



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

**commencing at 5pm on**

**TUESDAY 13 APRIL 2021**

Council Chambers  
11 Manning Street, KIAMA NSW 2533

**MINUTES OF THE EXTRAORDINARY MEETING OF  
THE COUNCIL OF THE MUNICIPALITY OF KIAMA  
HELD IN THE COUNCIL CHAMBERS, KIAMA  
ON TUESDAY 13 APRIL 2021 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,  
Director Corporate and Commercial Services, 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:

*“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.”*

## **DECLARATIONS OF INTEREST**

### **Disclosure of Interest - Councillor Watson**

Councillor Watson declared a less than significant non-pecuniary interest in relation to Item 3.2 10.2019.221.1 - Lot 47 DP 245502 - 41 Hillview Circuit, Kiama - Staged 2 Lot Torrens Title Subdivision and Construction of Dwelling House as he is a near neighbour. Councillor Watson proposed to disclose and vote.

## **TABLING OF PETITIONS AND OTHER DOCUMENTS**

Councillor Reilly tabled a petition containing 400 signatures in relation to the proposed amendment to reclassify (Lot 69A DP 30126, 85 Attunga Avenue, Kiama Heights) from community land to operational land.

**PUBLIC ACCESS SUMMARY**

<b>Name</b>	<b>Item No.</b>	<b>Subject</b>
Alan Woodward	3.1	Planning Proposal to reclassify 85 Attunga Avenue, Kiama Heights
Alan Boyd	3.2	10.2019.221.1 - Lot 47 DP 245502 - 41 Hillview Circuit, Kiama - Staged 2 Lot Torrens Title Subdivision and Construction of Dwelling House
Matt Philpott	3.2	10.2019.221.1 - Lot 47 DP 245502 - 41 Hillview Circuit, Kiama - Staged 2 Lot Torrens Title Subdivision and Construction of Dwelling House
Mark Greaves	5.1	Akuna Street property

**COMMITTEE OF THE WHOLE****21/0630C**

**Resolved** that at this time, 5.08pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

## Report of the Director Environmental Services

(Councillors Way and Westhoff)

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

Against: Nil

**3 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES****3.1 Planning Proposal to reclassify 85 Attunga Avenue, Kiama Heights**

It was **moved** by Councillor Brown and seconded by Councillor Steel that Council defer a decision on the reclassification of 85 Attunga Avenue, Kiama Heights pending a report back to Council on the outcomes of a meeting with the land owners at the rear of 85 Attunga Avenue, to discuss options for access from 85 Attunga Avenue to Easts Beach as per the recommendation from the 17 November 2020 Council meeting.

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

For: Councillors Brown, Steel and Watson

Against: Councillors Honey, Reilly, Rice, Sloan, Way and Westhoff

**21/064OC**

**Committee recommendation** that Council not endorse this Planning Proposal to reclassify Lot 69A DP 30126 – 85 Attunga Avenue, Kiama Heights from Community to Operational land, retaining the existing R2 Low Density Residential zoning and consent to its use as a Recreation areas as permitted in that zoning by The Kiama LEP 2011. Further that negotiations take place with the Kiama Heights Residents Group with regards to maintenance of the land including shade trees and location of a bench seat on that land.

(Councillors Reilly and Rice)

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

Against: Councillor Honey

**21/065OC**

**Committee recommendation** that Council proceeds with its prior resolution for a small delegation to meet with the owners of the adjacent property to discuss the potential for access arrangements in the future.

(Councillors Rice and Brown)

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

Against: Nil

**3.2 10.2019.221.1 - Lot 47 DP 245502 - 41 Hillview Circuit, Kiama - Staged 2 Lot Torrens Title Subdivision and Construction of Dwelling House****Disclosure of Interest - Councillor Watson**

Councillor Watson declared a less than significant non-pecuniary interest in this matter as he is a near neighbour. Councillor Watson took part in discussion and voted on this matter.

**21/066OC**

**Committee recommendation** that Council approve Development Application No 10.2019.221.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Reilly and Brown)

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

Against: Councillors Rice and Steel

### **21/0670C**

**Committee recommendation** that Council write to the Roads and Maritime Services requesting a noise assessment be undertaken and consideration given to the installation of barriers to mitigate road noise for affected residents in Hillview Circuit and surrounds.

(Councillors Brown and Reilly)

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

Against: Nil

## **RESUMPTION OF ORDINARY BUSINESS**

### **21/0680C**

**Committee recommendation** that at this time, 5.44pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Sloan and Way)

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

Against: Nil

## **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

### **21/0690C**

**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 21/0640C to 21/0680C above.

(Councillors Westhoff and Sloan)

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

Against: Nil

## 4 CONFIDENTIAL SUMMARY

*21/0700C*

**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)

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.

### 4.1 Exclusion Of Press And Public:

*21/0710C*

**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.

#### 5.1 AKUNA STREET PROPERTY

**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 Watson and Sloan)

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

Against: Nil

## 5 CONFIDENTIAL REPORTS

### 5.1 Akuna Street Property

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

1. enter into direct negotiations with the current proponent of the lands owned by Council and the proponent, together known as Akuna Street
2. confirms its position of support for extra public parking, open space and a supermarket as well as insisting on an updated valuation of Council owned land should Council decide to sell its land to the current proponent.

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

For: Councillors Brown, Steel, Watson and Way

Against: Councillors Honey, Reilly, Rice, Sloan and Westhoff

### 21/072OC

**Committee recommendation** that Council:

1. Complete the Town Centre Development Control Plan which will include site specific controls for the Akuna Street site prior to undertaking any further work or negotiations relating to the sale of the property.
2. Continue to develop a masterplan for the Akuna Street site which includes options for a supermarket, open space, and residential and commercial uses including parking.
3. Confirm that any potential future sale of this site is to be undertaken within a competitive tender process. This is to allow for due diligence, probity and conflicts of interest to be appropriately managed and ensures that the highest value and best use of the property will be maintained.
4. Investigate the development of appropriate covenants and documentation required, including an appropriate policy for any potential future sale of this and other sites, following the finalisation of required planning controls.

(Councillors Sloan and Reilly)

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

Against: Councillors Brown, Steel and Watson

### Close of Confidential Committee of the Whole:

### 21/073OC

**Committee recommendation** that at this time, 6.30pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Watson and Rice)

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.

**21/074OC**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 21/071OC to 21/073OC be confirmed and adopted.

(Councillors Way and Westhoff)

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

Against: Nil

**6 CLOSURE**

There being no further business the meeting closed at 6.33pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 20 April 2021.

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Mayor