



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

commencing at 5pm on

**TUESDAY 17 OCTOBER 2023**

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,  
KIAMA, ON TUESDAY 17 OCTOBER 2023 AT 5PM**

**PRESENT:** Mayor – Councillor N Reilly,  
Deputy Mayor – Councillor I Draisma,  
Councillors M Brown, 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

## **1 OPENING OF MEETING**

The Mayor opened the meeting at 5pm.

## **2 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.

## **3 ACKNOWLEDGEMENT OF COUNTRY**

The Mayor acknowledged the Traditional Custodians of Dharawal Country, the Wodi Wodi people and recognised their continued connection to the land, paying respect to elders past, present and emerging and the contribution that they make to our community.

## **4 STATEMENT OF ETHICAL OBLIGATIONS**

The Mayor 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

### Apology

**23/279OC**

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

(Councillors Brown and Keast)

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

Against: Nil

## 6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### 6.1 Ordinary Council on 19 September 2023

**23/280OC**

**Resolved** that the Minutes of the Ordinary Council meeting held on 19 September 2023 be received and accepted.

(Councillors Renkema-Lang and Larkins)

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

Against: Nil

## 7 BUSINESS ARISING FROM THE MINUTES

Nil

## 8 DISCLOSURE OF INTEREST

Nil

## 9 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

## 10 PUBLIC FORUM SUMMARY

Nil

## 11 MAYORAL MINUTE

### 11.1 Megan Dalley Memorial, Trainee of the Year Award 2023

**23/281OC**

**Resolved** that Council congratulates Ellah Cooper on the receipt of the 'Megan Dalley Trainee of the Year Award' for 2023.

(Councillors Reilly and Keast)

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

Against: Nil

### 11.2 Australian Coastal Council's Association - NSW member nomination

**23/282OC**

At the request of Councillor Brown and by consent, the **motion was varied** and resolved as follows:

That Council:

1. Endorses Councillor Reilly's nomination as a candidate for election to be a NSW representative on the Australian Coastal Councils Association Committee of Management.
2. Thanks Councillor Renkema-Lang for her service on the Australian Coastal Council's Association committee.

(Councillors Reilly)

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

Against: Nil

### 11.3 Request for donation: Kiama Art Society Art Exhibition 2024

Councillor Keast raised a point of order that the proposed motion is not urgent therefore does not meet the Code of Meeting Practice. The Mayor ruled this as an urgent matter and overruled the point of order.

**23/283OC**

**Resolved** that Council make a financial contribution of \$2,300 to the Kiama Art Society for the 2024 Art Exhibition.

(Councillors Reilly and Steel)

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

Against: Nil

**Procedural motion: In globo resolutions**

**23/284OC**

**Resolved** that Council move in globo and adopt the recommendations contained within the report for items 12.1, 12.2 and 14.1.

(Councillors Draisma and Larkins)

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

Against: Nil

## 12 MINUTES OF COMMITTEES

### 12.1 Minutes: Kiama Local Traffic Committee Meeting - 3 October 2023

This item was moved as part of the in globo recommendation – 23/284OC

**23/285OC**

**Resolved** that Council:

1. Note the Minutes of the Kiama Local Traffic Committee meeting held on 3 October 2023.
2. Adopt the following recommendations as endorsed by the Kiama Local Traffic Committee:

**23/037LTC** The traffic changes associated with the Changing Tides Festival event on 16 and 17 December 2023 to 6:00am to midnight, through the closure of Bong Bong Street from the entrance of the showground to Manning Street, be approved subject to the organisers complying with the following conditions:

- I. The event organiser complies with the Traffic Management Plans shown in attachment 1 of the report.
- II. The organisers shall be responsible for the supply, erection and removal of all traffic control devices, equipment and personnel associated with the implementation of the approved Traffic Management Plan.
- III. Lodgement with Council of an application for a Section 138 Roads Act permit and payment of associated fee.

- IV. Notification of proposed traffic changes be given to police, local emergency services, businesses and residents effected by the closure.
- V. An advertisement be placed in the local media advising of the closure and traffic changes.
- VI. Proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event.
- VII. Substantial water-filled and mobile barriers (allowing access and egress for residents) to restrict hostile vehicle movements to be in place at corner of Bong Bong Street and Manning Street and at the eastern end of Terralong St (pages 19 and 20 of supplied Traffic Management Plan).

**23/038LTC** the implementation of a 'No Stopping' zone at Barton Drive, through the installation of regulatory signage and line marking.

(Councillors Draisma and Larkins)

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

Against: Nil

## **12.2 Sustainable Communities Advisory Committee Meeting - 26/09/2023**

This item was moved as part of the in globo recommendation – 23/284OC

### **23/286OC**

**Resolved** that the Minutes of the Sustainable Communities Advisory Committee meeting held on 26 September 2023 be received together with the Terms of Reference for the Committee, and the following recommendations therein accepted being:

23/001SCA - that the Sustainable Communities Advisory Committee adopt the Terms of Reference for the Committee subject to changing the number of community representatives from 3 to 4 under the "Membership" section.

23/002SCA - that the Sustainable Communities Advisory Committee agreed to the reframing of the Local Government Awards and for the awards to be held during Local Government Week.

(Councillors Draisma and Larkins)

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

Against: Nil

**12.3 Minutes: Finance Advisory Committee meeting - 25 September 2023**

It was **moved** by Councillor Larkins and **seconded** by Councillor Brown that the Minutes of the Finance Advisory Committee meeting held on 25 September 2023 be received and the recommendations therein accepted, being:

- 23/025FAC that the Finance Advisory Committee receives and notes the Monthly Financial Report
- 23/027FAC that the Finance Advisory Committee note the report and the Finance Team be commended for their input and efforts over the 2021-22 period.
- 23/028FAC that the Finance Advisory Committee Receives and notes the information relating to the Statement of Investments as at 31 August 2023.
- 23/029FAC that the Finance Advisory Committee notes the information update pertaining to the sale of Blue Haven Bonaira and updated activities.
- 23/030FAC that the Finance Advisory Committee receives and notes the update on financial sustainability across Council.
- 23/031FAC that the Finance Advisory Committee receives and notes an average accommodation entry price increase of 7% to Blue Haven Bonaira and Terralong Independent Living Units.
- 23/032FAC that the Finance Advisory Committee receives the action tracker updates for September 2023.
- 23/033FAC that the Finance Advisory Committee note and receive the report on the financial performance for Blue Haven 2022 v 2023.

The following amendment was **moved** by Councillor Renkema-Lang and **accepted** by the mover, at which point Councillor Brown withdrew his second and Councillor Keast **seconded** the amendment that:

- 1) The Minutes of the Finance Advisory Committee meeting held on 25 September 2023 be received and the recommendations therein accepted, being:
  - 23/025FAC that the Finance Advisory Committee receives and notes the Monthly Financial Report
  - 23/027FAC that the Finance Advisory Committee note the report and the Finance Team be commended for their input and efforts over the 2021-22 period.
  - 23/028FAC that the Finance Advisory Committee Receives and notes the information relating to the Statement of Investments as at 31 August 2023.
  - 23/029FAC that the Finance Advisory Committee notes the information update pertaining to the sale of Blue Haven Bonaira and updated activities.
  - 23/030FAC that the Finance Advisory Committee receives and notes the update on financial sustainability across Council.
  - 23/031FAC that the Finance Advisory Committee receives and notes an average accommodation entry price increase of 7% to Blue Haven Bonaira and Terralong Independent Living Units.

23/032FAC that the Finance Advisory Committee receives the action tracker updates for September 2023.

23/033FAC that the Finance Advisory Committee note and receive the report on the financial performance for Blue Haven 2022 v 2023.

- 2) Having noted the recommendations of the Finance Advisory Committee as outlined in recommendation 1 above, that Council further requests from the Chief Executive Officer a rolling month by month Forward Cashflow report on a quarterly basis, and a report on short term rental accommodation cost recovery strategies adopted by other NSW Local Government Areas (such as Byron Bay).

Councillor Brown raised a point of order that Councillor Renkema-Lang's amendment was out of order. The Mayor rejected the point of order.

Councillor Croxford foreshadowed the original motion.

On being **put** the motion was **lost** on the casting vote of the Mayor.

For: Councillors Draisma, Keast, Larkins and Renkema-Lang

Against: Councillors Brown, Croxford, Reilly and Steel

### **23/287OC**

**Resolved** that the Minutes of the Finance Advisory Committee meeting held on 25 September 2023 be received and the recommendations therein accepted, being:

23/025FAC that the Finance Advisory Committee receives and notes the Monthly Financial Report

23/027FAC that the Finance Advisory Committee note the report and the Finance Team be commended for their input and efforts over the 2021-22 period.

23/028FAC that the Finance Advisory Committee Receives and notes the information relating to the Statement of Investments as at 31 August 2023.

23/029FAC that the Finance Advisory Committee notes the information update pertaining to the sale of Blue Haven Bonaira and updated activities.

23/030FAC that the Finance Advisory Committee receives and notes the update on financial sustainability across Council.

23/031FAC that the Finance Advisory Committee receives and notes an average accommodation entry price increase of 7% to Blue Haven Bonaira and Terralong Independent Living Units.

23/032FAC that the Finance Advisory Committee receives the action tracker updates for September 2023.

23/033FAC that the Finance Advisory Committee note and receive the report on the financial performance for Blue Haven 2022 v 2023.

(Councillors Croxford and Draisma)



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

Against: Nil

## 13 REPORT OF THE CHIEF EXECUTIVE OFFICER

### 13.1 Endorse for public exhibition: Draft Media Policy

**23/288OC**

**Resolved** that Council:

1. Proceed to public exhibition for a period of 28 days on the draft Media Policy to seek community feedback.
2. Note if submissions are received during the exhibition period a further report will be provided on any proposed amendments to the draft Media Policy.
3. Adopt the draft Media Policy if no submissions are received on the day after the completion of the public exhibition period.

(Councillors Larkins and Croxford)

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

Against: Councillor Renkema-Lang

### 13.2 Presentation of the 2021/22 Annual Financial Statements

**23/289OC**

**Resolved** that Council

1. Note the report on the presentation of the 2021/22 Annual Financial Statements.
2. Formally present the 2021/22 Audited Financial Statements and Audit Reports to the public in accordance with sections 418 and 419 of the Local Government Act 1993.

(Councillors Croxford and Brown)

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

Against: Nil

## 14 REPORT OF THE CHIEF OPERATING OFFICER

### 14.1 August 2023 Monthly Financial Report

This item was moved as part of the in globo recommendation – 23/284OC

**23/290OC**

**Resolved** that Council receive and adopt the Monthly Financial Report for August 2023.

(Councillors Draisma and Larkins)

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

Against: Nil

### 14.2 Designated Persons Annual Returns 2022-2023

**23/291OC**

**Resolved** that Council:

1. Note the names and positions set out on page 2 of Attachment 1 of this report who have been identified as the designated persons for the lodgement of Disclosure of Interest Forms for Kiama Municipal Council, for the period 1 July 2022 to 30 June 2023; and
2. Note the tabling of the Pecuniary Interest Register 2022/2023 comprising the Disclosure of Interest returns for designated staff and independent representatives of the Audit, Risk and Improvement Committee for the 2022-2023 financial year.
3. Noting that Councillor Croxford's form and that belonging to M Parish be updated to state "No" in response to the questions (F) of the form, this detail having been subsequently confirmed in writing.

(Councillors Brown and Larkins)

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

Against: Nil

### 14.3 Statement of Investments - September 2023

Councillor Brown raised a point of order against Councillor Renkema-Lang that the questions are nonsensical. The Mayor agreed that these were detailed questions of a comprehensive nature and during his ruling Councillor Renkema-Lang interrupted raising a point of order that under the Code of Meeting Practice a speaker may talk to a particular issue for 5 minutes. The Mayor sought clarification whether Councillor Renkema-Lang was challenging his ruling and whether she was raising a motion of dissent. Councillor Renkema-Lang confirmed a **motion of dissent**.

The motion of dissent was spoken to and voted on with the motion being **lost**.

For: Councillors Keast and Renkema-Lang

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

### **23/292OC**

**Resolved** that Council receives the information relating to the Statement of Investments as at 30 September 2023.

(Councillors Keast and Renkema-Lang)

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

Against: Nil

## **14.4 IP&R Half Yearly Report Jan to Jun 2023**

### **23/293OC**

**Resolved** that Council receives the half-yearly progress report of the Delivery Program 2022-2026 and the Operational Plan 2022-2023 for the period January to July 2023.

(Councillors Brown and Draisma)

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

Against: Nil

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

### **15.1 Draft Disability Inclusion Action Plan 2023-2027**

#### **23/294OC**

**Resolved** that Council:

1. Receives the report and places the Draft Disability and Inclusion Access Plan on public exhibition for a period of three weeks for the purposes of receiving community feedback on the draft document.
2. Receives a report back in November Ordinary meeting to outline the outcome of the public exhibition, and to seek endorsement the final Disability Inclusion Access Plan for submission to the New South Wales Disability Council and Minister for Disability Inclusion by 1 December 2023.
3. Adds in an additional point under Focus Area 2; *2.6 Improve accessibility for children and young people with disabilities, including for infrastructure such as playgrounds.*

4. Prior to exhibition, the following minor spelling errors are made to the Draft DIAP, Legislative, Median and Average Age of LGA residents.

(Councillors Larkins and Brown)

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

Against: Nil

## 16 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY

Nil

## 17 REPORTS FOR INFORMATION

### 23/295OC

Councillor Croxford raised a point of order and it was **resolved** that a 3 minute speaking limit be applied to item 17.1. Questions for Future Meeting Register – October 2023.

(Councillors Croxford and Steel)

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

Against: Councillor Draisma

### 17.1 Questions for Future Meeting Register – October 2023

#### 23/296OC

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

17.1 Questions for Future Meeting Register - October 2023.

(Councillors Brown and Larkins)

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

Against: Councillor Draisma

## 18 LATE ITEMS

Nil

## 19 NOTICE OF MOTION

### 23/297OC

Councillor Croxford raised a point of order and it was **resolved** that a 3 minute speaking limit be applied to items 19.1. Prohibit e-scooters and 19.2 Jamberoo Pool.

(Councillors Croxford and Steel)

For: Councillors Brown, Croxford, Larkins, Reilly, Renkema-Lang and Steel

Against: Councillors Draisma and Keast

### 19.1 Prohibit e-scooters

#### 23/298OC

**Resolved** that Council:

1. Notes the riding of e-scooters on public roads and footpaths is illegal in the Kiama Local Government area.
2. Supports this law and has no intention in advocating to change it.

(Councillors Brown and Steel)

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

Against: Councillor Renkema-Lang

### Procedural Motion

#### 23/299OC

**Resolved** that Councillor Steel remain seated during proceedings due to a faulty chair.

(Councillors Reilly and Larkins)

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

Against: Councillor Croxford

### 19.2 Jamberoo Pool

#### 23/300OC

**Resolved** that Council:

1. Notes that Jamberoo Pool is currently scheduled for reopening to the public on 3 December 2023.

2. Acknowledges the requests from the community to open Jamberoo Pool earlier due to the earlier warmer weather.
3. Notes that there are operational matters but where it is feasible and practical to do so, seeks that the pool be opened earlier than the current scheduled date.
4. Passes on its appreciation to council staff in working towards opening the pool earlier.
5. Notes the resulting budget deficit of \$11,000 that would be incurred for the early opening of the pool and includes this for consideration in Council's quarterly budget review process.

(Councillors Larkins and Draisma)

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

Against: Nil

## 20 QUESTIONS FOR FUTURE MEETINGS

### 20.1 Blue Haven Terralong

Councillor Brown requested an update on progress of the dilapidation report for Blue Haven Terralong, along with any update on the profit and loss statement of Blue Haven Terralong which incorporates depreciation.

This matter was referred to the Chief Operating Officer for consideration.

### 20.2 Investment policy

Councillor Keast requested a report addressing the following:

1. How many of Council's current investments meeting objective #4 of the Investment Policy.
2. What investments that Council currently invest in are deemed or apply sustainability/ethical filters.
3. What actions Council will take to address the recommendation outline don page 11 of the ARLO report.
4. When will the Investment Policy be updated and provided to Council for endorsement.

This matter was referred to the Chief Financial Officer for consideration.

### 20.3 Cyber security

Councillor Renkema-Lang requested a report that details the Cyber Security vulnerabilities related to Council's use of Dropbox.

The matter was referred to the Chief Operating Officer for consideration.

#### **20.4 Property divestment and liquidity strategy**

Councillor Renkema-Lang requested a report that details:

1. The variances to the 2021/2022 Annual Financial Statements (GPFS and SPFS) provided at agenda item 13.1 of 17 October 2023 meeting compared to the Financial Statements reported to Council at the meeting of 16 August 2022 and the Long-Term Financial Plan – 2023-2032.
2. The implications to and risks associated with decisions of Council related to property divestment and Councils liquidity strategy resulting from any differences.

The matter was referred to the Chief Financial Officer for consideration.

#### **20.5 Emery Park playground upgrade**

Councillor Larkins requested an update on the Emery Park playground upgrade at Gerroa, including progress on the management of Aboriginal cultural artefacts discovered at the site.

The matter was referred to the Director Infrastructure and Liveability for consideration.

#### **20.6 Shoalhaven Water**

Councillor Reilly requested a report on the possibility of Shoalhaven Water connecting utilities to the village of Jamberoo given the reluctance of Sydney Water to address the current and future requirements of the village.

The matter was referred to the Director Planning, Environment and Communities for consideration.

## **21 CONFIDENTIAL SUMMARY**

### **23/3010C**

**Resolved** that at this time, 6.51pm, 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 Reilly and Larkins)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang 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:****23/302OC**

**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 - OCTOBER 2023**

**Reason for Confidentiality:** This matter deals with 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.

(Councillors Draisma and Larkins)

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

Against: Nil

**22 CONFIDENTIAL REPORTS****22.1 Blue Haven update - October 2023****23/303OC**

**Resolved** that Council notes the information update pertaining to Blue Haven residential and community aged care operations and retirement village operations.

(Councillors Draisma and Larkins)

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

Against: Nil

**Close of Confidential Committee of the Whole:****23/304OC**

**Resolved** that at this time, 6.53pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Croxford and Steel)



For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang 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.

**23/305OC**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 23/302OC to 23/304OC be confirmed and adopted.

(Councillors Croxford and Draisma)

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

Against: Nil

**23 CLOSURE**

There being no further business the meeting closed at 6.56pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 21 November 2023

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Mayor