



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

commencing at 5pm on

**TUESDAY 23 FEBRUARY 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 23 FEBRUARY 2016 AT 5PM

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

**IN ATTENDANCE:** General Manager, Director Of Environmental Services, Director  
Corporate and Commercial Services, Director Engineering and  
Works and Director Community Services

## 1 APOLOGIES

An apology was tendered on behalf of Councillor Honey.

16/039

**Resolved** that the apology as tendered be accepted.

(Councillors Steel and Way)

## 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.”*

## COMMITTEE OF THE WHOLE

16/040

**Resolved** that at this time, 5.02pm, Council form itself into a Committee of the Whole to deal with the matters listed in the reports as set out below:

Report of the Director of Environmental Services

Report of the General Manager

Report of the Director Finance, Corporate and Commercial Services

(Councillors Way and Rice)

### 3 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

#### 3.1 Review of Determination - DA 10.2015.128.1 - Demolition of existing building, construction of 4 residential units & strata subdivision - Part Lot 19 DP156143 No 139 Manning Street, Kiama

16/041

**Committee recommendation** that Council review the original determination of Development Application 10.2015.128.1 by granting conditional approval to the application subject to the conditions listed at the end of this report.

(Councillors Seage and Way)

For: Councillors McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel and Way  
Against: Nil

### 4 REPORT OF THE GENERAL MANAGER

#### 4.1 Proposed Merger of Kiama and Shoalhaven Councils - Proposed Submission

16/042

**Committee recommendation** that Council:

1. Endorse the draft submission to be made to the Delegate appointed to hold the public inquiry into the proposed merger of Kiama and Shoalhaven Councils, and authorise the General Manager to make minor amendments before the submission date if required.
2. Note that Council has made available to the public the draft Morrison Low reports (identifying that Council is financially 'fit for the future') and the Judith Stubbs and Associates report (confirming that there are significant community disadvantages to the proposal).
3. Again urge the Government to release the KPMG reports that it has used to justify forced council amalgamations.
4. Note that the community has not been provided with the opportunity to vote on this matter, either at the recent State Election or as part of the Boundaries Commission assessment process, despite requests from Council, the Member for Kiama and others for a poll to be conducted under Sec 265 (1) of the Act to assist the Boundaries Commission determine the attitude of the residents and ratepayers.
5. Investigate a formal poll of all residents and eligible ratepayers in accordance with Part 11 of the Local Government Regulation 2005, with this question to be posed: "Do you support the State Government's proposal to merge the

Kiama and Shoalhaven Local Government Areas?”.

6. Request the general manager to prepare an urgent report on the holding of that poll outlining structure, cost and funding, such to be submitted to a special meeting of Council for authorisation so as to meet the requirements of the guidelines issued in December 2015 by the Office of Local Government under Sec 23A of the Act.

(Councillors Sloan and Reilly)

For: Councillors McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel and Way

Against: Nil

**16/043**

**Resolved** that the report tabled by the General Manager be brought forward and dealt with as a matter of urgency.

(Councillors Steel and Way)

#### **4.2 Proposed Merger between Kiama and Shoalhaven Councils -**

**16/044**

**Resolved** that Council:

1. Notes the information and endorses the expenditure to date.
2. Forms the resident advisory group as a Committee of Council

(Councillors Steel and Rice)

### **5 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES**

#### **5.1 Sponsorship Proposal - Elite Energy**

**16/045**

**Committee recommendation** that that Council enter into a sponsorship arrangement committing to expenditure of \$5000 + gst plus in-kind accommodation as detailed in the report.

(Councillors Reilly and Way)

## RESUMPTION OF ORDINARY BUSINESS

**16/046**

**Resolved** that at this time, 5.42pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Steel and Way)

## ADOPTION OF COMMITTEE OF THE WHOLE REPORT

**16/047**

**Committee recommendation** 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 number 16/041 to 16/045 above.

(Councillors Reilly and Way)

## 6 REPORTS FOR INFORMATION

Nil

## 7 CONFIDENTIAL SUMMARY

**16/048**

**Resolved** that at this time, 5.44pm, 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 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.

### 7.1 Exclusion Of Press And Public:

**16/049**

**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.

### 7.1 100 TERRALONG STREET KIAMA (MITRE 10) - FUTURE LEASING AND OFFER TO PURCHASE THE PROPERTY

**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 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 Sloan and Rice)

## 8 CONFIDENTIAL REPORTS

### 7.1 100 Terralong Street Kiama (Mitre 10) - future leasing and offer to purchase the property

*16/050*

**Resolved** that Council further investigate the proposals that have been received.

(Councillors Seage and Reilly)

For: Councillors Petschler, Reilly, Rice, Sloan and Way

Against: Councillors McClure, Seage and Steel

### Close of Confidential Committee of the Whole:

*16/051*

**Resolved** that at this time, 6.09pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Way and Sloan)

### Adoption of Report

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

### **RECOMMENDED**

Resolved that the Confidential Committee of the Whole recommendation numbered 16/050 be confirmed and adopted.

**9 CLOSURE**

There being no further business the meeting closed at 6.10pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 15 March  
2016



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Mayor

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General Manager