



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5:00 PM on

TUESDAY 18 FEBRUARY 2025

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 18 FEBRUARY 2025 AT 5:00 PM**

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

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

1 OPENING OF MEETING

The Chair declared the meeting open 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.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council on 21 January 2025

25/0220C

Resolved that the Minutes of the Ordinary Council meeting held on 21 January 2025 and associated minute attachments be received and accepted.

(Councillors Tatrai and Draisma)

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

Against: Nil

7 BUSINESS ARISING FROM THE MINUTES

Nil.

8 DISCLOSURE OF INTEREST

Disclosure of Interest - Councillor Draisma

Councillor Draisma declared a significant non-pecuniary interest in *Item 15.1 Endorse for public exhibition: Draft Local Housing Strategy (Draft v2)* as she is employed by The Hon Paul Scully MP, Minister for Planning and Public Spaces. Councillor Draisma proposed to disclose and leave the chamber.

Disclosure of Interest - Councillor Draisma

Councillor Draisma declared a significant non-pecuniary interest in *Item 15.4 Quarterley Report: Development application lodgement/assessment and dwelling approvals/completions – October to December 2024* as she is employed by The Hon Paul Scully MP, Minister for Planning and Public Spaces. Councillor Draisma proposed to disclose and leave the chamber.

Disclosure of Interest - Councillor Warren

Councillor Warren declared a less than significant non-pecuniary interest in *Item 15.1 Endorse for public exhibition: Draft Local Housing Strategy (Draft v2)* as she was previously contracted by Traders in Purple for work at Greyleigh. Councillor Warren proposed to disclose and remain in the chamber.

Disclosure of Interest - Councillor Warren

Councillor Warren declared a significant non-pecuniary interest in *Item 12.2 Minutes: Tourism & Economic Advisory Committee Meeting – 30 January 2025* as she is the applicant for the funding and general manager of the The Co-op Gerringong. Councillor Warren proposed to disclose and leave the chamber.

Disclosure of Interest - Councillor Lawton

Councillor Lawton declared a less than significant non-pecuniary interest in *Item 17.2 Gerringong Surf Life Saving Club Licence Agreement* as for transparency she is

declaring a long term friendship with a member of the Club. Councillor Lawton proposed to disclose and remain in the chamber.

Disclosure of Interest - Councillor Matters

Councillor Matters declared a pecuniary interest in *Item 12.2 Minutes: Tourism & Economic Advisory Committee Meeting – 30 January 2025* as she is a part owner at The Co-op Gerringong and the business has received event funding. Councillor Matters proposed to disclose and leave the chamber.

9 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil.

10 PUBLIC FORUM SUMMARY

The CEO read out the speakers at public access 17 February 2025.

Name	Item No.	Subject
Heather Argerakis	11.1	Mayoral minute: Acknowledging the efforts of Kiama LGA's professional lifeguards and volunteer Surf Life Saving Clubs
Neville Fredericks	15.1	Endorse for public exhibition: Draft Local Housing Strategy (Draft v2)
Gary George	17.2	Gerringong Surf Life Saving Club Licence Agreement
Margaret Watson	19.1	Question with notice: Parking on Manning Street Kiama
Howard R Jones	20.1	Notice of motion: Gerringong to Gerroa coastal path

Procedural Motion: in globo

25/023OC

Resolved that Council move in globo and adopt the recommendations contained within the report for items 13.1, 14.1, 14.2, 15.2, 15.3, 15.5, 16.2 and 16.3.

(Councillors Matters and Larkins)

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

Against: Nil

11 MAYORAL MINUTE

11.1 Mayoral minute: Acknowledging the efforts of Kiama LGA's professional lifeguards and volunteer Surf Life Saving Clubs

Councillor McDonald **moved** that Council thank and acknowledge the substantive efforts made by Kiama's professional lifeguards and volunteer Surf Life Saving Clubs to keep the municipality's beaches safe during the summer season where three (3) fatalities were experienced.

25/024OC

At the request of Councillor Brown and by consent the **Mayoral Minute was varied and resolved** that Council:

1. Thank and acknowledge the substantive efforts made by Kiama's professional lifeguards and volunteer Surf Life Saving Clubs to keep the municipality's beaches safe during the summer season where three (3) fatalities were experienced.
2. Support a surf awareness/education campaign targeting the communities of South Western and Western Sydney.
3. Write to Illawarra Shoalhaven Joint Organisation, Western Sydney Regional Organisation of Councils (WSROC), and SLS NSW South Coast Branch president, Shane Wicks informing them of the above.

(Councillors McDonald and Brown)

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

Against: Nil

11.2 Mayoral minute: Review program for the Kiama Local Environmental Plan (LEP) 2011

An amendment was **moved** by Councillor McDonald to his original Mayoral Minute that Council include the following Strategy development/delivery and associated Kiama Local Environmental Plan (LEP) 2011 and Kiama Development Control Plan (DCP) 2020 amendments as part of the forward budget estimates register for inclusion and consideration as part of the 2025-26 Delivery Program and Operational Plan and the Annual Budget:

1. Local Housing Strategy
2. Kiama Vegetation Study
3. Jamberoo Heritage Study
4. Kiama Employment Zone/Economic Development Strategy
5. Kiama Rural Lands Study.

Councillor Brown raised a **point of order** that as the report is a Mayoral Minute the Mayor should answer the question to explain why an amended motion has been put.

The Chair agreed and answered Councillor Brown's question that the original motion was amended to remove timeframes.

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

For: Councillor McDonald

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

11.3 Mayoral minute: Sporting clubs' storage needs

Councillor McDonald **moved** that Council via an expression of interest (EOI) process, enable local sporting clubs to install one (1) shipping container per sports reserve for the express purpose of storing sporting equipment etc. as an interim solution to current storage shortage.

25/025OC

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

- 1 Via an expression of interest (EOI) process, enable local sporting clubs to install one (1) shipping container per sports reserve for the express purpose of storing sporting equipment etc. as an interim solution to current storage shortages, while the Social Infrastructure Strategy is being developed.
- 2 On completion of the EOI process that a further report be provided to Council with the outcomes of the EOI ensuring the locations of the intended shipping containers are appropriate.
- 3 Engage with the local sporting clubs and Kiama District Sports Association and identify the reserves with storage shortages.

(Councillor McDonald)

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

Against: Councillor Larkins

12 MINUTES OF COMMITTEES

12.1 Minutes: Finance Advisory Committee - 5 December 2024

25/026OC

Resolved that the Minutes of the Finance Advisory Committee meeting held on 5 December 2024 be received and accepted.

(Councillors Lawton and Tatrai)

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

Against: Nil

12.2 Minutes: Tourism & Economic Advisory Committee Meeting – 30 January 2025

Councillor Warren declared a significant non-pecuniary interest, disclosed and left the chamber.

Councillor Matters declared a pecuniary interest in this item, disclosed and left the chamber.

Councillor E Warren left the meeting at 5:50 pm.

Councillor M Matters left the meeting at 5:50 pm.

25/027OC

That the Minutes of the Tourism and Economic Advisory Committee meeting held on 30 January 2025 be received and accepted.

(Councillors Brown and Larkins)

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

Against: Nil

Councillor E Warren returned to the meeting at 05:55 pm.

Councillor M Matters returned to the meeting at 05:55 pm.

13 REPORT OF THE CHIEF EXECUTIVE OFFICER

13.1 Bi-monthly update: Strategic Finance & Governance Improvement Plan – February 2025

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 25/023OC

25/028OC

Resolved that Council:

1. Receive the Strategic Finance & Governance Improvement Plan – Implementation Status Update – February 2025.
2. Note that the Chief Executive Officer, through the Implementation Team, will:
 - a. provide a copy of the Implementation Status Update – February 2025 to the NSW Office of Local Government, and

- b. [place a copy of the Implementation Status Update - February on Council's website.](#)

(Councillors Matters and Larkins)

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

Against: Nil

13.2 Current legal matters - status update as at 31 December 2024

It was **moved** by Councillor Draisma and seconded by Councillor Larkins that Council receive this legal status update summary report and note that the following approximate amounts have been expended as at 31 December 2024 on the legal matters itemised:

- NSW Land & Environment Court = \$650,024.82
- Supreme Court matters = \$12,870.60 + \$74,000 (costs)
- Federal Court matters = \$48,302.76
- Local Court matters = \$58,351.48
- Blue Haven = \$380,239.00
- General legal/Probity advice = \$83,824.87
- Code of Conduct related matters = \$13,401.00

TOTAL = \$1,321,014.53 (including costs amount)

At the request of Councillor Lawton and by consent the **motion was varied**, that Council receive this legal status update summary report and note that the following approximate amounts have been expended from 1 October 2024 to 31 December 2024 on the legal matters itemised since the commencement of each individual proceeding:

- NSW Land & Environment Court = \$650,024.82
- Supreme Court matters = \$12,870.60 + \$74,000 (costs)
- Federal Court matters = \$48,302.76
- Local Court matters = \$58,351.48
- Blue Haven = \$380,239.00
- General legal/Probity advice = \$83,824.87
- Code of Conduct related matters = \$13,401.00

TOTAL = \$1,321,014.53 (including costs amount)

Councillor Draisma withdrew her support for the variation following advice from the Public Officer that the wording was incorrect.

25/029OC

At the request of Councillor Brown and by consent the **motion was varied and resolved** that Council receive this legal status update summary report and note that the following approximate amounts have been expended since the commencement of each individual proceeding as at 31 December 2024 on the legal matters itemised:

- NSW Land & Environment Court = \$650,024.82
- Supreme Court matters = \$12,870.60 + \$74,000 (costs)
- Federal Court matters = \$48,302.76
- Local Court matters = \$58,351.48
- Blue Haven = \$380,239.00
- General legal/Probity advice = \$83,824.87
- Code of Conduct related matters = \$13,401.00

TOTAL = \$1,321,014.53 (including costs amount)

(Councillors Draisma and Larkins)

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

Against: Nil

13.3 Policy adoption: Councillor and staff interaction policy

It was **moved** by Councillor Draisma and seconded by Councillor Cains that Council adopts the Councillor and staff interaction policy.

Councillor Brown foreshadowed a motion should the amendment fail the matter be deferred to receive further information from the CEO.

An **amendment was moved** by Councillor Lawton and seconded by Councillor Tatrai that Council adopts the Councillor and Staff Interaction Policy with one change to clause 4.9 deleting the sentence "*Councillors should assume a matter is confidential unless told otherwise*".

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

The amendment became the motion.

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

Against: Councillor Larkins

25/030OC

That Council adopts the Councillor and staff interaction policy with one change to clause 4.9 deleting the sentence "Councillors should assume a matter is confidential unless told otherwise".

(Councillors Lawton and Tatrai)

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

Against: Nil

14 REPORT OF THE CHIEF OPERATING OFFICER

14.1 Quarterly Budget Review and Monthly Financial Statement December 2024

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 25/023OC.

25/031OC

Resolved that Council receive and adopt the Quarterly Budget Review Statement for the quarter ending 31 December 2024 including operating revenue, expenditure, and capital budget adjustments outlined in the report.

(Councillors Matters and Larkins)

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

Against: Nil

14.2 Statement of Investments - January 2025

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 25/023OC

25/032OC

Resolved that Council:

1. Receive the information relating to the Statement of Investments as at 31 January 2025.
2. Approve the transfer of \$1,808,000 from the Blue Haven Residential Aged Care (RAC) Prudential Liquidity Management external restricted reserve to Unrestricted Funds.

(Councillors Matters and Larkins)

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

Against: Nil

15 REPORT OF THE DIRECTOR PLANNING, ENVIRONMENT AND COMMUNITIES

15.1 Endorse for public exhibition: Draft Local Housing Strategy (Draft v2)

Councillor Draisma declared a significant non-pecuniary interest, disclosed and left the chamber.

Councillor I Draisma left the meeting at 6:16 pm.

Councillor Cains **foreshadowed a motion** to move the original motion and accept an amendment from the Deputy Mayor to extend the public exhibition period past 28 days.

An **amendment was moved** by Councillor Lawton and seconded by Councillor Warren that Council defer endorsement of the Draft Local Housing Strategy (Attachment 1 of the report) and updated Kiama Local Strategic Planning Statement (Attachment 2 of the report) for public exhibition to allow for further consideration of the documents.

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

For: Councillors Lawton and Warren

Against: Councillors Brown, Cains, Larkins, Matters, McDonald and Tatrai

The foreshadowed motion was put by Councillor Cains and seconded by Councillor Matters that Council:

1. Endorse the Draft Local Housing Strategy (attachment 1 of the report) and updated Kiama Local Strategic Planning Statement (attachment 2 of the report) to be placed on public exhibition for a period not less than 28 days.
2. Consult with the community and other key stakeholders on the priorities, outcomes, strategic sites and actions contained within the Draft Local Housing Strategy.
3. Report back to Council at the June 2025 Council meeting on the outcomes of the consultation process and seek adoption of the final Local Housing Strategy and updated Local Strategic Planning Statement.
4. Continue to assess scoping proposals and Planning 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.
5. Continue to monitor dwelling approvals and completion data against the housing targets.
6. 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.
7. Accelerate the preparation of the employment lands work to support the draft local housing strategy.

25/033OC

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

1. Endorse the Draft Local Housing Strategy (Attachment 1 of the report) and updated Kiama Local Strategic Planning Statement (Attachment 2 of the report) to be placed on public exhibition for a period not less than 60 days.
2. Consult with the community and other key stakeholders on the priorities, outcomes, strategic sites and actions contained within the Draft Local Housing Strategy.
3. Report back to Council at the June 2025 Council meeting on the outcomes of the consultation process and seek adoption of the final Local Housing Strategy and updated Local Strategic Planning Statement.
4. Continue to assess scoping proposals and Planning 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.
5. Continue to monitor dwelling approvals and completion data against the housing targets.
6. 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.
7. Accelerate the preparation of the employment lands work to support the draft local housing strategy.

(Councillors Cains and Matters)

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

Against: Nil

Councillor I Draisma returned to the meeting at 06:53 pm.

15.2 Endorse for public exhibition: Kiama Library Strategic Plan 2025-29

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 25/023OC.

25/034OC

Resolved that Council :

1. Publicly exhibit the draft Kiama Library Strategic Plan 2025-2029, in accordance with Council's Community Engagement Strategy, for a period not less than 28 days.
2. If relevant submissions are received or if any substantial changes are proposed for any other reasons, receive a further report for consideration,

detailing the public exhibition outcomes and proposed changes with further recommendation regarding adoption.

3. On the day after completion of the public exhibition period. Adopt the Kiama Library Strategic Plan 2025-2029. If there are no relevant submissions received and there are no substantial changes proposed.

(Councillors Matters and Larkins)

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

Against: Nil

15.3 Quarterly Compliance Report: October to December 2024

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 25/023OC.

25/035OC

Resolved that Council:

1. Receive and note the compliance activities undertaken by the Environment & Compliance team between October-December 2024.
2. Note that a draft Enforcement/Compliance Policy will be reported to Council mid 2025 to commence community engagement.

(Councillors Matters and Larkins)

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

Against: Nil

15.4 Quarterly report: Development application lodgement/assessment and dwelling approvals/completions - October to December 2024

Councillor Draisma declared a pecuniary interest in this item, disclosed and left the chamber.

Councillor I Draisma left the meeting at 6:53 pm.

25/036OC

Resolved that Council:

1. Receive and note the Development Application lodgement and assessment timeframes and housing approvals and completions between October and December 2024.
2. Note that a similar report will be provided for the January to March 2025 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 Larkins)

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

Against: Nil

Councillor I Draisma returned to the meeting at 06:54 pm.

15.5 Post exhibition endorsement: Development Control Plan Chapter 12.11 South Kiama Urban Release Area

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 25/023OC.

25/037OC

Resolved that Council:

1. Adopt the Development Control Plan Chapter 12.11 Site Specific Controls: South Kiama Urban Release Area (Attachment 2 of the report).
2. Advise the Department of Planning, Housing and Infrastructure within 28 days of Council's resolution in accordance with the requirements clause 20(1) of the EP&A Regulation, 2021.
3. Publish the DCP on the Council's website in accordance with the requirements clause 20(2) of the EP&A Regulation, 2021.
4. Notify those who lodged submissions that the DCP Chapter 12.11 has been adopted.

(Councillors Matters and Larkins)

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

Against: Nil

16 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY

16.1 Community Land Plan of Management update

25/038OC

Resolved that Council:

1. Endorse the proposed updated Community Land Plan of Management for Neighbourhood Parks to be placed on Public Exhibition for a period of 42 days, to allow for any public submissions during this time.

2. Approve that during the public exhibition period a public hearing will be held and undertaken by an independent consultant.
3. Request that following the public exhibition, public hearing and submission stage a further report will be presented to Council for consideration of any submissions received and feedback obtained from the public hearing for the adoption or otherwise of the draft Community Land Plan of Management.

(Councillors Larkins and Brown)

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

Against: Nil

16.2 Request for additional headstone on lawn area of Jamberoo Cemetery

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 25/023OC.

25/039OC

Resolved that Council does not approve the request for additional headstones on top of the lawn section at Jamberoo Cemetery as the request is not consistent with the Cemetery Policy.

(Councillors Matters and Larkins)

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

Against: Nil

16.3 Traffic Management: Kiama Local Traffic Committee meeting - 4 February 2025

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 25/023OC.

25/040OC

Resolved that Council:

1. receive the Minutes of the Kiama Local Traffic Committee meeting held on 4 February 2025
2. adopt the following committee recommendations, subject to the following:
25/003LTC

The new driveway/forecourt arrangement for Werri Beach Holiday Park, with the following conditions:

1. Provide pedestrian crossing signage from both directions of the footpath, using the following signage:

- (a) Pedestrian Crossing Ahead signage (W6-2) as vehicles will be - turning into' the crossing, perhaps some ahead signage on Bridges Road would be useful.
 - (b) Pedestrian Crossing signage (R3-1) at the crossing
 - (c) Consideration of No Stopping on approach and departure of crossing (R5-400).
2. Pedestrian crossing will need to be a minimum of 3 metres in width. The ideal width would be 3.6 metres.
 3. No stopping signs to be laced around the driveway boundary to ensure vehicles actually enter the park before stopping.

25/004LTC

The traffic changes associated with the Kiama Beach Tag event on 1 March 2025 from 7:00 a.m. to 9:00 p.m. be approved subject to organisers complying with the following conditions:

1. The event organiser complies with the Traffic Management Plans shown.
2. Notification of the closures be given to Police, local emergency services, businesses and affected residents.
3. An advertisement be placed in the local media including Council website advising of the closure a minimum of seven days prior to the event.
4. Hostile vehicle barrier to be placed at the O'Keefe Place/Bonaira Street intersection.

(Councillors Matters and Larkins)

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

Against: Nil

17 REPORTS FOR INFORMATION

17.2 Gerringong Surf Life Saving Club Licence Agreement

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

1. Congratulate Gerringong Surf Lifesaving Club (GSLSC) on their amazing work obtaining Federal, State, Local government and sponsorship funding to build a new community asset, being the new clubhouse and associated facilities, along with their continued commitment to the local community and visitors.
2. Work with GSLSC to occupy the new building so the club can patrol Warri Beach and provide training and education to its members including its nippers program.

3. Work with GSLSC to find a pathway/solution which will allow the Kiosk to continue to operate, noting the kiosk provides a critical income stream to the club.
4. Investigate opportunities, including but not limited to potential rezonings, reclassifications and alternative lease arrangements, to enable the GSLSC clubhouse to be used for a broader range of commercial operations, like most other surf clubs in NSW.
5. Subject to compliance with section 2.74 of the NSW *State Environmental Planning Policy (Transport and Infrastructure) 2021*, facilitate the construction of a new concrete footpath from the existing footpath on the western side of Pacific Avenue to the public toilet facilities on the southern side of the new GSLSC clubhouse to enable access to these facilities, noting GSLSC is ready to build this path.

Councillor Draisma foreshadowed a motion should the amended motion fail supporting the removal of point 4 of Councillor Brown's motion and varying point 3.

Councillor Draisma raised a **point of order** that Councillor Warren's statements brought a member of the public into disrepute. The Chair ruled that Councillor Warren retract her statement, which she did. It is noted that no apology was requested contrary to (Clause 15.12 (c) of the Code of Meeting Practice.

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

1. Congratulate Gerringong Surf Lifesaving Club (GSLSC) on their amazing work obtaining Federal, State, Local government and sponsorship funding to build a new community asset, being the new clubhouse and associated facilities, along with their continued commitment to the local community and visitors.
2. Work with GSLSC to occupy the new building so the club can patrol Warri Beach and provide training and education to its members including its nippers program.
3. Work with GSLSC to find a pathway/solution which will allow the Kiosk to operate according to approved conditions of consent, and all other planning requirements.
4. Subject to compliance with section 2.74 of the NSW *State Environmental Planning Policy (Transport and Infrastructure) 2021*, facilitate the construction of a new concrete footpath from the existing footpath on the western side of Pacific Avenue to the public toilet facilities on the southern side of the new GSLSC clubhouse to enable access to these facilities, noting GSLSC is ready to build this path.

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

For: Nil.

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

At 7.35pm Cr Brown raised a **point of order** that the livestream of the meeting had stopped working. The Chair accepted the point of order and adjourned the meeting.

Procedural motion: suspension of standing orders**25/041OC**

That at 7.35pm the meeting be adjourned in order to ascertain the status of the meeting's live streaming problems.

(Councillors McDonald and Matters)

Procedural motion: resumption of standing orders**25/042OC**

that at this time, 7:45pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Brown and Draisma)

The meeting resumed debate on Item 17.2 Gerringong Surf Life Saving Club Licence Agreement.

Councillor Lawton raised a **point of order** that Councillor Brown had incorrectly referred to the **reclassification** of land, when the item was dealing with the classification. The Chair accepted the point of order and Councillor Brown clarified that he was referring to the land classification.

25/043OC

An **amended motion** was put by Councillor Draisma and seconded by Councillor Larkins, and **resolved** that Council

1. Congratulate Gerringong Surf Lifesaving Club (GSLSC) on their work in obtaining Federal, State, Local government and sponsorship funding to build a new community asset, being the new clubhouse and associated facilities, along with their continued commitment to the local community and visitors.
2. Work with GSLSC to occupy the new building so the club can patrol Warri Beach and provide training and education to its members including its nippers program.
3. Receive a report on the history of the previous and current GSLSC kiosk, including the permissibility under the current lease, land classification and zoning, as well as, any considerations for future compliance of a kiosk at the clubhouse. Noting that the kiosk provides a critical income stream to the club.
4. Subject to compliance with section 2.74 of the NSW State Environmental Planning Policy (Transport and Infrastructure) 2021, facilitate the construction of a new concrete footpath from the existing footpath on the western side of Pacific Avenue to the public toilet facilities on the southern side of the new

GSLSC clubhouse to enable access to these facilities, noting GSLSC is ready to build this path.

(Councillors Draisma and Larkins)

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

Against: Nil

25/044OC

Resolved that the following Reports for Information listed for the Council's consideration be received and noted;

- 17.1 Councillors McDonald and Matters' report on attendance at the Local Government NSW Annual Conference 2024
- 17.3 Outstanding Questions with Notice Register - February 2025
- 17.4 Resolution Register - October 2024 to December 2024 and update on previous periods
- 17.5 Response to resolution 24/365OC - Notice of Motion: Amendment to clause 4.2C of the Kiama Local Environment Plan.

(Councillors Brown and Draisma)

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

Against: Nil

18 LATE ITEMS

Nil.

19 QUESTIONS WITH NOTICE

19.1 Question with notice: Parking on Manning Street Kiama

What actions is council currently taking to address parking availability opposite Surf Beach on Manning Street for people not attending Wednesday Farmers Markets?

The question was answered in the report for this item.

20 NOTICE OF MOTION

Procedural motion: extension of time

25/045OC

Resolved that Council in accordance with clause 18.2 of the Code of Meeting Practice extend the meeting time by 15 minutes.

(Councillors Larkins and Draisma)

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

Against: Councillors Brown, Tatrai and Warren

20.1 Notice of motion: Gerringong to Gerroa coastal path

It was moved by Councillor Matters and seconded by Councillor Larkins that Council:

1. Delegate to the CEO to prepare a report to a future council meeting outlining:
 - (a) the previous/historical plans for the location of the track
 - (b) a suggested approach and program to seek agreement with the affected landowners for the grant of right of access or other appropriate easement.
2. Include this body of work into the draft Delivery Program and Operational Plan 2025-26 for public consultation and future adoption and refer the item to the forward budget estimates register for consideration as part of the budget for the next financial year.
3. Consider alternatives to outright ownership, including creation of easements or right of way over the subject land.

(Councillors Matters and Larkins)

Councillor Cains raised a **point of order** that Councillor Lawton's amendment needed to be lawful and should refer to landowners not leaseholders or stakeholders. The Chair ruled that leaseholders was acceptable but Councillor Lawton agreed to refer to landowners.

Councillor Draisma raised a **point of order** that Councillor Lawton could not speak to the amendment at this point. The Chair accepted this point.

25/046OC

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

1. Delegate to the CEO, the preparation of a report to a future Council meeting, outlining:
 - a. The previous/historical plans for the location of the track
 - b. A suggested approach and program to seek agreement with the landowners regarding the options of either outright purchase via the

Coastal Land Protection Scheme or negotiation of an easement for each portion of the track

- c. a list of costs for the establishment and long-term management of the project for each option as well as other perceived benefits for each option, particularly in terms of long term management.
2. Include this body of work into the draft Delivery Program and Operational Plan for 2025/26 for public consultation and future adoption.
3. Refer the item to the forward budget estimates register for consideration as part of the budget for the next financial year.
4. As part of the preparation of the report, liaise with Professor Bruce Thom to assist with the background information, particularly the development and planning of Stage 1 and the understanding of the Coastal Lands Protection Scheme.

(Councillors Lawton and Draisma)

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

Against: Councillor Tatrai

20.2 Notice of motion: Kiama Harbour Revitalisation Program and Showground Management Plan Working Group

Councillor Draisma raised a **point of order** that Councillor Cains required a seconder before he could speak to the motion. The Chair called for a seconder and Councillor Brown seconded the motion.

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

1. Provides an approximation of costs for the formation of a working group tasked with advancing the Kiama Harbour Revitalisation Plan and the Showgrounds Management Plan.
2. Outlines opportunities within the existing budget framework to allocate funding for the working group without requiring additional expenditure beyond current financial commitments.
3. Considers this body of work for inclusion in the draft Delivery Program and Operational Plan 2025-26, ensuring these projects are aligned with Council's strategic priorities and long-term planning objectives.

Procedural motion: extension of time

25/047OC

Resolved that Council:

1. In accordance with clause 18.2 of the Code of Meeting Practice extend the meeting time by 5 minutes

2. adjourn all other agenda items for the ordinary meeting to be considered at the time of the Extraordinary Council meeting being held on 24 February 2025.

(Councillors Draisma and Larkins)

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

Against: Nil

25/048OC

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

1. Provides an approximation of costs for the formation of a working group tasked with advancing the Kiama Harbour Revitalisation Plan and the Showgrounds Management Plan.
2. Considers this body of work for inclusion in the draft Delivery Program and Operational Plan 2025-26, ensuring these projects are aligned with Council's strategic priorities and long-term planning objectives.

(Councillors Cains and Brown)

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

Against: Nil

The meeting was adjourned at 8.13pm.

The meeting reconvened at 7.13pm on Monday 24 February 2025

OPENING OF MEETING

The Mayor opened the meeting at 7.13pm.

WEBCASTING STATEMENT

The Mayor stated that the meeting is being recorded and made publicly available on the Council website, and that persons attending the meeting should refrain from making any defamatory statements.

ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the traditional owners.

STATEMENT OF ETHICAL OBLIGATIONS

The Mayor read the statement of ethical obligations:

Councillors are reminded of their oaths or affirmations of office under section 233A of the Act and their obligations under the Code of Conduct to disclose and appropriately manage any conflicts of interest.

APOLOGIES

Apology

25/049OC

Resolved that the apology tendered from Councillor Matters be accepted and the leave of absence granted.

(Councillors Draisma and Cains)

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

Against: Nil

Councillor Warren read a statement regarding the retraction of her statements at the 18 February 2025 meeting made during item 17.2 *Gerringong Surf Life Saving Club Licence Agreement* about the president of the club, noting a public apology was to be published by The Bugle.

21 CONFIDENTIAL SUMMARY

Public Representations:

The Mayor called for representations regarding issues which had been proposed to be disclosed in Confidential Committee of the Whole.

No such representations were received.

21.1 Exclusion Of Press And Public:

25/050OC

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

22.1 BLUE HAVEN UPDATE - JANUARY 2025

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 CONFIDENTIAL NOTE TO COUNCILLORS - UNSOLICITED PROPOSAL

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

22.3 TENDER: PRINTING SOLUTIONS

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 Larkins and Brown)

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

Against: Nil

Procedural motion: Enter into confidential committee of the whole

25/051OC

Resolved that at this time, 7.18pm, Council form itself into a Confidential Committee of the Whole to deal with items 22.1 to 22.3.

(Councillors Larkins and Draisma)

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

Against: Nil

Procedural motion: in globo

25/052OC

Resolved that Council move in globo and adopt the recommendations contained within the report for items 22.1, 22.2 and 22.3.

(Councillors Draisma and Larkins)

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

Against: Nil

22 CONFIDENTIAL REPORTS

22.1 Blue Haven Update - January 2025

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 25/052OC.

25/053OC

Resolved that Council note the information provided in the Blue Haven update report for February 2025.

(Councillors Draisma and Larkins)

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

Against: Nil

22.2 Confidential note to Councillors - Unsolicited proposal

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 25/052OC.

25/054OC

Resolved that Council endorse the unsolicited proposal to proceed to the next stage of the process in line with Council's Unsolicited Proposal Policy. A further report will be presented to Council outlining a final binding offer with the proponent.

(Councillors Draisma and Larkins)

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

Against: Nil

22.3 Tender: Printing Solutions

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 25/052OC.

25/055OC

Resolved that Council:

1. Accept the tender from Asset Professional Services for the provision of Managed Printer Services for Kiama Municipal Council.
2. Authorise the CEO to sign documentation relating to the tender.

(Councillors Draisma and Larkins)

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

Against: Nil

Close of Confidential Committee of the Whole:

25/056OC

Resolved that at this time, 7.19pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Draisma and Cains)

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

Against: Nil

Adoption of Report

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

Procedural motion: confirm and adopt recommendations

25/057OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 25/052OC to 25/056OC be confirmed and adopted.

(Councillors Draisma and Lawton)

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

Against: Nil

23 CLOSURE

There being no further business the meeting closed at 7.21pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 18 March 2025.

.....
Mayor