

20 NOTICE OF MOTION

20.1 Notice of Motion: Councillor Lawton - Listing NSW Government planning exhibitions on Your Say Kiama (KMC Website)

Clr Melinda Lawton has submitted the following Notice of Motion for consideration:

MOTION

That Council:

1. Investigate and deploy mechanisms for increasing the community's awareness of NSW Government's engagement activities on projects which relate to the Kiama Municipality, as part of finalising its review of the Community Engagement Strategy. This is to include, but not be limited to –
 - (a) Providing a standing link on Your Say Kiama to the NSW Government Have Your Say portal and the NSW Planning Portal's list of plans and policies on exhibition.
2. Request the Chief Executive Officer to report to Council within six months listing the NSW Government planning exhibitions Council has been notified of since the local government elections on 14 September 2024, the date of each notification, whether Council made a submission, and the date any submission was reported to Council, and advising whether the same listing practice should apply to other NSW Government exhibitions affecting the Kiama area, such as regional transport plans.

Signed Councillor Melinda Lawton

Enclosures

- 1 NSW planning exhibitions from Sept 2024 [⇒](#)
- 2 Kiama Council Community Engagement Strategy 2024-2028 Excerpts [⇒](#)
- 3 Notice of Motion October 2026 - Supporting Information [⇒](#)

Councillor information provided

What is the purpose of the motion?

To ensure Kiama LGA residents are notified when the NSW Government exhibits for public comment, a planning matter that has a potential to affect them and in time to have their say, by listing it on Council's own engagement site alongside Council's exhibitions.

The notification would be a notice, a closing date and a link.

Notice of Motion

20.1 Notice of Motion: Councillor Lawton - Listing NSW Government planning exhibitions on Your Say Kiama (KMC Website) (cont)

NOTE: It is not asking Council to run its own exhibition of a State document, extend a State closing date or to summarise the State's proposal.

Background to the motion

The NSW Government is changing the planning system through a long run of exhibitions. Since the current Council was elected in September 2024, the Department of Planning, Housing and Infrastructure has exhibited at least seventeen planning policies, reforms and plans that apply state-wide or cover Kiama directly, including:

- the Draft Illawarra Shoalhaven Plan (31 July to 28 September 2026), which covers Kiama directly;
- the proposed Statewide Community Participation Plan (8 April to 3 June 2026), which has since removed most residential development applications from public exhibition;
- the Low-rise housing and targeted assessment discussion paper, the Improving Development Assessment discussion paper and the standard conditions of consent (May to July 2026);
- proposed changes to coastal management (4 May to 1 June 2026).

Council does make submissions on many of these exhibitions, but Your Say Kiama lists only Council's own consultations. Residents who rely on Council for local information are not notified that a State exhibition is open, or that Council is responding to it. Both the Draft Illawarra Shoalhaven Plan and the State Community Participation Plan closed before many residents were aware and each reduces or reshapes local say in planning.

Council's Community Engagement Strategy 2024–2028 sets the standard: "If community engagement is not required or desired, Council should inform the community about the action, outcome or decision being made" (page 12). In the consultation for that Strategy, town planning and development was the subject most residents wanted to be engaged on, at 65 per cent (page 7).

The State applies the same rule to itself. Department of Customer Service Circular DCS-2024-03 (28 March 2024, mandatory) requires NSW Government entities to publish their consultations on the Have Your Say portal, "a central listing for all NSW Government public consultations currently open for comments and submissions".

Other councils already have this, for example Willoughby City Council listed the proposed Statewide Community Participation Plan on Have Your Say Willoughby, with the closing date and a link to the Planning Portal. Burwood Council did the same for the draft Sydney Plan, Cobar Shire Council for the Draft Far West Regional Plan 2041, and Camden Council keeps a standing "NSW Government" page linking to the State's consultations. Kiama's listing would go one step further by saying whether Council is making its own submission.

The cost is minimal. The information is already in hand from the Department's notice, and the page sits on Council's existing Your Say platform. A clear statement that it is a NSW Government exhibition avoids any confusion about who is consulting.

Notice of Motion

20.1 Notice of Motion: Councillor Lawton - Listing NSW Government planning exhibitions on Your Say Kiama (KMC Website) (cont)

Source of funding

Nil. Reviewing the Community Engagement Strategy is already included in the 2026/27 Budget and Operational Plan.

Chief Executive Officer response

Council's Community Engagement Strategy is a requirement of the *Local Government Act 1993* and outlines how and when Council will engage with the community on its own functions.

The suggestion to provide a link to NSW Government Have Your Say portal and the NSW Planning Portal's 'Have your say' pages has merit. Staff have reviewed the configuration of Camden Council's 'Your Voice Camden' and have commenced implementing something similar on our Your Say platform. This body of work is relatively straight forward and would not require any ongoing monitoring, reporting etc.

Providing links/tiles to specific NSW Government engagement projects would require additional monitoring and reporting. This would require dedicated officer time and resources. The various departments within the NSW Government do not deploy a standard approach to notifying or engaging with councils. Often notification is provided to a specific officer rather than the council mailbox despite notifying the various Departments of key contacts. This can occasionally lead to Council not being aware of the engagement project.

Where possible, staff prepare and report submissions to Council to ensure these submissions have the endorsement of the elected body. In conjunction, staff often provide technical submissions which are not endorsed. Recently, Council has endorsed submissions on:

- Financial Assistance Grant Methodology.
- Draft Illawarra Shoalhaven Plan.
- Draft Illawarra Shoalhaven Strategic Regional Integrated Transport Plan.
- Draft Statewide Community Strategic Plan.
- A new approach to strategic planning: Discussion Paper.
- Environmental Planning and Assessment Act Bill.
- Shoalhaven Street Rezoning.
- Inquiring into Government service delivery standards in Regional NSW Joint Standing Committee on Electoral Matters.

The regional transport plan mentioned in this NoM was responded to in February.

Council resolutions are already reported for implementation on a six-monthly basis. It is also not Council's role to act as conduit for all NSW or Federal Government enquiries, submissions or discussion papers. Each level of government has their own standards and policies for engagement and the onus is not on Council to act as a go between on various studies or bodies of work. There is also the risk that by badging or promoting it to Council residents it may be mistakenly perceived as a council led project / body of work, when it is not.

Notice of Motion

20.1 Notice of Motion: Councillor Lawton - Listing NSW Government planning exhibitions on Your Say Kiama (KMC Website) (cont)

The resources and engagement tools for each level of government far surpass Council's available resources and there is a risk that if Council chooses to undertake this task – items may be missed, and Council is inserting itself into a new role and taking on yet more responsibilities without appropriate resourcing for other levels of government. Community members or groups with specific interests can follow various Departments on LinkedIn, on the Government websites and engage directly with the relevant Departments and their local or Federal members.

It is anticipated that the revised draft Community Engagement Strategy will be presented to Council at their November 2026 meeting seeking endorsement to commence community engagement. This project has been delayed given the NSW Government's review of the Community Participation Plan (CPP) framework under the *Environmental Planning and Assessment Act 1979*. It is the advice of officers to wait for the draft CPP to be presented to Council for discussion and resolution, provide to the community for feedback prior to developing new standards, roles or tools for Council. Considering ideas in isolation of the overall document may not be the best use of limited staff resources.

It is noted that a Question on Notice regarding the Statewide CPP has been submitted for this Council meeting.

Item 20.1

20.2 Notice of Motion: Councillor Tatrai - Blue Haven Terralong Retirement Village - Financial performance, maintenance and reinvestment report

Clr Yasmin Tatrai has submitted the following Notice of Motion for consideration:

MOTION

That Council provide a report detailing the financial performance of Council owned Blue Haven Terralong Retirement Village, Kiama for each of the past six (6) years, to include, for each individual year, the following:

- (a) The total income and revenue generated by Blue Haven Terralong Retirement Village.
- (b) The total operating expenditure attributable to Blue Haven Terralong Retirement Village.
- (c) The annual operating surplus or deficit.
- (d) The amount spent on routine repairs and maintenance at Blue Haven Terralong Retirement Village.
- (e) The amount spent on capital works, asset renewal, refurbishment and upgrades at Blue Haven Terralong Retirement Village.
- (f) Any amounts budgeted for maintenance or capital works at Blue Haven Terralong Retirement Village that were not subsequently expended.
- (g) Details of any surplus income generated by Blue Haven Terralong that was transferred to, or used for, other Council operations, reserves, projects or purposes.
- (h) Where funds generated by Blue Haven Terralong Retirement Village were not reinvested into the facility, details of where those funds were allocated or expended.
- (i) The report also identify any known or identified backlog of maintenance, asset renewal or capital works at Blue Haven Terralong Retirement Village at the end of each of the six (6) financial years, where this information is available.

The report to be presented to Council prior to Council making any final determination regarding the future of sale or disposal of the Blue Haven Terralong facility.

Signed Councillor Yasmin Tatrai

Councillor information provided**What is the purpose of the motion?**

To obtain a transparent report on Blue Haven Terralong Retirement Village financial performance over the past six (6) years, including income.

Notice of Motion

20.2 Notice of Motion: Councillor Tatrai - Blue Haven Terralong Retirement Village - Financial performance, maintenance and reinvestment report (cont)

Background to the motion

Blue Haven Terralong Retirement Village is a significant Council-owned community asset that provides accommodation and care to residents, many of whom regard Blue Haven as their home.

The facility has generated significant income over many years, and before Council considers any proposal that may result in a sale or disposal this important community asset, Councillors and community should have a clear understanding of the Blue Haven Terralong Retirement Village financial history.

Of particular importance is understanding how much has been generated by the facility, whether it has operated at a surplus or deficit in each of the past six (6) years, how those funds have been used, and how much has been reinvested into maintaining and renewing the facility.

There are concerns that maintenance and capital investment in the property may not have kept pace with the income generated by the facility.

If maintenance has been deferred while income from Blue Haven has been directed elsewhere, that information should be clearly disclosed before the current condition of the asset is relied upon as a reason to support its sale.

The potential sale of a community owned Retirement Village is not simply an asset transaction. It directly affects residents for whom Blue Haven is their home, together with their families and the broader community.

Before any irreversible decision is made, Council should ensure that Councillors and the community have a complete and transparent account of the facility's financial performance, the income generated from it, the level of expenditure on maintenance and improvements, and where any surplus funds have been spent.

This report will provide the information necessary for Councillors to make an informed decision about the future of Blue Haven and ensure appropriate transparency regarding the management of this important community asset.

Source of funding

Does not involve expenditure of funds not included in the budget.

Chief Executive Officer response

The Councillor was advised by the Public Officer on Monday 12 October at 10:56am that a question on notice ought to be submitted due to the nature of this request rather than a Notice of Motion. The Councillor refused and sought to have a Notice of Motion submitted.

Under the Code of Meeting Practice 3.13 and 3.14 (a and b) this Notice of Motion requires human and financial resources to undertake work, beyond which is currently allocated budget and it has legal, strategic, policy and financial implications that require addressing. In line with 3.14 (b) the CEO will prepare a report for confidential session of Council at the November 2026 ordinary meeting, noting that the report will need to be confidential due to the commercial nature of the subject.

Notice of Motion

20.2 Notice of Motion: Councillor Tatrai - Blue Haven Terralong Retirement Village - Financial performance, maintenance and reinvestment report (cont)

For completeness the CEO notes that the varied State imposed Performance Improvement Order (PIO) issued by Minister Hoenig on 13 May 2026 and unanimously adopted by Council in June 2026, clearly states the following work **must** be undertaken in respect to Blue Haven Terralong.

Part B – Blue Haven Terralong Village and strategic assets

8. *Within 90 days from commencement of this Variation Order, Council must prepare and provide to the Office of Local Government, at the time it is presented to councillors, the outline and timeframe for preparation of an independent business case for the future of Blue Haven Terralong Village identifying the most sustainable long term operating model addressing:*
 - (a) *retention of the facility as an ongoing concern, including a defined funding plan,*
 - (b) *lease, partnership or joint venture options,*
 - (c) *whether divestment or disposal options are appropriate,*
 - (d) *capital upgrade costs,*
 - (e) *fire safety compliance requirements,*
 - (f) *projected financial impacts over 10 years,*
 - (g) *risks associated with each option, and*
 - (h) *a recommended preferred option and implementation pathway.*
9. *Within 60 days from commencement of this Variation Order, Council must prepare a funded works program to address all critical fire safety compliance issues at Blue Haven Terralong Village and commence implementation immediately thereafter.*

Officers are diligently undertaking these tasks outlined above and this information has long been made public and follows a previous business case prepared under the former PIO. Administrative priority in the remaining eight months that the PIO is valid **must** be given to addressing the requirements of this State order.