



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

**commencing at 5.00pm on**

**TUESDAY 13 AUGUST 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  
ON TUESDAY 13 AUGUST 2024 AT 5.00PM**

**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  
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 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****24/250OC**

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

(Councillors Keast and Draisma)

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 July 2024****24/251OC**

**Resolved** that the Minutes of the Ordinary Committee meeting held on 16 July 2024 be received and accepted subject to the following:

1. The vote for item 12.2 Minutes: Sustainable Communities Committee – 2 July 2024 be amended to include Councillor Draisma’s vote “for”.
2. The title for Item 20.3 Notice of Motion: The Bugle’s adherence to journalistic standards be changed to “Notice of Motion: Refer The Bugle to the Australian Press Council”.

(Councillors Draisma and Croxford)

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 Renkema-Lang**

Councillor Renkema-Lang declared a pecuniary interest in Item 13.2 *Current legal matters - status update as at 30 June 2024* as a person involved in the Vortex Development case contributed to Councillor Renkema-Lang’s legal defence fund. Councillor Renkema-Lang proposed to leave the chamber and not vote on this matter.

**Disclosure of Interest - Councillor Renkema-Lang**

Councillor Renkema-Lang declared a pecuniary interest in Item 18.2 *Updated attachment for Item 13.2 - Current legal matters - status updated as at 30 June 2024* as a person involved in the Vortex Development case contribute to Councillor Renkema-Lang's legal defence fund. Councillor Renkema-Lang proposed to leave the chamber and not vote on this matter.

**Disclosure of Interest - Councillor Renkema-Lang**

Councillor Renkema-Lang declared a pecuniary interest in Item 20.2 *Notice of Motion: Gerroa Landcare Group* as a relative of a person who spoke at public access contributed to Councillor Renkema-Lang's legal defence fund. Councillor Renkema-Lang proposed to leave the chamber and not vote on this matter.

**Disclosure of Interest - Councillor Renkema-Lang**

Councillor Renkema-Lang declared a pecuniary interest in Item 20.3 *Notice of Motion: NSW Biodiversity Crisis* a person who spoke at public access contributed to Councillor Renkema-Lang's legal defence fund. Councillor Renkema-Lang proposed to leave the chamber and not vote on this matter.

**Disclosure of Interest - Councillor Renkema-Lang**

Councillor Renkema-Lang declared a less than significant non-pecuniary interest in Item 22.4 *Opportunity to acquire land in Kiama* as Councillor Renkema-Lang is a member of the Lions Club that rents an adjacent property to the subject land. Councillor Renkema-Lang proposed to disclose and vote on this matter.

**Disclosure of Interest - Councillor Draisma**

Councillor Draisma declared a less than significant non-pecuniary interest in Item 20.3 *Notice of Motion: NSW Biodiversity Crisis* as Councillor Draisma is an employee of a specified person in the motion. 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 13.3 *Destination Event Funding Program – Round 1 Assessment* as Councillor Larkins occasionally volunteers for the Red Cross Fun Run event as a marshall. Councillor Larkins 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 22.4 *Opportunity to acquire land in Kiama* as Councillor Larkins regularly volunteers for the Lions Club that rents an adjacent property to the subject land. 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 12.4 *Minutes: Tourism and Economic Advsiory Committee meeting on 18 July 2024* as Councillor Brown is a member of a body specified in the report. Councillor Brown proposed to disclose and vote on this matter.

## 9 TABLING OF PETITIONS AND OTHER DOCUMENTS

### 9.1 Tabling of letter by Councillor Rice

Councillor Rice tabled the following letter:

#### Attachments

- A Letter from Council to The Hon. Stephen Kamper MP, Minister for Lands and Property dated 29 July 2024 in relation to Council-managed Crown Land Plan of Management designation of the category of Park.

### 9.2 Tabling of letter by Councillor Keast

Councillor Keast tabled the following letter:

#### Attachments

- A Letter from The Hon John Hatzistergo AM, Chief Commissioner of the Independent Commission Against Corruption to Council dated 8 August 2024 regarding integrity issues relating to the 2024 NSW Local Government Elections.

## 10 PUBLIC FORUM SUMMARY

| Name                           | Item No. | Subject   |
|--------------------------------|----------|---|
| Ian Backhouse                  | 12.4     | Minutes: Tourism and Economic Advisory Committee meeting on 18 July 2024                                    |
| Derek McMahon<br>John Trevenar | 16.5     | Request for funding assistance: Gerringong District All Sports Inc for Gerry Emery clubhouse embellishments |
| Stephen Brazier                | 20.2     | Notice of Motion: Gerroa Landcare Group   |
| Jacqueline Forst               | 20.3     | Notice of Motion: NSW Biodiversity Crisis   |

## 11 MAYORAL MINUTE

### 11.1 Mayoral Minute: Local Government Week Awards

#### 24/2520C

**Resolved** that Council formally congratulate the following winners of the Local Government Week Awards:

- Citizen of the Year – Michael Gleeson
- Senior Citizen of the Year – Rhonda Bailey
- Community Group of the Year – CWA Kiama Evening Branch
- Arts Honour Roll – Tamara Campbell
- Sport Honour Roll – Grace Stewart
- Sports Achievement Award – Nardia Guillaumier

- Sports Volunteer Award – Karon Dawson
- Robert East Memorial Award – Berbel Franse
- Megan Dalley Award – Hallie Le Maitre

in recognition of their service to Council and the community.

(Councillor Reilly)

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

Against: Nil

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

#### **24/253OC**

**Resolved** that Council move in globo and adopt the recommendations contained within the report for items 14.1, 16.4, 17.3, 17.4, 17.5 and 17.6.

(Councillors Draisma and Larkins)

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

Against: Nil

## **12 MINUTES OF COMMITTEES**

### **12.1 Minutes: Audit, Risk and Improvement Committee meeting - 30 July 2024**

#### **24/254OC**

**Resolved** that the Minutes of the Audit, Risk and Improvement Committee meeting held on 30 July 2024 be received and accepted, subject to:

1. updating the wording on page 45 of the Council papers, under section 6.8 to read:

“Noted: The CFO asked the Committee to note that the investment portfolio was over the policy level for ING but was brought back within the required level within a couple of days.”

2. the following recommendation on the Akuna Street legal matter being endorsed:

24/024ARIC

Resolved that the Audit, Risk and Improvement Committee:

1. Notes and receives this report which finalises the Federal Court matter of Nicolas Daoud and Co Pty Ltd v The Council of the Municipality of Kiama.

2. Recommends that Council delegate to the Chief Executive Officer to use the Council seal to execute the Deed of Release.

(Councillors Keast and Larkins)

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

Against: Nil

### **Procedural motion**

#### **24/255OC**

**Resolved** that Item 12.2 Minutes: Blue Haven Advisory Committee – 3 July 2024 be moved to confidential closed session under the provisions of Section 10A(2) of the Local Government Act 1993.

(Councillors Renkema-Lang and Draisma)

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

Against: Nil

### **12.3 Minutes: Infrastructure and Liveability Advisory Committee meeting – 9 July 2024**

#### **24/256OC**

**Resolved** that Council:

1. Receive and note the Minutes of the Infrastructure & Liveability Advisory Committee meeting held on 9 July 2024.
2. Note that the minutes refer to two submission papers from the Advisory Committee (Kiama Leisure Centre facilities and Town Centre Traffic & Parking) that were inadvertently not included in the business paper and these papers will now be reported to the new Council.

(Councillors Larkins and Croxford)

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

Against: Nil

**12.4 Minutes: Tourism and Economic Advisory Committee meeting on 18 July 2024**

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

**24/257OC**

**Resolved** that the minutes of the Tourism and Economic Advisory Committee meeting held on 18 July 2024 be received and noted, and the following recommendation on the Kiama New Year's Eve Sky Show be endorsed:

That Destination Kiama coordinate the 'Kiama New Year's Eve Sky Show' on 31 December 2024 within the allocated budget and that Kiama Surf Lifesaving Club be added to the event program to allow for the collection of donations and that other not-for-profit organisations also be considered to the event program by Destination Kiama.

(Councillors Brown and Steel)

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

Against: Nil

**Procedural motion: movement of late items****24/258OC**

**Resolved** that the following late items be moved as follows:

Item 18.1 *CEO note: 2021/2024 Council term ends* be moved to be the first item under the heading Report of the Chief Executive Officer.

Item 18.2 *Updated attachment for Item 13.2 – Current legal matters – status updated as at 30 June 2024* be moved to replace item 13.2.

Item 18.3 *Updated Notice of Motion Item 20.3: NSW Biodiversity Crisis* be moved to replace item 20.3.

(Councillors Reilly and Steel)

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

Against: Nil

**13 REPORT OF THE CHIEF EXECUTIVE OFFICER****18.1 CEO note: 2021/2024 Council term ends**

Report for noting only.



**13.1 Bi-monthly Strategic Finance & Governance Improvement Plan Update Report: July 2024****24/259OC****Resolved** that Council:

1. Receive the Strategic Finance & Governance Improvement Plan – Implementation Status Update – July 2024,
2. Note that actions 1.1, 1.2 and 8.11 have been completed, and
3. Note that the Chief Executive Officer, through the Implementation Team, will:
  - a. provided a copy of the Implementation Status Update - July 2024 to the NSW Office of Local Government, and
  - b. place a copy of the Implementation Status Update - July on Council's website.

(Councillors Renkema-Lang and Brown)

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

Against: Nil

**13.2 Current legal matters - status update as at 30 June 2024**

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

Councillor K Renkema-Lang left the meeting at 05:40 pm.

This item has been replaced by the update provided by item 18.2 below.

**18.2 Updated attachment for Item 13.2 - Current legal matters - status updated as at 30 June 2024**

Councillor Renkema-Lang declared a pecuniary interest in this matter, disclosed and left the Chamber at 5:40pm.

It was moved by Councillor Keast and seconded by Councillor Rice that Council receive this report and note that:

1. the following approximate amounts were expended on legal matters generally as at 30 June 2024:
  - NSW Land & Environment Court = \$639,324
  - NSW Civil & Administrative Tribunal matters = \$5,803
  - Federal Court matters = \$3,547,719
  - Supreme Court matters = \$55,508
  - General legal/Probity advice = \$182,914
  - Anti-discrimination matters = \$47,176

- Councillor Code of Conduct related matters = \$23,474.
2. legal matters finalised since the last report to Council (made in May 2024) have been included in the attachment to the August 2024 report, noting total costs to Council as specified in the table headed 'Completed Matters'.
  3. all reference to Councillor Code of Conduct related matters be consolidated from this report in future.

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

For: Councillors Keast and Rice

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

At the request of the Chair, Councillor Croxford withdrew his comment that referenced some information was misleading.

### **24/2600C**

**Resolved** that Council receive this report and note that:

1. the following approximate amounts were expended on legal matters generally as at 30 June 2024:
  - NSW Land & Environment Court = \$639,324
  - NSW Civil & Administrative Tribunal matters = \$5,803
  - Federal Court matters = \$3,547,719
  - Supreme Court matters = \$55,508
  - General legal/Probity advice = \$182,914
  - Anti-discrimination matters = \$47,176
  - Councillor Code of Conduct related matters = \$23,474.
2. Legal matters finalised since the last report to Council (made in May 2024) have been included in the attachment to the August 2024 report, noting total costs to Council as specified in the table headed 'Completed Matters'.

(Councillors Croxford and Draisma)

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

Against: Councillors Keast and Rice

Councillor K Renkema-Lang returned to the meeting at 06:08 pm.

### **13.3 Destination Event Funding Program - Round 1 Assessment**

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

**24/2610C**

**Resolved** that Council review the summary of applications received for round one of the Destination Event Funding Program and endorse Council's support for all eligible events to the value listed in the below table:

| <b>Event</b>  | <b>Funding amount</b> |
|---|-----------------------|
| Kiama Red Cross Fun Run                                     | \$1,220.00            |
| 2025 Winter Wine Festival presented by Crooked River Estate | \$10,220.00           |
| Kiama Coastal Classic                                       | \$3,000.00            |
| Kiama Sevens 2025   | \$12,500.00           |
| Clearly Music, Arts & Wellness Festival 2.0                 | \$7,522.00            |
| Sydney FC Football Festival                                 | \$5,000.00            |
| 177 <sup>th</sup> Kiama Show - 2025                         | \$8,000.00            |
| <b>Total allocation:</b>                                    | <b>\$47,462.00</b>    |

(Councillors Brown and Steel)

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

Against: Nil

**13.4 Endorse for public exhibition: Customer Service Charter****24/2620C**

**Resolved** that Council:

1. Place the Kiama Municipal Council Customer Service Charter on public exhibition, after the completion of the 2024 NSW Local Government Caretaker period, for a period of 28 days calling for submissions and that the results of the consultation be reported to the newly elected Council.
2. The newly elected council will receive a further report for consideration, if any relevant submissions are received or if any substantial changes are proposed for any other reason, 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 Kiama Municipal Council Customer Service Charter, if there are no relevant submissions received and there are no substantial changes proposed for any other reasons.

(Councillors Brown 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 Post review endorsement: Child Safe Policy

This item was moved as part of the in globo recommendation – refer 24/253OC.

#### 24/263OC

**Resolved** that Council adopt the updated Child Safe Policy.

(Councillors Draisma and Larkins)

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

Against: Nil

### 14.2 Monthly Financial Report June 2024 and Quarterly Budget Review (QBR4)

Councillor Renkema-Lang moved an amendment which lapsed due to there being no seconder.

#### 24/264OC

**Resolved** that Council:

1. Receive and adopt the quarterly budget review statement and budget changes for the quarter ending 30 June 2024.
2. Note the budget carry forwards of \$189,000 into the 2024-25 budget capital program due to existing commitments and already underway projects.

(Councillors Draisma and Brown)

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

Against: Councillor Renkema-Lang

### 14.3 Statement of Investments: July 2024

#### 24/265OC

**Resolved** that Council notes the information relating to the Statement of Investments as at 31 July 2024.

(Councillors Brown and Croxford)

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

Against: Nil

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

Nil.

## **16 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY**

### **16.1 Access to Seven Mile Beach for beach haul fishing**

**24/266OC**

**Resolved** that Council:

1. Approve a licence agreement to Seeking Fisheries for access to Seven Mile Beach Gerroa for a period of five (5) year term;
2. Terminate the licence agreement once the applicant is no longer approved to undertake commercial fishing activities through the Department of Primary Industries (NSW Fisheries).

(Councillors Draisma and Brown)

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

Against: Nil

### **16.2 Endorse for public exhibition: Kiama Council Waste Strategy**

**24/267OC**

**Resolved** that Council:

1. Place the Kiama Municipal Council Waste and Sustainable Materials Strategy 2024 – 2030 on public exhibition, after the completion of the 2024 NSW Local Government Caretaker period, for a period of 28 days calling for submissions and that the results of the consultation program be reported to the newly elected Council.
2. Note that a report on the results of the consultation program and the final draft Kiama Municipal Council Waste and Sustainable Materials Strategy 2024 – 2030 will be presented to the newly elected Council for consideration for decision making purposes.

(Councillors Larkins and Draisma)

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

Against: Nil

### **16.3 Proposed formation of the Jerrara Dam Working Group and Terms of Reference**

#### **24/268OC**

**Resolved** that Council receive and note the draft Terms of Reference for a future Jerrara Dam Working Group.

(Councillors Draisma and Brown)

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

Against: Nil

### **16.4 Proposed road closure: Brown Street, Kiama**

This item was moved as part of the in globo recommendation – refer 24/253OC.

#### **24/269OC**

**Resolved** that Council;

1. Note the submission received during the advertising period and that an easement for electricity purposes will be created prior to the formal road closure.
2. Continue with the formal road closure process for the surplus road reserve located on Brown Street, Kiama under the Roads Act 1993, as shown on the diagram in the body of this report.

(Councillors Draisma and Larkins)

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

Against: Nil

### **16.5 Request for funding assistance: Gerringong District All Sports Inc for Gerry Emery clubhouse embellishments**

#### **24/270OC**

**Resolved** that Council:

1. Acknowledges the efforts of the Gerringong District All Sports Inc to fund and undertake this significant building enhancement project.

2. Approves the allocation of \$75,000 to the Capital Budget – Building & Facilities funded from the Development Contributions Reserve.
3. Delegates to the Chief Executive Officer the authority to negotiate and execute a funding agreement, to a maximum amount of \$75,000, with the Club including payments being made on a cost incurred basis.

(Councillors Brown and Croxford)

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

Against: Nil

## 17 REPORTS FOR INFORMATION

These items were moved as part of the in globo recommendation – refer 24/253OC.

### 24/271OC

**Resolved** that the following Reports for Information listed for Councillors' consideration are noted:

- 17.3 Conference Report: Councillor Brown - Destination and Visitor Economy Conference 2024
- 17.4 Post event reporting: Kiama Coastal Classic - Destination Event funding
- 17.5 Post event reporting: Kiama Winter Street Festival 2024
- 17.6 Regional Energy Strategy

(Councillors Draisma and Larkins)

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

Against: Nil

The following Reports for Information listed for Councillors' consideration are noted:

- 17.2 Compliance Officer activities - June and July 2024
- 17.7 Resolution Register - April 2024 to June 2024 and update on previous periods.

Councillor I Draisma left the meeting at 06:53 pm.

Councillor I Draisma returned to the meeting at 06:55 pm.

**17.1 Biennial review: Alcohol & Other Drugs Policy for Councillors****24/272OC****Resolved** that Council

1. place the draft Alcohol & Other Drugs Policy for Councillors on exhibition, after the completion of the 2024 NSW Local Government Caretaker period, for a period of 28 days calling for submissions.
2. Note that a report on the results of the consultation program and the final draft Alcohol & Other Drugs Policy for Councillors will be presented to the newly elected Council for consideration for decision making purposes.

(Councillors Renkema-Lang and Draisma)

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

Against: Councillor Croxford

**18 LATE ITEMS**

Items 18.1 *CEO note: 2021/2024 Council term ends*, 18.2 *Updated attachment for Item 13.2 – Current legal matters – status updated as at 30 June 2024* and 18.3 *Updated Notice of Motion Item 20.3: NSW Biodiversity Crisis* have been moved as per minute 24/258OC.

**19 QUESTIONS WITH NOTICE****19.1 Response to Cr Larkin's question with notice: Feasibility of a memorial plaque at Kiama Harbour Rock Pool**

Report for noting only.

**19.2 Response to Cr Rice's question with notice: Council's Code of Meeting Practice**

Report for noting only.

**19.3 Response to Cr Rice's question with notice: Crown Lands categorisation**

Report for noting only.



## 20 NOTICE OF MOTION

### 20.1 Notice of Motion: Decommissioned Residential Aged Care Facility

The Chair requested that Councillor Croxford withdraw his remarks about Labour Councillors and to apologise to his colleagues. Councillor Croxford apologised for the quote.

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

1. Notes the difficulties that key workers, individuals and families in the Kiama local government area face in accessing affordable housing, which is defined as equivalent to or more than 30% of total household income.
2. Following the subdivision of 1 Havilah Place as per the Performance Improvement Order (PIO), commit to the further investigation of the redevelopment of the former of Residential Aged Care Facility (RACF) on the site.
3. Receive a report on the options that can be considered for a public/private partnership to deliver a mixed-development on the site of the RACF, which would include at least 25% social and affordable housing.
4. As part of the report, receive examples of other mixed development projects which have been delivered on a similar site.

The Chair requested that Councillor Draisma withdraw her remark regarding the Liberal standing on affordable housing. Councillor Draisma withdrew her remarks.

### 24/2730C

At the request of Councillor Rice and by consent the **motion was varied and resolved** that Council:

1. Notes the difficulties that key workers, individuals and families in the Kiama local government area face in accessing affordable housing, which is defined as equivalent to or less than 30% of total household income.
2. Following the subdivision of 1 Havilah Place as per the Performance Improvement Order (PIO), commit to the further investigation of the redevelopment of the former of Residential Aged Care Facility (RACF) on the site.
3. Receive a report on the options that can be considered for this site including a public/private partnership to deliver a mixed-development on the site of the RACF, which would include at least 25% social and affordable housing.
4. As part of the report, receive examples of other mixed development projects which have been delivered on a similar site.

(Councillors Draisma and Larkins)

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

Against: Councillor Croxford and Renkema-Lang

**20.2 Notice of Motion: Gerroa Landcare Group**

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

Councillor K Renkema-Lang left the meeting at 07:32 pm.

**24/2740C**

**Resolved** that Council:

1. As a matter of priority meet with the Seven Mile Beach Landcare group to:
  - a. discuss the provision of a commercial provider to assist the group with undertaking the immediate weed management required at Seven Mile Beach.
  - b. discuss budget adjustments that will assist further management of weed growth throughout this financial year.
2. During the preparation of the 2025/26 budget, considers the allocation of an annual budget for this purpose, including the possibility of funding from specific reserves.
3. Continue seeking grant opportunities for funding the maintenance of the Seven Mile Beach Crown Reserve and other natural areas in the municipality.

(Councillors Rice and Larkins)

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

Against: Nil

**20.3 Notice of Motion: NSW Biodiversity Crisis**

Councillor Renkema-Lang declared a pecuniary interest in this matter, disclosed and left the chamber at 7:32pm.

This item has been replaced by the update provided by item 18.3 below.

**18.3 Updated Notice of Motion Item 20.3: NSW Biodiversity Crisis**

Councillor Renkema-Lang declared a pecuniary interest in this matter, disclosed and left the chamber at 7:32pm.

Councillor Renkema-Lang had requested, prior to leaving the Chamber, that the Chair put the motion on her behalf.

Councillor Croxford raised a point of order that the notice of motion did not comply with section 10.10 of the Code of Meeting Practice in that it did not identify a funding source for the motion. The Chair overruled the point of order as there were no actions within the motion requiring funding.

**24/275OC****Resolved** that Council

1. Write to The Hon. Penelope Gail Sharpe, NSW Minister for the Environment and The Hon Tara Moriarty MLC Minister for Agriculture
  - (a) expressing thanks for the advice provided by Minister Sharpe on the planning controls and other legislative arrangements that may be applied to strengthen protections of the Minnamurra River biodiversity and surrounding eco-systems, and
  - (b) congratulate both Ministers on the development of the *NSW Plan for Nature* in response to the Biodiversity Crisis across NSW
2. Write to the Premier The Hon. Christopher John Minns, MP and The Hon Paul Scully MP, Minister for Planning and Public Spaces
  - (a) noting that Council shares the NSW Government's grave concerns about the Biodiversity Crisis across NSW and acknowledging that urgent action is required to put nature on a path to recovery
  - (b) expressing Council's support for the NSW Plan for Nature released in July 2024
  - (c) requesting advice on the extent to which the *NSW Plan for Nature* recommendations (or any other legislative instruments) will be applied to protect, preserve and restore the fragile eco-systems of the river catchments and wetlands contained within the Kiama local government area as development is 'fast-tracked' in line with the NSW Government's planning reforms.
3. Provide a copy of the correspondence referred to in 2) above be provided to the Hon. Ryan John Park, Minister for the Illawarra and South Coast, The Hon. Penelope Gail Sharpe NSW Minister for the Environment, The Hon Tara Moriarty MLC Minister for Agriculture, the Minnamurra Progress Association and the Jamberoo Valley Ratepayers and Residents Association.

(Councillors Reilly and Keast)

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

Against: Nil

Councillor K Renkema-Lang returned to the meeting at 07.50pm.

## 21 CONFIDENTIAL SUMMARY

**Procedural motion: extension of time****24/276OC**

**Resolved** that at this time, 7:51pm, in accordance with section 18.2 of the Code of Meeting Practice the meeting be extended to close at 8:15pm.

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(Councillors Reilly and Larkins)

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

Against: Nil

### **24/277OC**

**Resolved** that at this time, 7:51pm, 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 Reilly 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:**

#### **24/278OC**

**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 - AUGUST 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 WOOLWORTHS - EASEMENT FOR CARPARKING**

**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.

#### **22.3 PROPOSAL FOR RE-MODELLED SALARY SYSTEM**

**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.

## 22.4 OPPORTUNITY TO ACQUIRE LAND IN KIAMA

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

(Councillors Draisma and Larkins)

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

Against: Nil

## 22 CONFIDENTIAL REPORTS

**Procedural motion: in globo**

### 24/279OC

**Committee recommendation** that Council move in globo and adopt the recommendations contained within the report for items 12.2 and 22.1.

(Councillors Draisma and Larkins)

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

Against: Nil

### 12.2 Minutes: Blue Haven Advisory Committee 3 July 2024

This item was moved as part of the in globo recommendation – refer minute 24/279OC.

### 24/280OC

**Committee recommendation** that the Minutes of the Blue Haven Advisory Committee meeting held on 3 July 2024 be received and accepted.

(Councillors Draisma and Larkins)

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

Against: Nil

### 22.1 Blue Haven Update - August 2024

This item was moved as part of the in globo recommendation – refer minute 24/279OC.

**24/281OC**

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

(Councillors Draisma and Larkins)

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

Against: Nil

**22.2 Woolworths - Easement for Carparking****24/282OC**

**Committee recommendation** that Council

1. Enter into the Variation of Easement to allow Woolworths (Fabcot Pty Ltd) to implement a car park management system on the lot burdened, which involves the installation of a boom gate at the entrance of the lot and impose charges for the use of the carpark being part on the burdened lot.
2. Enter into a Car Park Management Deed with Woolworths (Fabcot Pty Ltd) for the operation of a paid and timed car park in which Council will receive a share of the net profit, with the timed component aligning with the current on-street parking limitations.
3. Delegate to the Mayor and CEO authority to execute any necessary documents in relation to the car park management system including the application of the Council seal if required.
4. Note Woolworths (Fabcot Pty Limited) would not purchase the easement site from Council in line with the valuation ascertained by Walsh & Monaghan Valuers.
5. Note if an agreement is not entered into, the carparking easement would remain untimed and unmetered which incentivises all day parking within the easement area only. This would restrict regular car movements within the precinct and additionally Council would forgo any revenue for a burden that was refused to be purchased.

(Councillors Brown and Larkins)

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

Against: Councillors Keast, Renkema-Lang and Rice

**22.3 Proposal for re-modelled Salary System****24/283OC**

**Committee recommendation** that Council:

1. Endorse the proposed re-modelled salary system for all staff designed to improve fairness, competitive remuneration and recognition for excellent

performance as outlined in the report as Option (1) at an additional cost of \$350,000 per annum.

2. Note the quarter 1 budget review for 2024-25 will include an increase to employee costs of \$155,000 due to the mid-year implementation timeframe and existing budget inclusions.
3. Note the proposed re-modelled salary system aims to replace the existing outdated 20+ year system that has been a major issue affecting employee engagement and organisational culture at Council.

(Councillors Brown and Steel)

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

Against: Nil

### **Procedural motion: extension of time**

#### **24/284OC**

**Committee recommendation** that at this time, 8.08pm, in accordance with section 18.2 of the Code of Meeting Practice the meeting be extended to close at 8:30pm.

(Councillors Reilly and Larkins)

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

Against: Nil

### **22.4 Opportunity to acquire land in Kiama**

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

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

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

1. Submit an offer to acquire the property as detailed within the report.
2. Give the CEO delegated authority to negotiate within the range, + or – 10% and any other relevant special conditions as per the report.
3. Give the Mayor and/or CEO delegated authority to execute any documentation associated with the acquisition of the property including the Common Seal of Council if required.
4. Upon acquisition, classify the land as “Operational Land”.
5. Expedite additional planned divestment opportunities within 18 months to fund and facilitate the acquisition.

**24/285OC**

At the request of Councillor Keast and by consent the **recommendation was varied and the Committee recommended** that Council:

1. Submit an offer to acquire the property as detailed within the report.
2. Give the CEO delegated authority to negotiate within the range, + or – 10% and any other relevant special conditions as per the report.
3. Give the Mayor and/or CEO delegated authority to execute any documentation associated with the acquisition of the property including the Common Seal of Council if required.
4. Upon acquisition, classify the land as “Operational Land”.
5. Expedite additional planned divestment opportunities within 18 months to fund and facilitate the acquisition.
6. Urgently update the long-term financial plan and cashflow to assess the impact of this potential property acquisition and present it to the first Council meeting after the September 2024 Local Government election
7. Provide a detailed report on what the ‘additional’ planned divestment opportunities will be and the timeframe for these divestments.

(Councillors Brown and Steel)

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

Against: Councillors Keast, Renkema-Lang and Rice

**Close of Confidential Committee of the Whole:****24/286OC**

**Committee recommendation** that at this time, 8.13pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Reilly and Draisma)

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 for items 12.1, 22.1, 22.2 and 22.3.

A point of order was raised by Councillor Brown that the recommendation for Item 22.4 should not be formally reported by the Chief Executive Officer due to the confidential nature of the recommendation. The Chair agreed to return to closed committee to discuss the issue.



**24/287OC**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 24/278OC to 24/286OC, excluding 24/285OC, be confirmed and adopted.

(Councillors Reilly and Larkins)

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

Against: Nil

**24/288OC**

**Resolved** that at this time, 8.22pm, Council form itself into a Confidential Committee of the Whole to deal with Item 22.4.

(Councillors Reilly and Steel)

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

Against: Nil

**24/289OC**

**Committee recommendation** that at this time, 8.28pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel 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 for item 22.4.

**24/290OC**

**Resolved** that the Confidential Committee of the Whole recommendations numbered 24/285OC and 24/289OC be confirmed and adopted.

(Councillors Draisma and Croxford)

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 8.30pm.

These Minutes were confirmed at the Ordinary Meeting of Council  
held on 15 October 2024.



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Mayor