 2024

#### 24/346OC

At the request of the Chief Executive Officer and by consent the **motion was varied and resolved** that Council endorse the Minutes of the Ordinary Council meeting held on 20 November 2024, noting at Item 20.2 *Notice of Motion: s.68 Application for temporary limited use of Jamberoo Sporting Complex* the Mayor did not hold up his hand when the vote was called.

(Councillors Draisma and Warren)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

Against: Nil

## 7 BUSINESS ARISING FROM THE MINUTES

Nil.

## 8 DISCLOSURE OF INTEREST

### Disclosure of Interest - Councillor Draisma

Councillor Draisma declared a less than significant non-pecuniary interest in *Item 20.3 Notice of motion: Support for Jamberoo Community Preschool* as she is a member of the Jamberoo Preschool working group. Councillor Draisma proposed to disclose and vote on this matter.

### Disclosure of Interest - Councillor Larkins

Councillor Larkins declared a less than significant non-pecuniary interest in *Item 20.3 Notice of motion: Support for Jamberoo Community Preschool* as he is a member of the Jamberoo Preschool working group. Councillor Larkins proposed to disclose and vote on this matter.

### Disclosure of Interest - Councillor Cains

Councillor Cains declared a less than significant non-pecuniary interest in *Item 20.1 Notice of motion: Amendment to clause 4.2C of the Kiama Local Environmental Plan* as he owns property that is on contiguous titles that may be affected in the future subject to the resolution. Councillor Cains proposed to disclose and vote on this matter.

### Disclosure of Interest - Councillor Cains

Councillor Cains declared a less than significant non-pecuniary interest in *Item 16.2 Proposed road naming: New road(s) to be dedicated with subdivision of 15 Golden Valley Road, Jamberoo - DA 10.2021.26.1* as the developer associated with the proposed road naming has a commercial property rented by a trust that Councillor Cains is the beneficiary of. Councillor Cains proposed to disclose and vote on this matter.

**Disclosure of Interest – CEO Jane Stroud**

The CEO declared a significant non-pecuniary interest in *Item 22.2 Expression of Interest for Kiosk at Seven Mile Beach* as one of the tenderers is an acquaintance. The CEO proposed to disclose and leave the Chamber for this matter.

**9 TABLING OF PETITIONS AND OTHER DOCUMENTS****9.1 TABLING OF DOCUMENTS****ATTACHMENTS**

- A COUNCILLOR LARKINS TABLED A PETITION LODGED BY DR LINDA MOORE REGARDING INSTALLATION OF DISABLED PARKING SPOT AT 10/65 MANNING STREET MEDCLINIC
- B COUNCILLOR MCDONALD TABLED A LETTER TO THE HONOURABLE ROSE JACKSON MINISTER FOR WATER AND HOUSING REQUESTING A MEETING REGARDING WATER AND SEWERAGE SUPPLY AND UPGRADES TO THE KIAMA LOCAL GOVERNMENT AREA AND HER RESPONSE

**10 PUBLIC FORUM SUMMARY**

Name	Item No.	Subject
Belinda Hibbert	20.3	Notice of motion: Support for Jamberoo Community Preschool

**11 MAYORAL MINUTE****11.1 Mayoral Minute: Christmas wishes****24/347OC**

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

(Councillor McDonald)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters, McDonald, Tatrai and Warren

Against: Nil

**11.2 Mayoral Minute: Retirement of Brian Weir PSM from the Illawarra Academy of Sport****24/348OC**

**Resolved** that Council formally congratulates Mr Brian Weir, PSM on his tenure with the Illawarra Academy of Sport and thank him for his contribution to the holistic development of the Academy's talented, young local athletes.

(Councillor McDonald)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

Against: Nil

The Mayor welcomed Mr Brian Weir to the Chamber and congratulated Mr Weir on his tenure with the Illawarra Academy of Sport, thanking him for his contribution to the wholistic development of the Academy's talented, young local athletes.

The Chair noted that Item 11.3 *Mayoral Minute: Acknowledgement and Recognition of Gary Reeves, Kiama Coach Lines Bus Driver* be dealt with when Mr Reeves was present in the Chambers.

**Procedural Motion: in globo****24/349OC**

**Resolved** that Council move in globo and adopt the recommendations contained within the report for items 13.1, 13.2, 14.1, 15.2, 15.3, 16.2, 16.3.

(Councillors Brown and Draisma)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

Against: Nil

**12 MINUTES OF COMMITTEES****12.1 Minutes: Tourism and Economic Advisory Committee - 28 November 2024****24/350OC**

**Resolved** that the Minutes of the Tourism and Economic Advisory Committee meeting held on 28 November 2024 be received and accepted.

(Councillors Brown and Draisma)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

Against: Nil

## 13 REPORT OF THE CHIEF EXECUTIVE OFFICER

### 13.1 Bi-monthly update: Strategic Finance & Governance Improvement Plan - December 2024

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/349OC.

#### 24/351OC

**Resolved** that Council:

1. Receive the Strategic Finance & Governance Improvement Plan – Implementation Status Update – December 2024.
2. Note that the Chief Executive Officer, through the Implementation Team, will:
  - a. provide a copy of the Implementation Status Update - December 2024 to the NSW Office of Local Government, and
  - b. place a copy of the Implementation Status Update - December on Council's website.

(Councillors Brown and Draisma)

For: Councillors Cains, Larkins, Lawton, Matters, McDonald, Tatrai and Warren

Against: Nil

### 13.2 Councillor attendance to the 2025 Local Government Destination and Visitor Economy Conference

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/349OC.

#### 24/352OC

**Resolved** that Council determines that Councillor Brown and Councillor Tatrai as members of the Tourism and Economic Development Advisory Committee attend the Local Government NSW Destination and Visitor Economy Conference from 26-28 May 2025, with accommodation and travel expenses covered by Council.

(Councillors Brown and Draisma)

For: Councillors Cains, Larkins, Lawton, Matters, McDonald, Tatrai and Warren

Against: Nil

**13.3 Returns of Interest - Councillors (post local government election)****24/353OC**

**Resolved** that Council receive and note the tabling of an amended Pecuniary Interest Register 2023-24 comprising the Disclosure of Interest returns for Councillors sworn in at the Ordinary October 2024 meeting.

(Councillors Larkins and Draisma)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

Against: Nil

**14 REPORT OF THE CHIEF OPERATING OFFICER****14.1 Monthly Financial Report - October 2024**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/349OC.

**24/354OC**

**Resolved** that Council:

1. Receives and adopts the Monthly Financial Report for October 2024.
2. Approves the funding source change for donation to Gerringong District All Sports Inc. for Gerry Emery Clubhouse embellishments:
  - a. Original Council resolution 24/270OC \$75,000 funded from the Development Contributions Reserve
  - b. Funding source change - \$30,000 from LRCI Grant Funding and \$45,000 from the Development Contributions Reserve.

(Councillors Larkins and Draisma)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

Against: Nil

**15 REPORT OF THE DIRECTOR PLANNING, ENVIRONMENT AND COMMUNITIES****15.1 Endorse for public exhibition - Creative Kiama: Cultural Plan 2025-29****24/355OC**

**Resolved** that Council:

1. Place the draft *Creative Kiama: Cultural Plan 2025-29*, on public exhibition starting mid-January 2025 for a period of 28 days.

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 *Creative Kiama: Cultural Plan 2025-29*, if there are no relevant submissions received and there are no substantial changes proposed.

(Councillors Larkins and Draisma)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

Against: Nil

### 15.2 Memorandum of Understanding - South Coast Arts

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/349OC.

#### 24/356OC

**Resolved** that Council:

1. Receive and note this report.
2. Endorse Council entering into an annual membership model, including membership of the South Coast Arts Board, with South Coast Arts (i.e. Option 2).
3. Delegates to the Chief Executive Officer to write to the South Coast Arts Board advising of Council's decision.

(Councillors Brown and Draisma)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

Against: Nil

### 15.3 Review of Section 7.11 Contributions Levied 2022-23

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/349OC.

#### 24/357OC

**Resolved** that Council:

1. Note the findings of the Review of Section 7.11 Contributions levied 2022-23.
2. Refund the overcharged portion of any paid 7.11 contribution fee determined between July 2022 and June 2023 using the restricted reserve funding dedicated for that purpose.
3. Include 5% pa interest on any refundable amount, calculated monthly.



4. Agree to waive the council fees for customers seeking to modify the development consents for any overcharged but unpaid 7.11 contribution fee determined between July 2022 and June 2023.
5. Provide written correspondence to the current landowners to advise of the issue including:
  - a. The revised contribution amount, overcharged amount and any interest.
  - b. Information and guidance on how to apply to modify a development consent, including the steps and information to submit this on the NSW Planning Portal.
  - c. Confirm that the council fee will be waived, but the NSW Planning Portal fee will be payable.
  - d. Information and guidance on how to request a refund (if the contribution has been paid) including a pre-filled application form.
6. Apply the same principle as set out in this report to any other applications or payments found to be calculated using the same calculator.
7. Update the budget to reduce the forecast development contributions income.

(Councillors Brown and Draisma)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

Against: Nil

## 16 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY

### 16.1 Maintenance of Budderoo Plateau Road

#### 24/358OC

**Resolved** that Council cease contributions to the maintenance of Budderoo Plateau Road and the associated access track.

(Councillors Cains and Brown)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

Against: Nil

### 16.2 Proposed road naming: New road(s) to be dedicated with subdivision of 15 Golden Valley Road, Jamberoo - DA 10.2021.26.1

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/349OC.

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

**24/359OC**

**Resolved** that Council:

1. Endorses the following proposed road names for the subdivision 10.2021.26.1 at Golden Valley Road, Jamberoo, to be submitted to the Geographical Names Board for approval:

<b>Proposed name</b>	<b>Significance</b>
Burnside	Burnside is the property name of a dairy farm east of Jamberoo at 636 Jamberoo Road, Jamberoo.
Culwalla	Culwalla is the property name of a dairy farm east of Jamberoo at 543 Jamberoo Road, Jamberoo.
Glenburn	Glenburn is the property name of a dairy farm northeast of Jamberoo at 124 Factory Lane, Jamberoo.
Wauchope	Wauchope is the property name of a dairy farm east of Jamberoo at 619 Jamberoo Road, Jamberoo.

2. Following assessment by the Geographical Names Board:
  - (a) Should at least three road names be approved, proceed to place the road names on public exhibition for a period of 28 days, calling for submissions, or
  - (b) Should less than three road names be approved, request the developer to propose further alternatives for resubmission to the Geographical Names Board, to be reported back to Council.
3. Following conclusion of the exhibition period:
  - (a) Receive a further report on any submissions received, if submissions or feedback result in changes to the road names proposed, or
  - (b) If no submissions are received, endorse the proposed road names for approval and gazetting.

(Councillors Brown and Draisma)

For: Councillors Cains, Larkins, Lawton, Matters, McDonald, Tatrai and Warren

Against: Nil

**16.3 Traffic Management: Kiama Local Traffic Committee meeting – 3 December 2024**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/349OC.

**24/360OC**

**Resolved** that Council receive the Minutes of the Kiama Local Traffic Committee meeting of 3 December 2024 and the following recommendations be adopted, subject to the following:

1. The implementation of temporary No Parking zones on Akuna Street in accordance with the plan, to be implemented on 31 December 2024 to allow for detours during the New Years Eve road closures, subject to:
  - (a) A detailed Traffic Guidance Scheme being prepared by an appropriately qualified person and submitted to Council for approval as part of the Road Occupancy Application.
  - (b) Temporary signage being erected in Akuna Street at least one week prior advising of the implementation of No Parking zones, to ensure residents/commuters are forewarned.
  - (c) Local residents and businesses are notified of temporary No Parking zones by a letter drop.

(Councillors Brown and Draisma)

For: Councillors, Cains, Larkins, Lawton, Matters, McDonald, Tatrai and Warren

Against: Nil

**17 REPORTS FOR INFORMATION**

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

- 17.1 Community Engagement Strategy - review
- 17.2 Model Code of Conduct Complaints Statistics 2023-24
- 17.3 Submission to the Office of Local Government - Councillor Conduct Framework.

**18 LATE ITEMS**

**Procedural motion: matter of urgency**

**24/361OC**

**Resolved** that in accordance with clause 3.42 of the Code of Meeting Practice, Councillor Lawton's motion on the Council Chambers upgrade works be considered

urgent on the grounds that the intended scope and budget of the project require urgent review before the project commences.

(Councillors Lawton and Tatrai)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

Against: Nil

### **Motion: Council Chambers upgrade works**

It was moved by Councillor Lawton and seconded by Councillor Tatrai that Council:

1. Cease all works relating to the Council Chambers upgrade works.
2. Determine an urgent meeting date for Councillors and Council Administration to review the intended scope of the Chambers, to approve necessary works, with a view of deleting any aesthetic upgrades that are funded within the budgeted item i.e. new carpet and desking.
3. Note that Councillors support the required upgrades to the A/V IT systems to ensure good practice for all council meetings and communication to the community and the works necessary for the leased Westpac premises.
4. Allocate unused budgeted funds to community projects, for example the Jamberoo Pool cover.

The Chair cautioned Councillor Cains on bringing staff into disrepute and asked him to withdraw his comments. Councillor Cains apologised and withdrew his comments.

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

For: Councillors Brown, Cains, Lawton, and Tatrai

Against: Councillors Draisma, Larkins, Matters, McDonald and Warren

At 5:14pm, Item 11.3 was dealt with.

### **11.3 Mayoral Minute: Acknowledgement and recognition of Gary Reeves, Kiama Coach Lines bus driver**

#### **24/362OC**

**Resolved** that Council formally acknowledges and thank Gary Reeves, Kiama Coach Lines bus driver for his bravery and swift action in an emergency where the vehicle carrying thirty-three (33) primary school aged children caught ablaze on Collins Street, Kiama on 28 November 2024.

(Councillor McDonald)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

Against: Nil

The Mayor welcomed Mr Gary Reeves to the Chamber and congratulated Mr Reeves for his bravery and swift action in the emergency.

### **Procedural motion: Suspension of Standing Orders**

**24/363OC**

**Resolved** that Standing Orders be suspended in order to congratulate Gary Reeves and take a Councillor photograph with Mr Reeves.

(Councillors McDonald and Matters)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

Against: Nil

### **Procedural motion: Resumption of Standing Orders**

**24/364OC**

**Resolved** that Standing Orders be resumed.

(Councillors McDonald and Matters)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

Against: Nil

## **19 QUESTIONS WITH NOTICE**

### **19.1 Question with notice: Management of Council assets**

#### **Question**

1. What is the status of council's property plan, as outlined by Action 3.8 of the adopted strategic finance and governance improvement plan?
2. How will council consistently and transparently manage leases of council assets to community groups and private operators, to ensure:
  - a) council assets generate revenue; and
  - b) council complies with the Commonwealth Competition Policy Reform Act 1995; and
  - c) that council assets are appropriately managed and maintained?

This question was responded to in the report to Council.

## 20 NOTICE OF MOTION

### 20.1 Notice of motion: Amendment to clause 4.2C of the Kiama Local Environmental Plan 2011

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

It was **moved** by Councillor Draisma and seconded by Councillor Larkins that Council as part of their Kiama Local Environmental Plan (LEP) 2011 review program, include a review of clause 4.2C to consider including C2 Environmental Conservation zoned land as land to which clause 4.2C applies.

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

For: Councillors Draisma, Larkins, Matters and McDonald

Against: Councillors Brown, Cains, Lawton, Tatrai and Warren

Cr Lawton left the room the time being 5.21pm

Cr Lawton returned to the meeting, the time being 5.23pm

#### 24/365OC

**Resolved** that Council:

1. Requests a report from Chief executive officer regarding a proposal to seek amendment to Clause 4.2C of the Kiama Local Environmental Plan (LEP), through the relevant State Government authority, to include C2 zoning, aligning it with other NSW regional councils.
2. Provides a further report to a future meeting of Council outlining a suggested pathway forward contingent upon the council's acceptance of the proposed amendments to Clause 4.2C.

(Councillors Cains and Warren)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters, McDonald, Tatrai and Warren

Against: Nil

### 20.2 Notice of motion: Memorial planting, benches and plaques in parks and open spaces policy

#### 24/366OC

**Resolved** that Council:

1. Develop a Memorial Planting, Benches and Plaques in Parks and Open Spaces Policy (the Policy), subject to available funding in the 2025-26 budget.

2. Require that requests under such a policy uphold the requirement for tree species and consideration of impact under the Public Tree Management Policy 2022, including that preferred species will be trees native to the region, although other native and non-native species may be used depending on the character of the park or open space.
3. Consider in the development of the Policy the utilisation of a beneficiary pays model where there is a budgetary implication for Council in the memorial installation and/or planting.
4. Note that the request for a plaque for the late Edith Clarke at the Kiama Rockpool site is proceeding and Council will continue to liaise with the family regarding their request.

(Councillors Draisma and Larkins)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

Against: Nil

### **20.3 Notice of motion: Support for Jamberoo Community Preschool**

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

It was **moved** by Councillor Cains and seconded by Councillor Lawton that Council:

1. Assures the Jamberoo Community Preschool they will not be required to vacate their current council-owned premises until a viable and functional alternative location is found.
2. Shall provide, if necessary, an extension to the current lease, to allow the preschool the required time to establish operations in a new location.
3. Will partner with Jamberoo Community Preschool to establish a shovel-ready project plan for the construction of a new preschool, which can be incorporated into a future grant advocacy plan of the council.

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

That Council:

1. Assures the Jamberoo Community Preschool they will not be required to vacate their current council-owned premises, barring circumstances that are beyond Council's control or are made reasonable by necessity, until a viable and functional alternative location is found.
2. Shall provide, if necessary, an extension to the current lease, to allow the preschool the required time to establish operations in a new location.
3. Will partner with Jamberoo Community Preschool to establish a shovel-ready project plan for the construction of a new preschool, which can be incorporated into a future grant advocacy plan of the council.

The CEO advised that the Notice of Motion as it stands is not compliant with the Code of Meeting Practice as point 3 does not identify a budget source and the motion would not be able to be voted on.

Councillor Draisma raised a **point of order** that if Councillor Cains is not supporting Councillor Larkins' amendment in its entirety, Councillor Larkins will need to seek a seconder and if point 3 remains as is, the same issue remains that Councillor Cains has not identified the source of funding or referred it to a budgetary cycle. The Chair accepted the point and called for a seconder to the amendment.

### 24/3670C

**Resolved** that Council:

1. Assures the Jamberoo Community Preschool they will not be required to vacate their current council-owned premises, barring circumstances that are beyond Council's control or are made reasonable by necessity, until a viable and functional alternative location is found.
2. Shall provide, if necessary, an extension to the current lease, to allow the preschool the required time to establish operations in a new location.
3. Notes that advocacy for supporting the Jamberoo Community Preschool will be included in the new Kiama Council advocacy document.
4. Write to the Deputy Premier and Minister for Education and Early Learning, the Hon Prue Carr MP, seeking support for the preschool, including support for the preschool to access the NSW 2025 Start Strong for Community Preschools program.
5. Finalise and publicly release the details on the designs for flood mitigation, as part of the action items identified from the Gerringong-Jamberoo Flood study report, as soon as practical.
6. Apply for relevant grants through the Federal National Emergency Management Agency (NEMA), the NSW Reconstruction Authority and any other government agency for flood mitigation works in Jamberoo and across our local government area.

(Councillors Larkins and Draisma)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

Against: Nil

## 21 CONFIDENTIAL SUMMARY

### 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:****24/368OC**

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

**22.1 BLUE HAVEN UPDATE - NOVEMBER 2024**

**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 EXPRESSION OF INTEREST FOR KIOSK AT SEVEN MILE BEACH**

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

**22.3 BLUE HAVEN BONAIRA SALE UPDATE**

**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 Draisma and Brown)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

Against: Nil

**24/369OC**

**Resolved** that at this time, 6.05pm, 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 Tatrai)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

Against: Nil

## 22 CONFIDENTIAL REPORTS

### 22.1 Blue Haven Update - November 2024

**24/370OC**

**Committee recommendation** that Council note the information provided in the Blue Haven update report for November 2024.

(Councillors Brown and Warren)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

Against: Nil

### 22.2 Expression of Interest for Kiosk at Seven Mile Beach

The Chief Executive Officer declared a significant non-pecuniary interest in this matter and left the meeting, the time being 6.08pm.

**24/371OC**

**Committee recommendation** that Council:

1. endorse Rebecca Hallam and Emily Lewisman (Herbert) as the successful tenderer for the operation of the Kiosk/Café at Seven Mile Beach Reserve (R83972) for a 5 year lease term with an option to renew for a further 5 years and rental as outlined within the body of the report.
2. delegate authority to the Chief Executive Officer to negotiate with Rebecca Hallam and Emily Lewisman (Herbert) to establish (a) capital upgrade/fit out works (b) lease renewal/option periods, and (c) lease commencement.
3. grant authority for the use of the Common seal of Council on the lease and any associated documentation, should it be required, to give effect to this resolution.

(Councillors Brown and Draisma)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

Against: Nil

The Chief Executive Officer returned to the meeting the time being 6.13pm.

### 22.3 Blue Haven Bonaira sale update

**24/372OC**

**Committee recommendation** that Council:

1. Authorise the Chief Executive Officer and the Mayor to finalise and execute (in a form substantially annexed to this report) the letter of variation (Variation) to the Asset Sale Agreement and the Land Sale Contract for the sale of the Blue Haven Bonaira business (together with the land on which it is operated but

excluding Community Transport) (which were both previously approved, and executed by Council on 17 July 2024) (together, as amended by the Variation, Sale Documents), such variation including a revised gross sale price of \$89M, and to be authorised to do anything which is necessary or desirable to do under or in connection with the Sale Documents including to finalise and execute any ancillary documents or forms contemplated by the Sale Documents.

2. Authorise the Chief Executive Officer and the Mayor to affix the Common Seal to the Variation, and any ancillary documents or forms contemplated by the Sale Contracts for the purposes of the execution of those documents.
3. Authorise the Chief Executive Officer to perform the Council's obligations under the Sale Contracts and any ancillary documents or forms contemplated by the Sale Contracts.
4. Authorise the Chief Executive Officer to do anything (including without limitation completion, preparation, amendment, finalisation, certification, execution and delivery of any registers, records, certificates, documents, notices, consents or forms) which is necessary or desirable to do under or in connection with the above resolutions.

(Councillors Brown and Tatrai)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

Against: Nil

#### **Close of Confidential Committee of the Whole:**

##### **24/373OC**

**Committee recommendation** that at this time, 6.19pm the Confidential Committee of the Whole revert to Open Council.

(Councillors Larkins and Cains)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

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.

##### **24/374OC**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 24/370OC to 24/373OC be confirmed and adopted.

(Councillors Draisma and Lawton)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, Matters,  
McDonald, Tatrai and Warren

Against: Nil

**23 CLOSURE**

There being no further business the meeting closed at 6.25pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on  
21 January 2025.

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Mayor