

ADDENDUM TO REPORTS

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Submitted to the Ordinary Meeting of Council held on 17 April 2007

1 Development Applications (T43.002.000) (Information Report - DES) Roofing Colours

During Council's meeting held on 20 March 2007, Councillor Steel requested a report on Council's policy on the colour of roofing used in building development.

In general terms the colour of roofing is determined on the merits of the individual case given its location and its visual and reflectivity impacts.

In rural areas, for example, Development Control Plan No 35 – *Rural Dwellings Design and Siting Guidelines* identifies under the heading of “*Performance Criteria and Development Standards*” that:

- *Materials or external finishes should not give rise to visual intrusion by virtue of texture, colour or arrangement. The use of recessive earthy tones is required.*
- *Lightly coloured roofs, in addition to unpainted corrugated iron, zincalume or painted red oxide roofs are not considered to be appropriate for use within rural areas. Exceptions may be considered where the proposed house site is screened from view by either its location or by way of existing vegetation, or where the use of these materials is appropriate in terms of the heritage context of the site.*

Development Control Plan No 8 – *Building Height and Amenity*, also requires Council to consider under the “*Aims and Objectives*”:

- (a) *To recognise the right of residents to the style of house which they reasonably seek and to encourage the design of new houses and additions to houses which do not unreasonably or detrimentally affect the amenity of neighbours or the local environment;*

This identifies the need for Council Officers to consider matters such as reflectivity of roofs within the context of the possible detrimental affect to neighbours and the environment.

Kiama Local Environmental Plan 1996 identifies the following under Schedule 1 – Residential Design Guidelines – Streetscape:

Matters to be considered

.....; *design of roofs (eg material, colour, pitch)*.....

1 Contd

Recladding of roofs or walls is generally exempt from the requirement for a development application subject to certain criteria being met. Amongst other matters this includes the requirement for low reflective materials to be used in regard to the recladding of roofs. Should low-reflective not be used with respect to the recladding of roofs, it would not be considered as exempt under Council's Development Control Plan No 20 – *Exempt and Complying Development* and would therefore require a development application to be submitted and assessed on the merits of the particular case.

2 State Parks (L31.084.000) (Reports for Information - GM) Killalea State Park

A notice was placed in the Illawarra Mercury on Good Friday 6 April 2007 advising of an intention to give consent to a lease of a Crown Reserve being part of Killalea State Park for the purpose of Section 102(2) of the Crown Lands Act 1989. An extract from the advertisement is as follows:-

“It is NOTIFIED THAT THE Minister for Lands intends to give consent in accordance with section 102(4)(a) of the Crown Lands Act 1989 to the grant of a lease and to the grant of a class of leases (the particulars of which are set out in Schedule 1) by the Killalea State Park Trust (‘the Reserve Trust’) on a date not less than 14 days from the publication of this notice in respect of the land described in Schedule 2.

SCHEDULE 1

Proposed lessee: Killalea Coastal Investments Pty Ltd (‘the Developer’)

Proposed term: 52 years

Particulars: The proposed lease ‘the Development Lease’ will be granted by the Reserve Trust to the Developer for the purpose of authorizing a tourism resort for part of the Crown Reserve pursuant to the Strata Schemes (Leasehold Development) Act 1986. The development of the tourism resort will involve a staged strata leasehold scheme involving a subdivision carried out pursuant to a development agreement between the Reserve Trust and the Developer.

The area over which the Development Lease operates will be replaced in stages as the Reserve Trust grants to purchasers of lots or to the Developer or its nominee in the case of unsold lots, a class of leases (‘the Accommodation Lot Leases’) over lots and common property in each strata plan forming a stage in the strata leasehold scheme. The Development Lease will provide for automatic termination of its operation over areas leased pursuant to the Accommodation Lot Leases.

SCHEDULE 2

Crown Reserve:

Killalea State Park Dedication R 1001339 for Public Recreation,
Notified 1 June 1997.

Location: Bass Point

Parish: Terragong

County: Camden

LGA Shellharbour City

Land District: Kiama”

In January 2006 Council was advised of a proposed amendment to the Killalea State Park Plan of Management with the purpose of the proposed amendment to facilitate the use of the public recreation reserve for the additional purpose of “tourist facilities”.

In February 2006 Council forwarded comments in relation to the proposed amendment to Killalea State Park Plan of Management and an extract from Council’s letter is as follows:-

2 Contd

“Kiama Council supports the Killalea Trust objective of improving their financial capacity to fund development, enhancement and maintenance works within the Killalea State Park.

In seeking to provide for ongoing income it is important that both the environmental and recreational values of the Park are retained. The Killalea State Park is the only remaining coastal landscape separation between the urban area of Shellharbour City and Minnamurra/Kiama. In addition, the Park has high environmental values incorporating SEPP 14 wetlands, beaches, rocky headlands, sand spit and coastal vegetation. The protection and enhancement of these values, recreational and educational access should be a primary objective. Every effort should be made to ensure that these values are not a casualty in the process of income generation.

In addition to the need to address the principle raised above, the following comments are made:

- *Northern Ridge—more intense urban style accommodation would be a suitable use in this area subject to a clear buffer from vegetation, management of runoff and enhancement to pedestrian links/walkways to manage increased pedestrian pressures.*
- *Environmental Education Precinct—enhancement of environmental education profiles and opportunities is considered a positive outcome.*
- *Eastern Ridge—the eastern ridge is not considered suitable for accommodation. This site contains highly valued public access and infrastructure which should be retained for public access and use. This site is also highly visible in the coastal landscape and should be protected from construction of substantial buildings. Council would be opposed to the inclusion of the Eastern Ridge for accommodation.*
- *Western Gully—this gully which sites adjacent to the Shell Cove Golf Course is considered suitable for cabin style accommodation. Management of effluent runoff and pedestrian access enhancement will be required. Vegetation enhancement and weed removal should be incorporated as both initial and long term outcomes with both physical and financial requirements and responsibilities in any lease agreements.*
- *Southern Camping—this area is supported for camping, caravan and bunkhouse accommodation.*

2 Contd

- *Areas of High and Moderate Sensitivity – the criteria to establish the sensitivity of areas appears limited. The area of high sensitivity should include all existing vegetation, Area 7 the protected valley and an increased buffer to Rocklow Creek and adjoining SEPP 14 wetland. The area of moderate sensitivity to the south-east of the Minnamurra Beach carpark is considered to have high visual and landscape value from a Kiama perspective and should be included in the area of greatest sensitivity.*

Modification to the Killalea State Park Plan of Management is supported with the modification identified above.”

3 Kiama Craft Markets - School Flat and Black Beach Kiama (10.1999.473.7) (DES) Application to Modify Consent

Summary

This report considers a modification to the Development Consent for the monthly Kiama Craft Markets.

Finance

Not Applicable

Policy

Not Applicable

Reason for the Report

Previous modifications of consent have been brought before Council.

Council's Vision and Goals

The Kiama Craft Markets provides opportunity for Council to achieve it's goal of facilitating an environment in which appropriate business can flourish.

Report Attachments and Councillor Enclosures

- Attachments – Nil.
- Enclosures – Nil.

RECOMMENDATION

That Council:

- 1) give delegated authority to the General Manager to determine Development Application 10.1999.473.7 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 subject to conditions deemed appropriate in consultation with the Director of Environmental Services.
- 2) enter negotiations with the Board of the Kiama and District Chamber of Commerce to ensure that any future Licence Agreement for the use of the Reserve by the Chamber to conduct the monthly Markets include provision for the equitable participation by community groups in the provision of food and beverages during those markets.

REPORT

Applicant:	Kiama and District Chamber of Commerce
Owner:	Department of Lands
Property Description:	Ground Reserve Number 345 Black Beach – School Flat, Shoalhaven Street, Kiama.
Description:	Proposed modification to Development Consent to extend the period for approved Craft Markets.

3 Contd

Council is in receipt of a request to modify Development Application 10.1999.473.7 for the monthly Craft Markets currently provided through the Kiama and District Chamber of Commerce on the above property.

The current Development Application is due to expire on 10 May 2007 with the condition as modified by Development Application 10.1999.473.6 reading as follows:

“8) This Consent shall expire on the 10 May 2007. Prior to the expiration of this period the Applicant shall re-apply to Council for the continued operation of the Markets”.

The current Application for Modification includes a request for an extension of the period of operation of the Kiama Seaside Craft Markets for a further three years expiring on the 10 February 2010. In addition the Chamber has sought clarification of the intent of condition of the 13 of the original consent which states:

“13) Community groups are to be continued to be offered the provision of hot food booths at the Markets”.

During Council’s meeting of the 20 February 2007, Council resolved in respect to a previous Application to modify the Consent for a three month period only as follows:

1. Council note staff actions in regard to the approval of modified Development Application 10.1999.473.6 for three months only;
2. Council forgo fees in respect to the submission of a further modification requesting the extension of the provision of the Markets; and
3. Council initiate discussions with the Chamber of Commerce during the three month period in regard to a Licence Agreement which provides equitable participation by community groups. The discussion should also canvas participation by other food and beverage providers.

In consideration of Item 3 of that resolution it would appear that an appropriate way of executing that resolution would be to remove condition number 13 from the original consent as part of this modification. This would provide the opportunity to negotiate with the Chamber of Commerce regarding the availability and participation of community groups as food and beverage providers at the Markets through the Licence Agreement for use of the reserve required between the Chamber of Commerce and Council.

During consideration of this modification it was noted that a condition relating to access to and from the reserve, imposed under a previous modification on a trial basis, has never been permanently adopted.

3 Contd

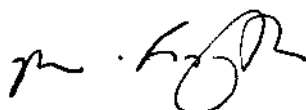
The condition read as follows:

“15A) Notwithstanding condition 15, in relation to access via the bollarded entrance, a 3 month trial period commencing 15 August 2004 and ceasing 17 October 2004 be conducted under the following conditions:

- 1) Egress be limited to between the hours of 3.00pm and 5.00pm.*
- 2) Egress to be supervised by the market managers and a Certified Traffic Controller at all times.*
- 3) Egress onto Shoalhaven Street to be by a left turn only.*
- 4) Activities to be observed by a Council Officer with a report to be brought back to Council following the trial for final determination on this matter.*

Following the conclusion of the trial period, access arrangements shall be in accordance with condition 15.”

Council’s Manager of Parks and Environment has advised that there have been no concerns with the revised access arrangements and he has no objection to their permanent implementation.



M Forsyth
General Manager