6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council on 20 October 2026

Attachments

1 20/10/2026 - Ordinary Council - Minutes⇩

Enclosures

1 20/10/2026 - Ordinary Council - Minutes attachments⇨

RECOMMENDED

That the Minutes of the Ordinary meeting held on 20 October 2026 and associated minutes attachments be confirmed.

KIAMA MUNICIPAL COUNCIL

MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5 pm on

TUESDAY 20 OCTOBER 2026

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
ON TUESDAY 20 OCTOBER 2026 AT 5 PM

PRESENT: Mayor – Councillor C McDonald (Chair)
Deputy Mayor – Councillor S Larkins
Councillors M Brown, S Jarrett, M Lawton, M Matters, Y Tatrai and E Warren

BY TEAMS: Councillor I Draisma

IN ATTENDANCE: Jane Frawley – Chief Executive Officer
Ed Paterson –Director Strategies and Communities
Darren Brady –Director Infrastructure and Operations
Donna Flanagan – Acting Director Corporate and Commercial
Kimberley Norton – Executive Manager Organisational Reform
Stephanie Salviejo – Public Officer
Jose Diaz – Chief Financial Officer

1 OPENING OF MEETING

The Mayor opened the meeting at 5 pm.

2 WEBCASTING STATEMENT

The Mayor stated that the meeting was being livestreamed, recorded and made publicly available on the Council website, and that persons attending the meeting refrain from making any defamatory statements.

3 ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the traditional owners.

4 STATEMENT OF ETHICAL OBLIGATIONS

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

5 APOLOGIES

Nil.

Procedural motion: Request by Councillor Draisma to attend meeting via audio-visual link

26/269OC

Resolved that Council, as required under section 5.20 of the Code of Meeting Practice, permit Councillor Draisma to attend the Council meeting held on 20 October 2026 via audio-visual link.

(Councillors Larkins and Brown)

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

Against: Nil

The Mayor noted the recent incident involving Victorian MP Helen Haines and reaffirmed the importance of respectful and safe participation in public life, while conveying the community's best wishes for her recovery.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council on 15 September 2026

26/270OC

Resolved that the Minutes of the Ordinary Council meeting held on 15 September 2026 and associated minutes attachments be confirmed.

(Councillors Larkins and Warren)

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

Against: Nil

7 BUSINESS ARISING FROM THE MINUTES

Nil.

8 DISCLOSURE OF INTEREST

Disclosure of Interest - Councillor Larkins

Councillor Larkins declared a less than significant non-pecuniary interest in item 15.2 *Endorse for public exhibition: Draft Reconciliation Action Plan* as Councillor Larkins is a member of the local Aboriginal Advisory Reference Group involved in development of the Plan. Councillor Larkins proposed to disclose and vote.

Disclosure of Interest - Councillor Larkins

Councillor Larkins declared a less than significant non-pecuniary interest in item 17.3 *Information report: Submission to the Local Government Grants Commission on the Financial Assistance Grants methodology review* as Councillor Larkins' employer also lodged a submission to the Commission as well as the NSW Minister. Councillor Larkins proposed to disclose and vote.

Disclosure of Interest - Councillor Warren

Councillor Warren declared a less than significant non-pecuniary interest in item 15.4 *Grants, Donations and Sponsorship Program – Open Round Outcome Report 2026-2027* as Councillor Warren's workplace is hosting an event that has received grant funding. Councillor Warren proposed to disclose and vote.

Disclosure of Interest - Councillor Jarrett

Councillor Jarrett declared a less than significant non-pecuniary interest in item 15.2 *Endorse for public exhibition: Draft Reconciliation Action Plan* as Councillor Jarrett is a member of the local Aboriginal Advisory Reference Group involved in development of the Plan. Councillor Jarrett proposed to disclose and vote.

Disclosure of Interest - Councillor Matters

Councillor Matters declared a less than significant non-pecuniary interest in item 15.4 *Grants, Donations and Sponsorship Program – Open Round Outcome Report 2026-2027* as Councillor Matter's workplace is hosting an event that has received grant funding. Councillor Matters proposed to disclose and vote.

Disclosure of Interest - Councillor McDonald

Councillor McDonald declared a less than significant non-pecuniary interest in item 15.4 *Grants, Donations and Sponsorship Program – Open Round Outcome Report 2026-2027* as Councillor McDonald has a personal relationship with some of the funding recipients. Councillor McDonald proposed to disclose and vote.

9 TABLING OF PETITIONS AND OTHER DOCUMENTS

9.1 Tabling of letter from the Chair of the Local Government Grants Commission on the outcome of the Financial Assistance Grants methodology review

Councillor McDonald tabled a letter from Linda Scott, Chair of the Local Government Grants Commission dated 16 October 2026 on the outcome of the Financial Assistance Grants methodology review.

Attachments

A Letter from Linda Scott, Chair | Local Government Grants Commission to Mayor, Councillor McDonald

10 PUBLIC FORUM SUMMARY

Andrew Bell	15.1	Determination of DA 10.2026.65.1: Lot 65 - 142 Stafford Street Gerroa - Demolition of existing dwelling & construction of new 2 storey dwelling house
Becky Guggisberg	15.3	Endorsement: Establishment of the Kiama Town Centre Special Entertainment Precinct (SEP)
Michael Bowden	15.3	Endorsement: Establishment of the Kiama Town Centre Special Entertainment Precinct (SEP)
Howard Jones	20.1	Notice of Motion: Councillor Lawton - Listing NSW Government planning exhibitions on Your Say Kiama (KMC Website)

11 MAYORAL MINUTE

Suspension of Standing Orders

26/271OC

Resolved that at this time, 5.07pm, Standing Orders be suspended in order to present Anne Doorn with the Senior Citizen of the Year award.

(Councillors Larkins and Warren)

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

Against: Nil

The Mayor presented the Senior Citizen of the Year award to Anne Doorn who is recognised for her outstanding contibution to the Kiama community through 25 years of dedicated service as Director of Nursing at Blue Haven.

Resumption of Standing Orders

26/272OC

Resolved that at this time, 5.12pm, Standing Orders be resumed.

(Councillors Larkins and Warren)

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

Against: Nil

Procedural motion: In globo resolutions

26/273OC

Resolved that Council move in globo and adopt the recommendations contained within the report for items:

12.1 Minutes: Kiama Local Traffic Forum Meeting on 6 October 2026

14.5 Dissolution of Funding Agreement with Kiama District Sports Association Incorporated (KDSA)

14.8 Request for fee waiver: Weekly Parkrun event in Kiama

16.1 Endorse for public exhibition: Draft Asset Management Plan – Buildings

16.2 Recategorisation of Regional Road to State Road in Gerringong and Gerroa

16.3 Post exhibition adoption: Street, Reserve and Asset Naming Policy

16.4 Adoption: Street, Reserve and Asset Names

18.3 Disclosure of Pecuniary Interest: Councillors and Designated Persons Annual Returns 2025/2026

18.4 Quarterly Performance Improvement Order Compliance Report – October 2026

(Councillors Larkins and Brown)

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

Against: Nil

Procedural motion: To bring forward item 18.1 *2025-26 Annual Financial Statements*

26/274OC

Resolved that at this time, 5:15 pm, Council:

1. Notes the advice received from staff that the report associated with Item 14.1 *2025-26 Annual Financial Statements* contains administrative errors.
2. Replaces Item 14.1 with Item 18.1 *2025-26 Annual Financial Statements*.
3. Considers and determines Item 18.1 in lieu of Item 14.1.

(Councillors Larkins and Brown)

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

Against: Nil

12 MINUTES OF COMMITTEES

12.1 Minutes: Kiama Local Transport Forum Meeting on 6 October 2026

The following resolution was adopted as part of the in globo adoption of items, refer MN26/273OC.

26/275OC

Resolved that the Minutes of the Kiama Local Transport Forum meeting held on 6 October 2026 be received and noted.

(Councillors Larkins and Brown)

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

Against: Nil

13 REPORT OF THE CHIEF EXECUTIVE OFFICER

13.1 Endorse for public exhibition: Draft Advocating for Kiama Plan 2026-28

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

1. Endorse the draft Kiama Municipal Council Advocating for Kiama Plan 2026-28 for public exhibition for a minimum of 28 days.
2. Following conclusion of the public exhibition period:
   (a) Receive a further report for consideration detailing the public exhibition period result, or
   (b) Adopt the draft Kiama Municipal Council Advocating for Kiama Plan 2026-28 if no submissions are received and there are no substantial changes proposed for any other reasons.
3. Notes that the draft Kiama Municipal Council Advocating for Kiama Plan 2026-28 will need to be updated to include:
   (a) Improving the availability of Public Electric Vehicle (EV) Charging Stations, including fast charging stations, within the local government area.
   (b) The advocacy initiatives of the NSW Public Libraries Association as per previous council resolution 25/417OC.
   (c) Advocacy for funding of flood management and coastal erosion infrastructure, especially items identified in the previous Gerringong-Jamberoo Flood Study as well as coastal and riverbank erosion mitigation at Minnamurra and other parts of the local government area.
   (d) Advocacy for funding from State and Federal Governments to assist with critical maintenance and renewal works at Blue Haven Terralong noting that the quantum of costs required is far beyond what Council and ratepayers can fund alone.

26/276OC

At the request of Councillor Brown and by consent the **motion was amended and resolved** that Council:

1. Endorse the draft Kiama Municipal Council Advocating for Kiama Plan 2026-28 for public exhibition for a minimum of 28 days.
2. Following conclusion of the public exhibition period:
   (a) Receive a further report for consideration detailing the public exhibition period result, or
   (b) Adopt the draft Kiama Municipal Council Advocating for Kiama Plan 2026-28 if no submissions are received and there are no substantial changes proposed for any other reasons.
3. Notes that the draft Kiama Municipal Council Advocating for Kiama Plan 2026-28 will need to be updated to include:
   (a) Improving the availability of Public Electric Vehicle (EV) Charging Stations, including fast charging stations, within the local government area.
   (b) The advocacy initiatives of the NSW Public Libraries Association as per previous council resolution 25/417OC.
   (c) Advocacy for funding of flood management and coastal erosion infrastructure, especially items identified in the previous Gerringong-Jamberoo Flood Study as well as coastal and riverbank erosion mitigation at Minnamurra and other parts of the local government area.
   (d) Advocacy for funding from State and Federal Governments to assist with critical maintenance and renewal works at Blue Haven Terralong.

(Councillors Larkins and Warren)

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

Against: Nil

14 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL

Item 18.1 replaces item 14.1.

18.1 2025-26 Annual Financial Statements

The motion was originally moved by Councillor Matters and seconded by Councillor Tatrai. Councillor Tatrai withdrew as seconder.

26/277OC

Resolved that Council:

1. Authorises the Statement by Councillors and Management to be signed by the Chief Executive Officer, the Responsible Accounting Officer, the Mayor and a Councillor as required by the Local Government Act 1993.
2. Notes the financial result and position for the year ending 30 June 2026.
3. Formally thanks the governance role played by Council's Audit, Risk and Improvement Committee in overseeing the preparation and finalisation of the audited 2025-26 financial statements and sincerely thanks the outgoing Chair (Mr Dave Pendleton) and all members (outgoing member Ms Rhonda Wheatley and remaining member Ms Lisa Berwick) for their years of commitment and expertise in respect to the audited position of Council.
4. Acknowledges the collegiate and professional working relationship that is maintained with the Audit Office of New South Wales and its staff guided by Director – Financial Audit Mr Michael Kharzoo.

(Councillors Matters and Lawton)

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

Against: Nil

14.2 Monthly Financial Report - August 2026

26/278OC

Resolved that Council receives and adopts the Monthly Financial Report for August 2026.

(Councillors Larkins and Brown)

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

Against: Nil

14.3 Statement of Investments - September 2026

26/279OC

Resolved that Council receives the information relating to the Statement of Investments as at 30 September 2026.

(Councillors Brown and Larkins)

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

Against: Nil

14.4 Coastal Land Protection Scheme: Proposed transfer of coastal land to Council

A **point of** order was raised by Councillor Larkins that the Mayor should seek confirmation from Councillor Brown that he was accepting Councillor Lawton's amendment or Councillor Lawton should seek a seconder. The Mayor upheld the point of order and asked Councillor Brown if he accepted the amendment.

A **point of order** was raised by Councillor Brown that as Councillor Lawton's amendment was very different to the original motion, it should not be considered an amendment and should be ruled out of order. The Chair upheld the point of order and ruled the amendment unlawful as it did not comply with clause 10.10 of the Code of Meeting Practice.

26/280OC

Resolved that Council:

1. Delegate authority to the Chief Executive Officer to formally advise the Department of Planning, Housing and Infrastructure that Council declines the transfer of ownership of Lot 1 DP 589928 (Kiama) and Lot 2 DP 598759 (Bombo), on the basis that Council is not in a financial position to assume responsibility for additional land assets that would create ongoing unfunded maintenance, management, environmental, compliance and liability obligations. Noting, no commitment has been provided by the NSW Government for recurrent funding or financial assistance to support the long-term stewardship of these lands, resulting in Council bearing the full cost and risk associated with their ownership and management.
2. Note the request from the Department of Planning, Housing and Infrastructure seeking Council's interest in accepting ownership of Lot 1 DP 589928 – Kiama and Lot 2 DP 598759 – Bombo under the Coastal Lands Protection Scheme.
3. Acknowledge the environmental and community benefits associated with ongoing public ownership of coastal land.
4. Recognise the ongoing financial, maintenance, risk management and asset management obligations that would transfer to Council upon acceptance of ownership.

(Councillors Brown and Larkins)

For: Councillors Brown, Draisma, Jarrett, Larkins, Matters, McDonald and Warren

Against: Councillors Lawton and Tatrai

14.5 Dissolution of Funding Agreement with Kiama District Sports Association Incorporated (KDSA)

The following resolution was adopted as part of the in globo adoption of items, refer MN26/273OC.

26/281OC

Resolved that Council:

1. Note that the Kiama District Sports Association Incorporated (KDSA) has agreed to cease receiving the annual funding contribution of $60,000 from Council as part of its 2026-27 budget considerations.
2. Authorise the dissolution and termination of the Funding Agreement between Council and KDSA by mutual agreement in accordance with the agreement provisions.
3. Delegate authority to the Chief Executive Officer to execute all documentation necessary to formally cease the Funding Agreement.
4. Formally acknowledge and thank KDSA for its ongoing contribution to the sporting community and its positive partnership with Council in supporting local sporting organisations and community outcomes.
5. Note that, subject to Council's future financial capacity and budget considerations, the opportunity to reinstate a funding arrangement with KDSA may be reviewed as part of future budget deliberations and long-term financial planning processes.

(Councillors Larkins and Brown)

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

Against: Nil

14.6 Easement for drainage purposes over part of 4 Colley Drive Kiama.

26/282OC

Resolved that Council:

1. Approve the creation of a 3 metre wide drainage easement over the common property driveway of SP18219 (4 Colley Drive Kiama) in accordance with the plan enclosed with this report, to facilitate the installation and ongoing maintenance of stormwater drainage infrastructure.
2. Authorise the creation of the drainage easement pursuant to Section 88B of the Conveyancing Act 1919.
3. Note that the Owners Corporation of Strata Plan 18219 has agreed to grant the easement without compensation and that Council will meet all costs associated with the creation of the easement.

4. Delegate authority to the Chief Executive Officer and/or Mayor to execute all documents necessary to give effect to this resolution, including the affixing of Council's seal where required.

(Councillors Larkins and Tatrai)

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

Against: Nil

14.7 Proposed road closure: Lot 11 in DP 740252 South Kiama Drive, Kiama

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

1. Commence the formal road closure process, including advertising and exhibition of the proposed closure of council public road known as Lot 11 in DP 740252 – South Kiama Drive Kiama.
2. Classify the subject land outlined in resolution (1) above as operational land upon formal closure.
3. Delegate to the Chief Executive Officer and/or Mayor to sign any documentation associated with the application for closure of the public road known as Lot 11 in DP 740252.
4. Note that all costs associated with the road closure and subsequent disposal of the land will be borne entirely by the applicant, ensuring that the transaction is undertaken at no cost to Council and minimising Council's financial exposure.
5. Note that a separate report will be provided to Council following consultation period and valuation, seeking approval for the sale to proceed.

26/283OC

At the request of Councillor Lawton and by consent the **motion was amended and resolved** that Council:

1. Commence the formal road closure process, including advertising and exhibition of the proposed closure of council public road known as Lot 11 in DP 740252 – South Kiama Drive Kiama.
2. Classify the subject land outlined in resolution (1) above as operational land upon formal closure.
3. Delegate to the Chief Executive Officer and/or Mayor to sign any documentation associated with the application for closure of the public road known as Lot 11 in DP 740252.
4. Ensures the closure and sale will not take effect until the new access to Kendalls cemetery is built, open and accessible to the public.
5. Note that all costs associated with the road closure and subsequent disposal of the land will be borne entirely by the applicant, ensuring that the transaction

is undertaken at no cost to Council and minimising Council's financial exposure.

6. Note that a separate report will be provided to Council following consultation period and valuation, seeking approval for the sale to proceed.

(Councillors Brown and Tatrai)

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

Against: Nil

14.8 Request for fee waiver: Weekly Parkrun event in Kiama

The following resolution was adopted as part of the in globo adoption of items, refer MN26/273OC.

26/284OC

Resolved that Council:

1. Support the establishment of a weekly Parkrun event within the Kiama Local Government Area, subject to all relevant approvals and risk management requirements.
2. Approve the use of Council-owned and managed land for the operation of a weekly Parkrun event in Kiama and enter into a 12-month licence agreement with Parkrun Australia, subject to the payment of the applicable annual fee in accordance with Council's adopted Fees and Charges, noting that Council has considered the request for a waiver of fees and charges and that the applicable adopted fees are to apply.

(Councillors Larkins and Brown)

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

Against: Nil

15 REPORT OF THE DIRECTOR STRATEGIES AND COMMUNITIES

15.1 Determination of DA 10.2026.65.1: Lot 65 - 142 Stafford Street Gerroa - Demolition of existing dwelling & construction of new 2 storey dwelling house

A **point of order** was raised by Councillor Larkins that Councillor Lawton's amended motion did not comply with the Code of Meeting Practice as it was not circulated to Councillors prior to the meeting. The Chair overruled the point of order as Councillor Lawton had emailed the proposed amendment to Councillors on the morning of the meeting.

An amendment to the motion was **moved** by Councillor Lawton and seconded by Councillor Tatrai that Council:

1. Support the request to vary Kiama LEP 2011, cl.4.4 (Floor Space Ratio) made pursuant to Kiama LEP 2011, cl.4.6 for DA No 10.2026.65.1 (PAN-629857) at Lot 65 DP 29242 – 142 Stafford Street, Gerroa.
2. Approve, subject to conditions of consent set out in enclosure 3 of the report, Development Application No 10.2026.65.1 (PAN-629857) at Lot 65 DP 29242 – 142 Stafford Street, Gerroa.
3. Include the following additional condition in the consent that the use of garage and lower garage area are approved as non-habitable area and must not be used for any industrial, commercial or habitable purpose, including as an extension of the adjoining living or entertaining areas, without separate development consent. The glazed walls between the lower garage and the adjoining rooms shown on drawing 03-R1 must be fixed, non-openable panels.
4. Advise persons who made a submission on Development Application No 10.2026.65.1 of Council's decision.

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

For: Councillors Lawton and Tatrai

Against: Councillors Brown, Draisma, Jarrett, Larkins, Matters, McDonald and Warren

26/285OC

Resolved that Council:

1. Support the request to vary Kiama LEP 2011, cl.4.4 (Floor Space Ratio) made pursuant to Kiama LEP 2011, cl.4.6 for DA No 10.2026.65.1 (PAN-629857) at Lot 65 DP 29242 – 142 Stafford Street, Gerroa.
2. Approve, subject to conditions of consent set out in enclosure 3 of the report, Development Application No 10.2026.65.1 (PAN-629857) at Lot 65 DP 29242 – 142 Stafford Street, Gerroa.
3. Advise persons who made a submission on Development Application No 10.2026.65.1 of Council's decision.

(Councillors Matters and Brown)

For: Councillors Brown, Draisma, Jarrett, Larkins, Matters, McDonald and Warren

Against: Councillors Lawton and Tatrai

15.2 Endorse for public exhibition: Draft Reconciliation Action Plan

Councillors Larkins and Jarrett declared a conflict of interest in this item, disclosed and voted.

26/286OC

Resolved that Council:

1. Endorse the Draft Reconciliation Action Plan for public exhibition for a minimum of 28 days.
2. Following conclusion of the public exhibition period:
   (a) Receive a further report for consideration detailing the public exhibition period result, or
   (b) Adopt the Reconciliation Action Plan if no submissions are received and there are no substantial changes proposed for any other reasons.

(Councillors Larkins and Warren)

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

Against: Nil

Procedural motion: To enter Committee of the Whole

26/287OC

Resolved that at this time, 6:10 pm, Council enter into Committee of the Whole to deal with item 15.3 *Endorsement: Establishment of the Kiama Town Centre Special Entertainment Precinct (SEP).*

(Councillors Larkins and Matters)

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

Against: Nil

15.3 Endorsement: Establishment of the Kiama Town Centre Special Entertainment Precinct (SEP)

An amended motion was **moved** by Councillor Brown and seconded by Councillor Tatrai that the Committee:

1. Endorse the establishment of a 24-month trial Special Entertainment Precinct for the Kiama Town Centre.
2. Endorse the draft Kiama Town Centre Special Entertainment Precinct Management Plan, draft Sound Management Framework and draft Kiama

Development Control Plan 2020 Amendment for the purposes of public exhibition, to occur concurrently with the exhibition of the Planning Proposal, subject to the following amendment being made:

(a) The Manning Street area from Terralong Street to Bong Bong Street be changed from Sound Category Area 2 to Sound Category 1.

3. Submit the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure for a Gateway Determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
4. Request that the Minister for Planning and Public Spaces authorise Council as the Local Plan-Making Authority (LPMA) to exercise delegation for the finalisation of the Planning Proposal.
5. Delegate authority to the Chief Executive Officer to undertake all necessary actions to comply with the conditions of the Gateway Determination, including executing the public exhibition and mandatory consultation with the community, key authorities and state government agencies.
6. Receive a further report following the conclusion of the public exhibition period detailing a summary of submissions received, any proposed amendments, and final recommendations regarding the finalisation of the Planning Proposal and adoption of the supporting precinct frameworks.

Councillor Larkins **foreshadowed** the original motion.

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

For: Councillors Brown and Warren

Against: Councillors Draisma, Jarrett, Larkins, Lawton, Matters, McDonald and Tatrai

Councillor Draisma left the meeting at 6:48 pm.

Councillor Draisma returned to the meeting at 6:51 pm.

26/288OC

Committee recommendation that Council:

1. Endorse the establishment of a 24-month trial Special Entertainment Precinct for the Kiama Town Centre.
2. Endorse the draft Kiama Town Centre Special Entertainment Precinct Management Plan, draft Sound Management Framework and draft Kiama Development Control Plan 2020 Amendment for the purposes of public exhibition, to occur concurrently with the exhibition of the Planning Proposal.
3. Submit the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure for a Gateway Determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
4. Request that the Minister for Planning and Public Spaces authorise Council as the Local Plan-Making Authority (LPMA) to exercise delegation for the finalisation of the Planning Proposal.

5. Delegate authority to the Chief Executive Officer to undertake all necessary actions to comply with the conditions of the Gateway Determination, including executing the public exhibition and mandatory consultation with the community, key authorities and state government agencies.
6. Receive a further report following the conclusion of the public exhibition period detailing a summary of submissions received, any proposed amendments, and final recommendations regarding the finalisation of the Planning Proposal and adoption of the supporting precinct frameworks.

(Councillors Larkins and Jarrett)

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

Against: Nil

Procedural motion: Close of Committee of the Whole

26/289OC

Committee recommendation that at this time, 6:59 pm, the Committee of the Whole revert to Open Council.

(Councillors Larkins and Matters)

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

Against: Nil

Procedural motion: Adoption of Committee of the Whole recommendation

26/290OC

Resolved that Council confirm and adopt the Committee of the Whole recommendations numbered 26/288OC and 26/289OC .

(Councillors Brown and Larkins)

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

Against: Nil

15.4 Grants, Donations and Sponsorships Program - Open Round Outcome Report 2026-2027

Councillors Warren, Matters and McDonald declared a conflict of interest in this item, disclosed and voted.

26/291OC

Resolved that Council:

1. Receive the application assessment summary for the 2026/27 Council competitive grants program, noting that only one round of grant funding will be administered by Council in 2026/27,
2. Under the Community Grants, endorse the following funding recommendations:
    a. Kiama Surf Lifesaving Club - Junior Ocean Skills & Board Development Initiative - $4,849.
    b. Kiama & District Historical Society Inc - Celebrating the Kiama area during Australian Heritage Festival 2027 - $2,757.50.
    c. Zonta Club of Kiama-Shellharbour - International Women's Day High Tea - $2,100.
    d. Jones Beach Board riders Inc. - South Coast Cup 2027 -$2,000.
    e. Waves of Thinking - First Nations Families Connecting Through Waves - $5,000.
    f. Headspace Kiama – Salty Sessions - $2,500.
    g. Kiama Business Network - Kiama Connects: Supporting Small Business Wellbeing and Community Connection - $2,000.
    h. Gerringong Netball Club - Twilight Netball Competition $2,000.
3. Under the Destination Event Funding Program, endorse the following funding recommendations:
    a. Kiama Golf Club - Kiama Seaside Veterans Tournament - $500.
    b. Kiama Jazz & Blues Festival - Kiama Jazz and Blues 40th Anniversary - $6,000.
    c. KISS Arts - Kiama Fringe - $15,000.
    d. Olivia Deans - Kiama Art & Makers Festival - $5,320.
4. Accept the request from Kiama Jazz & Blues Festival to receive multi-year funding for a period of two years (2026/27 and 2027/28), noting that funding in future years remains subject to annual budget allocation, satisfactory acquittal of previous funding and continued compliance with the program guidelines and eligibility criteria.
5. Decline the requests from MOSAIQUE Kiama and Kiama Art and Makers Festival for multiyear funding.
6. Under the Destination Event Funding Program, endorse the following funding recommendations for events previously approved for multiyear funding (year 2 of 3) under Resolution 25/263OC, noting that multiyear funding remains

subject to annual budget allocation, satisfactory acquittal, and continued eligibility:

a. Sydney FC - Kiama Football Festival - $3,680.

b. Jamberoo Car Club - Jamberoo Car Show & Family Day -$4,000.

c. Mark Bryant - Kiama Sevens Rugby Tournament - $4,000.

d. Shoalhaven Oz Tag - Kiama Beach Tag - $4,000.

e. Crooked River Wines - Crooked River Wines Wine Festival - $3,500.

7. Delegate to the Chief Executive Officer the authority to redistribute any unallocated funds resulting from a successful applicant declining funding to other successful applicants that received partial funding, up to the value of their original funding request and within the relevant funding program budget.

8. Note that a review of the eligibility criteria of Council's Grants, Donations and Sponsorship – Guidelines for Applicants is required to remove the inconsistencies identified in this report.

(Councillors Brown and Tatrai)

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

Against: Nil

16 REPORT OF THE DIRECTOR INFRASTRUCTURE AND OPERATIONS

16.1 Endorse for public exhibition: Draft Asset Management Plan - Buildings

The following resolution was adopted as part of the in globo adoption of items, refer MN26/273OC.

26/292OC

Resolved that Council:

1. Endorse the draft Asset Management Plan – Buildings to be placed on public exhibition for 28 days calling for submissions.

2. Following conclusion of the exhibition period in relation to the Asset Management Plan – Buildings:

   (a) Receive a further report for consideration, if any relevant submissions are received or if any substantial changes are proposed for any other reason, detailing the public exhibition outcomes and proposed changes with recommendations regarding adoption of the above documents, or

   (b) Adopt the Asset Management Plan – Buildings if there are no relevant submissions received and there are no substantial changes proposed for any other reasons.

(Councillors Larkins and Brown)

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

Against: Nil

16.2 Recategorisation of Regional Road to State Road in Gerringong and Gerroa

The following resolution was adopted as part of the in globo adoption of items, refer MN26/273OC.

26/293OC

Resolved that Council:

1. Support a joint application with Shoalhaven Council to recategorise the current Regional Road from the Princes Highway interchange in Gerringong, to the Princes Highway intersection in Bomaderry as a State Road.
2. Delegate to the Chief Executive Officer the authority to sign any road reclassification applications on behalf of Council related to the roads in point 1 above.

(Councillors Larkins and Brown)

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

Against: Nil

16.3 Post exhibition adoption: Street, Reserve and Asset Naming Policy

The following resolution was adopted as part of the in globo adoption of items, refer MN26/273OC.

26/294OC

Resolved that Council adopts the Street, Reserve and Asset Naming Policy.

(Councillors Larkins and Brown)

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

Against: Nil

16.4 Adoption: Street, Reserve and Asset Names

The following resolution was adopted as part of the in globo adoption of items, refer MN26/273OC.

26/295OC

Resolved that Council adopt the draft naming lists and utilise these for consideration as proposed names on future streets, reserves and assets within the Municipality.

(Councillors Larkins and Brown)

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

Against: Nil

17 REPORTS FOR INFORMATION

Councillor Larkins declared a conflict of interest in this item, disclosed and voted.

The following Reports for Information were received and noted:

17.1 Information report: Cemetery mowing

17.2 Information report: Submission to the NSW Government on proposed amendments to the *Fines Regulation 2025*

17.3 Information report: Submission to the Local Government Grants Commission on the Financial Assistance Grants methodology review.

18 SUPPLEMENTARY ITEMS

18.2 Adoption: Revenue Improvement Strategy and Strategic Asset Review - Varied Performance Improvement Order Actions

An amended motion was **moved** by Councillor Tatrai and seconded by Councillor Lawton that Council:

1. Receive and adopt the findings and recommendations of the Revenue Improvement Strategy.
2. Receive a further report on the Parking Strategy, including an assessment of paid parking options, implementation requirements, costs, revenue implications and community consultation outcomes.
3. Endorse the commencement of community consultation on a proposed temporary 20% Special Rate Variation (SRV), apply for one financial year only, with the additional increase removed from the rate base at the end of that financial year. The consultation process and supporting documentation are to meet IPART requirements, and a further report is to be presented to Council following the consultation period.

4. Advocate to the NSW Government regarding the impact of the change to the methodology for the Financial Assistance Grants and the consequential effects on Council's capacity to fund, maintain, and deliver essential infrastructure and services to the Kiama community.
5. Receive and adopt the findings and recommendations of the Strategic Asset Review.
6. Endorse the progressive divestment of surplus and non-strategic assets over the next three years, subject to individual asset assessments, compliance with statutory requirements and Council approval where required.
7. Note Council's obligations under item 6 and item 10 of the varied Performance Improvement Order to adopt the Revenue Improvement Strategy and Strategic Asset Review and implement its recommendations within the prescribed timeframe.

A **point of order** was raised by Councillor Larkins that Councillors should debate the amendment not changes to point 4 of the substantial motion. The Chair upheld the point of order and determined that Councillor Draisma could continue speaking.

A **point of order** was raised by Councillor Brown in relation to Councillor Larkins' point of order that the amendment does include the original motion and point 4 can be addressed. The Chair upheld the point of order and requested the CEO to advise on point 4 and for debate to continue on the amendment.

At the request of Councillor Draisma, and by consent, point 4 was removed as it misrepresented the current status.

Councillor Matters left the meeting at 7:18 pm.

Councillor Matters returned to the meeting at 7:20 pm.

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

For: Councillor Tatrai

Against: Councillors Brown, Draisma, Jarrett, Larkins, Lawton, Matters, McDonald and Warren

26/296OC

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

1. Receive and adopt the findings and recommendations of the Revenue Improvement Strategy.
2. Receive a further report on the Parking Strategy, including an assessment of paid parking options, implementation requirements, costs, revenue implications and community consultation outcomes.
3. Endorse the commencement of community consultation on a proposed 20% Special Rate Variation (SRV), with the consultation process and supporting documentation to be undertaken in accordance with IPART requirements and receive a further report be following the consultation period.

4. Receive and adopt the findings and recommendations of the Strategic Asset Review.
5. Endorse the progressive divestment of surplus and non-strategic assets over the next three years, subject to individual asset assessments, compliance with statutory requirements and Council approval where required.
6. Note Council's obligations under item 6 and item 10 of the varied Performance Improvement Order to adopt the Revenue Improvement Strategy and Strategic Asset Review and implement its recommendations within the prescribed timeframe.

(Councillors Larkins and Brown)

For: Councillors Brown, Draisma, Jarrett, Larkins, Lawton, Matters, McDonald and Warren

Against: Councillor Tatrai

18.3 Disclosure of Pecuniary Interest: Councillors and Designated Persons Annual Returns 2025/2026

The following resolution was adopted as part of the in globo adoption of items, refer MN26/273OC.

26/297OC

Resolved that Council note the tabling of four Disclosure of Pecuniary Interest Annual Returns; one Councillor and one designated staff for the 2025-26 financial year; and one Councillor and one designated staff for the 2026-27 financial year.

(Councillors Larkins and Brown)

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

Against: Nil

18.4 Quarterly Performance Improvement Order Compliance Report - October 2026

The following resolution was adopted as part of the in globo adoption of items, refer MN26/273OC.

26/298OC

Resolved that Council:

1. Note the Quarterly compliance report for the varied Performance Improvement Order (PIO).

2. Note that the Chief Executive Officer will place a copy of the quarterly compliance report from the Office of the Local Government – October 2026 on Council's website.

(Councillors Larkins and Brown)

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

Against: Nil

19 QUESTIONS WITH NOTICE

19.1 Question with notice: Councillor Lawton - Interim community notification of DAs under the Statewide Community Participation Plan

A **point of order** was raised by Councillor Draisma that Councillor Lawton could not speak to a question with notice as it was not being debated. The Chair upheld the point of order and determined that Councillor Lawton could ask a question.

A response to the following question from Councillor Lawton was provided in the business papers:

1. Until the revised Community Engagement Strategy is adopted, what notification and engagement process will Council use for development applications that are no longer required to be publicly exhibited under Table 6 of the Statewide Community Participation Plan?
2. Since the State plan does not stop Council from doing the following forms of notification, will Council continue to:
    - send written notice, by letter or email, to adjoining owners and occupiers when an application is lodged;
    - place an on-site notice for larger proposals, such as dual occupancies, multi-dwelling housing, subdivision and demolition;
    - publish all application documents on the DA Tracker from lodgement;
    - accept feedback from neighbours, have the assessing officer consider it where it raises a relevant planning matter, and record it in the assessment report;
    - advise those who gave feedback about the decision?
3. Will Council publish this interim process on its website, and if so, when?
4. How has the community been advised of these significant changes to the development process?
5. Will Council include in its draft Community Engagement Strategy the points raised in b) above and others, that preserve a high level of transparency and information regarding development for the community.

20 NOTICE OF MOTION

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

It was **moved** by Councillor Lawton and seconded by Councillor Tatrai 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.

At the request of Councillor Larkins and by consent point 2 was removed.

The Mayor ruled the notice of motion unlawful as it did not comply with clause 10.10 of the Code of Meeting Practice and identify a funding source. The Mayor provided Councillor Lawton the opportunity to clarify or amend the motion as per clause 10.8. No further information was provided by Councillor Lawton.

As per clause 10.9 of the Code of Meeting practice the **motion was taken as lost**.

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

The Mayor ruled the notice of motion unlawful as it did not comply with clause 10.10 of the Code of Meeting Practice and identify a funding source. The Mayor provided Councillor Tatrai the opportunity to clarify or amend the motion as per clause 10.8. No further information was provided by Councillor Tatrai.

As per clause 10.9 of the Code of Meeting practice the **motion was taken as lost**.

21 RELEASE OF CONFIDENTIAL INFORMATION

Nil.

Procedural motion: To extend the meeting time

26/299OC

Resolved that the meeting be extended to 8:15 pm.

(Councillors Larkins and Warren)

For: Councillors Draisma, Jarrett, Larkins, Lawton, Matters, McDonald, Tatrai and Warren

Against: Councillor Brown

22 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.

Councillors Larkins and Lawton left the meeting at 7:53 pm.

Councillor Larkins returned to the meeting at 7:54 pm.

Councillor Lawton returned to the meeting at 7:55 pm.

22.1 Exclusion of press and public

26/300OC

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.

23.1 PROPOSED DIVESTMENT LOT 1 DP 1323722 RIVERSIDE DRIVE KIAMA DOWNS

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*.

23.2 PURCHASE OF ONE BACKHOE LOADER

Reason for Confidentiality: This matter deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it as per Section 10A(2)(di) of the *Local Government Act*.

23.3 REQUEST FOR FEE WAIVER: KIAMA & DISTRICT HISTORICAL SOCIETY INCORPORATED

Reason for Confidentiality: This matter deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it as per Section 10A(2)(di) of the *Local Government Act*.

23.4 RESPONSE TO NOTICE OF MOTION 26/217OC - SERVICE REVIEW RECOMMENDATIONS - THE PAVILION AND TOURISM & EVENTS

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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it as per Section 10A(2)(di) of the *Local Government Act*.

(Councillors Larkins and Tatrai)

For: Councillors Brown, Draisma, Jarrett, Larkins, Matters, McDonald, Tatrai and Warren

Against: Nil

Procedural motion: Formation of Confidential Committee of the Whole

26/301OC

Resolved that at this time, 7:55 pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations subject to the consideration of any representations relating to such action.

(Councillors Larkins and Brown)

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

Against: Nil

23 CONFIDENTIAL REPORTS

23.1 Proposed divestment Lot 1 DP 1323722 Riverside Drive Kiama Downs

26/302OC

Committee recommendation that Council:

1. Proceed with Option 1 to undertake an Expression of Interest (EOI) process for the potential sale of Lot 1 DP 1323722, Riverside Drive, Kiama Downs, to assess market interest and establish the property's market value.
2. Receive a further report detailing the outcomes of the Expression of Interest process for consideration prior to any decision being made regarding the disposal of the land.

(Councillors Brown and Tatrai)

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

Against: Nil

23.2 Purchase of one backhoe loader

26/303OC

Committee recommendation that Council:

1. In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2021, accept the WesTrac submission in the Request For Quotation VP517678 - purchase of one Caterpillar 432 Backhoe Loader with implements.
2. Delegate to the Chief Executive Officer the authority to finalise and execute the contracts and any other documentation required to give effect to this resolution.
3. Grant authority for the use of the Common Seal of Council on the contracts and any other documentation, should it be required, to give effect to this resolution.

(Councillors Brown and Warren)

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

Against: Nil

23.3 Request for fee waiver: Kiama & District Historical Society Incorporated

Councillor Larkins **foreshadowed** an amended motion.

26/304OC

Committee recommendation that Council

1. Acknowledge the great work that the Kiama & District Historical Society undertake and sincerely thank the volunteers for their work.
2. Note that Kiama & District Historical Society Incorporated is not registered with the Australian Charities and Not-for-profits Commission and is therefore not eligible for the full fee exemption available under Council's adopted Fees and Charges Schedule.
3. Acknowledge receipt of payment of the applicable walking tour fee of $370, charged in accordance with Council's adopted Fees and Charges Schedule and representing the discounted 50% not-for-profit rate available to eligible

organisations not registered with the Australian Charities and Not-for-profits Commission.

4. Considered the requests and determined that the applicable fees in accordance with Council's adopted Fees and Charges are to apply to:
   (a) the licence application and preparation, and the installation of two A-frame signs in connection with the proposed licence of the Pilot's Cottage; and
   (b) the request for a refund of fees paid in relation to organised walking tours conducted on Council-managed land as part of the 150th Anniversary of Kiama Harbour celebrations.
5. Note that Kiama & District Historical Society Incorporated has advised Council in writing that it will respect Council's decision and will pay any applicable fees.

(Councillors Brown and Tatrai)

For: Councillors Brown, Jarrett, Lawton, Matters, McDonald and Warren

Against: Councillors Draisma, Larkins and Tatrai

23.4 Response to Notice of Motion 26/217OC - Service Review recommendations - The Pavilion and Tourism & Events

This information report was received and noted.

Procedural motion: Close of Confidential Committee of the Whole:

26/305OC

Committee recommendation that at this time, 8:05 pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Larkins and Lawton)

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

Against: Nil

Adoption of Confidential Committee of the Whole recommendations

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

26/306OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 26/302OC to 26/305OC be confirmed and adopted.

(Councillors Larkins and Jarrett)

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

Against: Nil

24 CLOSURE

There being no further business the meeting closed at 8:09pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 17 November 2026.

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Mayor