



MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL

commencing at 4 pm on

MONDAY 24 FEBRUARY 2025

Council Chambers
11 Manning Street, KIAMA NSW 2533

**MINUTES OF THE EXTRAORDINARY MEETING OF
THE COUNCIL OF THE MUNICIPALITY OF KIAMA
HELD IN THE COUNCIL CHAMBERS
ON MONDAY 24 FEBRUARY 2025 AT 4 PM**

PRESENT: Mayor – Councillor C McDonald (Chair)
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 opened the meeting at 4pm.

2 WEBCASTING STATEMENT

The Chair 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.

3 ACKNOWLEDGEMENT OF COUNTRY

The Chair acknowledged the traditional owners.

4 STATEMENT OF ETHICAL OBLIGATIONS

The Chair 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.”

Councillor Tatrai entered the meeting at 4.02pm

5 APOLOGIES

25/058OC

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

(Councillors Larkins and Lawton)

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

Against: Nil

6 DISCLOSURE OF INTERES

Nil.

Procedural motion: matter of urgency

25/059OC

Resolved that Council in accordance with clause 3.42 of the Code of Meeting Practice, consider Councillor Draisma's motion on the Special Entertainment Precinct as a matter of urgency on the grounds that the SEP Kickstart Grant Program applications close on 12 March 2025, which is before the next Council meeting.

(Councillors Draisma and Larkins)

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

Against: Nil

Motion: Special Entertainment Precinct

25/060OC

Resolved that Council:

1. Establish a Kiama Town Centre Special Entertainment Precinct, as demonstrated by this report, to be inclusive of properties along:
 - (a) Minnamurra Street between Shoalhaven Street and Collins Street,
 - (b) Shoalhaven Street between Minnamurra Street and Akuna Street,
 - (c) Collins Street between Minnamurra Street and Akuna Street,
 - (d) Terralong Street between Thomson Street and Blowhole Point Road
 - (e) Manning Street between Terralong Street and Barney Street,

- (f) Bong Bong Street between Railway Parade and The Pavilion Kiama,
 - (g) Railway Parade between Bong Bong Street and Terralong Street, and
 - (h) Akuna Street between Shoalhaven Street and Collins Street.
2. Note that the Kiama Town Centre Special Entertainment Precinct would include Hindmarsh Park, the Kiama Harbour Precinct and the Kiama Showground Precinct.
3. As part of establishing the Kiama Town Centre Special Entertainment Precinct:
- (a) apply for the Special Entertainment Precinct Kickstart Grant Program, and
 - (b) undertake the necessary consultation with property owners, residential tenants, local businesses within the Precinct and the broader community.

Note that as part of undertaking the Gerringong Town Centre Study, further consideration will be given to appropriate planning mechanisms to support the entertainment industry in Gerringong.

(Councillors Draisma and Larkins)

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

Against: Nil

7 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.

7.1 Exclusion Of Press And Public:

25/0610C

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.

8.1 WASTE SERVICES - BUSINESS CASE ARISING FROM THE SERVICE REVIEW

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 and details of systems and/or arrangements that have been

implemented to protect council, councillors, staff and Council property as per Section 10A(2)(f) of the Local Government Act.

8.2 KIAMA COAST HOLIDAY PARKS - BUSINESS CASE ARISING FROM THE SERVICE REVIEW

Reason for Confidentiality: This matter deals with details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property as per Section 10A(2)(f) of the Local Government Act.

8.3 KIAMA LEISURE CENTRE - BUSINESS CASE ARISING FROM THE SERVICE REVIEW

Reason for Confidentiality: This matter deals with details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property as per Section 10A(2)(f) of the Local Government Act. The information in this report could create unnecessary concern for staff and public.

8.4 TOURISM AND EVENTS - BUSINESS CASE ARISING FROM THE SERVICE REVIEW

Reason for Confidentiality: This matter deals with details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property as per Section 10A(2)(f) of the Local Government Act.

8.5 THE PAVILION KIAMA - BUSINESS CASE ARISING FROM THE SERVICE REVIEW

Reason for Confidentiality: This matter deals with details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property as per Section 10A(2)(f) of the Local Government Act.

8.6 PARKS AND GARDENS - BUSINESS CASE ARISING FROM THE SERVICE REVIEW

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 and details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property as per Section 10A(2)(f) of the Local Government Act.

8.7 BLUE HAVEN BONAIRA SALE UPDATE

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

(Councillors Draisma and Tatrai)

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

Against: Nil

Procedural motion: Confidential Committee of the Whole**25/062OC**

Resolved that at this time, 4.28pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Larkins and Brown)

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

Against: Nil

8 CONFIDENTIAL REPORTS**8.1 Waste Services - Business case arising from the service review**

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

1. Note the three options for the operations of Hire Services as outlined in the Waste Service Business Case.
2. Endorse the implementation of Option 2, as outlined in the Waste Services Business Case.
3. Delegate to the CEO to undertake all necessary engagement and consultation associated with this resolution.

25/063OC

The motion was varied by consent and **resolved** that Council:

1. Note the three options for the operations of Hire Services as outlined in the Waste Service Business Case.
2. Endorse the implementation of Option 2, as outlined in the Waste Services Business Case.
3. Delegate to the CEO to execute and undertake all necessary engagement and consultation associated with this resolution, and receive a quarterly report to a future ordinary meeting on progress.

(Councillors Brown and Cains)

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

Against: Councillor Draisma

8.2 Kiama Coast Holiday Parks - Business case arising from the service review

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

1. Note the three options for the operations of the Kiama Coast Holiday Parks as outlined in the Kiama Coast Holiday Parks Business Case.
2. Endorse the implementation of Option 2, as outlined in the Kiama Coast Holiday Parks Business Case.
3. Delegate to the CEO to undertake all necessary engagement and consultation associated with this resolution.

25/064OC

The motion was varied by consent and **resolved** that Council:

1. Note the three options for the operations of the Kiama Coast Holiday Parks as outlined in the Kiama Coast Holiday Parks Business Case.
2. Endorse the implementation of Option 2, as outlined in the Kiama Coast Holiday Parks Business Case.
3. Delegate to the CEO to execute and undertake all necessary engagement and consultation associated with this resolution, and receive a quarterly report to a future ordinary meeting on progress.

(Councillors Brown and Larkins)

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

Against: Nil

8.3 Kiama Leisure Centre - Business case arising from the service review

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

1. Note the three options for the operations of the Kiama Leisure Centre as outlined in the Kiama Leisure Centre Business Case.
2. Endorse the investigations of the commercial viability of both Options 2 and 3, as outlined in the Kiama Leisure Centre Business Case.
3. Delegate to the CEO to undertake all necessary engagement and consultation associated with this resolution.

25/065OC

The motion was varied by consent and **resolved** that Council:

1. Note the three options for the operations of the Kiama Leisure Centre as outlined in the Kiama Leisure Centre Business Case.
2. Endorse the investigations of the commercial viability of both Options 2 and 3, as outlined in the Kiama Leisure Centre Business Case.

3. Delegate to the CEO to execute and undertake all necessary engagement and consultation associated with this resolution, and receive a quarterly report to a future ordinary meeting on progress.

(Councillors Cains and Warren)

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

Against: Councillors Draisma and Larkins

Standing orders were suspended at 5:47pm for a recess.

Standing orders resumed at 5.55pm.

Councillor Draisma returned to the meeting at 5.56pm.

8.4 Tourism and Events - Business case arising from the service review

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

1. Note the options for the operations of the Tourism & Events as outlined in the Tourism & Events Business Case.
2. Endorse the implementation of Option 2, as outlined in Tourism & Events Business Case.
3. Delegate to the CEO to undertake all necessary engagement and consultation associated with this resolution.

25/066OC

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

1. Note the options for the operations of the Tourism & Events as outlined in the Tourism & Events Business Case.
2. Endorse the implementation of Option 2, as outlined in Tourism & Events Business Case and extend the trial period for a total period of 18 months.
3. Delegate to the CEO to execute and undertake all necessary engagement and consultation associated with this resolution, and receive a quarterly report to a future ordinary meeting on progress.

(Councillors Lawton and Tatrai)

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

Against: Nil

8.5 The Pavilion Kiama - Business case arising from the service review

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

1. Note the four options for the operations of The Pavilion Kiama as outlined in The Pavilion Kiama Business Case.
2. Endorse the implementation of Option 2, as outlined in The Pavilion Kiama Business Case.
3. Delegate to the CEO to undertake all necessary engagement and consultation associated with this resolution.

25/067OC

The motion was varied by consent and **resolved** that Council:

1. Note the four options for the operations of The Pavilion Kiama as outlined in The Pavilion Kiama Business Case.
2. Endorse the implementation of Option 2, as outlined in The Pavilion Kiama Business Case.
3. Delegate to the CEO to execute and undertake all necessary engagement and consultation associated with this resolution, and receive a quarterly report to a future ordinary meeting on progress.

(Councillors Lawton and Larkins)

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

Against: Nil

8.6 Parks and Gardens - Business case arising from the service review

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

1. Note the three options for the operations of the Parks and Gardens Maintenance Unit as outlined in the Parks and Gardens Service Review Business Case.
2. Endorse the implementation of Option 2, as outlined in the Parks and Gardens Service Review Business Case.
3. Delegate to the CEO to undertake all necessary engagement and consultation associated with this resolution.

25/068OC

The motion was varied by consent and **resolved** that Council:

1. Note the three options for the operations of the Parks and Gardens Maintenance Unit as outlined in the Parks and Gardens Service Review Business Case.

2. Endorse the implementation of Option 2, as outlined in the Parks and Gardens Service Review Business Case.
3. Delegate to the CEO to execute and undertake all necessary engagement and consultation associated with this resolution, and receive a quarterly report to a future ordinary meeting on progress.

(Councillors Warren and Tatrai)

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

Against: Councillors Draisma and Larkins

8.7 Blue Haven Bonaira Sale Update

It was **moved** by Councillor Lawton and seconded by Councillor Brown that Council receive and note the report on the update of the Blue Haven Bonaira sale.

25/069OC

The motion was varied by consent and **resolved** that Council.

1. Receive and note the report on the update of the Blue Haven Bonaira sale.
2. Receive the correspondence from Hall and Prior at 7:52pm on Friday 21 February 2025 seeking a third and final extension to settlement of the contract for a period of 15 business days.
3. Approve the 15 business day extension noting that clause 28.4 of the contract will not be waived and Council reserves its full rights to impose penalties for all costs incurred from 28 February 2025.
4. Require that Hall and Prior prepare in consultation with Council's communications staff, a communique to residents and staff concerning this matter.
5. Note the industrial relations dispute was successfully resolved through a by-consent application lodged by Kiama Municipal Council and five (5) unions on 24 February 2025.
6. Reiterate its full commitment to protecting the rights of staff through the transition process, noting that staff entitlements and working conditions that are no less favourable have been retained.

(Councillors Lawton and Brown)

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

Against: Nil

Close of Confidential Committee of the Whole:**25/0700C**

Resolved that at this time, 7.02pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Larkins and Draisma)

For: Councillors Brown, Cains, Draisma, Larkins, Lawton, 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.

Confidential Committee of the Whole recommendation**25/0710C**

Resolved that that the Confidential Committee of the Whole recommendations numbered 25/0630C to 25/0700C be confirmed and adopted.

(Councillors Tatrai and Draisma)

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

Against: Nil

9 CLOSURE

There being no further business the meeting closed at 7.09pm.

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



Mayor