



ORDINARY MEETING OF COUNCIL SUPPLEMENTARY ITEMS

To be held at 5pm on

Tuesday 15 March 2016

Council Chambers

11 Manning Street, KIAMA NSW 2533

Members

His Worship the Mayor

Councillor B Petschler

Councillor W Steel

Deputy Mayor

Councillor M Honey

Councillor G McClure

Councillor N Reilly

Councillor K Rice

Councillor D Seage

Councillor A Sloan

Councillor M Way

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16 ADDENDUM TO REPORTS

16.1 Additional Information for the Director of Environmental Services Report 9.3.

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.9 Ensure the principles of sustainable development and legislative compliance underpin our land uses and the design of our buildings and subdivisions

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

This report provides supplementary information omitted from the original report which requires due consideration.

Finance

N/A

Policy

N/A

Attachments

1 Views from 15 Stafford Street

Enclosures

Nil

RECOMMENDATION

That Council accept the inclusion of the information contained in this report and consider it in conjunction with the information contained in the report by the Director of Environmental Services 9.3 contained within this business paper.

BACKGROUND

This addendum report is to provide supplementary information that was omitted from the Director of Environmental Services Report 9.3 regarding DA 10.2015.169.1 – General Store & dwelling alterations and additions at 22 Stafford Street Gerroa.

The original report identifies that Council had not received a formal submission from the owners of 15 Stafford Street Gerroa. This has been found to be incorrect and this addendum seeks to address that submission.

During the assessment of the application, formal submissions were received from both 13 and 17 Stafford Street. Those submissions outlined concerns regarding view loss which have been formally considered.

Supplementary Reports

16.1 Additional Information for the Director of Environmental Services Report 9.3.
(cont)

In consideration of those submissions, as acknowledged in the original report, 15 Stafford Street was also identified as being affected similarly to 13 and 17 and whilst this was undertaken on the belief that there had not been a submission, number 15 was considered.

In order to officially recognise the submission from 15 Stafford Street an inspection was undertaken on 11/03/2016 and photo (attached) was taken from the upper level front deck of the dwelling under construction on the property.

The submission was general in its context and had two components which can be summarised as follows:-

- Belief that the floor space ratio is exceeded.

Comment – The proposed floor space ratio has been checked and confirmed as compliant (.49:1)

- A suggestion that the view corridors from properties in Stafford Street and Riverleigh Avenue could be improved through the provision of a flat roof rather than the pitched roof as proposed.

Comment – As the original report points out the proposal has been submitted incorporating a pitched roof with a portion of the upper floor contained within the roof space. The actual height difference between a complete flat roof and the current roof proposed would marginally reduce interruption to view corridors from 13, 15 and 17 Stafford Street. It would only expose some additional ocean water views and not assist in exposing any beach / water interface which would be more valued.

It has been noted that Councillors have received correspondence from the owner of 15 Stafford Street which included an interpretative photo of the impact on the views from number 15. The photo, whilst generally accurate, is concentrated on the proposed works and does not provide a panorama beyond the general store of the complete views currently enjoyed from number 15. A photograph has been attached to this report which opens up the view to give a perspective beyond the field of vision provided by the applicant's photo. The panorama (whilst affected by sea fog) shows that the views to Black Head and the Crooked River estuary including its interaction with the sand, to west of the general store will still be visible.

There was no variation considered necessary with regard to the original report following the formal consideration of the submission by 15 Stafford Street and the recommendation to the original report stands as written.

Panorama photo



View from 15 Stafford Street - 1st Floor eastern deck

16.2 Proposed merger of Kiama and Shoalhaven Councils**Attachments**

Nil

Enclosures

Nil

RECOMMENDED

That Council:

1. Extend its appreciation to those who attended the anti-merger rally on 13 March 2016.
2. Subject to the preliminary legal advice to be sought, authorise the General Manager to consider and report on the possibility of Kiama Council being a part the planned action proposed by Woollahra Municipal Council.

REPORT

I formally advise Council of actions taken on the above matter since the last monthly Council meeting.

On 25 February, 2016 the General Manager and I, accompanied by two members of the Keep Kiama Council Local group (Mr Rob McKinnon; chair and Mrs Sandra McCarthy (Emeritus Mayor) met with two senior members of the Department of Premier and Cabinet, Mr Nigel Blunden (Director of Strategy) and Mr Matthew Crocker (Policy Director) and Mr G Ward MP.

The meeting was used to emphasise the issues raised in Council's submission to the delegate, particularly the financial implications, the lack of prior consultation with the communities and the total lack of a true community of interest between the two areas. In the discussions it became clear that the unique Blue Haven redevelopment was a matter which was not properly understood and a statement is being arranged from Council's financials advisors (Premier Consulting) to clarify the benefits of the proposal for the Department.

On 13 March 2016, an enthusiastic group including Councillors Steel, Sloan, Rice, Reilly, Seage and myself, together with members of the KKCL group, the Kiama Blowhole Buskers and the wider community attended the state wide anti-merger rally organised in Hyde Park, Sydney. Speakers included a range of parliamentarians, mayors and councillors and community commentators. The Kiama singers also sang their anti-merger anthem. The rally was united in its condemnation of the State government's use of forced mergers/amalgamations.

On 14 March 2016, I attended a meeting with the Mayor of Woollahra (Councillor Toni Zeltzer) at Woollahra to discuss that Council's proposal for a legal challenge to the State government's supposed incorrect use of the boundaries commission legislation in the current round of merger proposals. Councillor K Sajowitz (Mayor of Oberon) and Councillor M Saliba (Mayor of Shellharbour) also attended.

Mayoral Minute

16.2 Proposed merger of Kiama and Shoalhaven Councils (cont)

As I understand it from the relatively brief (non-legal) discussions, Woollahra Council is preparing a substantial brief addressing those legislative issues as well as issues relating to procedural fairness and equity and some procedural processes involved in the merger issues. The case is interesting, and would have significance for NSW local government if it successful. Mayor Zeltzer hopes to provide further information on the matter once a response is received from the Minister to Woollahra Council's letters.

At this stage, councils are not being requested to join in a class action, but it was suggested that, if interested, Council should seek some preliminary legal advice on the substantive issues once we have them to hand. Future formal action could then be determined.

There is no commitment of legal funding for the case itself, only a request to determine if Council can see a legal role for it to play.

16.3 Extraordinary Council Meeting on 14 March 2016

Attachments

1 Minutes - Extraordinary Council - 14 03 16

Enclosures

Nil

RECOMMENDED

That the Minutes of the Extraordinary Council Meeting held on 14 March 2016 be received and accepted.



MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL

commencing at 6.21pm on

MONDAY 14 MARCH 2016

Council Chambers 11 Manning Street, KIAMA NSW 2533

Item 16.3

Attachment 1

MINUTES OF THE EXTRAORDINARY MEETING

14 MARCH 2016

MINUTES OF THE EXTRAORDINARY MEETING
OF THE COUNCIL OF
THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,
KIAMA, ON MONDAY 14 MARCH 2016 AT 6.21PM

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 Of Environmental Services, Director
Corporate and Commercial Services, Director Engineering and
Works and Director Community Services

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.”

16/057

Resolved that Item 3.1 Notion of Rescission Motion below be brought before Council and dealt with as a matter of urgency.

(Councillors Reilly and Rice)

3 NOTICE OF RESCISSION MOTION

3.1 Proposed merger of Kiama and Shoalhaven Councils

16/058

Resolved that Council rescind part 1. of Committee Recommendation 16/053 of the resolution made in relation to the report of the General Manager at the Council Meeting held on 7 March 2016 in relation to the proposed merger of Kiama and Shoalhaven Councils.

(Councillors Seage and Sloan)

MINUTES OF THE EXTRAORDINARY MEETING

14 MARCH 2016

16/059

Resolved that Council adopt an amended motion which reads as follows:

‘That Council:

- 1. Conducts a poll to be completely managed by the NSW Electoral Commission with the question to read:

“Do you want Kiama Municipal Council to amalgamate with another Council?”

or words to the same effect.’

(Councillors Seage and Sloan)

For: Councillors Honey, McClure, Reilly, Rice, Seage and Sloan

Against: Councillors Petschler, Steel and Way

4 CLOSURE

There being no further business the meeting closed at 6.26pm

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

.....
Mayor

.....
General Manager

19 Confidential Summary**CONFIDENTIAL COMMITTEE OF THE WHOLE**

Submitted to the Ordinary Meeting of Council held on 15 March 2016

PROCEDURE

- Recommendation to go into Closed Committee.
- Mayoral call for Public Representations.
- Consideration of Representations and issues to be removed from Closed Committee.
- Recommendation to exclude Press and Public if required.
- Closed Committee discussions if required.

19.1 Exclusion Of Press And Public:**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 on the grounds detailed under the report headings as detailed below.

20.2 KIAMA HOSPITAL PROJECT - ASSESSMENT OF EOI - ARCHITECT AND PROJECT MANAGER

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. .

20 CONFIDENTIAL REPORTS**20.2 Kiama Hospital Project - Assessment of EOI - Architect and Project Manager**

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.4 Plan for and support our Ageing Population

Delivery Program: 1.4.2 Redevelop and expand the Blue Haven Aged Care Facility

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
