



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

**commencing at 5.00pm on**

**TUESDAY 19 MARCH 2024**

Council Chambers  
11 Manning Street, KIAMA NSW 2533

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**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF  
THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS  
ON TUESDAY 19 MARCH 2024 AT 5.00PM**

**PRESENT:** Acting Mayor – Councillor I Draisma (Chair),  
Councillors M Brown, K Rice, W Steel, J Keast, S Larkins,  
K Renkema-Lang and M Croxford

**IN ATTENDANCE:** Jane Stroud – Chief Executive Officer  
Jessica Rippon – Director Planning, Environment and Communities  
Michael Malone – Director Infrastructure and Liveability  
Joe Gaudiosi – Chief Operating Officer  
Olena Tulubinska – Chief Financial Officer  
Daryl Hagger – Special Projects

### **1 OPENING OF MEETING**

The Chair opened the meeting at 5pm.

### **2 WEBCASTING STATEMENT**

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

### **3 ACKNOWLEDGEMENT OF COUNTRY**

The Chair 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 Act and their obligations under the Code of Conduct to disclose and appropriately manage any conflicts of interest.

### **5 APOLOGIES**

**24/0420C**

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

(Councillors Steel and Larkins)

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

Against: Nil

**Procedural motion: Councillor excused from standing****24/043OC**

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

(Councillors Draisma and Keast)

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

Against: Nil

**6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****6.1 Ordinary Council on 13 February 2024****24/044OC**

**Resolved** that the Minutes of the Ordinary Council meeting held on 13 February 2024 be received and accepted.

(Councillors Larkins and Keast)

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

Against: Nil

**Procedural motion: reduce speaking time**

A procedural motion was requested by Councillor Croxford, in accordance with clause 10.28 of the Code of Meeting Practice that Councillors must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time. The procedural motion was not accepted by the Chair.

It was moved by Councillor Croxford and seconded by Councillor Steel that Council in accordance with clause 10.30 of the Code of Meeting Practice, shorten the duration of speeches to three (3) minutes to expedite the consideration of business at the meeting.

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

For: Councillors Croxford and Steel

Against: Councillors Brown, Draisma, Keast, Larkins, Renkema-Lang and Rice

**7 BUSINESS ARISING FROM THE MINUTES**

Nil.

**8 DISCLOSURE OF INTEREST****Disclosure of Interest - Councillor Renkema-Lang**

Councillor Renkema-Lang declared a less than significant non-pecuniary interest in Item 15.1 10.2023.92.1 – 19 and 21 Bourrool Street, Kiama as Councillor Renkema-Lang is a member of the Kiama Lions Club and the speaker on this matter at the public forum is also a member. Councillor Renkema-Lang proposed to disclose and vote on this matter.

**Disclosure of Interest - Councillor Brown**

Councillor Brown declared a less than significant non-pecuniary interest in Item 19.3 Rescission of motion 24/035OC: Item 19.1 of the 13 February 2024 Ordinary Council meeting as he is related in-law to an impacted resident. Councillor Brown proposed to disclose and vote on this matter.

**Disclosure of Interest - Councillor Keast**

Councillor Keast declared a less than significant non-pecuniary interest in Item 15.1 10.2023.92.1 - 19 and 21 Bourrool Street, Kiama as the person who spoke at the public access forum is known to Councillor Keast through her daughter. Councillor Keast proposed to disclose and vote on this matter.

**9 TABLING OF PETITIONS AND OTHER DOCUMENTS**

Nil.

**10 PUBLIC FORUM SUMMARY**

<b>Name</b>	<b>Item No.</b>	<b>Subject</b>
Stuart Dixon from Cowman Stoddart	15.1	10.2023.92.1 – 19 and 21 Bourrool Street, Kiama
Rick Scott-Murphy	15.1	10.2023.92.1 – 19 and 21 Bourrool Street, Kiama
Craig Pontey	16.1	Request for funding assistance: Gerringong Surf Life Saving Club reconstruction
Richard Payne	16.1	Request for funding assistance: Gerringong Surf Life Saving Club reconstruction
Rob Lawrence Scott Cram	19.3	Rescission of motion 24/035OC: item 19.01 of the 13 February 2024 Ordinary Council meeting
Brian Guillaumier	19.3	Rescission of motion 24/035OC: item 19.01 of the 13 February 2024 Ordinary Council meeting

Name	Item No.	Subject
Ian Factor	22.3	Sale of land – 10 South Kiama Drive, Kiama (Lot 100 DP1231831)

## 11 MAYORAL MINUTE

Nil.

### Procedural motion: In globo resolutions

#### 24/045OC

**Resolved** that Council move in globo and adopt the recommendations contained within the report for items 12.1, 12.2, 12.3, 12.4, 13.2, 13.3, 14.1, 15.3, 16.3 and note the reports for items 17.1, 17.3, 17.4 and 17.6.

(Councillors Larkins and Brown)

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

Against: Nil

## 12 MINUTES OF COMMITTEES

### 12.1 Minutes: Audit, Risk and Improvement Committee Meeting - 27 February 2024

This item was moved as part of the in globo recommendation – refer minute 24/045OC.

#### 24/046OC

**Resolved** that the Minutes of the Audit, Risk and Improvement Committee meeting held on 27 February 2024 be received and the recommendations therein noted.

(Councillors Larkins and Brown)

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

Against: Nil

**12.2 Minutes: Blue Haven Advisory Committee meeting - 19 February 2024**

This item was moved as part of the in globo recommendation – refer minute 24/045OC.

**24/047OC**

Resolved that Council note and receive the Minutes of the Blue Haven Advisory Committee meeting held on 19 February 2024.

(Councillors Larkins and Brown)

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

Against: Nil

**12.3 Minutes: Finance Advisory Committee meeting - 14 February 2024**

This item was moved as part of the in globo recommendation – refer minute 24/045OC.

**24/048OC**

Resolved that Council receive and note the Minutes of the Finance Advisory Committee meeting held on 14 February 2024.

(Councillors Larkins and Brown)

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

Against: Nil

**12.4 Minutes: Sustainable Communities Committee - 27 February 2024**

This item was moved as part of the in globo recommendation – refer minute 24/045OC.

**24/049OC**

Resolved that the Minutes of the Sustainable Communities Committee meeting held on 27 February 2024 are received and noted.

(Councillors Larkins and Brown)

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

Against: Nil

**12.5 Minutes: Tourism and Economic Advisory Committee - 30 January 2024****24/0500C**

**Resolved** that the Minutes of the Tourism and Economic Advisory Committee Meeting held on 30 January 2024 be received and the recommendations therein noted.

(Councillors Brown and Steel)

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

Against: Nil

**13 REPORT OF THE CHIEF EXECUTIVE OFFICER****13.1 Post exhibition endorsement: Media Policy****24/0510C**

**Resolved** that Council adopts the Media Policy and publish to the Council website.

(Councillors Larkins and Keast)

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

Against: Councillors Renkema-Lang and Rice

**13.2 Small Community Event Funding Program Assessment**

This item was moved as part of the in globo recommendation – refer minute 24/0450C.

**24/0520C**

**Resolved** that Council endorses the recommendations by the internal grant assessment panel for round two of the Small Community Event Grant program to the following value:

	<b>Applicant</b>	<b>Event</b>	<b>Date</b>	<b>Value of support</b>
1	Kiama Community Garden	Song-growing intergenerational initiative	13 May, 14 Jul, 16 Sep and 11 Nov	<b>410</b>
2	Jamberoo Preschool	AT – Culture Visit	27 May	<b>1,200</b>
3	Life Together	Intentional Living	24 Jul	<b>350</b>
4	Kiama High School	70 <sup>th</sup> Birthday Celebration	16 Nov	<b>500</b>

5	Kiama Rotary	Walk Against Domestic Violence	17 Nov	1,140
6	Kiama Rotary	2024 Christmas in July Trivia Night	26 Jul	900
7	Kiama Rotary	Festival of Choirs	13 Oct	1,500
	Total			\$6,000

(Councillors Larkins and Brown)

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

Against: Nil

### 13.3 Finance Advisory Committee - Expressions of Interest for member vacancy and updated Terms of Reference

This item was moved as part of the in globo recommendation – refer minute 24/045OC.

#### 24/053OC

**Resolved** that Council:

1. considers the two applicants, determining to appoint Mr P Currie to the Finance Advisory Committee and thanks Mr K Whiteman for his application.
2. adopts the revised Terms of Reference for the Finance Advisory Committee.

(Councillors Larkins and Brown)

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

Against: Nil

## 14 REPORT OF THE CHIEF OPERATING OFFICER

### 14.1 January 2024 Monthly Financial Report

This item was moved as part of the in globo recommendation – refer minute 24/045OC.

#### 24/054OC

**Resolved** that Council

1. notes the Monthly Financial Report for January 2024.
2. allocates \$100,000 budget for safety upgrade works at domestic waste handling facility.

(Councillors Larkins and Brown)



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

Against: Nil

#### **14.2 Statement of Investments: February 2024**

##### **24/055OC**

**Resolved** that Council:

1. notes the information relating to the Statement of Investments as at 29 February 2024.
2. establishes an external restricted reserve required under the Roads Act 1993 Part 4 Division 6 Section 43.4.

(Councillors Keast and Larkins)

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

Against: Nil

#### **14.3 Half Yearly Report - Delivery Program and Operational Plan - July 2023 to December 2023**

##### **24/056OC**

**Resolved** that Council:

1. notes the half-yearly progress report of the Delivery Program 2022-2026 and the Operational Plan 2023-2024 for the period July to December 2023.
2. notes that the management of the public health and safety legislation and compliance, for onsite sewerage systems, has commenced and therefore the statement on page 138 will be amended to reflect this status.

(Councillors Keast and Larkins)

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

Against: Nil

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

#### **15.1 10.2023.92.1 - 19 and 21 Bourrool Street, Kiama**

##### **Disclosure of interest**

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

Councillor Renkema-Lang foreshadowed moving an amended motion.

### 24/057OC

**Resolved** that Council:

1. supports 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. approves development application No 10.2023.92.1 for the demolition and construction of a residential flat building with basement parking, drainage works and landscaping subject to the appropriate conditions of consent.
3. advises persons who made a submission on development application No 10.2023.92.1 of Council's decision.

(Councillors Brown and Steel)

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

Against: Councillors Keast, Renkema-Lang and Rice

## 15.2 Endorse for public exhibition: draft Grants and Donations Policy and Guidelines

### 24/058OC

An **amended motion was moved** by Councillor Keast and seconded by Councillor Rice that Council:

1. places the draft Grants and Donations Policy and Guidelines on public exhibition for a period of 28 days, subject to:
  - a. the inclusion in section 10 of the Policy, an explanation of the role of Advisory Committees in the Grants and Donations process;
  - b. an additional point to 10.2 of the Policy at 'the following criteria', 'additional sources of money received to fund the project/event/program'.
2. notes if submissions are received during the exhibition period a further report will be provided on any proposed amendments to policy and guideline.
3. adopts the Grants and Donations Policy and Guidelines, if no submissions are received, on the day after the completion of the public exhibition period.

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

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

Against: Nil

## 15.3 Endorse for public exhibition: Public Art and Permanent Art Collection policies and procedures

This item was moved as part of the in globo recommendation – refer minute 24/045OC.

**24/059OC****Resolved** that Council:

1. place the draft Art Collection Policy, the draft Public Art Policy on public exhibition for a period of 28 days.
2. note if submissions are received during the exhibition period a further report will be provided on any proposed amendments to these policies and procedures.
3. adopt the Art Collection Procedure Acquisition and Deaccession 2024, Art Collection Policy, Public Art Policy and Public Art Procedure, if no submissions are received, on the day after the completion of the public exhibition period.

(Councillors Larkins and Brown)

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

Against: Nil

**15.4 Growth and Housing Strategy Community Engagement**

It was **moved** by Councillor Renkema-Lang and seconded by Councillor Rice that Council:

1. does not proceed with the comprehensive engagement plan to develop a Kiama Growth and Housing Strategy at this stage.
2. seeks an urgent meeting between the Mayor, CEO, and Planning Minister and/or the Premier to highlight the key issues of the NSW Planning Reforms for local government, including an inadequate consultation period, excessive haste in introducing the reforms, the lack of clarity regarding the detail of the reforms, the financial burden on Council, the move away from Councils carefully constructed and exhibited planning controls, and the expected impact on our residential streets and neighbourhoods including our heritage conservation areas.
3. submits a motion to the next Illawarra Shoalhaven Joint Organisation meeting to seek support for collective regional action to address the key issues detailed in point 2.
4. in development of the Housing Strategy, considers the findings of recent community engagement activities including but not limited to the Lifehacks Youth Whitepaper – 19 July 2023, Councils Youth engagement workshops 2019 to 2022, consultation on the Community Strategic Plan in 2022, the Town Centre Study and the Local Strategic Planning Statement in 2020, and the 2019 Youth online survey.
5. hosts a ‘town-hall’ style meeting, for all residents and ratepayers in the Kiama local government area, to inform the community about the impact of the recent planning reforms to the Kiama local government area.

Councillor Brown raised a **point of order** that the wording “at this stage” was not appropriate and needed to be amended. The Chair, following advice from the public

officer, ruled that the amendment be changed so that the term is definitive and not open-ended.

Councillor Croxford raised a **point of order** that Mayor, Councillor Reilly has previously ruled motions out of order when Councillors were word-smithing in the Chamber as it is not considered good governance. The Chair overruled the point of order and allowed the mover to make an amendment, prior to seeking advice from staff. The CEO advised that the Councillor is able to move a motion from the floor.

An **amendment was moved** by Councillor Renkema-Lang and seconded by Councillor Rice that Council defers proceeding with the comprehensive engagement plan for the Kiama Growth and Housing Strategy subject to Council:

1. seeking an urgent meeting between the Mayor, CEO, and Planning Minister and/or the Premier to highlight the key issues of the NSW Planning Reforms for local government, including an inadequate consultation period, excessive haste in introducing the reforms, the lack of clarity regarding the detail of the reforms, the financial burden on Council, the move away from Councils carefully constructed and exhibited planning controls, and the expected impact on our residential streets and neighbourhoods including our heritage conservation areas.
2. submitting a motion to the next Illawarra Shoalhaven Joint Organisation meeting to seek support for collective regional action to address the key issues detailed in point 2.
3. considering the findings of recent community engagement activities including but not limited to the Lifesteps Youth Whitepaper – 19 July 2023, Councils Youth engagement workshops 2019 to 2022, consultation on the Community Strategic Plan in 2022, the Town Centre Study and the Local Strategic Planning Statement in 2020, and the 2019 Youth online survey.
4. hosting a ‘town-hall’ style meeting, for all residents and ratepayers in the Kiama local government area, to inform the community about the impact of the recent planning reforms to the Kiama local government area.

Councillor Croxford foreshadowed moving the staff recommendation.

The Chair requested that Councillor Renkema-Lang withdraw her comments regarding approval of high rise dwellings en masse as it was untrue and brought Council into disrepute. Councillor Renkema-Lang stated that she would clarify the comment. The Chair requested again that Councillor Renkema-Lang withdraw her comment.

Councillor Renkema-Lang withdrew her comment and requested to continue speaking.

Councillor Brown raised a **point of order** that Councillor Renkema-Lang should apologise and withdraw her statements. The Chair ruled that Councillor Renkema-Lang was not compelled to apologise but should be careful with her language.

Councillor Renkema-Lang again stated that she would withdraw her comment and clarify.

The Chair requested that Councillor Brown withdraw his comments regarding Councillor Renkema-Lang as they involved a legal matter currently in the Courts.

Councillor Brown withdrew his comments.

The Chair requested that Councillor Brown remain relevant to the actual item of business that is being debated.

Councillor Renkema-Lang raised a **point of order** that Councillor Brown was out of line, misrepresented her statements, insulted her and was raising issues that were not relevant to the agenda. The Chair ruled that Councillor Brown had already withdrawn his comments and had been asked to remain on topic.

The Chair further ruled that Councillor Brown could continue speaking but if he did not remain on topic he would be ejected from the Chamber.

Councillor Renkema-Lang raised a **point of order** that Councillor Draisma was misrepresenting her. The Chair ruled that the point of order was not accepted and that if Councillor Renkema-Lang continued to speak over the top of the Chair then Councillor Renkema-Lang would be ejected from the Chamber.

Councillor Renkema-Lang raised a **point of order** that she was being spoken over the top of. The Chair ruled that the Councillor was raising a procedural motion.

#### **24/0600C**

**A procedural motion** was moved by Councillor Brown and seconded by Councillor Croxford that the motion be put.

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

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

Against: Councillors Keast, Renkema-Lang and Rice

Councillor Renkema-Lang's amended motion on being put was **lost**.

For: Councillor Renkema-Lang

Against: Councillors Brown, Croxford, Draisma, Keast, Larkins, Rice and Steel

#### **24/0610C**

**Resolved** that Council note the comprehensive engagement plan to develop a Kiama Growth and Housing Strategy.

(Councillors Croxford and Larkins)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Rice and Steel

Against: Councillor Renkema-Lang

### **15.5 Kiama Leisure Centre Service Review**

#### **24/0620C**

**Resolved** that Council

1. Develop a draft Kiama Leisure Centre Strategy and provide this strategy to a future Council meeting for consideration.

2. Develop an implementation plan for the next steps of the service review process.
3. Undertake internal and external consultation with the community and staff about the three options that have been provided for the asset which are 1. do nothing, 2. upgrade or 3. redevelop.
4. Incorporates the future vision for the leisure centre into the business and masterplan for the wider sporting, old Havilah place and surrounding precinct and this work be completed by the implementation team as part of PIO priorities  
(Councillors Larkins and Brown)

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

Against: Nil

### **15.6 Post exhibition endorsement: Development Control Plan Chapter 13 - Agritourism**

The Chair requested that Councillor Rice retract her comments that the report is misleading. Councillor Rice retracted her statement.

Councillor Croxford raised a **point of order** that Councillor Rice was defying the ruling of the Chair. The Chair ruled that matter had been dealt with.

#### **24/063OC**

**Resolved** that Council:

1. adopts the exhibited draft DCP Chapter 13 – Agritourism, Amendment 22.
2. advises the Department of Planning, Housing and Infrastructure within 28 days of Council's resolution in accordance with the requirements clause 20 of the Environmental Planning and Assessment Regulation, 2021; and
3. reformats and publishes the adopted DCP on its website including any documents, map, plan, diagram or other material referred to in the plan.

(Councillors Croxford and Steel)

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

Against: Nil

### **15.7 Question for future meeting: Short Term Rental Accommodation**

An **amended motion** was moved by Councillor Draisma and seconded by Councillor Brown that Council:

1. notes the NSW State Government Discussion paper on short and long term accommodation.

2. notes the submission made by Council as part of this consultation process and attach the submission to the minutes.
3. continues to actively engage with other councils who have high levels of STRA properties to seek options and learnings from these locations.
4. notes the research work that is currently being undertaken by Sydney University and our council, to seek data about impacts, options and changes that have occurred in the past few years in the STRA landscape.
5. continues to work with the Department of Fair Trading and NSW Police on the management of complaints relating to STRA properties.

Councillor Croxford foreshadowed moving the staff recommendation.

### 24/064OC

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

1. notes the NSW State Government Discussion paper on short and long term accommodation.
2. notes the submission made by Council as part of this consultation process and attach the submission to the minutes.
3. continues to actively engage with other councils who have high levels of STRA properties to seek options and learnings from these locations.
4. notes the research work that is currently being undertaken by Sydney University and our council, to seek data about impacts, options and changes that have occurred in the past few years in the STRA landscape.
5. continues to work with the Department of Fair Trading and NSW Police on the management of complaints relating to STRA properties.
6. regularly updates Councillors with outcomes of Council's engagement with STRA discussions.

(Councillors Draisma and Brown)

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

Against: Nil

### Attachments

- A Letter to Department of Planning - Short Term Rental Accommodation STRA

## 16 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY

### 16.1 Request for funding assistance: Gerringong Surf Life Saving Club reconstruction

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

1. Acknowledge the efforts of the Gerringong Surf Life Saving Club to fund and undertake this significant building replacement project.

2. Approve the allocation of \$370,000 to the Capital Budget – Building & Facilities to funded from the from the Development Contributions Reserve (\$170,000) and the Unexpended Grants Reserve (\$200,000 - Local Roads & Community Infrastructure Program Phase 4, pending funder approval).
3. Delegate to the Chief Executive Officer the authority to negotiate and execute a funding agreement, to a maximum amount of \$370,000, with the Club including:
  - a. Council officer attendance at project control meetings
  - b. implementation of appropriate project governance controls and reporting frameworks to reflect council's investment and ownership of the facility
  - c. inclusion in negotiations with the funding authorities
  - d. acknowledgement of Council's funding.

At the request of Councillor Brown an amendment was moved, that Council:

1. Acknowledge the efforts of the Gerringong Surf Life Saving Club to fund and undertake this significant building replacement project.
2. Approve the allocation of \$370,000 to the Capital Budget – Building & Facilities to funded from the from the Development Contributions Reserve (\$170,000) and the Unexpended Grants Reserve (\$200,000 - Local Roads & Community Infrastructure Program Phase 4, pending funder approval).
3. Delegate to the Chief Executive Officer the authority to negotiate and execute a funding agreement, to a maximum amount of \$370,000, with the Club including:
  - a. Council officer attendance at project control meetings
  - b. Implementation of appropriate project governance controls and reporting frameworks to reflect council's investment and ownership of the facility
  - c. Convening a meeting of all funding authorities and reporting back on outcomes to Council
  - d. Acknowledgement of Council's funding contribution
  - e. Following the meeting of all funding partners, should no other alternative be found, that the remaining balance of funds to pay for the remediation of works be referred to the 2024/25 budget process for consideration.
4. Delegate to the Chief Executive Officer the authority to commence an urgent internal audit on project management and governance controls for Council owned and leased community facilities that have been subject to major redevelopment or renewal.

Councillor Renkema-Lang foreshadowed moving an alternate motion.

Councillor Rice foreshadowed moving an alternate motion.

A procedural motion to put the motion was requested by Councillor Steel and seconded by Councillor Croxford. The Chair refused the request and allowed a right of reply to Councillor Brown.



The Chair cautioned Councillor Brown not to bring the Council into disrepute with his comments.

### 24/065OC

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

1. acknowledge the efforts of the Gerringong Surf Life Saving Club to fund and undertake this significant building replacement project.
2. approve the allocation of \$370,000 to the Capital Budget – Building & Facilities to funded from the Development Contributions Reserve (\$170,000) and the Unexpended Grants Reserve (\$200,000 - Local Roads & Community Infrastructure Program Phase 4, pending funder approval).
3. delegate to the Chief Executive Officer the authority to negotiate and execute a funding agreement, to a maximum amount of \$370,000, with the Club including:
  - a. Council officer attendance at project control meetings
  - b. implementation of appropriate project governance controls and reporting frameworks to reflect Council's investment and ownership of the facility
  - c. convening a meeting of all funding authorities and reporting back on outcomes to Council
  - d. acknowledgement of Council's funding contribution.
  - e. following the meeting of all funding partners, should no other alternative be found, that the remaining balance of funds for the remediation of works as noted in item 18.2 of the supplementary business paper of an amount of \$100,600 (excluding GST) be referred to the 2024/2025 budget process for consideration.
4. Delegate to the Chief Executive Officer the authority to commence an urgent internal audit on project management and governance controls for Council owned and leased community facilities that have been subject to major redevelopment or renewal.

(Councillors Brown and Steel)

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

Against: Councillors Keast, Renkema-Lang and Rice

CEO, Jane Stroud left the meeting at 7:15pm and returned at 7:18pm.

## 16.2 Response to resolution 23/359OC - Motion: Investigating Jones Beach vegetation destruction

### 24/066OC

**Resolved** that Council:

1. note this report on the investigation of Jones Beach vegetation destruction; and
2. install small temporary signs at the site pointing out the damage and requesting information from the public.

(Councillors Keast and Brown)

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

Against: Nil

### **16.3 Traffic management: Kiama Local Traffic Committee meeting - 5 March 2024**

This item was moved as part of the in globo recommendation – refer minute 24/045OC.

#### **24/067OC**

**Resolved** that the Minutes of the Kiama Local Traffic Committee meeting held electronically on 5 March 2024 be received and the following recommendations be adopted, subject to any other approvals that may be required:

1. **24/001LTC** Trial the installation of 12m No Parking restrictions on the inside of the curve between Orana and Holden Avenues, Kiama for a period of three months, with a review at the end of the three month period to see if the restrictions are working.
2. **24/002LTC** the installation of No Stopping restrictions on both side of Shoalhaven Street Kiama, to the west of Bong Bong Street for a distance of 35m and extend the double barrier centre lines for a total length of 35m.

(Councillors Larkins and Brown)

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

Against: Nil

## **17 REPORTS FOR INFORMATION**

### **RECOMMENDATION**

That the following Reports for Information are noted

- 17.1 Designated Persons Annual Returns 2022-2023 Update
- 17.3 Question for future meeting: clarity of terminology
- 17.4 Resolution Register: November 2023 to December 2023 and update on previous periods
- 17.6 Strategic Risk Register - March 2024 update.

**17.2 Questions for Future Meetings Register - March 2024****24/068OC**

**Resolved** that Council note the Questions for Future Meetings Register for March 2024.

(Councillor Draisma)

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

Against: Nil

**17.5 Shellharbour Airport draft Master Plan****24/069OC**

**Resolved** that Council:

1. supports the work of Shellharbour City Council on its discussion on Shellharbour Airport
2. supports an upgrade to the facilities and services provided by and from Shellharbour Airport
3. notes that Kiama Council is not in a financial position to provide any monetary support for any upgrades to the existing facilities or other services.
4. provides a briefing to Councillors on this issue at a future date

(Councillors Brown and Larkins)

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

Against: Nil

**18 LATE ITEMS****18.1 Finance and Governance Plan in Response to Notice of Intention to vary a Performance Improvement Order****24/070OC**

**Resolved** that Council

1. adopt the report of the Chief Executive Officer dated and titled Finance and Governance Report and the attachment titled "Financial Sustainability and Cashflow Strategy";
2. at the next workshop of the Finance Advisory Committee the two documents adopted in recommendation (1) above be discussed with an intention to

- consolidating the finance matters into one concise document to be titled the Finance Plan as required by the Performance Improvement Order;
3. endorse the existing members of the audit and improvement committee (ARIC) to continue on in their roles for a further two years, concluding their tenure in December 2026 in order to ensure to continuity in oversight of Performance Improvement Order and financial statements; and
  4. endorse the existing members of the finance advisory committee (FAC) to continue on in their roles for a further two years, concluding their tenure in December 2026 in order to ensure to continuity in oversight of Performance Improvement Order and financial statements; and
  5. The terms of reference for both ARIC and FAC be updated as an administrative change to reflect the extended tenure as outlined in recommendation (4) above.

(Councillors Larkins and Croxford)

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

Against: Nil

## 18.2 CEO Note in respect to Item 16.1

Information report only.

CEO, Jane Stroud left the meeting at 7:24pm and returned at 7:25pm.

## 19 NOTICE OF MOTION

### 19.1 Notice of Motion: Financial sustainability of Local Government

It was moved by Councillor Renkema-Lang and seconded by Councillor Rice that:

1. Council receive and note the findings of the Local Government NSW Cost Shifting report for the 2021/2022 financial year.
2. Council writes to the Premier of NSW, the Hon Christopher Minns, the NSW Treasurer, the Hon. Daniel Mookhey MLC, and the NSW Member for Kiama, Mr Gareth Ward requesting that they urgently seek to address these costs through a combination of regulatory reform, budgetary provision and appropriate funding.
3. Council receive and note the Australian Local Governments Association's (ALGA) Federal Government Pre-Budget submission 2023-24.
4. Council writes to the Prime Minister of Australia, the Hon Anthony Albanese MP, the Treasurer of Australia, the Hon Dr Jim Chalmers MP, and the Minister for Regional Development, Local Government and Territories, the Hon Kirsty McBain MP expressing Councils support for the budget commitments detailed in the ALGA Pre-Budget Submission 2023- 2024.

5. A copy of the LGNSW cost shifting report and the ALGA Federal Pre Budget submission be placed on Council's website so that our communities can access them.

Councillor Larkins foreshadowed moving an alternate motion.

On being put Councillor Renkema-Lang's motion was **lost**.

For: Councillors Keast, Renkema-Lang and Rice

Against: Councillors Brown, Croxford, Draisma, Larkins and Steel

### 24/0710C

An **amended motion** was moved by Councillor Larkins and seconded by Councillor Croxford that Council:

1. notes the findings of the Local Government NSW (LGNSW) Cost Shifting report for the 2021/2022 financial year and places a copy of the report on Council's website so that our communities can access it; and
2. writes to the NSW Minister for Local Government, the Hon Ron Hoenig MP and the Federal Minister for Local Government and Territories, the Hon Kristy McBain MP, in response to the LGNSW Cost Shifting report and the NSW Government's 2024 review of the financial model for local government to seek to address cost shifting through a combination of regulatory reforms, remodelling rating methodology review, budgetary provisions and more appropriate funding models.

(Councillors Larkins and Croxford)

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

Against: Nil

CEO, Jane Stroud left the meeting at 7:33pm and returned at 7:35pm.

### 19.2 Notice of Motion: PIO Oversight and Implementation Committee

Councillor Keast raised a **point of order** that the Notice of Motion could not be accepted as it does not identify the funding source. The Chair ruled that the source of funding was included in Councillor Larkins' submitted notice of motion form, as advised by the CEO, so the Notice of Motion is allowable.

### 24/0720C

A **procedural motion** was put by Councillor Rice and seconded by Councillor Larkins that in accordance with section 18.2 of the Code of Meeting Practice the meeting be extended by 15 minutes.

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

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

Against: Nil

### 24/0730C

**Resolved** that Council:

1. Establish a Performance Improvement Order (PIO) implementation and oversight committee. That the committee is a sunset committee, as outlined under council's committee's framework policy, and lapses following the completion of the current PIO for Council.
2. That the committee be composed of the councillors from the CEO Performance Review Committee, the CEO and staff involved in the implementation team who are responsible for the delivery and project management of the PIO requirements.
3. That a report be provided on the establishment of the committee, which includes a draft term of reference and committee membership. The report to also examine additional review of areas such as;
  - a. Unexpected and unanticipated financial costs on council.
  - b. Ongoing costs of legal action involving council.
  - c. Insurance matters and risks.
  - d. Other issues as recommended or provided by Council's Audit, Risk and Improvement Committee (ARIC), and Finance Advisory Committee (FAC) for examination by the committee.
  - e. the dilapidation report for Blue Haven Terralong.
  - f. Council restructure and size of the organisation.

(Councillors Larkins and Draisma)

For: Councillors Brown, Croxford, Draisma and Larkins

Against: Councillors Keast, Renkema-Lang, Rice and Steel

On the **casting vote** of the Acting Mayor the motion was **carried**.

### 19.3 Rescission of motion 24/035OC: Item 19.1 of the 13 February 2024 Ordinary Council meeting

Councillor Croxford raised a **point of order** that if the motion was successful the September 2023 would stand. Following advice from the CEO, the Chair ruled that the September motion had been substantially implemented and therefore concluded.

**24/074OC**

A **procedural motion** was moved by Councillor Croxford and seconded by Councillor Larkins that in accordance with section 18.2 of the Code of Meeting Practice the meeting be extended by 15 minutes.

On being put the procedural motion was **carried**.

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

Against: Councillor Brown

Councillor Croxford raised a **point of order** that he would foreshadow moving the staff recommendation. The Chair ruled that this was not a point of order in regards to the Code of Meeting Practice.

**24/075OC**

A **procedural motion** was moved by Councillor Larkins and seconded by Councillor Brown that the motion be put.

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

**24/076OC**

An **amended motion** was moved by Councillor Rice and seconded by Councillor Renkema-Lang that Council rescind resolution 24/035OC of the February 2024 ordinary meeting and return the matter to the Kiama Local Traffic Committee for further discussion and recommendation.

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

(Councillors Rice and Renkema-Lang)

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

Against: Councillors Croxford, Draisma and Larkins

**20 QUESTIONS FOR FUTURE MEETINGS**

Not called for.

**21 CONFIDENTIAL SUMMARY****24/077OC**

**Resolved** that at this time, 8:17am, 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 Brown and Keast)

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

Against: Nil

### Public Representations:

The Mayor called for representations regarding issues which had been proposed to be disclosed in Confidential Committee of the Whole. No such representations were received.

### 21.1 Exclusion Of Press And Public:

#### 24/0780C

**Committee recommendation** 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 10.2023.134.1 - 110 TERRALONG STREET, KIAMA

**Reason for Confidentiality:** This matter deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege as per Section 10A(2)(g) of the Local Government Act.

#### 22.2 BLUE HAVEN 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 and information that would, if disclosed, confer a commercial advantage on a competitor of the council as per Section 10A(2)(dii) of the Local Government Act.

#### 22.3 SALE OF LAND - 100 SOUTH KIAMA DRIVE, KIAMA (LOT 100 DP1231831)

**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 Keast and Brown)

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

Against: Nil



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**22 CONFIDENTIAL REPORTS****22.1 10.2023.134.1 - 110 Terralong Street, Kiama****24/0790C****Committee recommendation** that Council note:

1. The legal update on the Land and Environment court proceedings for the proposed development at 110 Terralong Street Kiama.
2. That these proceedings have been brought to the Land and Environment court by the applicant under deemed refusal provisions of the Environmental Planning and Assessment Act 1979.

(Councillors Brown and Larkins)

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

Against: Nil

**22.2 Blue Haven Update****24/0800C****Committee recommendation** that Council note the information provided in the Blue Haven Update report.

(Councillors Larkins and Brown)

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

Against: Nil

**22.3 Sale of land - 100 South Kiama Drive, Kiama (Lot 100 DP1231831)****24/0810C****Committee recommendation** that Council:

1. Note the commencement of the sale process for 100 South Kiama Drive, Kiama (Lot 100 DP 1231831), by public auction.
2. Set the reserve price for auction as recommended in the body of this report.
3. Delegate to the Chief Executive Officer and/or Mayor authorisation to sign and execute all documentation in relation to the contract of sale including the seal of Council.
4. Delegate the Chief Executive Officer and/or Mayor to enter into a contract of sale for 100 South Kiama Drive, Kiama (Lot 100 DP 1231831) and effect immediate exchange of contracts if sold at auction in event the market reserve is achieved.

(Councillors Croxford and Brown)

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

Against: Councillor Larkins

### **Close of Confidential Committee of the Whole:**

#### **24/082OC**

**Committee recommendation** that at this time, 8.23 pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Croxford and Steel)

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

Against: Nil

### **Adoption of Report**

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

#### **24/083OC**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 24/078OC to 24/082OC be confirmed and adopted.

(Councillors Steel and Croxford)

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

Against: Nil

### **Proclamation of thanks**

#### **24/084OC**

**Resolved** that Council give heartfelt thanks and appreciation to Daryl Hagger for the contribution he has made to Kiama Municipal Council during the period overlapping the appointment of the temporary advisor and subsequent periods of bridges over troubled waters.

(Councillors Croxford and Draisma)

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

Against: Nil

**23 CLOSURE**

There being no further business the meeting closed at 8:28pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 16 April 2024.



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Acting Mayor