



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 21 JANUARY 2025

Gerringong Town Hall
Fern Street, Gerringong NSW 2534

**MINUTES OF THE ORDINARY MEETING OF
THE COUNCIL OF THE MUNICIPALITY OF KIAMA
HELD IN THE GERRINGONG TOWN HALL
ON TUESDAY 21 JANUARY 2025 AT 5 PM**

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

IN ATTENDANCE: Jane Stroud – Chief Executive Officer
Ed Paterson – Director Planning, Environment and Communities
Seren McKenzie – 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.

The Chair acknowledged the members of the community and local lifesavers, paid and voluntary, that have worked to keep our beaches safe.

2 WEBCASTING STATEMENT

The Chair advised the meeting was being livestreamed and recorded and would be made publicly available on the Council website. Persons attending the meeting should refrain from making any defamatory statements.

3 ACKNOWLEDGEMENT OF COUNTRY

The Mayor declared the meeting open and acknowledged the traditional owners.

4 STATEMENT OF ETHICAL OBLIGATIONS

The Chair reminded Councillors of their oaths or affirmations of office under section 233A of the Local Government Act 1993 and their obligations under the Code of Conduct to disclose and appropriately manage any conflicts of interest.

5 APOLOGIES

Apology

25/001OC

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

(Councillors Draisma and Tatrai)

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

Against: Nil

Procedural motion

25/002OC

Resolved that due to the limitations of the audio equipment, Councillors be excused from the requirement to stand when speaking.

(Councillors Matters and Draisma)

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

Against: Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary meeting held on 10 December 2024

25/003OC

Resolved that the Minutes of the Ordinary meeting held on 10 December 2024 together with associated attachments be received and accepted.

(Councillors Cains and Lawton)

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

Against: Nil

7 BUSINESS ARISING FROM THE MINUTES

Councillor Brown commented on the great success of the 2024 New Year's Eve Sky Show and acknowledged the efforts of Council's Tourism and Events Team.

8 DISCLOSURE OF INTEREST

Disclosure of Interest - Councillor Draisma

Councillor Draisma declared a less than significant non-pecuniary interest in item 22.1 *Blue Haven Update – December 2024* as Councillor Draisma is a financial member of the Health Services Union NSW/ACT. Councillor Draisma proposed to disclose and vote on the matter.

Disclosure of Interest - Councillor Tatrai

Councillor Tatrai declared a pecuniary interest in item 22.3 *Service Reviews: Waste Services, Holiday Parks, Parks & Gardens Maintenance Unit, Tourism & Events and The Pavilion Kiama* as Councillor Tatrai has products for sale at the Kiama Visitor Information Centre. This report was for information only.

Disclosure of Interest - Councillor Lawton

Councillor Lawton declared a less than significant non-pecuniary interest in item 22.3 *Service Reviews: Waste Services, Holiday Parks, Parks & Gardens Maintenance Unit, Tourism & Events and The Pavilion Kiama* as the managers of the Kendalls Beach Holiday Park are acquaintances of Councillor Lawton. This report was for information only.

Disclosure of Interest - Councillor Cains

Councillor Cains declared a less than significant non-pecuniary interest in item 13.2 *Request for funding assistance: Kiama Show 2025* as Councillor Cains has an incidental association with the Kiama Show Society. Councillor Cains proposed to disclose and vote on this matter.

Disclosure of Interest - Councillor Cains

Councillor Cains declared a less than significant non-pecuniary interest in item 22.3 *Service Reviews: Waste Services, Holiday Parks, Parks & Gardens Maintenance Unit, Tourism & Events and The Pavilion Kiama* as his family stays at Kendalls Beach Holiday Park each year. This report was for information only.

Disclosure of Interest - Councillor McDonald

Councillor McDonald declared a less than significant non-pecuniary interest in item 13.2 *Request for funding assistance: Kiama Show 2025* as Councillor McDonald is a former Kiama Show Society Committee member and the Mayor is the patron of the Kiama Show Society. Councillor McDonald proposed to disclose and vote on this matter.

9 TABLING OF PETITIONS AND OTHER DOCUMENTS

Councillor Lawton tabled a letter from Crown Lands on behalf of Minister Kamper in response to Council's letter dated 29 July 2024 in relation to categories for Plans of Management for Council-managed Crown Lands.

Attachments

- A Response from Michelle Wood Executive Director, Strategy, Policy and Transformation | Crown Lands dated 02/09/2024 - on behalf of Minister Kamper regarding Crown Land Plan of Management

10 PUBLIC FORUM SUMMARY

Mark Croxford	17.2	Response to Councillor Croxford’s question with notice: financial mismanagement, project management failures and payout transparency
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11 MAYORAL MINUTE

Nil.

12 MINUTES OF COMMITTEES

12.1 Minutes: Audit, Risk and Improvement Committee - 4 December 2024

25/004OC

Resolved that the Minutes of the Audit, Risk and Improvement Committee meeting held on 4 December 2024 be received and accepted.

(Councillors Lawton and Brown)

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

Against: Nil

12.2 Minutes: Blue Haven Advisory Committee - 11 December 2024

25/005OC

Resolved that the Minutes of the Blue Haven Advisory Committee meeting held on 11 December 2024 be received and accepted.

(Councillors Draisma and Tatrai)

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

Against: Nil

12.3 Minutes: Finance Advisory Committee - 5 December 2024

It was **moved** by Councillor Lawton and seconded by Councillor Draisma that the Minutes of the Finance Advisory Committee meeting held on 5 December 2024 be received and accepted.

Councillor Lawton and Councillor Draisma withdrew their support in moving and seconding the motion, and the motion **lapsed**.

25/006OC

Resolved that the Minutes of the Finance Advisory Committee meeting held on 5 December 2024 be deferred to the 18 February 2025 ordinary meeting for the full record of the minutes to be reported.

(Councillors Brown and Draisma)

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

Against: Nil

13 REPORT OF THE CHIEF EXECUTIVE OFFICER

13.1 Australian Local Government Association National General Assembly 2025 - Councillor attendance and call for motions

25/007OC

Resolved that Council:

1. Approve the attendance of Councillors McDonald, Cains, Lawton and Larkins to the Australian Local Government Association's National General Assembly held in Canberra on 24-27 June 2025.
2. Submit any motions for the National General Assembly to the Australian Local Government Association prior to 31 March 2025.

(Councillors Brown and Tatrai)

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

Against: Nil

13.2 Request for funding assistance: Kiama Show 2025

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

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

It was **moved** by Councillor Brown and seconded by Councillor Lawton that Council defer consideration of the request for funding from the Kiama Show Society to the 18 February 2025 ordinary Council meeting to allow for further consideration of Council policy and to invite a formal application from the Kiama Show Society.

Councillor Cains **foreshadowed a motion** to waive the hire fees for The Pavilion Kiama for the 2025 Kiama Show.

Councillor Draisma raised a **point of order** that Councillor Cains cannot speak to his foreshadowed motion. The Chair ruled this was correct and discussion continued on Councillor Brown's motion.

Councillor Brown withdrew his motion and the motion **lapsed**.

Councillor Draisma raised a **point of order** that the foreshadowed motion will need to include the amount of \$10,520 being the fee amount. The Chair ruled the point correct and the motion was amended

The foreshadowed motion was **moved** by Councillor Cains and seconded by Councillor Tatrai that Council waive the venue hire for The Pavilion Kiama of \$10,520 for the purposes of holding the Kiama Show 2025.

25/008OC

At the request of Councillor Lawton and by consent the **motion was varied** as follows:

That Council:

1. Waive the venue hire for The Pavilion Kiama of \$10,520 for the purposes of holding the Kiama Show 2025.
2. Delegate to the CEO to arrange a future meeting with the Kiama Show Society to align future funding plans.

(Councillors Cains and Tatrai)

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

Against: Nil

14 REPORT OF THE CHIEF OPERATING OFFICER

14.1 Enterprise Risk Framework - Risk Appetite Statements

25/009OC

Resolved that Council approve the Risk Appetite and Tolerance Table.

(Councillors Brown and Cains)

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

Against: Nil

14.2 Statement of Investments - November 2024**25/0100C****Resolved** that Council:

1. Receive the information relating to the Statement of Investments as at 30 November 2024.
2. Approve the transfer of \$2,050,000 from the internally restricted Blue Haven Independent Living Unit Prudential Cover to Unrestricted Funds.

(Councillors Draisma and Cains)

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

Against: Nil

14.3 Statement of Investments - December 2024**25/0110C****Resolved** that Council receive the information relating to the Statement of Investments as at 31 December 2024.

(Councillors Draisma and Warren)

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

Against: Nil

15 REPORT OF THE DIRECTOR PLANNING, ENVIRONMENT AND COMMUNITIES**15.1 Kiama's visitor economy: Exploring the potential of a Special Entertainment Precinct (SEP)****25/0120C****Resolved** that Council:

1. Review the existing Tourism and Events Strategic Plan with a view to convert it into a Visitor Economy Strategy, incorporating the relevant findings/recommendations of:
 - a. Kiama Major Events Impact Review and Recommendations Report
 - b. Kiama Regional Economic Development Strategy
 - c. Tourism & Events Service Review
 - d. NSW Vibrancy Reforms

2. Consult with the Kiama Special Entertainment Precinct working group and licensed venue operators on an appropriate Kiama Special Entertainment Precinct boundary.
3. Provide a report to the ordinary February 2025 Council meeting to confirm an appropriate Kiama Special Entertainment Precinct boundary.

(Councillors Draisma and Brown)

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

Against: Nil

16 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY

16.1 Traffic management: Kiama Local Traffic Committee meeting - 10 December 2024

25/0130C

Resolved that Council receive the Minutes of the 'out of round' Kiama Local Traffic Committee meeting held on 10 December 2024 and the following recommendation be adopted, subject to the following:

24/036LTC the traffic changes associated with the Kiama Downs SLSC Australia Day event on Sunday 26 January 2025 from 7:00 am to 12:00 pm be approved subject to organisers complying with the following conditions:

1. The event organiser complies with the Traffic Management Plans.
2. Notification of the closures be given to bus operators, Police, local emergency services, businesses and affected residents.
3. An advertisement be placed in the local media advising of the closure a minimum of seven days prior to the event.
4. Notice placed on Council's website a minimum of seven days prior to the event.
5. No access to North Kiama Dr signage at entrance to the carpark on Johnson Street between Johnson Street and North Kiama Drive.
6. Consideration of a physical barrier (ie parked Traffic control vehicle) at the North Kiama Drive driveway of the carpark to ensure no vehicles can make it into the closed precinct.

(Councillors Brown and Lawton)

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

Against: Nil

17 REPORTS FOR INFORMATION

25/014OC

Resolved that the following Reports for Information are received and noted:

17.1 Outstanding Questions with Notice Register – January 2025

17.2 Response to Councillor Croxford's question with notice: financial mismanagement, project management failures and payout transparency.

(Councillors Tatrai and Cains)

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

Against: Nil

18 LATE ITEMS

Nil. The supplementary item 22.3 is a confidential matter.

19 QUESTIONS WITH NOTICE

19.1 Question with notice: Bombo staircase

Can the CEO update Council on the status of the Bombo staircase and advise on the timing of further works and also completion?

This question was responded to in the report to Council.

20 NOTICE OF MOTION

Nil.

21 CONFIDENTIAL SUMMARY

Public Representations:

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

No such representations were received.

21.1 Exclusion Of Press And Public:**25/015OC**

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 - DECEMBER 2024

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

22.2 TENDER: WERRI BEACH HOLIDAY PARK - AMENITIES BUILDING

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 SERVICE REVIEWS: WASTE SERVICES, HOLIDAY PARKS, PARKS & GARDENS MAINTENANCE UNIT, TOURISM & EVENTS AND THE PAVILION KIAMA

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 Lawton and Draisma)

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

Against: Nil

Procedural motion: to enter Confidential Committee of the Whole**25/016OC**

Resolved that at this time, 6.08pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations of items 22.1, 22.2 and 22.3 subject to the consideration of any representations relating to such action.

(Councillors Draisma and Tatrai)

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

Against: Nil

22 CONFIDENTIAL REPORTS

22.1 Blue Haven Update - December 2024

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

It was **moved** by Councillor Draisma and seconded by Councillor Lawton that Council note the information provided in the Blue Haven update report for December 2024.

Councillor Draisma and Councillor Lawton withdrew their support in moving and seconding the motion, and the motion **lapsed**.

25/017OC

Committee recommendation that Council note:

1. the information provided in the Blue Haven update report for December 2024
2. the Supreme Court hearing of the matter of Kiama Municipal Council v Richard Crookes Construction is to proceed to a directions hearing on 14 February 2025.

(Councillors Draisma and Lawton)

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

Against: Nil

22.2 Tender: Werri Beach Holiday Park - amenities building

It was **moved** by Councillor Lawton and seconded by Councillor Tatrai that this matter be deferred as Councillors do not have adequate information to hand and some questions have not been addressed to Councillors' satisfaction.

Councillor Cains raised a **point of order** that the motion be put. The Chair ruled Councillor Cains request was out of order as there had only been speakers in favour of the item and that debate would continue.

25/018OC

At the request of Councillor Brown and by consent the **committee recommendation was varied** as follows:

That Council defer item 22.2 *Tender: Werri Beach Holiday Park - amenities building* to the 18 February 2025 ordinary Council meeting to address the questions that have been raised by Councillors.

(Councillors Lawton and Tatrai)

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

Against: Nil

22.3 Service Reviews: Waste Services, Holiday Parks, Parks & Gardens Maintenance Unit, Tourism & Events and The Pavilion Kiama

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

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

Councillor Tatrai declared a pecuniary interest in this matter, disclosed and voted.

25/019OC**Committee recommendation that Council:**

1. Note the Waste Services, Holiday Parks, Tourism & Events, Parks & Gardens Maintenance Unit and The Pavilion service reviews.
2. Note that an extraordinary February 2025 Council meeting is requested to enable Council to receive business cases for key strategic recommendations of the above listed services reviews and to finalise the draft strategic Roadmap.

(Councillors Brown and Tatrai)

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

Against: Nil

Procedural motion: Close of Confidential Committee of the Whole**25/020OC**

Committee recommendation that at this time, 6.57pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Draisma and Cains)

For: Councillors Brown, Cains, Draisma, 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: confirmation of recommendations

25/021OC

Resolved that the Confidential Committee of the Whole recommendations for items 22.1, 22.2 and 22.3 be confirmed and adopted.

(Councillors Draisma and Matters)

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

Against: Nil

23 CLOSURE

There being no further business the meeting closed at 7.02pm.

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

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Mayor