



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

**commencing at 5.00pm on**

**TUESDAY 16 JULY 2024**

Council Chambers  
11 Manning Street, KIAMA NSW 2533

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**MINUTES OF THE ORDINARY MEETING OF  
THE COUNCIL OF THE MUNICIPALITY OF KIAMA  
HELD IN THE COUNCIL CHAMBERS  
ON TUESDAY 16 JULY 2024 AT 5.00PM**

**PRESENT:** Mayor – Councillor N Reilly,  
Deputy Mayor – Councillor I Draisma,  
Councillors M Brown, K Rice, W Steel, 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  
Ed Paterson – 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 Mayor 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**

### **Apology**

**24/2150C**

**Resolved** that the apology tendered from Councillor Keast be accepted and the leave of absence granted

(Councillors Draisma and Larkins)

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

Against: Nil

**Procedural Motion: Councillor excused for standing**

**24/216OC**

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

(Councillors Renkema-Lang and Draisma)

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

Against: Nil

**Procedural motion: Limiting speaking to 3 minutes**

**24/217OC**

**Resolved** that the duration of Councillor speeches is shortened to 3 minutes to expedite the consideration of business at a meeting.

(Councillors Larkins and Brown)

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

Against: Councillor Rice

## **6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **6.1 Ordinary Council meeting on 18 June 2024**

**24/218OC**

**Resolved** that the Minutes of the Ordinary Council meeting held on 18 June 2024 be received and accepted.

(Councillors Steel and Renkema-Lang)

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

Against: Nil

## 6.2 Extraordinary Council Meeting held on 27 June 2024

### 24/219OC

**Resolved** that the minutes of the Extraordinary Council meeting held on 27 June 2024 be received and accepted subject to the following amendments:

1. Recommendation 1 of item 8.1 Strategic Finance & Governance Improvement Plan to read –
  1. *Adopt the Strategic Finance and Governance Improvement Plan, subject to authorising the Chief Executive Officer, through the Implementation Team, to make the following administrative amendments:*
    - a. *Update the PIO Action column for actions 6.7, 6.8, 6.10 and 6.17, on pages 36 and 37, by referring to A.5 instead of C.3.*
2. The order of debate be changed for Item 9.2 2024/2025 Integrated Planning & Reporting suite of documents to accurately reflect the order in which it occurred.

(Councillors Renkema-Lang and Rice)

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

Against: Nil

## 7 BUSINESS ARISING FROM THE MINUTES

Nil.

## 8 DISCLOSURE OF INTEREST

### Disclosure of Interest - Councillor Draisma

Councillor Draisma declared a significant non-pecuniary interest in item 15.1 *Endorse for public exhibition: Draft Growth and Housing Strategy* as Councillor Draisma is employed by the Hon. Paul Scully MP, Minister for Planning. Councillor Draisma proposed to disclose and leave the Chamber.

### Disclosure of Interest - Councillor Draisma

Councillor Draisma declared a significant non-pecuniary interest in item 15.2 *Post exhibition endorsement: Development Assessment Policy* as Councillor Draisma is employed by the Hon. Paul Scully MP, Minister for Planning. Councillor Draisma proposed to disclose and leave the Chamber.

## 9 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil.

## 10 PUBLIC FORUM SUMMARY

Name	Item No.	Subject
Chad Wallace	15.1	Endorse for public exhibition: Draft Growth and Housing Strategy
Michele Adair	15.1	Endorse for public exhibition: Draft Growth and Housing Strategy

## 11 MAYORAL MINUTE

### 11.1 Mayoral Minute: Vale Peter Stuckey

#### 24/2200C

**Resolved** that Council take a minute's silence to remember the work and life of Peter Stuckey, the former Manager Parks and Environment at Kiama Council, who passed away on Wednesday, 26 June 2024.

(Councillor Reilly)

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

Against: Nil

All those present paid their respects, standing for a minute's silence.

### 11.2 Mayoral Minute: Kiama Triathlon Club

#### 24/2210C

**Resolved** that Council:

1. Provide a one-off \$550 in-kind donation toward the parking fees for the 2024-25 Kiama Triathlon Club Trailer, to be paid from the Community Grants and Donations budget.
2. Encourage the Kiama Triathlon Club to apply for future funds from the new community grants funding round commencing August 2024.

(Councillor Reilly)

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

Against: Nil

**Procedural motion: In globo resolutions**

**24/222OC**

**Resolved** that Council move in globo and adopt the staff recommendations contained within the report for items 12.1, 14.3, 14.4, 16.1, 17.1, 17.2, and 17.5.

(Councillors Draisma and Croxford)

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

Against: Nil

## 12 MINUTES OF COMMITTEES

### 12.1 Minutes: Infrastructure and Liveability Advisory Committee meeting – 11 June 2024

This motion was moved as part of the in globo recommendation – refer Minute 24/222OC.

**24/223OC**

**Resolved** that the Minutes of the Infrastructure and Liveability Advisory meeting held on 11 June 2024 be received and accepted.

(Councillors Draisma and Larkins)

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

Against: Nil

### 12.2 Minutes: Sustainable Communities Committee - 2 July 2024

It was moved by Councillor Brown and seconded by Councillor Draisma that the Minutes of the Sustainable Communities Committee meeting held on 2 July 2024 be received and accepted.

Councillor Brown withdrew his motion.

**24/224OC**

**Resolved** that the Minutes of the Sustainable Communities Committee meeting held on 2 July 2024 be received and accepted, noting that of the suggestions put forward

by the Committee, on page 49 of the business paper, points c) and d) are to be completed by the Committee instead of Council.

(Councillors Brown and Croxford)

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

Against: Councillor Larkins

## 13 REPORT OF THE CHIEF EXECUTIVE OFFICER

### 13.1 Local Government NSW Annual Conference 2024 - registration, motions, voting

**24/225OC**

**Resolved** that Council:

1. register the Mayor and the Deputy Mayor to attend the Local Government NSW (LGNSW) Conference begin held in Tamworth from 17 to 19 November 2024, noting that the names of the Councillors will be confirmed following the local government election in September 2024.
2. Receive any notices of motion to be submitted for consideration at the LGNSW Conference for endorsement at the August ordinary Council meeting.
3. Note that nominations for 3 voting delegates at the LGNSW Conference close on 6 November 2024.

(Councillors Croxford and Draisma)

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

Against: Nil

## 14 REPORT OF THE CHIEF OPERATING OFFICER

### 14.1 Monthly Financial Report - May 2024

**24/226OC**

**Resolved** that Council receives and adopts the Monthly Financial Report for May 2024.

(Councillors Renkema-Lang and Larkins)

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

Against: Nil

**14.2 Statement of Investments: June 2024****24/227OC**

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

(Councillor Brown and Larkins)

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

Against: Nil

**14.3 Post exhibition endorsement: Gifts and Benefits Policy**

This motion was moved as part of the in globo recommendation – refer Minute 24/222OC.

**24/228OC**

**Resolved** that Council endorse the Gifts and Benefits Policy.

(Councillors Draisma and Larkins)

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

Against: Nil

**14.4 Review: Aged Care Prudential Standards Policy**

This motion was moved as part of the in globo recommendation – refer Minute 24/222OC.

**24/229OC**

**Resolved** that Council approves:

1. The amount of \$4.9M as an external restriction for Liquidity Management Standard requirements and compliance with the Aged Care Act Prudential Standards regarding Residential Aged Care Resident accommodation funds
2. The amount of \$4.1M as an internal restriction for ILU Prudential Coverage regarding Retirement Village and Independent Living Unit Resident accommodation funds.

(Councillors Draisma and Larkins)

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

Against: Nil



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

Councillor Draisma left the meeting at 05:33 pm.

### 15.1 Endorse for public exhibition: Draft Growth and Housing Strategy

Councillor Draisma declared a significant non-pecuniary interest in this matter, disclosed and left the Chamber.

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

1. Endorse the Draft Growth and Housing Strategy for public exhibition.
2. Consult with the community and other key stakeholders on the priorities, outcomes, strategic sites and actions contained within the Growth and Housing Strategy.
3. Report back to Council at the November 2024 Council meeting on the outcomes of the consultation process and seek adoption of the final Growth and Housing Strategy at this meeting.
4. Commence the preliminary work required to undertake a review of Kiama Local Environmental Plan and Development Control Plan to enable timely implementation of the Growth and Housing Strategy once adopted.
5. Continue to assess scoping proposals received for strategic sites and undertake other required planning processes in accordance with the Ministerial Expectation Statement, to continue to support ongoing delivery of supply and Housing Targets.
6. Continue to monitor approvals and completion data and provide this data as part of the quarterly development pipeline audit conducted by the Department of Planning
7. Actively participate in the Urban Development Program, providing the draft Strategy to industry and State agencies to support immediate planning of infrastructure and servicing needs for identified strategic sites.
8. Note that councils cannot control, enforce, or hold planning powers which ensure, the timing of any construction or completion of a dwelling following approvals being issued.
9. Complete the Employment Lands Strategy by the end of 2024 and include the findings of this Strategy in both the implementation plan for the Growth and Housing Strategy and the Kiama LEP review.
10. Complete an Infrastructure Advocacy Strategy to support grant applications and to strongly advocate to the State and Federal Government for the provision of infrastructure to support growth.
11. As part of the exhibition of the draft Strategy run a second developer EOI, in accordance with the probity plan, to allow any additional EOIs, including the request for Bland Street Kiama, that were not submitted in the first process to be received by Council and considered for inclusion in the draft Strategy.

**24/2300C**

At the request of Councillor Renkema-Lang and by consent the motion was varied to read -

That Council:

1. Endorse the Draft Growth and Housing Strategy for public exhibition, subject to updating the draft to include the following action:  

*Continue to engage and partner with community housing providers to determine suitable numbers and locations for provision of social housing within the local government area.*
2. Provide links to the documents referenced in Appendix 3 of the Draft Growth and Housing Strategy on Council's website.
3. Report back to Council at the November 2024 Council meeting on the outcomes of the consultation process and seek adoption of the final Growth and Housing Strategy at this meeting.
4. Commence the preliminary work required to undertake a review of Kiama Local Environmental Plan and Development Control Plan to enable timely implementation of the Growth and Housing Strategy once adopted.
5. Continue to assess scoping proposals received for strategic sites and undertake other required planning processes in accordance with the Ministerial Expectation Statement, to continue to support ongoing delivery of supply and Housing Targets.
6. Continue to monitor approvals and completion data and provide this data as part of the quarterly development pipeline audit conducted by the Department of Planning
7. Actively participate in the Urban Development Program, providing the draft Strategy to industry and State agencies to support immediate planning of infrastructure and servicing needs for identified strategic sites.
8. Note that councils cannot control, enforce, or hold planning powers which ensure, the timing of any construction or completion of a dwelling following approvals being issued.
9. Complete the Employment Lands Strategy by the end of 2024 and include the findings of this Strategy in both the implementation plan for the Growth and Housing Strategy and the Kiama LEP review.
10. Complete an Infrastructure Advocacy Strategy to support grant applications and to strongly advocate to the State and Federal Government for the provision of infrastructure to support growth.
11. As part of the exhibition of the draft Strategy run a second developer EOI, in accordance with the probity plan, to allow any additional EOIs, including the request for Bland Street Kiama, that were not submitted in the first process to be received by Council and considered for inclusion in the draft Strategy .

(Councillors Larkins and Brown)

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

Against: Nil

### **15.2 Post exhibition endorsement: Development Assessment Policy**

Councillor Draisma declared a significant non-pecuniary interest in this matter, disclosed and left the Chamber.

#### **24/231OC**

**Resolved** that Council:

1. Adopt the Development Assessment Policy subject to a change being made to section 4.3 of the policy to include the new Ministerial Orders and Expectations that were issued to all councils on 4 July 2024.
2. Notify people who made a submission of Council's decision.

(Councillors Brown and Larkins)

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

Against: Nil

Councillor I Draisma returned to the meeting at 05:46 pm.

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

### **16.1 Traffic Management: Kiama Local Traffic Committee meeting - 2 July 2024**

This motion was moved as part of the in globo recommendation – refer Minute 24/222OC.

#### **24/232OC**

**Resolved** that Council receive the Minutes of the Kiama Local Traffic Committee meeting of 2 July 2024 and the following recommendation be adopted, subject to the following:

1. The proposal to endorse the Traffic Management Plans for the implementation of 'No Parking' restrictions below, be the subject of a written advice to Transport for NSW and NSW Police that Council will be proceeding with the proposals, with implementation after the 14 day notice period.
2. Subject to there not being an appeal from TfNSW or NSW Police on the notice to of intention to proceed; approve the 'No Parking' restrictions, as shown on the signage plan.

**24/001LTC** the implementation of 'No Parking' restrictions on the angled parking bay on Thomson Street, Kiama, to be timed 6pm Sundays to 12pm Mondays, as set out on the plan.

(Councillors Draisma and Larkins)

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

Against: Nil

## 17 REPORTS FOR INFORMATION

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

- 17.4 Question for future meeting: Outdoor dining areas as exempt development
- 17.6 Questions for Future Meetings Register - July 2024.

### 24/233OC

**Resolved** the following Reports for Information listed for the Council's consideration were moved in globo (refer minute 24/222OC):

- 17.1 Donation: Kiama Family History Centre
- 17.2 Legal matters: Amendment to reporting timeframes
- 17.5 Question for future meeting: Shoalhaven Water

(Councillors Draisma and Larkins)

### 17.3 Minutes: Kiama Liquor Accord Meetings - August 2023, November 2023, March 2024, May 2024

#### 24/234OC

**Resolved** that Council write to the Kiama Liquor Accord:

1. advising of Council's commitment to work with organisations, such as the Illawarra Police District and the Kiama Liquor Accord, to address the growing problem of gender-based violence
2. bringing attention to the 'Safety, Love and Respect' poster available on Kiama Council's website, and
3. encouraging members of the Kiama Liquor Accord to download, print and display the poster at their respective venues.

(Councillors Renkema-Lang and Draisma)

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

Against: Nil

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## 18 LATE ITEMS

That at this time, 5.56pm, Council bring forward and deal with matters pertaining to the Addendum to Reports.

### 18.1 Question with notice: Financial mismanagement, project management failures, and payout transparency

Councillor Mark Croxford has submitted the following question with notice for Council's consideration:

#### Question

#### 1. Origins of financial mismanagement and project management failures:

The current body of council has inherited significant issues related to financial mismanagement and project management failures. Can the Chief Executive Officer confirm whether these issues originated in the 2016 - 2021 term of Council, or do they have roots in earlier terms of Council?

#### 2. Project management and Blue Haven Bonaira costs:

Why did the Council fail to adequately project manage or seek reports on key projects, including but not limited to the Blue Haven Bonaira project, across multiple terms? Specifically, why were the following aspects not adequately addressed:

- Operational costs of the facilities
- Variances to budget
- Defects reporting
- Completion reports

The Blue Haven Bonaira project, in particular, incurred substantial costs not fully covered by available funding, leading to significant budget overruns. What steps were missed in the project management process that contributed to these issues?

Can the Chief Executive Officer provide an account of the Blue Haven Bonaira construction project costs and explain why the council did not adequately manage and report on these costs?

#### 3. Transparency, justification and overturning confidentiality agreements for payouts:

Why have the significant payouts to executive directors and the then General Manager, which occurred during the period 2018 to 2021, not been made public?

Can the Chief Executive Officer provide details for these substantial payouts, including the rationale behind these payments and the approval process followed?

Considering the substantial financial impact of these payouts on the Council's cash flow, can the Council review and potentially overturn any confidentiality agreements related to these payouts to enhance transparency and accountability? How does the Council plan to address the community's concerns about the lack of transparency regarding these payouts and ensure that similar situations are handled more openly in Page 3 the future?

**4. Informed decision-making:**

Were the elected members of the Council, whether from the 2016-2021 term or earlier, adequately advised by the General Manager and Executive Leadership Team of Council of the specifics of 'Project Management and Blue Haven Bonaira Costs' and 'Transparency, Justification, and Overturning Confidentiality Agreements for Payouts' details in either public or confidential sessions of ordinary and extraordinary meetings of Council to allow them to make informed decisions? If not, why was this critical information withheld?

**5. Accountability for financial mismanagement and maladministration of operational issues:**

What actions have been or can be taken against those identified as responsible for the financial mismanagement and maladministration of operational issues inherited at the beginning of this Council term?

Specifically, what measures, including disciplinary actions, sanctions, terminations, or legal proceedings, have been implemented or considered? If no actions have been taken, please explain why not.

**6. Release of Forsyths Report:**

What would need to be done to publicly release the full details of the Forsyths Report? Can the Chief Executive Officer provide an outline of the necessary steps and any potential legal or procedural obstacles to making the full report available to the public?

**18.2 CEO note in respect to Item 14.1 Monthly Financial Report - May 2024****24/235OC**

**Resolved** that Council replace the attachment to Item 14.1 *Monthly Financial Report – May 2024* of the business paper with the document attached to this CEO note, being the correct version of the Financial Statements – May 2024 – Monthly Report.

(Councillors Brown and Draisma)

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

Against: Nil

**18.3 Notice of Motion: Review of Item 10.11 and 3.11 of Code of Meeting Practice****24/236OC**

**Resolved** that Council in the forthcoming scheduled review of the Code of Meeting Practice, considers a revision of clause 10.11 amendments and clause 3.11 notice of business as provided in this report.

(Councillors Rice and Renkema-Lang)

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

Against: Councillors Draisma, Larkins and Reilly

## 19 QUESTIONS WITH NOTICE

### 19.1 Question with Notice: Community Response Policy

Councillor Kathy Rice has submitted the following question with notice for Council's consideration.

#### Question

In September 2018, Council endorsed the development of a Community Response Policy that included a manageable timeframe for replying to community concerns and enquiries.

I understand that this is now being developed as the Customer Response Charter.

For the benefit of the community and Councillors, please can a report be provided to explain when the completed charter might become available to the community.

### 19.2 Question with Notice: Crown Lands

Councillor Kathy Rice has submitted the following question with notice for Council's consideration:

#### Question

At the June 2024 Council meeting I asked the acting CEO to pass the following question on to the CEO. When would the CEO write to Crown Lands in response to resolution 24/147OC of May 2024?

The CEO has previously said that the letter would be made available to Councillors before it was sent. When can Councillors expect to see this letter?

The Director advised that the letter is being finalised and will be circulated to Councillors on 17 July 2024.

## 20 NOTICE OF MOTION

### 20.1 Notice of Motion: Jamberoo Traffic Assessment

#### 24/237OC

**Resolved** that Council:

1. Write to the Jamberoo Valley Ratepayers and Residents Association to request a copy of the final report completed by the former Jamberoo Traffic Sub-committee; and
2. Refer this report to the Kiama Local Traffic Committee for consideration.

(Councillors Draisma and Larkins)

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

Against: Nil

## **20.2 Notice of Motion: Council's commitment to develop a Night-time Economy Strategy**

### **24/238OC**

**Resolved** that Council:

1. Reaffirms its commitment to develop a Night-time Economy Strategy to support the vibrancy of our community and local businesses.
2. Supports the petition to the NSW Legislative Council which calls on the Hon John Graham MLC, Minister for the Night-time Economy, to support the development of a Special Entertainment Precinct in the Kiama Town Centre.
3. Write to the Hon John Graham MLC in support of the petition and call on the NSW Government to further consult Council and the community to deliver a Special Entertainment Precinct in the Kiama Town Centre.
4. Allow for copies of the petition to be hosted at the Administration Building, Kiama Library and Gerringong Library and Museum.

(Councillors Draisma and Larkins)

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

Against: Nil

## **20.3 Notice of Motion: The Bugle's adherence to journalistic standards**

The Chair requested that people in the gallery refrain from commenting and cautioned Councillors on the language being used in the debate.

### **24/239OC**

**Resolved** that Council:

1. Delegate to the CEO to make a formal referral to the Australian Press Council regarding concerns with The Bugle's ownership and reporting practices, based on:
  - (a) the grounds outlined in the Notice of Motion passed in May 2024;
  - (b) subsequent business arising discussions from the May 2024 ordinary meeting of council minutes at the June ordinary meeting of council; and
  - (c) the lack of response from The Bugle to the council's communications.

The referral should include specific articles of concern published under The Bugle's own categories of news, blog, Blow Your Bugle, and "The Bugle's



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View” articles and any other relevant attachments that validate the concerns Council has with The Bugle.

(Councillors Croxford and Steel)

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

Against: Councillors Brown, Renkema-Lang and Rice

Councillor Brown abstained from voting on this matter and as per clause 11.4 of the Code of Meeting Practice “a councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.” Consequently Councillor Brown’s actions have been recorded as voting against item 20.3.

The CEO left the Chamber at 6.49pm and returned at 6:52pm.

#### **20.4 Notice of Motion: Terralong Street Kiama - Transverse rumble strip crossings**

##### **24/2400C**

**Resolved** that for the preparation of the 2025-26 budget, Council:

1. Note the information provided to Council at the 21 May 2024 ordinary meeting at agenda item 17.2 *Question for future meeting: Terralong Street Kiama - Transverse Rumble Strip Crossings*.
2. Considers a project for the review of the pedestrian facilities and crossings on Terralong Street Kiama that would result in a report to Council on the outcomes of the review, including a concept plan, cost estimates, and timeline for undertaking any identified upgrade works. The review and report would address:
  - (a) Compliance with current Australian standards and guidelines, including Austroads Guide to Road Design.
  - (b) Safety assessments for all users, particularly vulnerable groups such as the elderly, people with disabilities, and cyclists.
  - (c) Potential legal liabilities associated with the current pedestrian crossings.
  - (d) Collating any community feedback on the effectiveness and safety of the pedestrian crossings.
  - (e) Potential upgrade works such as replacement of pedestrian facilities with raised pedestrian crossings or removal of pedestrian facilities.

(Councillors Croxford and Larkins)

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

Against: Councillors Renkema-Lang and Rice

**20.5 Notice of Motion: Timely Provision of Information****24/241OC**

**Resolved** that those Councillors referred to the Independent Commission Against Corruption in May 2024 are promptly advised as soon as the Chief Executive Officer receives any correspondence regarding the outcome of this referral that can be shared individually with those referred.

(Councillors Rice and Renkema-Lang)

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

Against: Nil

**21 CONFIDENTIAL SUMMARY****24/242OC**

**Resolved** that at this time, 7.05pm, 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 Larkins and Draisma)

For: Councillors Brown, Croxford, Draisma, 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:**

The Chair requested that the press and public leave the Chambers in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, to enable closing 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 AKUNA STREET LEGAL MATTER**

**Reason for Confidentiality:** This matter deals with information that would, if disclosed, prejudice the maintenance of law as per Section 10A(2)(e) of the Local Government Act.

**22.2 BLUE HAVEN UPDATE - JULY 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.

**22.3 REPORT OF TENDER PANEL: JAMBEROO SPORTS FIELD LIGHTING TENDER KT100524**

**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.

**22.4 BLUE HAVEN BONAIRA SALE CONTRACT**

**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.

**Procedural motion: In globo resolutions****24/243OC**

**Committee recommendation** that Council move in globo and adopt the staff recommendation contained within the report for item 22.2.

(Councillors Draisma and Brown)

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

Against: Nil

**22 CONFIDENTIAL REPORTS****22.1 Akuna Street legal matter****24/244OC**

**Committee recommendation** that Council note and receive this report finalising the Akuna Street legal matter.

(Councillors Brown and Draisma)

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

Against: Nil

**22.2 Blue Haven Update - July 2024**

This motion was moved as part of the in globo recommendation – refer Minute 24/244OC.

**24/245OC**

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

(Councillors Draisma and Brown)

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

Against: Nil

**22.3 Report of Tender Panel: Jamberoo Sports Field Lighting Tender KT100524****24/246OC**

**Committee recommendation** that Council:

1. Accepts the tender from recommended tenderer for the Jamberoo Sports Field Lighting Project KT100524 for the sum of \$314,731.68 +GST.
2. Delegates to the Chief Executive Officer the authority to finalise and execute the contract and any other documentation required to give effect to point 1 above.
3. Grants authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to the contract.
4. Allocates an additional budget of \$50,000 in the 2024-25 Capital Budget – Recreation & Open Space, funded from the Grant Reserve to fund the total estimated cost of the works

(Councillors Draisma and Larkins)

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

Against: Nil

**22.4 Blue Haven Bonaira sale contract****24/247OC****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 Sale Contracts (being the Asset Sale Agreement and the Land Sale Agreement) for the sale of the Blue Haven Bonaira business (together with the land on which it is operated but excluding Community Transport) for the combined gross price of \$95M and to be authorised to do anything which is necessary or desirable to do under or in connection with the Sale Contract including to finalise and execute any ancillary documents or forms contemplated by the Sale Contracts.
2. Authorise the Chief Executive Officer and the Mayor to affix the Common Seal to the Sale Contracts 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 make applications to the NSW Industrial Relations Commission with respect to the transfer of Council employees transferring to Hall & Prior on completion of the Sale Contract.
5. Authorise the Chief Executive Officer to commence legal proceedings and recovery processes against the Builder of the facility with respect to claims for building defect matters losses incurred due to building defect matters (including filing any statement of claim against the builder to initiate legal proceedings).
6. Authorise the Chief Executive Officer to do anything (including without limitation completion, preparation, amendment, initialisation, 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 Steel)

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

Against: Councillor Rice

**Close of Confidential Committee of the Whole:****24/248OC**

**Committee recommendation** that at this time, 7.27pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Larkins and Draisma)

For: Councillors Brown, Croxford, Draisma, 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.

**24/249OC**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 24/243OC to 24/248OC be confirmed and adopted.

(Councillors Draisma and Brown)

For: Councillors Brown, Croxford, Draisma, 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 13 August 2024.

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Mayor