



# **MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL**

**commencing at 5pm on**

**TUESDAY 9 AUGUST 2016**

**Council Chambers 11 Manning Street, KIAMA NSW 2533**

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**MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL OF  
THE  
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,  
KIAMA, ON TUESDAY 9 AUGUST 2016 AT 5.09PM**

**PRESENT:** Mayor – Councillor B Petschler,  
Deputy Mayor – Councillor W Steel,  
Councillors M Honey, G McClure, N Reilly, K Rice, D Seage, A  
Sloan and M Way

**IN ATTENDANCE:** General Manager, Director Environmental Services, Director  
Finance, Corporate and Commercial Services, Director  
Engineering and Works, Director Community Services and  
Council's Solicitor – Mr Peter Moggach

**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 REPORTS FOR INFORMATION**

Nil

**4 CONFIDENTIAL SUMMARY**

**16/265**

**Resolved** that at this time, 5.10pm, 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 Way and McClure)

**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.

#### 4.1 Exclusion Of Press And Public:

16/266

**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.

#### 4.1 COUNCIL OWNED LAND AT THE CORNER OF SHOALHAVEN AND AKUNA STREETS, KIAMA (LOT 200 DP 1017091), LOT 100 DP 1211384) AND THE FORMER MITRE 10 SITE (LOT 1 DP 50674 AND LOT 1 DP 50193) TERRALONG STREET AND AKUNA STREET, KIAMA

**Reason for Confidentiality:** This matter deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business as per Section 10A(2)(c) of the Local Government Act. .

(Councillors Steel and Sloan)

## 5 CONFIDENTIAL REPORTS

#### 4.1 Council owned land at the corner of Shoalhaven and Akuna Streets, Kiama (Lot 200 DP 1017091), Lot 100 DP 1211384) and the former Mitre 10 site (Lot 1 DP 50674 and Lot 1 DP 50193) Terralong Street and Akuna Street, Kiama

16/267

**Resolved** that Council:

1. enter into the agreement for grant of option with Nicolas Daoud and Co Pty Ltd for the sale price of \$8.5 million plus GST with two three month option extensions at a non-refundable fee of \$60,000 plus GST for each extension available only if the Joint Regional Planning Panel has delayed the determination of the required development application.
2. note the option agreement requirements for a development application to be submitted within six months and include a national retail supermarket having a floor area of 1500 square metres and mechanical connectivity between Terralong Street and Akuna Street, Kiama.

(Councillors Steel and Way)

**Close of Confidential Committee of the Whole:**

16/268

**Resolved** that at this time, 6.10pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Way)

**Adoption of Report**

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

16/269

**Resolved** that that the Confidential Committee of the Whole recommendation numbered 16/267 be confirmed and adopted.

(Councillors Reilly and Sloan)

**6 CLOSURE**

There being no further business the meeting closed at 6.10pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 16 August 2016

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Mayor

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General Manager