



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 22 JANUARY 2019

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 22 JANUARY 2019 AT 5PM**

PRESENT: Mayor – Councillor M Honey,
Deputy Mayor – Councillor A Sloan,
Councillors M Brown, N Reilly, K Rice, W Steel, D Watson,
M Way and M Westhoff

IN ATTENDANCE: General Manager, Acting Director Environmental Services,
Director Corporate and Commercial Services, Acting Director
Engineering and Works and Director Blue Haven

1 APOLOGIES

Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Mayor declared the meeting open and acknowledged the traditional owners:

“On behalf of those present, I would like to show my respect and acknowledge the traditional owners of the Land, of Elders past and present, on which this meeting takes place, and extend that respect to other Aboriginal and Torres Strait Islander people present.”

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Council meeting held on 18 December 2018

19/001OC

Resolved that the Minutes of the Ordinary Council Meeting held on 18 December 2018 be received and accepted.

(Councillors Reilly and Steel)

4 BUSINESS ARISING FROM THE MINUTES

Nil

Councillor Brown entered the meeting at 5.01pm

DISCLOSURES OF INTEREST

Disclosure of Interest - Councillor Westhoff

Councillor Westhoff declared a significant non-pecuniary interest in item 9.4 as he is the current Secretary of the Gerringong Lions Club who is running this event. Councillor Westhoff took no part in discussion or voting on this matter.

Disclosure of Interest - Councillor Westhoff

Councillor Westhoff declared a less than significant non-pecuniary interest in item 19.5 as he is a member of the Gerringong Lions Club who has partnered with the Kiama Lions Club on this project. Councillor Westhoff took no part in discussion or voting on this matter.

Disclosure of Interest - Councillor Steel

Councillor Steel declared a less than significant non-pecuniary interest in item 19.5 as he is a member of the Kiama Lions Club who is managing this project.

5 PUBLIC ACCESS

Name	Item No.	Subject
Annabelle McQuillan	10.1	10.2018.191.1 – Lot 1 DP 1049544 – 93A Tingira Crescent Kiama - Dwelling Alterations and Additions
Maria & Gerhardt Baden	10.2	10.2017.245.1 - Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley – Abattoir
Kathryn Timbs	10.3	Endorsement of Amendments to Chapter 30 - Heritage of the Kiama Development Control Plan (DCP) 2012
Jerry Granger-Holcombe	19.5	Lions Club of Kiama Incorporated - Carer's Cottage - 105 Shoalhaven Street Kiama

6 MAYORAL MINUTE

6.1 Australia Day 2019 Awards

19/002OC

Resolved that Council formally congratulate the following recipients of the 2019 Australia Day awards for the Kiama Municipality:

Citizen of the Year – Graeme Packer

Senior Citizen of the Year – Tony Mitchell

Young Citizen of the Year – Troy Bartrim

Community Group of the Year – Children’s Medical Research Institute
Gerringong Branch

(Councillors Honey and Way)

7 MINUTES OF COMMITTEES

7.1 Minutes: Health & Sustainability Committee Meeting - 11 December 2018

19/003OC

Resolved that the Minutes of the Health & Sustainability Committee Meeting held on 11 December 2018 be received and accepted.

(Councillors Brown and Rice)

7.2 Minutes: Youth Advisory Committee - 1 November 2018

19/004OC

Resolved that the Minutes of the Kiama Youth Advisory Committee Meeting held on 1 November 2018 be received and accepted.

(Councillors Westhoff and Way)

COMMITTEE OF THE WHOLE

19/005OC

Resolved that at this time, 5.06pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

Report of the General Manager

Report of the Acting Director Environmental Services

Report of the Director Corporate & Commercial Services

Report of the Acting Director Engineering and Works

Report of the Director Blue Haven

Addendum to Reports

(Councillors Watson and Way)

8 PUBLIC ACCESS REPORTS

19/006OC

Committee recommendation that at this time, 5.07pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Steel and Sloan)

10.1 10.2018.191.1 – Lot 1 DP 1049544 – 93A Tingira Crescent Kiama - Dwelling Alterations and Additions

19/007OC

Committee recommendation that Council approve Development Application No 10.2018.185.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Brown and Reilly)

For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff

Against: Nil

10.2 10.2017.245.1 - Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley - Abattoir

19/008OC

Committee recommendation that Council approve development application 10.2017.245.1 under section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report with the following amendment:

Under the heading Site Operations condition (2) be replaced as follows:

- (2) The abattoir shall process no more than 3,000kg live weight in any week of operation.

(Councillors Way and Steel)

An **Amendment** was **moved** by Councillor Sloan and seconded by Councillor Rice that Council approve development application 10.2017.245.1 under section 4.16 of the Environmental Planning and Assessment Act 1979, subject to the conditions at the end of this report with the following amendments:

1. Under the heading Onsite Sewage Management the following condition is added:

(5) The installer is to provide three (3) monthly services to the STP and provide a 24-hour notification call-out service. At each three (3) monthly service a treated effluent sample is to be analysed by a NATA Certified Laboratory and the results submitted to Council. The analysis results are to be:

- BOD less than 20mg/L;
- Suspended Solids (NFR) less than 30mg/L;
- Total Nitrogen less than 15 mg/L (note the STP consultants report says it will usually be 10, but 15 maximum)
- Total Phosphorus less than 15 mg/L (note STP report assumes 12mg/L max)
- Faecal Coliforms less than 30 cfu/100ml.

2. Under the heading Site Operations condition (2) be replaced as follows:

(2) The abattoir shall process no more than 3,000kg live weight in any week of operation.

The **Amendment** on being put was **Lost**.

For: Councillors Brown, Honey, Reilly, Steel, Watson and Way

Against: Councillors Rice, Sloan and Westhoff

The **Motion** was then put and **carried**.

For: Councillors Brown, Honey, Reilly, Steel, Watson, Way and Westhoff

Against: Councillors Rice and Sloan

10.3 Endorsement of Amendments to Chapter 30 - Heritage of the Kiama Development Control Plan (DCP) 2012

19/009OC

Committee recommendation that Council defer the approval of the final draft of the Kiama DCP Chapter 30 – Heritage until consideration of additional clauses for protection of the Pheasant Point Heritage Conservation Area are reviewed for inclusion.

(Councillors Sloan and Reilly)

For: Councillors Brown, Honey, Reilly, Rice, Sloan, Watson, Way and Westhoff

Against: Councillor Steel

9 REPORT OF THE GENERAL MANAGER

9.1 Interstate Conference: Brisbane - Destination Australia Conference – 14 March 2019

19/010OC

Committee recommendation that Council approve the attendance of Council's Manager Tourism and Events, Karen Ronning, at the Destination Australia One Day Conference in Brisbane on Thursday 14 March 2019.

(Councillors Brown and Reilly)

9.2 Conference attendance: Australian Local Government Women's Association NSW Annual conference - 4-6 April 2019

19/011OC

Committee recommendation that Council recommend the attendance of Councillor Rice to the Australian Local Government Women's Association NSW Conference held on 4-6 April 2019.

(Councillors Reilly and Westhoff)

9.3 Sponsorship request: Kiama Red Cross Fun Run 2019

19/012OC

Committee recommendation that Council:

1. provide \$2,000 sponsorship to the Kiama Red Cross for the purpose of holding the 2019 Kiama Fun Run
2. provide the following in kind support:
 - use of the Kiama Coastal Walk – free of charge as per previous years
 - garbage removal (waste management) at no charge
 - loan of Council marquee, bollards and sound system

Pending the approvals by Council for:

- use of the Kiama Coastal Walk & Coronation Park for the Fun Run (Reserve application form)
- key hire form
- Event Waste Management Plan
- Temporary food stall applications
- risk assessment

- provision of Public Liability insurance (certificate of currency – minimum \$20 million)
- traffic management plan.

(Councillors Brown and Watson)

Disclosure of Interest - Councillor Westhoff

Councillor Westhoff declared a significant non-pecuniary interest in item 9.4 as he is the current Secretary of the Gerringong Lions Club who is running this event. Councillor Westhoff took no part in discussion or voting on this matter.

Councillor M Westhoff left the meeting at 5.51pm.

9.4 Request for donation: Gerringong Lions Club - Motor Fest / Car Show - 16 February 2019

19/013OC

Committee recommendation that Council donate the provision of waste services for Michael Cronin Oval for the Lions Club of Gerringong's Car Show in February 2019. Further, that the Lions Club of Gerringong be requested to provide appropriate recognition of Council's support of the event on behalf of the community.

(Councillors Brown and Watson)

Councillor M Westhoff returned to the meeting at 5.52pm

10 REPORT OF THE ACTING DIRECTOR ENVIRONMENTAL SERVICES

10.4 Waste to Energy Feasibility Study - Tenterfield Shire Council/New England Joint Organisation

19/014OC

Committee recommendation that Council resolve not to allocate and make a financial contribution to Tenterfield Shire Council to enable the completion of a feasibility study for a Pilot Waste to Energy Plant.

(Councillors Rice and Way)

10.5 Kiama Health Plan 2018-2021 - Endorsement of Final Plan**19/015OC**

Committee recommendation that Council endorse the final draft of the Kiama Health Plan 2018-2021.

(Councillors Way and Rice)

10.6 Kiama Council Community Safety Committee - Terms of Reference**19/016OC**

Committee recommendation that Council nominate Councillor Rice for the committee and endorse:

- the revised terms of reference for the Community Safety Committee;
- the two received nominations for the Community Safety Committee, and
- a third round of advertising calling for additional expressions of interest to join the Committee.

(Councillors Sloan and Rice)

11 REPORT OF THE DIRECTOR CORPORATE & COMMERCIAL SERVICES**11.1 Statement of Investments - December 2018****19/017OC**

Committee recommendation that Council receive and adopt the information relating to the Statement of Investments for December 2018.

(Councillors Westhoff and Brown)

12 REPORT OF THE ACTING DIRECTOR ENGINEERING AND WORKS

12.1 Roads & Maritime Services Asset Handover of Donovan Road, Broughton Village, from Toolijooa Road to Kiama LGA Boundary

19/018OC

Committee recommendation that Council formerly advise the Roads & Maritime Services of its acceptance of the transfer of Donovan Road as a local road and the \$100,000 funding offer to complete the residual vegetation and tree hazard remediation works.

(Councillors Brown and Westhoff)

12.2 Bin Concealment - Tingira Crescent

19/019OC

Committee recommendation that Council endorse the replacement of the bin located on the reserve at the end of the easement between 41 and 43 Tingira Crescent, Kiama with a bin that has an appropriate vinyl sticker adhered to it in order to conceal the bin.

(Councillors Sloan and Rice)

13 REPORT OF THE DIRECTOR BLUE HAVEN

Nil

14 REPORTS FOR INFORMATION

19/020OC

Committee recommendation that the following Reports for Information listed for the Council's consideration be received and noted

- 14.1 Clause 4.6 Variations to LEP Development Standards - October, November and December 2018
- 14.2 Kiama Urban Strategy - Dwelling Approval 2017/2018 update
- 14.3 Model Code of Conduct for Local Councils in NSW
- 14.4 Model Code of Meeting Practice for Local Councils in NSW

- 14.5 New Councillor Induction and Professional Development Requirements
- 14.6 Conference attendance: Local Government NSW Tourism Conference 2019
- 14.7 Question for future meeting: Parking stickers
- 14.8 Question for future meeting: Inspection of public toilets
- 14.10 Illegal Dumping Compliance Officer's Quarterly Report – 1 October 2018 – 31 December 2018
- 14.11 Parking Statistics - December 2018
- 14.12 Questions for Future Meetings Register as at 16 January 2019.

(Councillors Brown and Westhoff)

14.9 Question for future meeting: Drug and alcohol testing policy

19/021OC

Committee recommendation that Council provide a Drug and Alcohol testing Policy by the April 2019 Council meeting as follows:

1. A policy for Councillors.
2. A draft policy for Council staff including senior management.

(Councillors Way and Reilly)

15 ADDENDUM TO REPORTS

Nil

RESUMPTION OF ORDINARY BUSINESS

19/022OC

Committee recommendation that at this time, 6.19pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Brown and Way)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

19/023OC

Resolved that Council formally confirm, adopt and endorse the Committee recommendations made by Council sitting as a Committee of the Whole as detailed in the Committee recommendations numbered 19/006OC to 19/022OC above.

(Councillors Westhoff and Steel)

16 NOTICE OF MOTION

The Notice of Motion was withdrawn.

17 QUESTIONS FOR FUTURE MEETINGS

17.1 Bombo quarry dust pollution

Councillor Steel requested that Bombo quarry be officially approached concerning the continuous dust fallout from the quarry which appears to have dramatically increased since prior to Christmas. Local residents claim that there has been no visible evidence of water suppression for the area in practice in the last three months. The matter was referred to the Director Environmental Services for action.

17.2 State Rail land - slip Bombo walkway

Councillor Steel requested that a meeting between State Rail, Kiama Council and local Bombo residents be scheduled to discuss the completion of repairs to the walkway adjacent to the railway line overlooking the Boneyard. The matter was referred to the Director Engineering & Works for action.

17.3 Turpentine Forest conservation

Councillor Rice requested a report on any conservation measures being undertaken in Gainsborough's Turpentine Forest. The matter was referred to the Director Environmental Services for investigation and report.

17.4 Spring Creek Wetlands development - biodiversity protection

Councillor Rice requested a report on what Council is planning to do to protect and maintain the biodiversity of the Spring Creek Wetlands in light of the forthcoming development of Spring Creek and into the future. The matter was referred to the Director Environmental Services for investigation and report.

17.5 Use of herbicides

Councillor Rice requested a report, in response to the increased scrutiny regarding herbicide safety what measures are being taken by Kiama Council to keep workers safe and how much of this is compulsory. The matter was referred to the Director Engineering & Works for investigation and report.

17.6 Ongoing maintenance of stone walls

Councillor Brown requested that a report be provided on the dry stone walls on the major entrances to Kiama and Gerringong on the Princes Highway and the ongoing maintenance of them be outlined. The matter was referred to the Director Engineering & Works for investigation and report.

The Mayor formally thanked Executive Assistant General Manager, Narelle Mousdale for her service to Council.

18 CONFIDENTIAL SUMMARY

19/024OC

Resolved that at this time, 6.31pm, 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 Sloan and Way)

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.

18.1 Exclusion Of Press And Public:

19/025OC

Committee recommendation that in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, Council close the meeting of the Confidential Committee of the Whole to the Press and Public to deal with the following matters on the grounds as detailed below.

19.1 TENDER FOR DESIGN AND CONSTRUCTION OF A TERRACED RETAINING WALL, HAVILAH PLACE, KIAMA

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. .

19.2 KEVIN WALSH OVAL AMENITIES BUILDING RENEWAL, JAMBEROO

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. .

19.3 LAND AND ENVIRONMENT COURT CLASS 1 APPEALS - LEGAL STATUS REPORT - OCTOBER, NOVEMBER AND DECEMBER 2018

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

19.4 NEW INTEGRATED CARER SUPPORT SERVICE - CONSORTIUM PROPOSAL

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. .

19.5 LIONS CLUB OF KIAMA INCORPORATED - CARER'S COTTAGE - 105 SHOALHAVEN STREET KIAMA

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. .

19.6 CARRINGTON FALLS RURAL FIRE SERVICE STATION - CONTRACTOR SELECTION

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. .

(Councillors Reilly and Steel)

19 CONFIDENTIAL REPORTS

19.1 Tender for design and construction of a terraced retaining wall, Havilah Place, Kiama

19/026OC

Resolved that Council resolve to reject all tenders, as identified in the report and enter into direct negotiations with the parties identified in the report.

(Councillors Watson and Steel)

19.2 Kevin Walsh Oval Amenities Building Renewal, Jamberoo**19/027OC****Committee recommendation** that Council:

1. not accept any tenders received for the extension and refurbishment of the Kevin Walsh amenities building as permitted under the Local Government (General) Regulation 2005 – Clause 178 ‘Acceptance of Tenders’.
2. further investigate alternate options to be undertaken to deliver the project.

(Councillors Watson and Brown)

19.3 Land and Environment Court Class 1 Appeals - Legal Status Report - October, November and December 2018**19/028OC****Committee recommendation** that Council note the report.

(Councillors Brown and Rice)

19.4 New Integrated Carer Support Service - Consortium proposal**19/029OC****Committee recommendation** that Council endorse entering into a consortium to tender for funding under the Integrated Carer Support Services program, if a partnership can be negotiated.

(Councillors Watson and Brown)

Disclosure of Interest - Councillor Westhoff

Councillor Westhoff declared a less than significant non-pecuniary interest in item 19.5 as he is a member of the Gerringong Lions Club who has partnered with the Kiama Lions Club on this project. Councillor Westhoff took no part in discussion or voting on this matter.

Disclosure of Interest - Councillor Steel

Councillor Steel declared a less than significant non-pecuniary interest in item 19.5 as he is a member of the Kiama Lions Club who is managing this project.

19.5 Lions Club of Kiama Incorporated - Carer's Cottage - 105 Shoalhaven Street Kiama**19/030OC**

Committee recommendation that Council defer the matter to the March 2019 meeting to enable the Lions Club of Kiama to produce a workable business plan for consideration and comment by the General Manager.

(Councillors Brown and Way)

19.6 Carrington Falls Rural Fire Service Station - Contractor Selection**19/031OC**

Committee recommendation that Council engage Edwards Construction to demolish existing fire station and construct new fire station at a cost of \$591,958 +GST.

(Councillors Watson and Steel)

Close of Confidential Committee of the Whole:**19/032OC**

Committee recommendation that at this time, 6.58pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Westhoff and Steel)

Adoption of Report

The General Manager formally reported the recommendations of the Confidential Committee of the Whole more particularly set out above.

19/033OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 19/025OC to 19/032OC be confirmed and adopted.

(Councillors Sloan and Watson)

20 CLOSURE

There being no further business the meeting closed at 6.58pm

These Minutes were confirmed at the Ordinary Meeting of Council held on
19 February 2019

A handwritten signature in black ink on a light-colored rectangular background. The signature appears to read "Mark Kovey".

.....
Mayor