



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

WEDNESDAY 20 NOVEMBER 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 WEDNESDAY 20 NOVEMBER 2024 AT 5PM**

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 – Acting Director Planning, Environment and Communities
Seren McKenzie – Acting Director Infrastructure and Liveability
Joe Gaudiosi – Chief Operating Officer
Olena Tulubinska – Chief Financial Officer
Stephanie Salviejo – Public Officer

PRESENTERS: Michael Kharzoo – Director - Financial Audit | NSW Audit Office
Mubashshir Hassan – Associate Director - Financial Audit | NSW
Audit Office

1 OPENING OF MEETING

The Chair declared the meeting open at 5.04pm.

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 15 October 2024

24/298OC

Resolved that the Minutes and associated attachments of the Ordinary Council meeting held on 15 October 2024 be received and accepted.

(Councillors Draisma and Brown)

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

Against: Nil

6.2 Extraordinary Council on 31 October 2024

24/299OC

Resolved that the minutes of the Extraordinary Council meeting held on 31 October 2024 be received and accepted subject to the following amendments:

1. The mover and seconder for resolution 24/295OC be changed to read that is was moved by Councillor Warren and seconded by Councillor Tatrai and a division of 'all in favour' recorded.
2. Resolution 24/297OC be changed to read "Resolved that the Confidential Committee of the Whole recommendations numbered 24/295OC to 24/296OC be confirmed and adopted."

(Councillors Larkins and Brown)

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 Larkins

Councillor Larkins declared a pecuniary interest in item 11.2 *Congratulations to Councillor Larkins as a recipient of the LGNSW Pat Dixon Memorial Scholarship* as Councillor Larkins is the subject of the report being the recipient of the scholarship. Councillor Larkins proposed to disclose and leave the Chamber.

Disclosure of Interest - Councillor Larkins

Councillor Larkins declared a less than significant non-pecuniary interest in item 13.5 *Industry representation - Kiama Council Tourism and Economic Development Committee* as one of the successful nominees to the Committee is the partner of a person who ran on Councillor Larkins' ticket in the 2024 local government elections. Councillor Larkins proposed to disclose and vote.

Disclosure of Interest - Councillor Warren

Councillor Warren declared a less than significant non-pecuniary interest in item 15.3 *Update on draft Growth and Housing Strategy - Discussion paper and public exhibition engagement report* as Councillor Warren's previous employer is mentioned in the Strategy. Councillor Warren proposed to disclose and vote.

Disclosure of Interest - Councillor Warren

Councillor Warren declared a less than significant non-pecuniary interest in item 20.2 *Notice of Motion: s.68 Application for temporary limited use of Jamberoo Sporting Complex* as Councillor Warren's father was awarded an honorary life membership to Jamberoo Football Club and the Warren family started the Jamberoo 7s tournament over 20 years ago. Councillor Warren proposed to disclose and vote.

Disclosure of Interest - Councillor Draisma

Councillor Draisma declared a less than significant non-pecuniary interest in item 13.5 *Industry representation - Kiama Council Tourism and Economic Development Committee* as one of the successful nominees to the Committee is the partner of a person who ran on Councillor Draisma's ticket in the 2024 local government elections. Councillor Draisma proposed to disclose and vote.

Disclosure of Interest - Councillor Tatrai

Councillor Tatrai declared a less than significant non-pecuniary interest in item 13.5 *Industry representation - Kiama Council Tourism and Economic Development Committee* as one of the successful nominee to the Committee ran on Councillor Tatrai's ticket in the 2024 local government elections. Councillor Tatrai proposed to disclose and vote.

9 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil.

10 PUBLIC FORUM SUMMARY

Name	Item No.	Subject
Lynne Strong	15.3	Update on draft Growth and Housing Strategy – Discussion paper and public exhibition engagement report
Alan Smith	20.2	Notice of Motion: s68 application for temporary limited use of Jamberoo Sporting Complex

11 MAYORAL MINUTE**11.1 Mayor's Giving Tree 2024**

It was **moved** by Councillor McDonald that Council endorse the 2024 Mayor's Giving Tree appeal.

24/300OC

At the request of Councillor Larkins and by consent the **motion was varied and resolved** that Council endorse the 2024 Mayor's Giving Tree appeal noting that the locations are Gerringong Library and Museum, The Pavilion Kiama, the Kiama Library and Council's Customer Service Centre at 11 Manning Street Kiama.

(Councillor McDonald)

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

Against: Nil

11.2 Congratulations to Councillor Larkins as a recipient of the LGNSW Pat Dixon Memorial Scholarship

Councillor Larkins declared a pecuniary interest in this matter, disclosed and left the Chamber.

Councillor S Larkins left the meeting at 05:13 pm.

24/301OC

Resolved that Council congratulate Councillor Larkins as a recipient of the Local Government NSW Pat Dixon Memorial Scholarship, noting that:

1. A condition of the scholarship is that Councillor Larkins will provide a brief written report, signed off by the Chief Executive Officer, on completion of his study.
2. Council requires Councillor Larkins to declare receipt of these funds in his annual return to Council.

(Councillor McDonald)

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

Against: Nil

Councillor S Larkins returned to the meeting at 05:16 pm.

Procedural motion: in globo resolutions

24/302OC

Resolved that Council move in globo and adopt the recommendations contained within the report for items 12.1, 12.2, 12.3, 13.1, 13.2, 13.3, 13.4, 14.2, 14.5, 14.6, 17.1, 17.3 and 17.4.

(Councillors Matters and Larkins)

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

Against: Nil

12 MINUTES OF COMMITTEES

12.1 Minutes: Audit, Risk and Improvement Committee - 23 October 2024

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/302OC.

24/303OC

Resolved that the Minutes of the Audit, Risk and Improvement Committee meeting held on 23 October 2024 be received and accepted.

(Councillors Matters and Larkins)

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

Against: Nil

12.2 Minutes: Finance Advisory Committee - 3 October 2024

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/302OC.

24/304OC

Resolved that the Minutes of the Finance Advisory Committee meeting held on 3 October 2024 be received and accepted.

(Councillors Matters and Larkins)

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

Against: Nil

12.3 Minutes: Infrastructure and Liveability Advisory Committee meeting – 14 August 2024

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/302OC.

24/305OC

Resolved that Council

1. Receive and accept the Minutes of the Infrastructure and Liveability Advisory meeting held on 14 August 2024.
2. Receive and note the Committee submissions on Kiama leisure facilities and parking and traffic access.

(Councillors Matters and Larkins)

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

Against: Nil

13 REPORT OF THE CHIEF EXECUTIVE OFFICER**13.1 For endorsement: Customer Service Charter**

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/302OC.

24/306OC

Resolved that Council adopt the Customer Service Charter and publish to the Council website.

(Councillors Matters and Larkins)

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

Against: Nil

13.2 Performance Review Committee membership

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/302OC.

24/307OC

Resolved that Council note that Councillor Draisma be appointed to the Performance Review Committee as the Chief Executive Officer's nomination.

(Councillors Matters and Larkins)

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

Against: Nil

13.3 Alliance for Healthy Cities - Australian Chapter Councillor membership

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/302OC.

24/308OC

Resolved that Council determine Councillor Lawton be the representative for the Alliance for Healthy Cities for the period to September 2025.

(Councillors Matters and Larkins)

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

Against: Nil

13.4 2025 Ordinary Council meeting schedule

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/302OC.

24/309OC

Resolved that Council set the 2025 dates for Ordinary Council meetings, with meetings commencing at 5pm, as follows:

Tuesday 21 January

Tuesday 18 February

Tuesday 18 March

Tuesday 15 April

Tuesday 20 May

Tuesday 17 June

Tuesday 15 July
Tuesday 19 August
Tuesday 16 September
Tuesday 21 October
Tuesday 18 November
Tuesday 16 December

(Councillors Matters and Larkins)

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

Against: Nil

13.5 Industry representation - Kiama Council Tourism and Economic Development Committee

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

24/3100C

Resolved that Council:

1. Amend the Terms of Reference to increase the number of Tourism and Economic Advisory Committee industry members from four to five.
2. Accept the nominations of
 - Craig Hardy (previous member)
 - Suzanne Mansfield
 - Simon Smith
 - Ryan Rieveley
 - Tom Abood.
3. Write to the unsuccessful applicants, thanking them for their interest and informing them that there will be future opportunities for community members to join other Council committees.

(Councillors Brown and Draisma)

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

Against: Nil

13.6 Kiama Municipal Council Annual Report 2023-24 and State of our Municipality Report 2021-24**24/311OC**

Resolved that Council endorse the 2023-24 Annual Report and the State of our Municipality Report 2021-24.

(Councillors Brown and Draisma)

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

Against: Nil

24/312OC

Resolved that at this time, 5.21pm, Standing Orders be suspended for the NSW Audit Office presentation on the conduct of the audit of the 2023-24 Annual Financial Statements.

(Councillors Draisma and Cains)

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

Against: Nil

24/313OC

Resolved that at this time, 5.31pm, Standing Orders be resumed.

(Councillors Larkins and Brown)

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

Against: Nil

14 REPORT OF THE CHIEF OPERATING OFFICER**14.1 Presentation of the 2023-24 Annual Financial Statements****24/314OC**

Resolved that Council present the 2023-24 Audited Financial Statements and Audit Reports to the public in accordance with sections 418 and 419 of the Local Government Act 1993.

(Councillors Brown and Tatrai)

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

Against: Nil

Mr Kharzoo and Mr Mubashshir left the meeting at 5.34 pm.

Councillor M Cains left the meeting at 05:34 pm.

14.2 Endorse for public exhibition: Budgetary Framework Policy

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/302OC.

24/315OC

Resolved that Council:

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

(Councillors Matters and Larkins)

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

Against: Nil

14.3 Statement of Investments - October 2024

24/316OC

Resolved that Council:

1. Receive the information relating to the Statement of Investments as at 31 October 2024.
2. Note that investments with ING are \$78K (0.18%) above the 30% counterparty limit.
3. Note the outstanding amount from various disaster recovery funding grants.
4. Approve the transfer of \$1.4M from the internally restricted Waste Business Unit Reserve to Unrestricted Funds

(Councillors Draisma and Brown)

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

Against: Nil

14.4 Quarterly Budget Review (QBR1) 2024-25

24/317OC

Resolved that Council:

1. Receive and adopt the Quarterly Budget Review Statement for the quarter ending 30 September 2024 including the operating revenue, expenditure, and capital budget adjustments.
2. Note the Long-Term Financial Plan (LTFP) will be updated and presented to Council at the February 2025 meeting.

(Councillors Larkins and Matters)

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

Against: Nil

Councillor M Cains returned to the meeting at 05:36 pm.

14.5 OneCouncil Implementation Plan

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/302OC.

24/318OC

Resolved that Council:

1. Note that the implementation of OneCouncil by 2026/27 is a requirement of the revised Performance Improvement Order issued in May 2024.
2. Acknowledge the proposed implementation plan for Release 3 of the OneCouncil software.
3. Approve a total allocation of \$4.3 million for the implementation of OneCouncil Release 3 across three financial years (2024-25, 2025-26 and 2026-27), with funding sourced as detailed in the report.

(Councillors Matters and Larkins)

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

Against: Nil

14.6 Post exhibition endorsement: Alcohol & Other Drugs Policy for Councillors

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/302OC.

24/319OC

Resolved that Council endorse the Alcohol and Other Drugs Policy for Councillors.
(Councillors Matters and Larkins)

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 Installation of Electric Vehicle Chargers at The Pavilion Kiama

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

1. Note the installation of four electric vehicle charging stations at The Pavilion Kiama.
2. Offer the use of these charging stations free of charge for the remainder of the 2024-25 Financial Year.
3. Introduce electric vehicle charging fees into the 2025-26 Fees and Charges Schedule in accordance with Section 610B of the Local Government Act 1993 as outlined in the report.

24/320OC

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

1. Note the installation of four electric vehicle charging stations at The Pavilion Kiama.
2. Introduce electric vehicle charging fees into the 2024-25 Fees and Charges Schedule in accordance with Section 610B of the Local Government Act 1993 as outlined in the report.

(Councillors Larkins and Warren)

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

Against: Nil

15.2 Endorse for Gateway: Planning Proposal PP-2024-2097 - Urban Release Area Clause

24/3210C

Resolved that Council:

1. Endorse the Urban Release Area Clause Planning Proposal.
2. Submit the Planning Proposal to the Department of Planning, Housing and Infrastructure for a Gateway determination.
3. When submitting the Planning Proposal for a Gateway determination, identify that Council is seeking to be authorised as the Local Plan Making Authority.
4. Should a Gateway determination be issued, any conditions required, including public exhibition and consultation with the community, key authorities and government agencies, be actioned by staff.
5. Receive a further report regarding the finalisation of the Planning Proposal.

(Councillors Larkins and Brown)

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

Against: Nil

15.3 Update on draft Growth and Housing Strategy - Discussion paper and public exhibition engagement report

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

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

1. Receive and note the:
 - a. Public Exhibition Engagement Report,
 - b. Discussion Paper, and
 - c. Review of Draft Housing Strategy.
2. Publish copies of the above documents on Council's website and provide updates to those who made submissions of the draft.
3. Require an updated Draft Strategy be prepared based on the findings in the above documents.
4. Require the updated Draft Strategy be reported back to Council in February 2025 for consideration and to enable further community consultation.

An **amendment was moved** by Councillor Cains and seconded by Councillor Brown that Council:

1. Receive and note the:

- a. Public Exhibition Engagement Report,
 - b. Discussion Paper, and
 - c. Review of Draft Housing Strategy.
2. Publish copies of the above documents on Council's website and provide updates to those who made submissions of the draft.
 3. Require an updated Draft Strategy be prepared based on the findings in the above documents.
 4. Require the revised Draft Strategy be reported back to Council in February 2025 for consideration and to enable further community consultation, and report the revised Strategy no later than to the June 2025 meeting of Council.

Councillor Lawton foreshadowed a further amendment to include two additional points to the recommendation.

Councillor Brown raised a **point of order** that the amendment could not be considered by the Council until it had been seconded. The Chair agreed and called for a seconder to the amendment, which Councillor Brown did.

The amended motion on being put **was carried**.

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

Against: Councillors Draisma and Larkins

A further amendment was **moved** by Councillor Lawton and seconded by Councillor Matters that Council:

1. Receive and note the:
 - a. Public Exhibition Engagement Report,
 - b. Discussion Paper, and
 - c. Review of Draft Housing Strategy.
2. Publish copies of the above documents on Council's website and provide updates to those who made submissions of the draft.
3. Require an updated Draft Strategy be prepared based on the findings in the above documents.
4. Require the revised Draft Strategy be reported back to Council in February 2025 for consideration and to enable further community consultation, and report the revised Strategy no later than to the June 2025 meeting of Council.
5. Should the West Kiama/Springside Hill development proposal be adopted by the Minister Council will reconsider the extent of urban expansion recommended in the Draft Growth & Housing Strategy.
6. Request the Minister to ensure a heritage significant report is undertaken for the West Kiama proposal that reflects NSW Heritage Council Guidelines for State Heritage Significance because of its aesthetic, historic, cultural, natural

and representative significance prior to his final determination of the Springside Hill proposal.

During debate on this matter it became apparent to Councillor Draisma that she had a conflict.

Disclosure of Interest - Councillor Draisma

Councillor Draisma declared a significant non-pecuniary interest in this matter as the resolution was amended to include her employer, The Hon Paul Scully MP. Councillor Draisma disclosed and left the Chamber.

Councillor I Draisma left the meeting at 06:07 pm.

At the request of Councillor Brown, and by consent the **amended motion was varied** to read as follows –

That Council:

1. Receive and note the:
 - a. Public Exhibition Engagement Report,
 - b. Discussion Paper, and
 - c. Review of Draft Housing Strategy.
2. Publish copies of the above documents on Council's website and provide updates to those who made submissions of the draft.
3. Require an updated Draft Strategy be prepared based on the findings in the above documents.
4. Require the revised Draft Strategy be reported back to Council in February 2025 for consideration and to enable further community consultation, and report the revised Strategy no later than to the June 2025 meeting of Council.
5. Reconsider the extent of urban expansion recommended in the Draft Growth & Housing Strategy, should the West Kiama/Springside Hill development proposal be adopted by the Minister.
6. Request the Minister to ensure a heritage significant report is undertaken for the West Kiama proposal that reflects NSW Heritage Council Guidelines for State Heritage Significance because of its aesthetic, historic, cultural, natural and representative significance prior to his final determination of the Springside Hill proposal.

Administrative changes to the amended motion were suggested by the CEO to ensure the lawfulness of the motion, which were **accepted by the mover**:

That Council:

1. Receive and note the:
 - a. Public Exhibition Engagement Report,
 - b. Discussion Paper, and
 - c. Review of Draft Housing Strategy.

2. Publish copies of the above documents on Council's website and provide updates to those who made submissions of the draft.
3. Require an updated Draft Strategy be prepared based on the findings in the above documents.
4. Require the revised Draft Strategy be reported back to Council in February 2025 for consideration and to enable further community consultation, and report the revised Strategy no later than to the June 2025 meeting of Council.
5. Reconsider the extent of urban expansion recommended in the Draft Growth & Housing Strategy, should the West Kiama/Springside Hill development proposal be adopted by the Minister of Planning and Public Spaces.
6. Delegate to the CEO to prepare correspondence to the Minister of Planning and Public Spaces to consider undertaking a heritage significant report that reflects NSW Heritage Council Guidelines and which relates to the Springside Hill planning proposal.

Further variations to the amended motion were requested to point 6:

Councillor Cains requested -

6. Delegate to the CEO to prepare correspondence to the Minister of Planning and Public Spaces to consider undertaking a heritage significant report that reflects NSW Heritage Council Guidelines to the extent to which it relates to the Springside Hill planning proposal.

Councillor McDonald requested for consistency that the words West Kiama be added before Springside Hill.

Councillor Warren requested that the word "significant" be changed to "significance".

These **variations were accepted by the mover.**

Councillor Larkins foreshadowed that should the amendment proceed, given the declaration that was made by Councillor Draisma, he would replace being the mover of the motion regardless of the outcome of the vote on the amendment.

The amended motion on being put **was carried.**

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

Against: Councillor Larkins

The amended motion became the motion.

24/322OC

Resolved that Council:

1. Receive and note the:
 - a. Public Exhibition Engagement Report,
 - b. Discussion Paper, and
 - c. Review of Draft Housing Strategy.

2. Publish copies of the above documents on Council's website and provide updates to those who made submissions of the draft.
3. Require an updated Draft Strategy be prepared based on the findings in the above documents.
4. Require the revised Draft Strategy be reported back to Council in February 2025 for consideration and to enable further community consultation, and report the revised Strategy no later than to the June 2025 meeting of Council.
5. Reconsider the extent of urban expansion recommended in the Draft Growth & Housing Strategy, should the West Kiama/Springside Hill development proposal be adopted by the Minister of Planning and Public Spaces.
6. Delegate to the CEO to prepare correspondence to the Minister of Planning and Public Spaces to consider undertaking a heritage significance report that reflects NSW Heritage Council Guidelines to the extent to which it relates to the West Kiama/Springside Hill planning proposal.

(Councillors Larkins and Brown)

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

Against: Nil

Councillor I Draisma returned to the meeting at 06:12 pm.

15.4 Quarterly Development Assessment & Housing Approvals/Completion Report - July to September 2024

24/323OC

Resolved that Council:

1. Receive and note the Development Assessment timeframes and housing approvals and completions between July-September 2024.
2. Note that a similar report will be provided at the ordinary February 2025 meeting for the October-December 2024 period.
3. Continue to advocate changes to the Council League Table calculation method to ensure that additional information requests (ie stop the clock), amended plans (ie revised proposal) and Land and Environment Court deemed refusal timeframes are acknowledged and excluded from the Council assessment times.

(Councillors Brown and Draisma)

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

Against: Nil

15.5 Determination of Development Application No 10.2023.179.1 - 105-107 Fern Street, Gerringong**24/324OC****Resolved** that Council:

1. Grant deferred commencement consent to Development Application No 10.2023.179.1 under Section 4.16(3) of the Environmental Planning and Assessment Act 1979, subject to conditions as attached to this report. These include the deferred commencement condition that an easement is to be secured over the western neighbouring public parking area for access and drainage, prior to the consent being made operational.
2. Advise persons who made a submission to Development Application No 10.2023.179.1 of Council's decision.

(Councillors Matters and Cains)

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

Against: Nil

15.6 Determination of Development Application No 10.2024.64.1 - 85 Barney Street, Kiama**24/325OC****Resolved** that Council:

1. Support the request to vary a development standard made pursuant to Clause 4.6 of Kiama LEP 2011 for the variation to the height of building standard.
2. Approve Development Application No 10.2024.64.1 for a new dual occupancy (Detached) and subdivision (Torrens Title) - construction of dual occupancy and associated Torrens Title subdivision subject to the appropriate conditions of consent as attached to the report.
3. Advise persons who made a submission on Development Application No 10.2024.64.1 of Council's decision.

(Councillors Cains and Larkins)

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

Against: Councillor Lawton

15.7 Quarterly Compliance Report - July to September 2024**24/326OC**

Resolved that Council:

1. Receive and note the compliance activities undertaken by the Environment & Compliance team between July-September 2024.
2. Note that a similar report will be provided at the Ordinary February 2025 Meeting for the October-December 2024 period.
3. Note that a draft Enforcement/Compliance Report will be reported to Council early 2025 to commence community engagement.

(Councillors Draisma and Brown)

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

Against: Nil

15.8 Current legal matters - status update as at 30 September 2024**24/327OC**

Resolved that Council receive this legal status update summary report and note that the following approximate amounts have been expended as at 30 September 2024 on the legal matters itemised in the attachment since the commencement of each individual proceeding:

- NSW Land & Environment Court = \$682,670.26
 - NSW Civil & Administrative Tribunal matters = \$13,960.98
 - Supreme Court matters = \$64,760.48
 - Federal Court matters = \$3,772,125.03 (excludes settlement amount)
 - Local Court matters - \$23,809.90
 - Blue Haven = \$350,330.70
 - General legal/Probity advice = \$101,157.88
 - Councillor Code of Conduct related matters = \$4,576.00
- TOTAL = \$5,013,391.23 (excludes settlement amount)

(Councillors Draisma and Larkins)

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

Against: Nil

16 REPORTS FOR INFORMATION

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

- 16.1 Kiama Coastline Coastal Management Program certified and published in the NSW Government Gazette
- 16.2 Christmas / New Year - annual close down period.

17 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY

17.1 Response to Notice of Motion: Seven Mile Beach Landcare Group

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/302OC.

24/328OC

Resolved that Council

1. Fund the immediate weed management of up to \$15,000 to be undertaken at the Seven Mile Beach Reserve for the 2024/25 financial year.
2. Allocate the funds of \$15,000 from the Crown Lands Reserve Management Fund.

(Councillors Matters and Larkins)

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

Against: Nil

17.2 Traffic Management: Kiama Local Traffic Committee meeting – 5 November 2024

24/329OC

Resolved that Council receive the Minutes of the Kiama Local Traffic Committee meeting of 5 November 2024 and the following recommendations be adopted:

1. **24/031LTC** the traffic changes associated with the Gerringong Christmas Street Parade on Saturday the 21 December 2024 from 8:00 a.m. to 1:00 p.m. be approved subject to the following conditions:
 - The event organiser obtains a Road Occupancy Approval under S138 of the Roads Act from Council.
 - The event organiser complies with the Traffic Management Plan.
 - Notification of the closures be given to Police, local emergency services, businesses and affected residents by the event organizer.

- Notification of the closures shall be placed on Council's website a minimum of seven days prior to the event.
 - The organiser to liaise with Kiama Coaches to allow an alternate route to be planned.
2. **24/032LTC** the temporary road closures associated with the Changing Tides Festival between 13 and 17 December 2024 subject to organisers complying with the following conditions:
- The event organiser complies with the Traffic Management Plans.
 - The organisers shall be responsible for the supply, erection and removal of all traffic control devices, equipment and personnel associated with the implementation of the approved Traffic Management Plan.
 - Lodgement with Council of an application for a Section 138 Roads Act permit and payment of associated fee.
 - Notification of proposed traffic changes be given to police, local emergency services, businesses and residents effected by the closure.
 - An advertisement be placed in the local media advising of the closure and traffic changes.
 - Proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event.
 - The organiser to incorporate water filled barriers as hostile vehicle barriers at each of the closure points on Bong Bong and Manning Streets.
3. **24/033LTC** the traffic changes associated with the Kiama Show from Friday 24 January 2025 to the evening of Saturday 25 January 2025 be approved, subject to organisers complying with the following conditions:
- The event organiser complies with the Traffic Management Plan.
 - Local residents of Bong Bong Street, east of Manning Street, are letterbox dropped to inform them of the closure and advise them to move vehicles out of the road closure area, and any parking areas to be occupied separately.
 - Notification of the closures be given to Police, local emergency services, businesses and affected residents.
 - An advertisement be placed in the local media advising of the closure a minimum of seven days prior to the event.
 - A revised TGS current for the event duration shall be submitted to Council with the Road Occupancy application at least 10 days prior to the event.
 - The event organiser has authorised traffic controllers at the two closure points, and staff be available to move the hostile vehicle barrier as required.
 - The event organiser is required to provide authorised traffic controllers on the north western side of the driveway to Chittick Oval, and the Anglican Church to manage large animal movements and pedestrian safety.

(Councillors Larkins and Draisma)

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

Against: Nil

17.3 Easement over Bourrool Lane, Kiama for adjoining development at 19-21 Bourrool Street, Kiama

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/302OC.

24/330OC

Resolved that Council:

1. Approve the easement over Bourrool Lane (Lot 4 DP 774101), Kiama for drainage purposes as outlined within the attached diagram.
2. Determine the compensation value of \$5,000 (excl GST) payable by the applicant as recommended by Council's Valuer.
3. Approve the creation an easement over the laneway for drainage purposes pursuant to Section 88B *Conveyancing Act 1919* over Lot 4 DP 774101.
4. Delegate to the CEO and/or Mayor authority to execute any necessary documentation associated with the new easement and use of the Council seal if required.

(Councillors Matters and Larkins)

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

Against: Nil

17.4 Woolworths - Easement for carparking

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/302OC.

24/331OC

Resolved that Council

1. Release the current easement for parking and pedestrian access and create a new easement as noted on the proposed s88B instrument outlined within this report.
2. Delegate to the CEO and/or Mayor authority to execute any necessary documentation associated with the new easement and use of the Council seal if required.

(Councillors Matters and Larkins)

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

Against: Nil

18 LATE ITEMS

Procedural motion: matter of urgency

24/332OC

Resolved that in accordance with clause 3.42 of the Code of Meeting Practice, supplementary items 18.1 *Australian Coastal Councils Association - NSW member nomination* and 18.2 *Water and sewerage supply and upgrades to Kiama Local Government Area* are considered urgent on the grounds that they require a decision of the Council before the next scheduled ordinary meeting on Tuesday 10 December 2024.

(Councillors Brown and Larkins)

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

Against: Nil

18.1 Australian Coastal Councils Association - NSW member nomination

24/333OC

Resolved that Council endorses Councillor Larkins' nomination as a candidate for election to be a NSW representative on the Australian Coastal Councils Association Committee of Management for 2024-25

(Councillors Brown and Draisma)

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

Against: Nil

18.2 Water and sewerage supply and upgrades to Kiama Local Government Area

24/334OC

Resolved that Council seeks an urgent meeting with the Minister for Water, The Hon Rose Jackson and relevant staff of Sydney Water.

(Councillors Larkins and Draisma)

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

Against: Nil

19 QUESTIONS WITH NOTICE

19.1 Question with notice: The Fresh Start for Local Government Apprentices, Trainees and Cadets Program - Cr Larkins

Question

Could Council please advise whether it will be applying for funding under NSW Government's "The Fresh Start for Local Government Apprentices, Trainees and Cadets Program" for hiring apprentices and/or trainees in local government? If so, what areas of Kiama Council are likely to benefit or access this program?

A response to this question was provided in the report to Council.

20 NOTICE OF MOTION

20.1 Notice of Motion: Jamberoo Mountain Road and traffic management concerns

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

1. Write to the NSW Minister for Regional Transport and Roads the Hon Jenny Aitchinson requesting a meeting with the Minister to discuss:
 - a. The reduction in speed along Jamberoo Road from 80 kms per hour to 60 kms per hour; and
 - b. Funding arrangements for Jamberoo Mountain Road.
2. Requests the Member for Kiama, Gareth Ward, assists with arranging this meeting and his attendance at said meeting.
3. Oppose the changes to speed zones along Jamberoo Mountain Road and put to Transport for NSW and the Minister, Council's position.
4. Request that Transport for NSW and the NSW Government resume ownership and maintenance of Jamberoo Mountain Road.

At the request of Councillor Draisma and by consent **the motion was varied** to read as follows –

That Council:

1. Write to the NSW Minister for Regional Transport and Roads the Hon Jenny Aitchinson requesting a meeting with the Minister to discuss:
 - a. The State Government's decision to reduce the speed along Jamberoo Road from 80 kms per hour to 60 kms per hour; and

- b. Funding arrangements for Jamberoo Mountain Road.
2. Requests the Member for Kiama, Gareth Ward, assists with arranging this meeting and his attendance at said meeting.
3. Oppose the changes to speed zones along Jamberoo Mountain Road and put to Transport for NSW and the Minister, Council's position.
4. Request that Transport for NSW and the NSW State Government resume maintenance of Jamberoo Mountain Road.

Councillor Draisma raised a **point of order** that Councillor Cains could not amend the motion as he was the mover. The Chair agreed and called for a mover to the amendment.

An **amended motion was moved** by Councillor Warren and seconded by Councillor Lawton that Council:

1. Write to the NSW Minister for Regional Transport and Roads the Hon Jenny Aitchinson requesting a meeting with the Minister to discuss:
 - a. The State Government's decision to reduce the speed along Jamberoo Road from 80 kms per hour to 60 kms per hour; and
 - b. Funding arrangements for Jamberoo Mountain Road.
2. Requests the Member for Kiama, Gareth Ward, assists with arranging this meeting and his attendance at said meeting.
3. Oppose the changes to speed zones along Jamberoo Mountain Road and put to Transport for NSW and the Minister, Council's position.
4. Request that Transport for NSW and the NSW Government resume maintenance of Jamberoo Mountain Road.

Councillor Cains accepted the amendment to the motion, along with an administrative correction to point 3 removing the word "Mountain".

24/335OC

Resolved that Council:

1. Write to the NSW Minister for Regional Transport and Roads the Hon Jenny Aitchinson requesting a meeting with the Minister to discuss:
 - a. The State Government's decision to reduce the speed along Jamberoo Road from 80 kms per hour to 60 kms per hour; and
 - b. Funding arrangements for Jamberoo Mountain Road.
2. Requests the Member for Kiama, Gareth Ward, assists with arranging this meeting and his attendance at said meeting.
3. Oppose the changes to speed zones along Jamberoo Road and put to Transport for NSW and the Minister, Council's position.
4. Request that Transport for NSW and the NSW Government resume maintenance of Jamberoo Mountain Road.

(Councillors Cains and Tatrai)

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

Against: Nil

20.2 Notice of Motion: s.68 Application for temporary limited use of Jamberoo Sporting Complex

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

It was **moved** by Councillor Warren and seconded by Councillor Tatrai that Council authorise a section 68 (Local Government Act) application, to allow the limited use of Jamberoo Sporting Complex as a temporary campsite (maximum 75 site campsites) for the duration of the annual Jamberoo 7's soccer tournament. The location of the camping area is the small paddock to the East of the Jamberoo Tennis courts.

24/336OC

At the request of Councillor Draisma and by consent **the motion was varied and resolved** that Council delegate authority to the Chief Executive Officer to provide landowners' consent to the Jamberoo Football Club for the lodgement of the necessary Development Application and Activity Application for the temporary use of Lot 372 DP 802199 as a campground with a maximum of 75 campsites for the duration of the annual Jamberoo 7's soccer tournament in February 2025.

(Councillors Warren and Tatrai)

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 have been proposed to be disclosed in Confidential Committee of the Whole. No such representations were received.

21.1 Exclusion Of Press And Public:

24/337OC

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 JAMBEROO MOUNTAIN ROAD TRAFFIC CONTROLS - RESULTS OF REQUEST FOR QUOTATION THROUGH LOCAL GOVERNMENT PROCUREMENT VENDOR PANEL

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.

22.2 WASTE DEED OF AGREEMENT BETWEEN SHELLHARBOUR CITY COUNCIL AND KIAMA MUNICIPAL COUNCIL

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 BLUE HAVEN UPDATE - OCTOBER 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.

22.4 BLUE HAVEN COMMUNITY TRANSPORT CONTRACT NOVATION

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.

(Councillors Draisma and Larkins)

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

Against: Nil

24/338OC

Resolved that at this time, 7:33pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations of the confidential reports.

(Councillors Draisma and Brown)

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

Against: Nil

22 CONFIDENTIAL REPORTS

Procedural motion: in globo resolutions

24/339OC

Committee recommendation that Council move in globo and adopt the recommendations contained within the report for items 22.1, 22.3 and 22.4.

(Councillors Matters and Larkins)

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

Against: Nil

22.1 Jamberoo Mountain Road Traffic Controls - Results of Request for Quotation through Local Government Procurement Vendor Panel

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/339OC.

24/340OC

Committee recommendation that Council:

1. in accordance with clause 178(1)(a) of the Local Government (General) Regulation 2021, accept the Quotation for Traffic Control on Jamberoo Mountain Road made through the Local Government Procurement Contract LGP 113-2 for a total amount up to \$400,000 (inc GST), noting this is in addition to the already approved 10 week period of Traffic Control.
2. delegate to the Chief Executive Officer the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
3. grant 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 this resolution.

(Councillors Matters and Larkins)

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

Against: Nil

22.2 Waste Deed of Agreement Between Shellharbour City Council and Kiama Municipal Council

24/341OC

Committee recommendation that Council:

1. delegate authority to the Chief Executive Officer to finalise and execute the Waste Deed of Agreement between Kiama Municipal Council and Shellharbour City Council
2. grant authority for the use of the Common Seal of Council on the Waste Deed of Agreement and any other documentation, should it be required, to give effect to this resolution.
3. acknowledge the increase in waste disposal costs due to unavoidable third party provider fee increases.
4. delegate authority to the Chief Executive Officer to explore the market for better value for money options for waste disposal for Kiama Municipal Council and report back to Council by June 2025.

(Councillors Brown and Larkins)

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

Against: Nil

22.3 Blue Haven Update - October 2024

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/339OC.

24/342OC

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

(Councillors Matters and Larkins)

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

Against: Nil

22.4 Blue Haven Community Transport Contract Novation

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 24/339OC.

24/343OC

Committee recommendation that Council:

1. Receives, that by a selective Expression of Interest process Council invited submissions in relation to the transfer of its seniors transport program Blue Haven Community Transport.
2. notes that Transport for New South Wales has approved the novation of Council's contract to provide transport services in the Kiama Local Government Area from 1 December 2024 to Coast and Country Community Services Ltd.

(Councillors Matters and Larkins)

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

Against: Nil

Close of Confidential Committee of the Whole:**24/344OC**

Committee recommendation that at this time, 7.38pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Larkins and Matters)

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

Against: Councillor Tatrai

Adoption of Report

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

24/345OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 24/339OC to 23/344OC be confirmed and adopted.

(Councillors Brown and Cains)

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 7.43pm.
These Minutes were confirmed at the Ordinary Meeting of Council
held on 10 December 2024.

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Mayor