



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 22 SEPTEMBER 2020

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 SEPTEMBER 2020 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, Director Environmental Services, Interim
Director Corporate and Commercial Services, Director
Engineering and Works and Acting Director Blue Haven

1 APOLOGIES

Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

“I would like to acknowledge the traditional owners of the Land on which we meet, the Wadi Wadi people of the Dharawal nation, and pay my respect to Elders past and present.”

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Council on 18 August 2020

20/2300C

Resolved that the Minutes of the Ordinary Meeting of Council held on 18 August 2020 be received and accepted.

(Councillors Steel and Reilly)

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

Against: Nil

4 BUSINESS ARISING FROM THE MINUTES

Nil

20/231OC

Resolved that at this time 5.01pm, Council bring forward item 11.1 *Election of Mayor* and item 11.2 *Election of Deputy Mayor*.

(Councillors Steel and Reilly)

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

Against: Nil

11.1 Election of Mayor

The Mayor vacated the Chair and the General Manager assumed the Chair.

The General Manager, acting as Returning Officer, advised that one nomination for the position of Mayor had been received, this being for Councillor Honey.

The General Manager then formally declared that this being the case Councillor Mark Honey was elected to the position of Mayor unopposed for the period until September 2021.

At this time, 5.02 pm the General Manager vacated the Chair and Councillor Honey as newly elected Mayor assumed the Chair.

11.2 Election of Deputy Mayor

At this time, 5.01 pm, the General Manager, acting as Returning Officer, advised that two nominations for the position of Deputy Mayor had been received, those being for Councillor Sloan and Councillor Watson.

20/232OC

Resolved that Council proceed with the election of the Deputy Mayor for the 12 month term and that such election be conducted by way of secret ballot.

(Councillors Reilly and Rice)

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

Against: Nil

Voting by way of secret ballot for the election of the Deputy Mayor was then conducted, with the results being 5 votes in favour of Councillor Sloan and 4 votes in favour of Councillor Watson.

The Returning Officer then formally declared Councillor Sloan elected as the Deputy Mayor for the period until September 2021 by 5 votes to 4.

5 DECLARATIONS OF INTEREST

Nil

6 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

7 PUBLIC ACCESS SUMMARY

Name	Item No.	Subject
Debra Sandy Ken Sandy	12.2	10.2019.179.1 – Lot 12 DP 1259233 (LOT 103 DP 561082 at the time the application was lodged) - 96 Rose Valley Road, Rose Valley – Farm shed
James Harris	12.3	Planning Proposal - Rezone part of 48 and 86 Campbell Street, Gerringong
Cliff Mason	14.2	Minnamurra Boardwalk grant variation
Steve Moore	16.10	Question for future meeting: Rest Park Gerringong - Trees

8 MAYORAL MINUTE**8.1 Congratulations: Kiama Meals on Wheels on 50 years of service****20/233OC**

Resolved that Council congratulate Kiama Meals on Wheels on 50 years of operation and formally acknowledge Marion Witheridge and Ann Dawes for their 50 years of service.

(Councillors Honey and Way)

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

Against: Nil

9 MINUTES OF COMMITTEES

9.1 Minutes: Access Committee meeting - 7 August 2020

20/234OC

Resolved that the Minutes of the Access Committee Meeting held on 7 August 2020 be received and accepted noting the motion that Blue Haven investigate the provision of an access ramp at the back of Barroul House that facilitates movement from road level to the footpath for users of the accessible parking.

(Councillors Sloan and Way)

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

Against: Nil

9.2 Minutes: Community Safety Committee - 13 February and 2 July 2020

20/235OC

Resolved that the Minutes of the Community Safety Committee meetings held on 13 February 2020 and 2 July 2020 be received and accepted, and that Council acknowledges the successful partnership with the Lake Illawarra Police District in monitoring Council's CCTV footage, and thanks the Police for their diligent work in apprehending the main break and enter offender for a series of recent CBD burglaries.

(Councillors Rice and Sloan)

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

Against: Nil

9.3 Minutes: Health and Sustainability Committee - 6 August 2020

20/236OC

Resolved that the Minutes of the Health and Sustainability Committee Meeting held on 6 August 2020 be received and accepted.

(Councillors Rice and Westhoff)

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

Against: Nil

9.4 Minutes: Kiama Cultural Board - 27 August 2020**20/237OC**

Resolved that the Minutes of the Kiama Cultural Board Meeting held on 27 August 2020 be received and accepted.

(Councillors Watson and Reilly)

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

Against: Nil

9.5 Minutes: Kiama Local Traffic Committee - 1 September 2020**20/238OC**

Resolved that Council:

1. receive and accept the Minutes of the Kiama Local Traffic Committee Meeting held on 1 September 2020 (attachment 1); in doing so approve the following recommendations:
 - 5.1 No parking restrictions, O’Keefe Place Kiama – approve the implementation of a proposed No Parking zone in O’Keefe Place, Kiama in accordance with the attached signage plan in Attachment 2.
 - 5.2 Signposted Work Zone, 141 Belinda Street Gerringong – approve the proposed Work Zone adjacent to 141 Belinda Street, Gerringong in accordance with the signage plan provided in Attachment 3 of this Report, subject to a Traffic Management Plan being prepared that incorporates traffic controllers being utilised during construction deliveries.
 - 5.3 No Parking Zones, Commissioners Lane and Darien Avenue Kiama – approve the creation of an untimed ‘No Stopping’ zone in the cul-de-sac of Commissioners Lane along with the implementation of an untimed ‘No Parking’ zone in the cul-de-sac of Darien Avenue, Kiama, with the installation of regulatory signage and line marking in accordance with the plans in Attachment 4 and 5.
 - 5.5 Traffic Management, Churchill Street Jamberoo – do not endorse intersection proposals in Attachments 7, 8 and 9 of this report, and that a proposal and plan be submitted to the next Traffic Committee meeting for Chapel Lane to become a one-way lane, west bound.
2. Amend recommendation 5.4 to read:

- 5.4 The proposal to install a 2 hour timed parking zone on the western side of Manning Street, Kiama fronting the property of Kiama Furniture One at 131 Manning Street, Kiama be returned to the Kiama Local Traffic Committee for further review and consideration.

(Councillors Way and Sloan)

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

Against: Councillor Brown

9.6 Minutes: Economic Development Committee - 26 August 2020

20/239OC

Resolved that the Minutes of the Economic Development Committee Meeting held on 26 August 2020 be received and the following recommendations accepted:

1. That Council consider including in the 2021/22 budget the cost of engaging a consultant to undertake a feasibility and business case study of the previously identified Options 2 and 3 of the Jerrara Dam Site Development Options Report (to cover both lots).

(Councillors Watson and Steel)

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

Against: Nil

COMMITTEE OF THE WHOLE

20/240OC

Resolved that at this time, 5.31pm, 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 Director Environmental Services
Report of the Interim Director Corporate and Commercial Services
Report of the Director Engineering and Works
Reports for Information

(Councillors Reilly and Rice)

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

Against: Nil

10 PUBLIC ACCESS REPORTS

20/241OC

Committee recommendation that at this time, 5.31pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Watson and Way)

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

Against: Nil

12.2 10.2019.179.1 – Lot 12 DP 1259233 (LOT 103 DP 561082 at the time the application was lodged) - 96 Rose Valley Road, Rose Valley – Farm shed

20/242OC

Committee recommendation that Council approve Development Application No 10.2019.179.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Watson and Way)

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

Against: Councillors Rice and Sloan

12.3 Planning Proposal - Rezone part of 48 and 86 Campbell Street, Gerringong

20/243OC

Committee recommendation that Council not support this Planning Proposal, to rezone part of Lot 2 DP 1168922 and part of Lot 11 DP 1045242 – 48 and 86 Campbell Street, Gerringong, as it is inconsistent with the Kiama Local Strategic Planning Statement 2020 and therefore fails the strategic merit test.

(Councillors Sloan and Watson)

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

Against: Nil

14.2 Minnamurra Boardwalk grant variation**20/244OC****Committee recommendation** that Council:

1. note that the variation request to increase funding for the Minnamurra Boardwalk project was not successful and the offer from the State Government to identify alternative projects to replace the original project and utilise the unspent grant funds within the Municipality
2. note that no Council budget is available to fund the \$11 million gap in place of the unsuccessful grant variation and that the Minnamurra Boardwalk project remains a project of interest to Council that could be progressed if a suitable external funding source became available
3. approve the proposal to substitute the following projects to replace the unspent funds for the Boardwalk project –
 - a) Jamberoo Valley Cycleway extension
 - b) Investigation and design development for Kiama Bends (Princes Highway) shoulder widening including consideration of the Old Mill road as an alternative or complementary route
 - c) Omega Flat – Fern Street, Gerringong pathway – revised elevated design and costing
 - d) Town Centre bicycle facilities improvements
 - e) Network connectivity improvements to the Minnamurra Bike Skills Track.

(Councillors Way and Brown)

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

Against: Nil

16.10 Question for future meeting: Rest Park Gerringong - Trees**20/245OC****Committee recommendation** that Council

1. notes the specific circumstances outlined by Mr Moore in Public Access on 21 September 2020 and trim the gum to the extent which will remove the overhanging branches to the property of 13a Chittick Place, Gerringong as well as removing the three casuarina trees abutting the fence of this property to allow natural warmth to his family as well as remove the safety risk of cleaning up the constant debris left by these trees as well as remove the constant worry his household has during high wind that a large branch could cause harm to a person on the family property.

2. consults the residents of 26 Greta Street, Gerringong and other affected residents to assess the impact of the trees from Rest Park to the amenity of their living conditions and take appropriate action.

(Councillors Brown and Steel)

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

Against: Councillors Rice, Sloan and Way

An amendment was **moved** by Councillor Sloan and **seconded** by Councillor Reilly that Council:

1. notes the specific circumstances outlined by Mr Moore in Public Access on 21 September 2020 and trim the gum to the extent which will remove the overhanging branches to the property of 13a Chittick Place, Gerringong as well as removing the most westerly casuarina tree abutting the fence of this property to allow natural warmth to his family as well as remove the safety risk of cleaning up the constant debris left by these trees as well as remove the constant worry his household has during high wind that a large branch could cause harm to a person on the family property.
2. consults the residents of 26 Greta Street, Gerringong and other affected residents to assess the impact of the trees from Rest Park to the amenity of their living conditions and take appropriate action.

The **amendment** on being put was **lost**.

For: Councillors Sloan and Way

Against: Councillors Brown, Honey, Reilly, Rice, Steel, Watson and Westhoff

11 REPORT OF THE GENERAL MANAGER

Item 11.1 Election of Mayor and item 11.2 Election of Deputy Mayor were dealt with earlier in the meeting.

11.3 Amendment to the Model Code of Conduct and Procedures

20/246OC

Committee recommendation that Council agree to make the required changes to Council's Code of Conduct for Councillors and the Procedures for the Administration of the Code of Conduct as detailed in the new Model Code of Conduct 2020 and the new Procedures for the Administration of the Model Code of Conduct.

(Councillors Brown and Watson)

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

Against: Nil

11.4 Council Committees - appointment of committees and memberships for 2020/2021

The General Manager declared a significant pecuniary interest in relation to the appointment of Councillors to the General Manager's Performance Review Committee.

The General Manager left the meeting at 6.05pm and returned at 6.13pm.

20/247OC

Committee recommendation that Council endorse the committee structure for 2020/2021 as detailed in the report with the following amendment:

1. that the councillor membership for the Performance Review Committee be changed to Councillors Honey, Sloan, Reilly and Steel.

(Councillors Brown and Watson)

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

Against: Nil

11.5 Councillor delegates to other bodies 2020/2021

20/248OC

Committee recommendation that Council endorse its representatives to outside organisations for 2020/2021 as detailed in the report with the following amendment:

1. That Councillor Rice replace Councillor Reilly as the representative on the Illawarra Shoalhaven Joint Organisation Board.

(Councillors Sloan and Watson)

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

Against: Nil

11.6 Delegations of functions of Council to the General Manager

20/249OC

Committee recommendation that Council delegate to the General Manager:

1. All of the delegable functions of the Council, excluding those functions specified in clauses (a) to (u) of section 377(1) of the Local Government Act 1993.

2. Specific Council delegations as follows:
 - a. to write off monies due to Council up to and including the amount of \$2,500 provided such writing off is in accordance with the provisions of the Act
 - b. to approve contributions towards legal expenses sought by the Local Government NSW providing such payments do not exceed \$1,000
 - c. to waive the replacement cost of domestic waste garbage and recycling bins due to extenuating circumstances following investigation in relation to a claim
 - d. the power to negotiate prices with prospective purchasers of Council land within parameters set by Council, subject to approval by Council
 - e. to approve donations to community members/groups of up to \$500.
3. The authority to approve development applications up to a value of \$2,000,000 where a proposal complies with statures planning instruments and Council's policies and codes and where no more than 3 objections are received, except:
 - a. where developments are for subdivisions of over 30 allotments
 - b. where a Councillor requests that the matter be put before Council; and
 - c. the development application is very likely to attract significant public interest and community input in relation to the preservation of coastal and scenic landscapes
 - d. approve development applications reliant on the application of SEPP No.1 and clause 4.6 of the Kiama Local Environment Plan 2011 where the variation to the development standard sought is a minor nature or effect
 - e. approve development applications seeking minor variations to Council's Development Control Plans when the variations are of a minor nature of effect
 - f. refuse development applications once approved where approval of such application is prohibited under the Local Government Act or Regulation, or Environment Planning Instrument or where the application is so far outside Council's code or policy requirements that conditions to rectify deficiencies cannot be embodied in the approval
 - g. approve (but not refuse) applications for extensions of time for development applications previously approved by Council or its officers where the planning position remains unchanged
 - h. the authority to take appropriate action and if necessary commence legal proceedings and/or issue a penalty infringement notice in relation to unauthorised development.
4. The authority to:
 - a. delegate 'appropriate persons' under Division 1, Part 164 of the Local Government (General) Regulation 2005 (NSW), and
 - b. appoint 'authorised officers' under section 372 of the Biosecurity Act 2015.

(Councillors Rice and Steel)

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

Against: Nil

11.7 Delegations of functions of the Council to the Mayor

20/2500C

Committee recommendation that Council delegate to the Mayor:

1. to supervise and advise the General Manager in the exercise of that officer's powers, duties and functions
2. to review (in conjunction with the Council's review panel) the performance agreement for the General Manager, and report at least annually thereon to Council
3. to authorise any work which in the opinion of the Mayor is urgent at a cost not to exceed \$50,000.

(Councillors Westhoff and Sloan)

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

Against: Nil

12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

12.1 10.2019.227.1 - Lot 19 DP 156143 - 139 Manning Street, Kiama - Demolition of existing dwelling & associated structures, construction of attached dual occupancy & 2 Lot Torrens Title Subdivision

20/2510C

Committee recommendation that Council approve Development application 10.2019.227.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Sloan and Reilly)

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

Against: Nil

20/252OC

Committee recommendation that Council engages in a review of Kiama Development Control Plan Chapters 3 and 6 to ensure that respect for local character, including roof pitch in areas adjoining older urban development, is consistently reflected throughout these chapters and reinforced by related controls.

(Councillors Rice and Brown)

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

Against: Nil

Items 12.2 and 12.3 were dealt with earlier in the meeting as Public Access Reports.

13 REPORT OF THE INTERIM DIRECTOR CORPORATE AND COMMERCIAL SERVICES

13.1 Section 355 Committee - Jamberoo Youth Hall

20/253OC

Committee recommendation that Council:

1. appoint the following community members to the Jamberoo Youth Hall Committee under the Policy as permitted under section 355 of the Local Government Act 1993:
 - Ms Roslyn Neilson
 - Mr Stuart Richards
 - Ms Megan Collins
 - Ms Vivienne Marris
 - Ms Cathy Delhaas
 - Ms Karlee Matthews
 - Mr Greg Walsh
 - Ms Nicole Rodgers
2. advise the appointed community members to hold an inaugural committee meeting and elect office bearers through a Returning Officer and advise Council in writing of the committee positions within 7 days of the inaugural meeting
3. provide confirmation to the Jamberoo Youth Hall Committee in writing of the establishment of the committee and date of commencement of committee responsibility for the management of the Jamberoo Youth Hall

4. amend the Section 355 Committee Policy by formally recognising the Jamberoo Youth Hall Committee and the adopted Committee Charter to be the “care, control and management of the Jamberoo Youth Hall.”

(Councillors Reilly and Way)

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

Against: Nil

13.2 Statement of Investments - August 2020

20/254OC

Committee recommendation that Council receive and adopt the information relating to the Statement of Investments for August 2020.

(Councillors Brown and Reilly)

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

Against: Nil

14 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

14.1 Coastal Walking Track - Gerringong to Gerroa

20/255OC

Committee recommendation that Council:

1. adopts Council’s preferred route concept for the future extension of the Coastal Walking Track between Boat Harbour, Gerringong and Black Head, Gerroa.
2. lodges an application for funding with the NSW Government under the Coastal Lands Protection Scheme for land acquisition and track implementation based on the concept proposal.

(Councillors Way and Brown)

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

Against: Nil

Item 14.2 was dealt with earlier in the meeting at Public Access Reports.

15 REPORT OF THE ACTING DIRECTOR BLUE HAVEN

Nil

16 REPORTS FOR INFORMATION**20/256OC**

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

- 16.1 Councillor Meetings Register - 12 June 2020 to 15 September 2020
- 16.2 Kiama suicide response coordination
- 16.3 Minutes: Central Precinct - 25 August 2020
- 16.4 Minutes: Minnamurra Progress Association - 4 August 2020 and 1 September 2020
- 16.5 Minutes: South Precinct meeting - 20 August 2020
- 16.6 Notification of exhibition of new Housing Diversity State Environmental Planning Policy
- 16.7 Parking Statistics - August 2020
- 16.8 Question for future meeting: Councillor numbers
- 16.9 Question for future meeting: Development Application for IGA building, Jamberoo - solar panels
- 16.11 Question for future meeting: Significant Tree Register - Landcare assistance
- 16.12 Questions for Future Meetings Register as at 16 September 2020
- 16.13 Review of Illawarra-Shoalhaven Regional Plan
- 16.14 Short Term Rental Accommodation Policy - Outlining Process
- 16.15 TOMRA Reverse Vending Machine Gerringong.

(Councillors Westhoff and Sloan)

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

Against: Nil

RESUMPTION OF ORDINARY BUSINESS**20/257OC**

Committee recommendation that at this time, 6.41pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Reilly and Watson)

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

Against: Nil

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

20/258OC

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 20/241OC to 20/256OC above.

(Councillors Westhoff and Sloan)

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

Against: Councillor Watson

17 ADDENDUM TO REPORTS

Supplementary item 21.4 was dealt with in Confidential Committee.

18 NOTICE OF MOTION

Nil

19 QUESTIONS FOR FUTURE MEETINGS

19.1 Accessibility to South Bombo

Councillor Brown requested a report on accessibility to south Bombo from Kiama. The matter was referred to the Director Engineering and Works for investigation and report.

19.2 Vegetation - south end Werri Beach

Councillor Brown requested a report on:

- (a) the vegetation at the south end of Werri Beach
- (b) how Council is, or could, work with community groups, like Gerringong Bowling Club and Landcare, to remove the debris from flooding due to recent rainfall, and removing dead and inappropriate flora.

The matter was referred to the Director Engineering and Works for investigation and report.

19.3 Portable pump track

Councillor Sloan requested a report on the locations for the portable pump track and assess South Werri Reserve adjoining the Gerringong skate park, as a suitable location. The matter was referred to the Director Engineering and Works for investigation and report.

19.4 Kiama Council branding

Councillor Reilly requested a report on suggestions for branding of Kiama Council, including use of the wave logo which is currently used for Destination Kiama. The matter was referred to the Director Environmental Services for investigation and report.

20 CONFIDENTIAL SUMMARY

20/2590C

Resolved that at this time, 6.43pm, 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 Steel and Westhoff)

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

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.

20.1 Exclusion Of Press And Public:*20/2600C*

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.

21.1 ACTING GENERAL MANAGER

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.

21.2 PURCHASE OF TWO 11000KG GVM TIPPER TRUCKS

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.

21.3 TENDER EVALUATION FOR BARNEY STREET CULVERT REPLACEMENT

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.

21.4 RESPONSE ANALYSIS REPORT - RFT KIAMA-930318 (DATA MIGRATION STRATEGY AND SERVICES)

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 Sloan and Westhoff)

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

Against: Nil

21 CONFIDENTIAL REPORTS**21.1 Acting General Manager***20/2610C*

Committee recommendation that Council approve the Director Engineering and Works, Mike Dowd and the Director Environmental Services, Jessica Rippon, to fulfil the role of General Manager during periods of leave of the General Manager of greater than three consecutive business days.

(Councillors Brown and Watson)

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

Against: Nil

21.2 Purchase of two 11000kg GVM Tipper Trucks

20/262OC

Committee recommendation that Council approve the purchase of two (2) Hino FD1124 trucks with tipping bodies from Illawarra Hino at a capital value of \$269,182 + GST.

(Councillors Brown and Way)

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

Against: Nil

21.3 Tender evaluation for Barney Street Culvert Replacement

20/263OC

Committee recommendation that Council approve the award of Tender KIAMA-924203 – Construction of Barney Street Concrete Culvert Replacement to Affective Service Australia with a contract price of \$433,793 excluding GST, plus a contingency allocation of \$43,379 (10%) for costs associated with potential latent conditions relating to piling work.

(Councillors Way and Rice)

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

Against: Nil

21.4 Response Analysis Report - RFT KIAMA-930318 (Data Migration Strategy and Services)

20/264OC

Committee recommendation that Council:

1. Accept the tender from AAXT for the provision of a Data Migration Strategy and Services for Kiama Municipal Council.

2. Authorise the Mayor and General Manager to sign and seal documentation relating to the tender.

(Councillors Sloan and Watson)

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

Against: Nil

Close of Confidential Committee of the Whole:

20/265OC

Committee recommendation that at this time, 6.48 pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Reilly)

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

Against: Nil

Adoption of Report

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

20/266OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 20/259OC to 20/264OC be confirmed and adopted.

(Councillors Watson and Rice)

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

Against: Nil

22 CLOSURE

There being no further business the meeting closed at 6.49pm

These Minutes were confirmed at the Ordinary Meeting of Council
held on 20 October 2020.

A handwritten signature in black ink, appearing to read "Mark Howey", is written over a horizontal dotted line.

Mayor