

Planning Proposal to Amend Kiama LEP 2011 – 11 Manning Street, 2 Havilah Place



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

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Planning Proposal for amendments to the Kiama LEP 2011

1.0 Site Description

The Planning Proposal (PP) applies to Lot 100 DP 635588, 11 Manning Street and part of Lot 71 DP 831089, 2 Havilah Place in respect to re-zoning, building heights and Floor Space Ratio (FSR).

11 Manning Street

- The site has a total area of 4370m².
- The site is located within the Kiama Town Centre and is accessible from Morton Street although it has frontage to Manning Street.
- The site comprises the current Kiama Municipal Council administration building and Local Heritage Item I109 – Kiama Council Chambers (former).
- The site adjoins the Illawarra Railway.



Figure 1 - Location Aerial Image 11 Manning Street (Source: SIX Maps)



Figure 2 – Site Aerial Image, 11 Manning Street (Source: SIX Maps)

2 Havilah Place

- The PP applies to approximately 1,900m² of land within Lot 71 DP 831089, 2 Havilah Place (total area of the lot is 3.01ha), as shown in Figures 4 and 5.
- The site is located within the northern portion of the Kiama Town Centre and is accessible from Havilah Place.
- The site comprises of the Blue Haven Aged Care Facility.



Figure 3 – Location Aerial Image, 2 Havilah Place (Source: SIX Maps)



Figure 4 - Site Aerial Image, 2 Havilah Place (Source: SIX Maps)

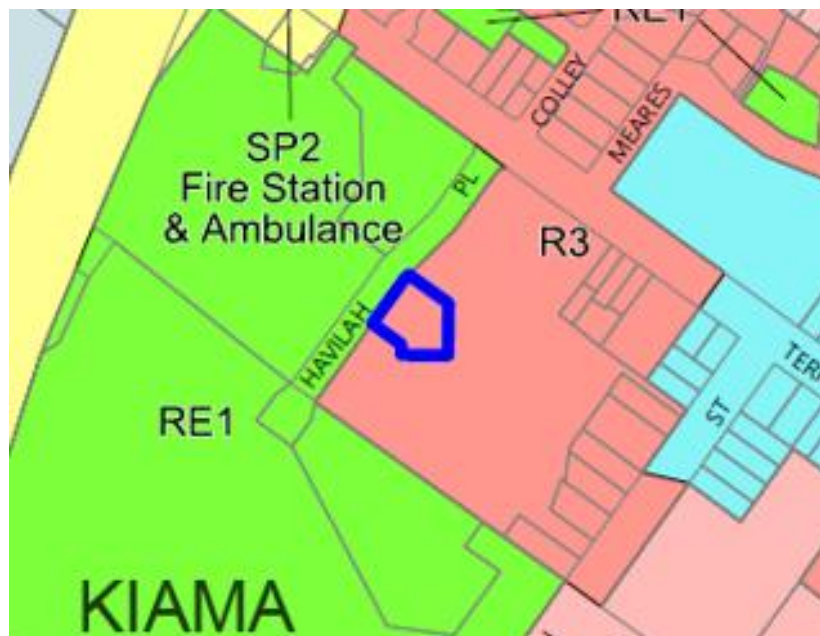


Figure 5 – Subject Site, part of 2 Havilah Place

2.0 Statement of the objectives

The Planning Proposal (PP) seeks to amend the Kiama Local Environmental Plan (LEP) 2011 to:

- Allow for a wider range of commercial activities to occur on Lot 100 DP 635588 – 11 Manning Street (i.e. Council's administration site) including facilitating a five (5) storey building on the site; and
- Increase permissible building height and FSR to facilitate a seven (7) storey building on part of Lot 71 DP 831089 – 2 Havilah Place (i.e. the retirement village component of the Blue Haven site).

3.0 Explanation of provisions

The proposed outcome will be achieved by making the following amendments to the Kiama LEP 2011:

1. Amend the Land Zoning Map on Lot 100 DP 635688, 11 Manning Street (i.e. Council's Administration Site) from SP2 Infrastructure Council Chambers to B2 Local Centre;
2. Amend the Height of Buildings Map to increase the permissible building height for Lot 100 DP 635688, 11 Manning Street from 11 metres to 19 metres;
3. Amend the Floor Space Ratio Map to increase the permissible FSR for Lot 100 DP 635688, 11 Manning Street from 0.9:1 to 2.5:1;
4. Amend the Height of Buildings Map to increase the permissible building height for part of Lot 71 DP 831089, 2 Havilah Place from 8.5 metres to 24 metres;
5. Amend the Floor Space Ratio Map to increase the permissible FSR for part of Lot 71 DP 831089, 2 Havilah Place from 0.7:1 to 2.5:1; and

The PP seeks to increase the building height for Lot 100 in its entirety to account for future development on the site. Increasing the building height on part of lot would result in the need to further increase the Floor Space Ratio (FSR) permissible on the site. The site is constrained by having two frontages (Manning Street and Morton Street), the adjoining Illawarra Railway and heritage item (former Kiama Council chambers) and as such, any future development of the site is considered highly likely to have an open space portion fronting Manning Street. Therefore, increasing the maximum permissible building height for the entirety of the site is the preferred option.

4.0 Justification for objectives

4.1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The PP is not the direct result of an endorsed Local Strategic Planning Statement (LSPS). Council are currently in the process of preparing a LSPS. This PP was endorsed by Council at the Ordinary Meeting on 17th September 2019.

The PP is a result of the *Kiama Town Centre (KTC) Study* and the *Kiama Town Centre Economic Study* which are considered to be strategic documents. The KTC Study was prepared to assist Council with its planning and development functions, whilst also informing the direction of future strategic planning studies and policies. The KTC Study included 47 actions including Development Control Plan (DCP) and Local Environmental Plan (LEP) recommendations. Among these recommendations included changes to the Kiama LEP 2011 detailed in this PP. The aim of the KTC Study was to explore accommodating growth in the town centre in a form that respects and supports the existing established character. A key driver of the study is the economic vitality of the town centre including the focus for employment opportunities. The KTC Study makes reference to the *Kiama Town Centre Economic Study* which highlights a lack of commercial floor space within the Kiama Town Centre, and therefore reducing employment opportunities. The study identified a number of opportunity sites within Kiama including the two sites subject to this PP; 11 Manning Street and 2 Havilah Place.

Lot 100 DP 635588 – 11 Manning Street (i.e. Council's administration site)

A key finding of the *Kiama Town Centre Economic Study* is the significant economic benefit of the Kiama Council offices in regards to employment generation, increased activation and foot traffic generation. It is considered that relocation of Kiama Municipal Council's administration building would have a detrimental impact on the Kiama Town Centre as seen in regional centres such as Nowra (NSW) and Victor Harbour (SA). As such, it was recommended that Council administration be retained in its current location and Council seek to make amendments to planning policies to allow for greater development opportunities.

The current Council administration site (11 Manning Street) is zoned SP2 Infrastructure Council Chambers under the Kiama LEP 2011. It is considered that this land zone is overly-restrictive as the only permissible uses are *roads*, *aquaculture* and Council's Chambers. Currently the maximum height of building permitted by the LEP is 11m and the maximum floor space ratio (FSR) is 0.9:1. Rezoning the site to B2 Local Centre allows for a wider range of commercial activities with Council's Administration functions remaining permissible on the site as a type of *public administration building*. The above LEP amendments are able to facilitate a five (5) storey building on the site and therefore having a beneficial social and economic benefit on the town centre. Social and economic benefits are discussed further in Section 4.9 of this report.

The KTC Study provided two options for redevelopment of the site, one being a four (4) storey development, and the other five (5) storey. The PP seeks to increase the permissible building height to facilitate a five (5) storey development as opposed to a four (4) storey development to accommodate the potential to provide commercial floor space within Council's administration building. As discussed in Section 4.9 of this report, there is a demand for commercial/office floor space within the Kiama town centre, and therefore a 19m building height is considered appropriate for the site.

Lot 71 DP 831089 - 2 Havilah Place (i.e. the retirement village component of the Blue Haven site)

The *Kiama Town Centre (KTC) Study* identified a portion of the Blue Haven Aged Care Facility as a strategic opportunity site for increased residential/commercial development. The site is considered to be a strategic opportunity site given its current R3 Medium Density Residential Zoning and its access to essential services. Further to this, the current aged care facility is to be relocated to the former Kiama Hospital site, and is therefore suitable for development.

The KTC Study recommended that higher density residential development would be suitable for the site and therefore an increase in permissible building height and Floor Space Ratio (FSR) is required to facilitate such development. The existing maximum building height and FSR for the site is 8.5m and 0.7:1 respectively. It is considered that these development standards are overly restrictive and do not allow for the most efficient use of the site. The subject site is currently zoned R3 Medium Density Residential with the PP enabling larger residential development that is already permissible with consent on the site.

4.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A PP is the mechanism available for amending the current provisions of the LEP. Alternative mechanisms to amend the LEP to facilitate such development include Additional Permitted Uses (Schedule 1 of Kiama LEP 2011) and Development near zone boundaries (Clause 5.3 Development near zone boundaries of the Standard Instrument – Principal Local Environmental Plan). These mechanisms are not considered to be the most appropriate as Clause 5.3 of the Standard Instrument – Principal Local Environmental Plan is not currently adopted by the Kiama LEP 2011.

4.3 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies?)

The applicable regional plan for the area is the Illawarra-Shoalhaven Regional Plan (ISRP). It is considered that the proposed amendments to the Kiama LEP 2011 are consistent with the following directions:

- Direction 2.1 - 2 Havilah Place
- Direction 3.1 - 11 Manning Street

Direction 2.1 – Provide sufficient housing supply to suit the changing demands of the regions

The PP is considered to be consistent with and give effect to Direction 2.1 of the Illawarra-Shoalhaven Regional Plan (ISRP). The ISRP identifies the need for providing a variety of housing choices that meet changing needs and lifestyles and therefore planning controls may need amending to increase capacity for housing. The ISRP identifies that Kiama has a lack of land and 'market ready' infill development to meet increasing housing demand. This PP will facilitate a higher density residential development within close proximity to services without the need for urban expansion. The subject PP seeks to amend the Kiama LEP to increase the permissible building height and FSR to facilitate higher density residential development and is therefore consistent with the objectives and actions of the applicable regional plan being the Illawarra-Shoalhaven Regional Plan. The *KTC Study* indicates that increasing permissible building height and Floor Space Ratio (FSR) could allow for up to 70 additional dwellings on the site.

Direction 3.1 – Grow the opportunities for investment and activity in the region's network of centres

The PP is considered to be consistent with and give effect to Direction 3.1 of the ISRP. The ISRP states that *allowing centres to grow to accommodate jobs and services is integral to their resilience*. The KTC Study and supplement economic study has identified the lack of supply of commercial space within the Kiama town centre and actions to assist in providing opportunity for investment. The subject PP seeks to amend the Kiama LEP to rezone 11 Manning Street to B2 Local Centre to allow for a wider range of commercial activities and to increase the permissible building height and floor space ratio (FSR) to facilitate the development of a five (5) storey building including Council's Administration building and potential commercial floor space. The subject PP is therefore consistent with the objectives and actions of the applicable regional plan being the ISRP.

4.4 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The PP will not give effect to a Council endorsed Local Strategic Planning Statement. As detailed in Section 4.1, the PP will give effect to the KTC Study and KTC Economic Study. Council are currently in the process of preparing a Local Strategic Planning Statement.

The PP will give effect to the *Kiama Urban Strategy (KUS)*. The *KUS* was endorsed by Council on 20 September 2011. The purpose of the *KUS* is to address population growth, housing needs and land release. The ISRP projected that the Kiama LGA would require a total of 2,850 new dwellings up to 2021 and that an equal mix of housing densities are required. Council considered that urban infill was a priority for the area and should be maximised in appropriately located medium density zoned areas. Prioritising urban infill would assist in protecting agricultural resource land as well as responding to changing housing needs of an ageing population. This is a key policy position emerging from community consultation associated with the preparation of Kiama's Local Strategic Planning Statement. In regards to urban infill, the *KUS* recommended that there be an increase in building height and FSR in appropriate medium density locations. The PP is seeking to increase permissible building height and FSR at 2 Havilah Place to facilitate a higher density residential development in line with the recommendations of the *KUS*.

4.5 Is the planning proposal consistent with the applicable State Environmental Planning Policies?

The only State Environmental Planning Policy (SEPP) that contains provisions that relate to the making of an environmental planning instrument is SEPP No. 55 – Remediation of Land.

- *State Environmental Planning Policy No. 55 – Remediation of Land*

SEPP 55 requires Council to be satisfied that the land is suitable (or can be made suitable) for the proposed use/s. The PP involves the rezoning of 11 Manning Street to B2 Local Centre, therefore making a wider range of uses permissible on the site. Council records do not indicate that the subject sites have been used for an activity listed as potentially contaminating within the SEPP 55 Remediation of Land Planning Guidelines. Additionally, 2 Havilah Place is currently zoned R3 Medium Density Residential and this PP will not alter that. It is considered that a Preliminary Site Investigation (PSI) is not required for this PP.

As such, the subject PP consistent with this SEPP.

4.6 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

A Section 9.1 Ministerial Directions – Compliance Checklist has been compiled by Kiama Council and is included in Appendix 1. Council finds the proposal consistent with applicable Section 9.1 Ministerial Directions except for Direction 6.3 Site Specific Provisions. This minor inconsistency is considered to be justified.

4.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The PP will not alter any existing measures to conserve that critical habitat or threatened species, populations or ecological communities, or their habitats.

The *Biodiversity Conservation Act 2016*, *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and Chapter 3 of the *Kiama Development Control Plan 2012* will continue to apply to development involving the removal of vegetation.

11 Manning Street

This site is located within the Kiama Town Centre and is currently occupied by Council's Administration building and Council Chambers. Due to the nature of the site it is unlikely that critical habitat will be present on the site.

2 Havilah Place

The site is located within the Kiama Town Centre and is currently occupied by the Blue Haven Aged Care Facility. Due to the nature of the site it is unlikely that critical habitat will be present on the site.

4.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Due to the nature of the PP it is considered unlikely that any environmental effects will occur as a result of the proposed changes. 2 Havilah Place is partially identified as being bush fire prone land as shown in Figure 6 below. The subject site is already developed with Havilah place separating future development from the bushfire hazard, therefore, it is considered that a Bushfire assessment is not necessary at this point. Council will consult with NSW Rural Fire Service post Gateway Determination to determine if a Bushfire assessment is required to be prepared. If required, a Bushfire assessment will be prepared.

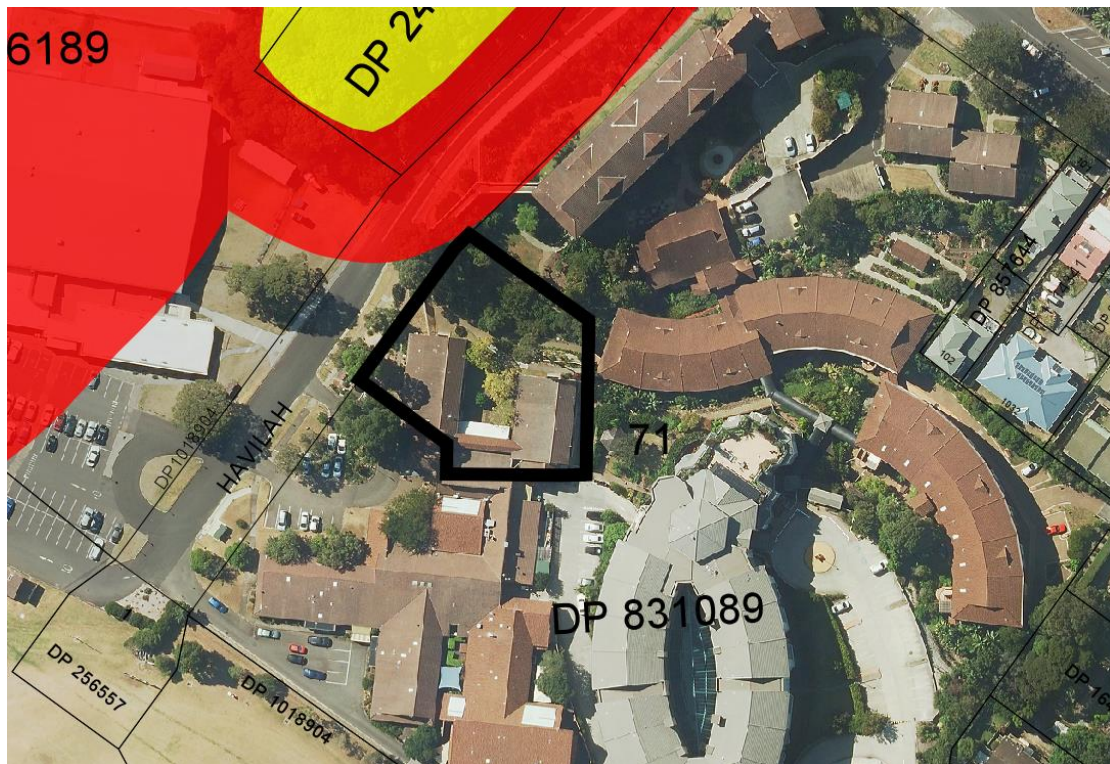


Figure 6 – Bushfire Prone Land Map Overlay (Source: IFM)

An item of environmental heritage listed in Schedule 5 of the *Kiama Local Environmental Plan 2011* is situated on 11 Manning Street. The item is Local Heritage Item I109 Kiama Council Chambers (former). The building is a Georgian Revival Style public building constructed of face brick with rendered quoins and lintels with the dominant feature being the classic entry portico. The building is an outstanding example of a Federation Revival building with an impressive Academic Classical portico. It is a key building within the Manning Street civic group. The building was constructed in 1914 as a Council Chambers and is still used for this purpose. The building is shown in the image below:



Council resolved on 17 September 2019 to conduct a review of heritage within the Kiama LGA, including the introduction of a Heritage Conservation Area within the Town Centre focused on Manning Street and potentially the southern portion of Terralong Street. 11 Manning Street will be located within this Heritage Conservation Area.

An application to develop the site will be assessed against current provisions and controls located within the Kiama LEP 2011 and Kiama DCP 2012. Current provisions include Clause 5.10 of the Kiama LEP 2011 and Chapter 30 of the Kiama DCP 2012. As part of the heritage review, Council are seeking to update controls within the Kiama DCP 2012 regarding heritage within the locality. The review of heritage controls will run concurrently with this PP. As stated previously, the former Council Chamber's building is a key building within the Manning Street civic group, therefore, any application to develop the site will take into consideration potential impacts upon the item and any measures to mitigate these potential impacts.

Council will consult with NSW Heritage post-Gateway determination. A Heritage Study is not considered necessary at this point in time, however, one may be prepared upon receiving feedback from NSW Heritage.

4.9 Has the planning proposal adequately addressed any social and economic effects?

The PP is the result of both social and economic responses to the *KTC Study* and *Kiama Town Centre Economic Study*. The PP seeks to allow a wider range of commercial activities to be undertaken on the current Council administration site, 11 Manning Street, and a higher density residential development at the current aged care facility site located at Havilah Place.

Economic Effects

The PP will have significant economic benefits for the Kiama Town Centre. The *Kiama Town Centre Economic Study* was prepared on behalf of Council with the aim of providing Council with an understanding of the current economic performance and potential future demand for the centre.

The key findings of the current economic performance of the town centre relating to this PP included:

- Kiama has a highly educated local workforce and therefore could attract a higher proportion for skilled workers leading to an increased demand for commercial floor space;
- Local government administration is the second largest employment industry in the LGA and the location of Council in the town centre has a positive economic impact on local services with increased activation.
- Kiama's employment containment rate (58%) is low, however, commercial related industries have a high containment rate (>70%) and therefore may increase demand for commercial space in the LGA and town centre.

The study suggested that there is a clear lack of non-retail commercial space for small businesses within the town centre and one way of addressing this is the planning of key sites such as 11 Manning Street. As previously discussed, it is critical to retain Council's Administration functions in a central location within the town centre. The detailed options for the site retain Council's Administration functions on site and may also provide additional large commercial/office floor spaces within the Town Centre. The *KTC Economic Study* also makes reference to the demand for commercial floor plates with sizes of 200m² and larger. The PP is consistent with this recommendation as a re-development of the Council Administration building at 11 Manning Street could include a five (5) storey development involving commercial floor plates in addition to Council's functions.

The PP will facilitate a larger, higher density residential development at 2 Havilah Place and therefore it is considered that the proposal will allow for a development that will have a beneficial economic impact for Kiama.

Social Effects

Increasing the permissible building height and floor space ratio (FSR) will provide for a wider range of housing options in the Municipality. Introducing additional residential accommodation has the potential to result in social benefits. The community have previously raised concerns regarding urban expansion, recognising the need for infill development. Facilitating such development via this PP is in line with community expectations. As part of the process of preparing a Local Strategic

Planning Statement (LSPS), Council held a number of workshops with community members to ensure the themes to be used in the LSPS are relevant to the community. One of these themes was housing and the community's expectations of future housing opportunities within the Kiama LGA. The overwhelming response from those community members in attendance was the need for infill residential development as opposed to urban expansion. As part of the *KTC Study*, a number of indicative designs were provided for the subject sites illustrating the development potential. See Appendix 4 for indicative designs provided for development potential at the subject sites. The designs show that potential development is unlikely to have unreasonable impacts on surrounding development in the form of view loss, visual amenity etc.

The Planning Proposal (PP) seeks to amend the Kiama Local Environmental Plan (LEP) 2011 to allow for a wider range of commercial activities to occur on 11 Manning Street including facilitating a five (5) storey building on the site, and increase permissible building height and FSR to facilitate a seven (7) storey building on part of 2 Havilah Place. As the PP will facilitate more intensive developments on these sites, some impacts on traffic and parking are anticipated. As a result of the KTC Study, Council are seeking a consultant to undertake a traffic and parking study. An objective of the study is to determine the future parking needs, in terms of the number of parking spaces required, and impacts on traffic for a redeveloped and revitalised town centre. Potential impacts on traffic and parking will be further investigated as part of the traffic and parking study, and will be considered in future applications for redevelopment.

In light of this, the proposal will result in both positive social and economic effects. A copy of the *Kiama Town Centre Study* and *Kiama Town Centre Economic Study* can be found on Council's website via the following link - <https://www.kiama.nsw.gov.au/planning-and-development/strategic-planning/policies-strategies>.

4.10 Is there adequate public infrastructure for the planning proposal?

The proposal has the potential to increase the current demand on public infrastructure, although such an increase is considered minor. The rezoning of 11 Manning Street and increase in building height and floor space ratio (FSR) will allow for a wider range and higher density type development to be permissible on the site. 2 Havilah Place is currently zoned R3 Medium Density Residential and therefore no new uses will be introduced to the site. The proposed increase in building height and floor space ratio (FSR) will facilitate a seven (7) storey residential development and therefore may increase demand on public infrastructure. Despite this, it is considered that existing Public infrastructure is adequate and the PP will not have an adverse impact as it does not include urban expansion. Given the proximity of 11 Manning Street to the rail line, concurrence from Sydney Trains will be required at development application stage in accordance with *State Environmental Planning Policy (Infrastructure) 2007*.

Council recommends that consultation with Sydney Water, Endeavour Energy, NSW Rural Fire Service and Sydney Trains should be required post Gateway.

4.11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Pre Gateway consultation

No State or Commonwealth authorities have been consulted as part of the preparation of this Planning Proposal.

Post Gateway consultation

Council will consult with any other agency that the Department of Planning, Industry & Environment (DPIE) considers appropriate. Council considers that the following State agencies should be consulted with:

- Sydney Water
- Endeavour Energy

- Sydney Trains
- NSW Heritage (Department of Arts culture and heritage)
- NSW Rural Fire Service

5.0 Mapping

The PP requires the following LEP Maps to be amended:

- Land Zoning Map – Sheet LZN_012;
- Floor Space Ratio Map – Sheet FSR_012; and
- Height of Buildings Map – Sheet HOB_012.

See Appendix 2 and 3 for the current and amended LEP Maps.

6.0 Community Consultation

Council requests that the PP be exhibited for a period of 28 days and include:

- Advertisement in Local Newspaper;
- Hard copies made available at the Council Administration Building;
- Electronic copy on Council's website;
- Notification letters to affected/neighbouring land owners and relevant community precinct groups; and
- Notification letters to relevant State agencies and other authorities/agencies nominated by the DPIE.

7.0 Project Timeline

The timeframe for the PP is that, from date of Gateway determination to date of submission to the DPIE, to finalise the LEP is a period of 12 months.

	Timeframe	Possible dates
Submit to DPIE seeking a Gateway Determination		21 st October 2019
Submit amended Planning Proposal to DPIE seeking a Gateway Determination		Early February 2020
Receive Gateway Determination	4 weeks from submission date	February 2020
Preparation of any outstanding studies (if required)	6 weeks from notification of Gateway Determination	March 2020
Consult with State/Commonwealth agencies	4 weeks from completing review of any outstanding studies	April 2020
Exhibition of PP and technical studies (assuming no requirement to resubmit to DPIE)	4 weeks from completing review of any outstanding studies	Late May 2020
Date of Public Hearing (if required)	N/A	-
Review of Public Submissions and preparation of report to Council	4 weeks from end of exhibition period	June 2020
Report to Council for final endorsement	First available Council meeting after completion of review of submissions (allow 8 weeks)	July 2020
Seek Parliamentary Counsel Office's (PCO) opinion (if delegations received)	2 weeks from date of Council meeting minutes being published	August 2020
Submit to DPIE to publish LEP amendment	4-6 weeks from date PCO's opinion requested	October 2020
Anticipated publication date of LEP amendment	2 weeks from date of submission to DPIE	November 2020

Appendix 1 – Section 9.1 Ministerial Directions – Compliance Checklist

Ministerial Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	<p>The PP will allow for a broader range of business/commercial land uses to be undertaken as well as increase the density/size of development undertaken on Lot 100 DP 635688 – 11 Manning Street (i.e. Council's administration site). The PP gives effect to the objectives of this direction as it will encourage employment growth and support the viability of the Kiama Town Centre.</p> <p>The PP will not reduce the total potential floor space area for employment uses and related public services. The PP directly increases the potential floor space area by increasing the permissible FSR from 0.9:1 to 2.5:1 and the permissible building height from 11 metres to 19 metres.</p> <p>The Planning Proposal is consistent with Direction 1.1 – Business and Industrial Zones</p>
1.2 Rural Zones	The direction does not apply to the Planning Proposal as it does not seek to rezone land from a rural zone to a residential, business, industrial, village or tourist zone.
1.3 Mining, Petroleum Production and Extractive Industries	The direction does not apply to the Planning Proposal.
1.4 Oyster Aquaculture	The direction does not apply to the Planning Proposal.
1.5 Rural Lands	The direction does not apply to the Planning Proposal.

2. Environment and Heritage	
2.1 Environment Protection Zones	<p>The PP does not seek to reduce the environment protection standards that apply to land within an environment protection zone or to land currently identified for environment protection purposes.</p> <p>The Planning Proposal is consistent with Direction 2.1 – Environment Protection Zones.</p>
2.2 Coastal Management	<p>This direction applies to 11 Manning Street as it is located within the Coastal Use Area and Coastal Environment Area.</p> <p>The PP will not alter the existing provisions of the Kiama LEP which give effect to the NSW Coastal Policy etc.</p> <p>The subject sites are not located within a coastal vulnerability area identified by the <i>State Environmental Planning Policy (Coastal Management) 2018</i>. The subject sites are not identified on the Coastal Wetlands and Littoral Rainforest Area Map.</p> <p>The Planning Proposal is consistent with Direction 2.2 – Coastal Management.</p>
2.3 Heritage Conservation	<p>The PP will not alter the existing provisions of the Kiama LEP which give effect to heritage conservation.</p> <p>Council will consult with NSW Department of Arts, culture and heritage post Gateway as a local heritage listed item is located on 11 Manning Street.</p> <p>The Planning Proposal is consistent with Direction 2.3 – Heritage Conservation.</p>
2.4 Recreation Vehicle Areas	<p>The subject PP will not alter existing development permissibility within the municipality, in particular recreation vehicle areas.</p> <p>The Planning Proposal is consistent with Direction 2.4 – Recreation Vehicle Area.</p>
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	<p>This direction does not apply to the Kiama Municipality.</p>
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<p>The PP will provide for existing and future housing needs as it will broaden the choice of building types, cater for higher density development within the existing footprint of the</p>

	<p>residential zone making efficient use of existing infrastructure and minimising impacts upon resource lands.</p> <p>Council will be consulting with service providers post Gateway.</p> <p>The Planning Proposal is consistent with Direction 3.1 – Residential Zones.</p>
3.2 Caravan Parks and Manufactured Home Estates	<p>The subject PP will not alter existing development permissibility within the municipality, in particular caravan parks and manufactured home estates.</p> <p>The Planning Proposal is consistent with Direction 3.2 – Caravan Parks and Manufactured Home Estates.</p>
3.3 Home Occupations	<p>Home Occupations are prohibited in the SP2 Zone that currently applies to Lot 100 DP 635688 – 11 Manning Street (i.e. Council's administration site). The CODE SEPP makes Home Occupations exempt development. Home Occupations are required to be carried out within a dwelling. The subject PP will expand the types of permissible dwellings on site.</p> <p>The subject PP will not alter the permissibility of Home Occupations within the R3 zone.</p> <p>The Planning Proposal is consistent with Direction 3.3 – Home Occupations.</p>
3.4 Integrating Land Use and Transport	<p>The subject PP will retain and consolidate the existing urban land.</p> <p>The Planning Proposal is consistent with Direction 3.4 – Integrating Land Use and Transport.</p>
3.5 Development Near Regulated Airports and Defence Airfields	<p>This direction does not apply to the Planning Proposal.</p>
3.6 Shooting Ranges	<p>This direction does not apply to the Planning Proposal.</p>
3.7 Reduction in non-hosted short term rental accommodation	<p>This direction does not apply to the Planning Proposal.</p>

4. Hazard and Risk	
4.1 Acid Sulfate Soils	This direction does not apply to the Planning Proposal.
4.2 Mine Subsidence and Unstable Land	This direction does not apply to the Planning Proposal.
4.3 Flood Prone Land	This direction does not apply to the Planning Proposal as it will not create, remove or alter a zone or provision that affects flood prone land.
4.4 Planning for Bushfire Protection	<p>Part of Lot 71 DP 831089 – 2 Havilah Place (i.e. the retirement village component of the Blue Haven site) is identified as partially bushfire prone land.</p> <p>Council will consult with the NSW Rural Fire Service following the receipt of a Gateway Determination to determine if a Bushfire assessment is required to be undertaken. If required, a Bushfire assessment will be prepared.</p> <p>The subject PP will not alter the existing relationship between the LEP and <i>Planning for Bushfire Protection 2006</i>.</p> <p>The Planning Proposal is consistent with Direction 4.4 – Planning for Bushfire Protection.</p>
5. Regional Planning	
5.1 Implementation of Regional Strategies	This direction does not apply to the Kiama Municipality.
5.2 Sydney Drinking Water Catchments	The subject PP does not apply to land that is within the Sydney drinking water catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	This direction does not apply to the Kiama Municipality.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	This direction does not apply to the Kiama Municipality.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked 18 June 2010
5.6 Sydney to Canberra Corridor	Revoked 10 July 2008
5.7 Central Coast	Revoked 10 July 2008
5.8 Second Sydney Airport: Badgerys Creek	Revoked 20 August 2018
5.9 North West Rail Link Corridor Strategy	This direction does not apply to the Kiama Municipality.

5.10 Implementation of Regional Plans	<p>The Planning Proposal is consistent with the Illawarra-Shoalhaven Regional Plan (see Section 4.3 of this report).</p> <p>The Planning Proposal is consistent with Direction 5.10 – Implementation of Regional Plans.</p>
5.11 Development of Aboriginal Land Council land	The subject sites are not identified on the Land Application Map of <i>State Environmental Planning Policy (Aboriginal Land) 2019</i> .
6. Local Plan Making	
6.1 Approval and Referral Requirements	<p>The subject PP does not propose any additional provisions that would require the concurrence, consultation or referral of future development and designated development applications to a Minister or public authority.</p> <p>The Planning Proposal is therefore consistent with Direction 6.1 – Approval and Referral Requirements.</p>
6.2 Reserving Land for Public Purposes	<p>The subject PP does not include any provisions that relate to the use of land reserved for public purposes.</p> <p>The Planning Proposal is therefore consistent with Direction 6.2 – Reserving Land for Public Purposes.</p>
6.3 Site Specific Provisions	<p>The subject PP seeks to rezone land and amend development standards on two specific sites to allow for specific development. Site designs were included in the Kiama Town Centre Study showing that the sites are suitable for potential redevelopment.</p> <p>The PP is inconsistent with this direction, however, this inconsistency is justified as extensive community consultation was conducted as part of the Kiama Town Centre Study making the community aware of the potential redevelopment of the sites.</p>
7. Metropolitan Planning	
These directions do not apply to the Kiama Municipality	

Appendix 2 – Current Kiama LEP Maps



Kiama Local Environmental Plan 2011

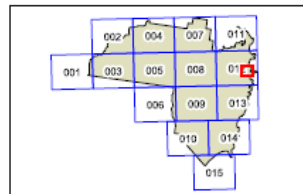
Land Zoning Map - Sheet LZN_012

Zone

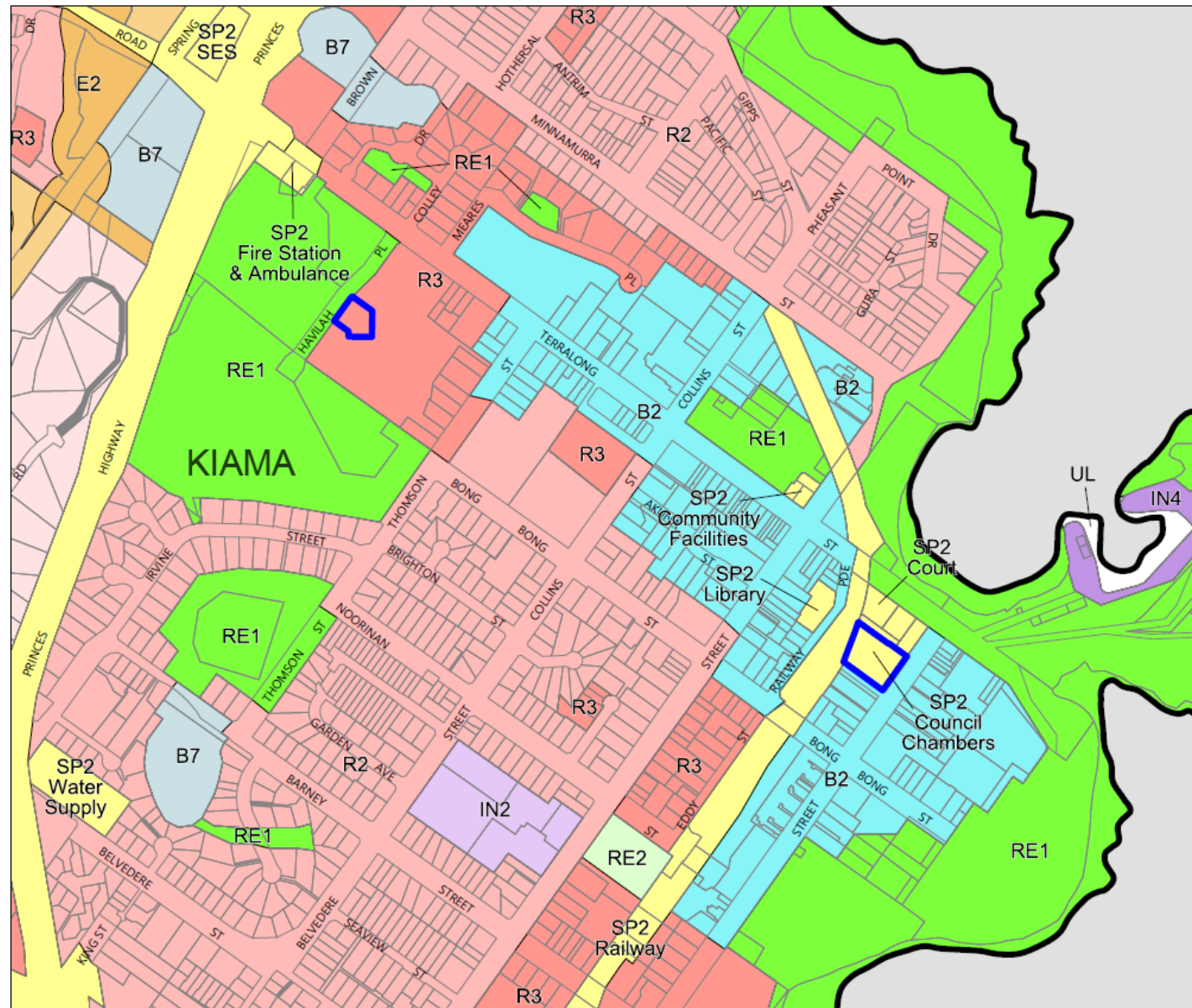
- B1 Neighbourhood Centre
- B2 Local Centre
- B7 Business Park
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- IN2 Light Industrial
- IN4 Working Waterfront
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- SP2 Infrastructure
- DM Deferred Matter
- UL Unzoned Land

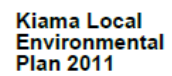
Cadastral

- Base data 30/09/2019
- © DFSI Spatial Services
- Addendum data 30/09/2019
- Subject Land



Projection: GDA 1994
Zone 55
Scale: 1:5,000 @ A3
Map identification number:
PP - Current LZN - Manning St - Hawiah Pl.pdf



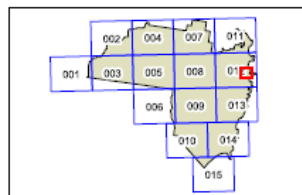
Height of Buildings Map
- Sheet HOB_012

Maximum Building Height (m)



Cadastre

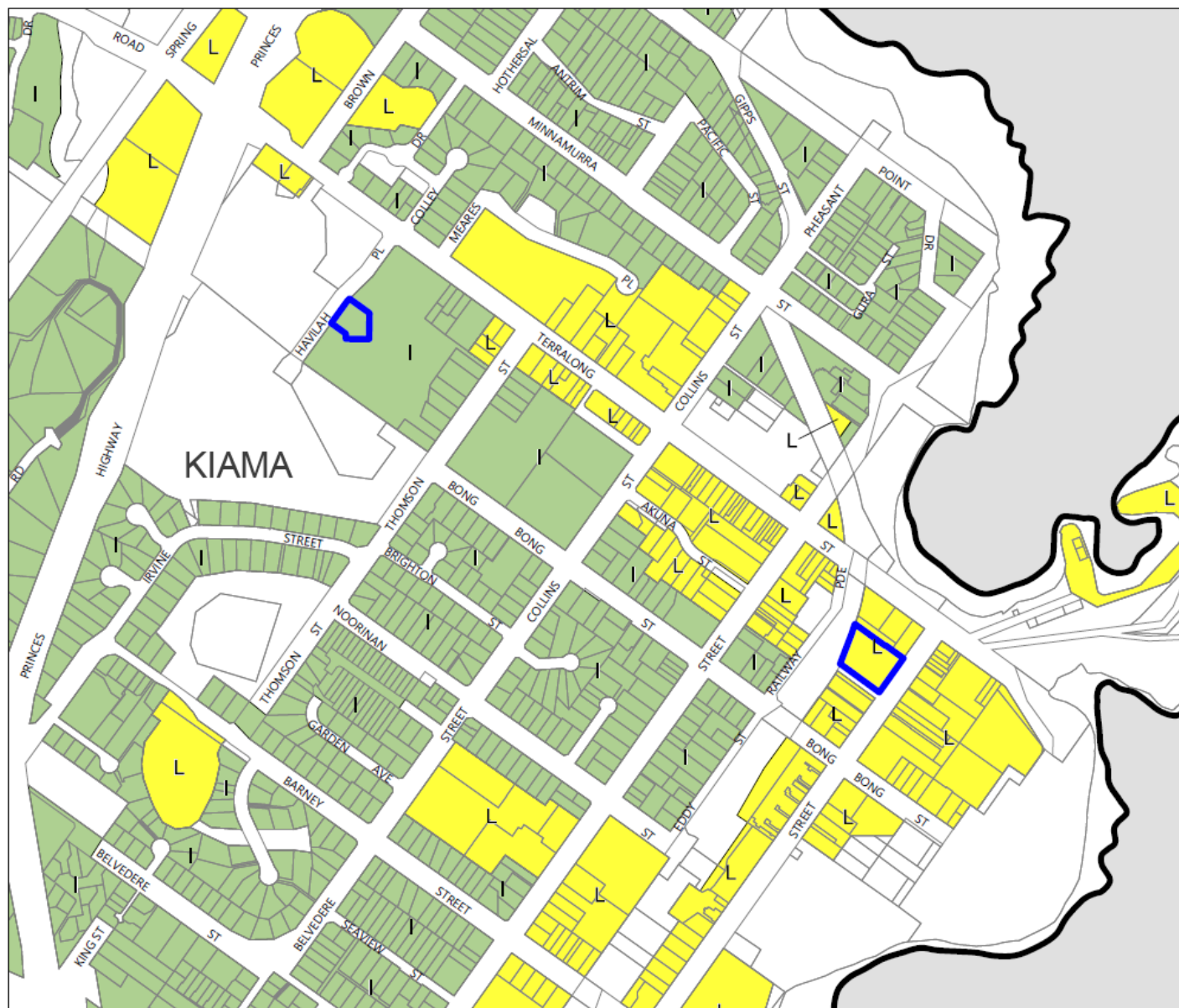
Base data 30/09/2019
© DFSI Spatial Services
Addendum data © 30/09/2019



Projection: GDA 1994
Zone 56

Scale: 1:5,000 @ A3

Map identification number:
PP - Current HOB - Manning St - Havilah Pl.pdf





Kiama Local Environmental Plan 2011

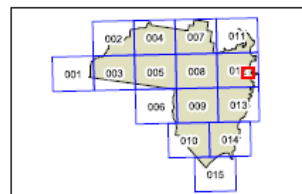
Floor Space Ratio Map - Sheet FSR_012

Maximum Floor Space Ratio (n:1)

C	0.45
D	0.5
F	0.6
H	0.7
L	0.9
N	1
S	1.5
T	2
V	2.5

Cadastre

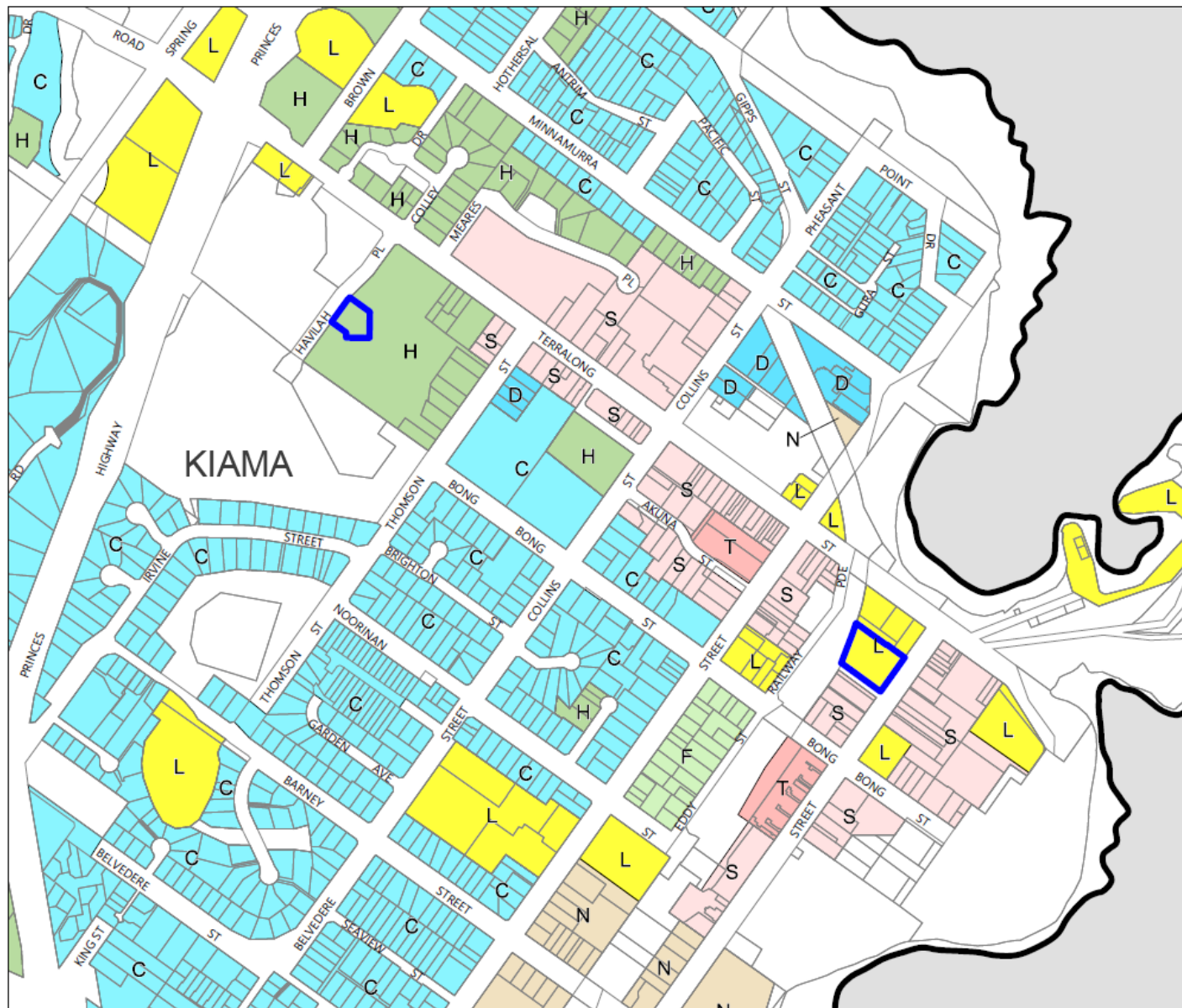
- Base data 30/09/2019
- © OFSI Spatial Services
- Addendum data © 30/09/2019
- Subject Land



Projection: GDA 1994
Zone 55

Scale: 1:5,000 @ A3

Map identification number:
PP - Current FSR - Manning St - Havilah Pl.pdf




Appendix 3 – Amended Kiama LEP Maps



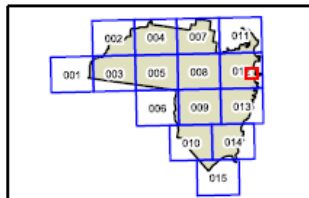
Kiama Local Environmental Plan 2011

Land Application Map

 Subject Land

Cadastral

Base data 30/09/2019
© DFSI Spatial Services
Addendum data © 30/09/2019



Projection: GDA 1994
Zone 56

Scale: 1:5,000 @ A3

Map identification number:
PP - LEP - Manning Sh - Kiama P.pdf





Kiama Local Environmental Plan 2011

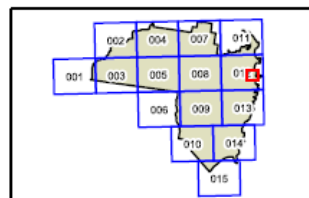
Land Zoning Map - Sheet LZN_012

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Business Park
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- I1 Light Industrial
- W1 Working Waterfront
- R1 Low Density Residential
- R2 Medium Density Residential
- R3 Large Lot Residential
- P1 Public Recreation
- P2 Private Recreation
- P3 Primary Production
- P4 Rural Landscape
- P5 Infrastructure
- DM Deferred Matter
- UL Unzoned Land

Cadastre

Base data 30/09/2019
© DFSI Spatial Services
Astrum data © 30/05/2019



Projection: GDA 1984
Zone 56

Scale: 1:5,000 @ A3

Map identification number:
PP - LZN - Manning St - Hawke Pk.pdf





Kiama Local Environmental Plan 2011

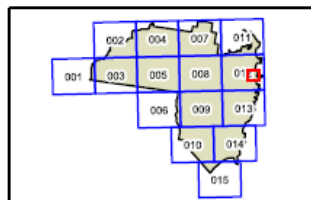
Height of Buildings Map - Sheet HOB_012

Maximum Building Height (m)



Cadastral

Base data 30/09/2019
© DFSI Spatial Services
Addendum data © 30/09/2019

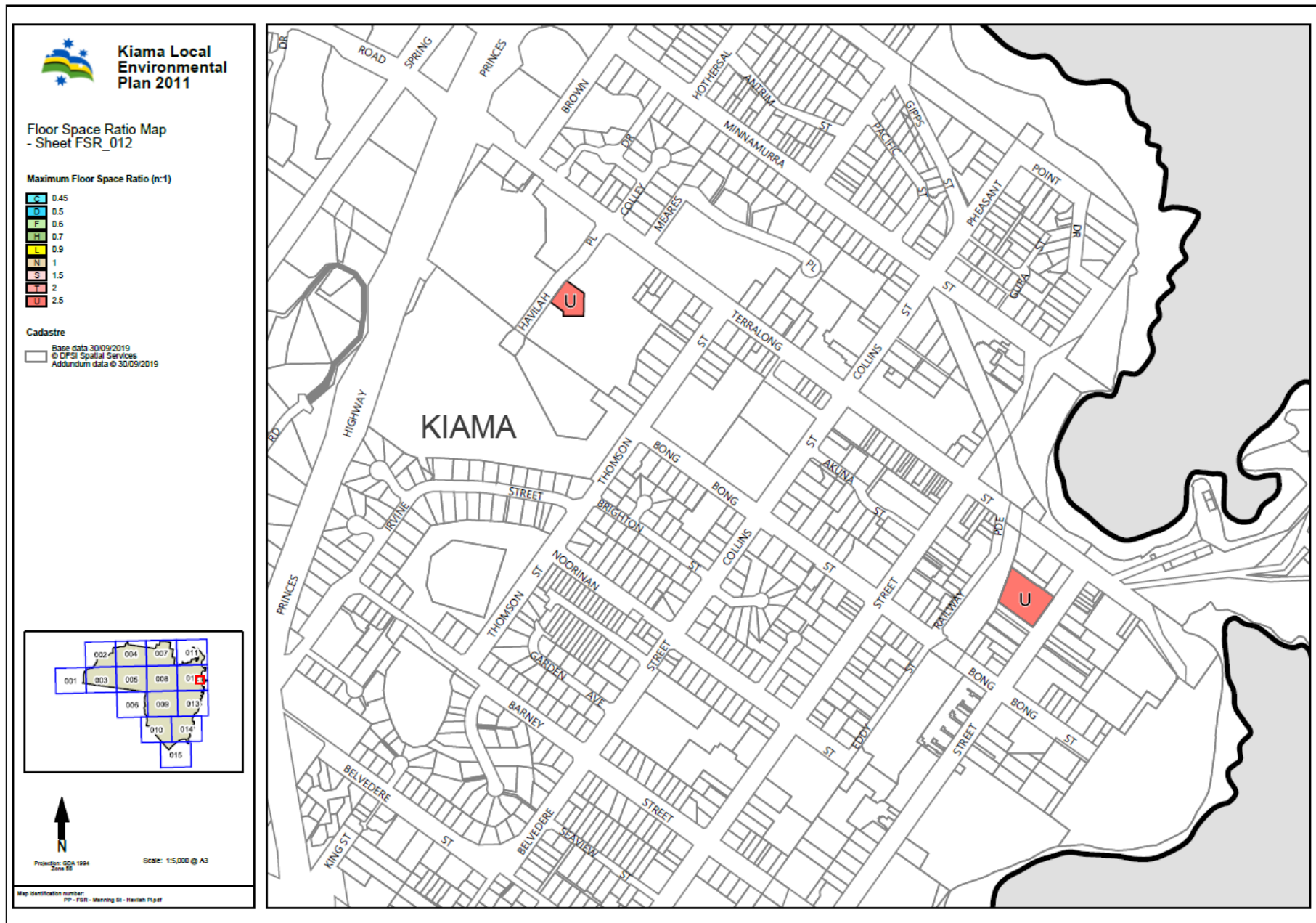


Projection: GDA 1994
Zone 56

Scale: 1:5,000 @ A3

Map identification number:
PP - HOB - Manning St - Havilah Pl.pdf





Appendix 4 – Kiama Town Centre Study Opportunity Site Designs

OPPORTUNITY SITES

Opportunity Site B

Council Chambers + Civic Buildings

'Heritage Quarter'

The area identified as the potential 'Heritage Quarter' contains a number of Kiama's most significant heritage buildings, including the Post Office, Council Chambers, Court House, Police Station and Lock-up Keepers Cottage. While very attractive, this area is currently described as a 'dead' zone within the town centre, offering little activity or facilities for visitors or locals.

In order to reinvigorate this important area, this proposal puts forward two options. One is based on the creation of a series of laneways, that would lead visitors into a world of interesting and unique retail offerings, cafes, restaurants and the like which encourages people to explore the area, as well as commercial floor space for both the Council Administration and to support start-ups, working hubs and other commercial tenants. With a focus on providing new views and access through to the harbour, the aim is to create an area which is activated well into the night, utilising spaces within the adapted heritage buildings, along with suitable additional built forms.



The alternate design focuses on the provision of a central 'town square', located off Manning St. A new laneway provides access to the rear of the heritage buildings along Terralong St, and supports servicing and parking access to these sites, and there is a substantial commercial building located adjacent to the railway line that would include space for Council Administration, along with other commercial tenants.

Both options provide for sympathetic adaptive re-use of the heritage buildings that provide much of the unique charm and character of this area and seek to activate these sites all year round so that they are enjoyed by all, and remain at the heart of the Kiama Town Centre.



Kiama Court House



Post Office



Council Chambers

OPPORTUNITY SITES

Opportunity Site B: Option 1 (Laneway)

Council Chambers + Civic Buildings

Utilising heritage buildings to support new uses: Salamanca Market Hobart (source: Wikimedia Commons, Jes)



Sympathetic contemporary extension to a historic heritage building- Western Australian Museum, Perth.



Shared pedestrian and vehicle surface- Double Bay, Sydney

Economic Assessment + Comment - HillPDA

- Council should remain in the town centre to promote economic development and assist in the retention of jobs within the town centre. This also assists the viability of local retail shops
- Council's floor space requirements and carparking requirements would need to be met on this site first, with the surplus space sold to market. A general rule of thumb is 15sqm NLA/ per Council FTE employee which includes meeting spaces but not community uses (library, community hall, etc).
- Additional government uses could be incorporated on this site to assist in creating a viable development. Government tenants could include Centrelink, RMS, Police etc.
- The site should be looked at holistically including the adaptive reuse of the heritage items along Terralong Street. Adaptive reuses could include a night time economy strategy that includes a boutique brewery, coffee roasters, small food and beverage outlets (i.e. like Spice Alley near Central Station). Additional adaptive reuse of the heritage buildings could include space for ad agencies, architects, design firms etc. However the returns on investment are likely to be limited. Council would likely have to improve the heritage buildings for private businesses to lease the space.
- Funding the adaptive heritage reuse could be via state or federal grants. Overall this development will require government funding.
- In option 1 – Council should be located in A1 allowing the higher value surplus space to be leased/ sold to the market
- Development of this site for civic, public and commercial purposes will not provide a sufficient return.

OPPORTUNITY SITES

Opportunity Site B: Option 1 (Laneway)

Council Chambers + Civic Buildings



Figure 8 Aerial View Looking North

Overview

This 11,000sqm site is located to the south of Terralong Street, east of the Railway line and west of Manning Street. Access to the site is provided off Terralong and Manning streets, and off a new proposed laneway.

Site B - Option 1 (Laneway)

Option 1 considers developing in the rear of existing heritage buildings to provide new council offices, commercial offices, and mixed commercial and retail uses.

Laneways are proposed to increase pedestrian permeability, improve access to areas within the block and create an alternative more intimate street character from the wider Manning and Terralong

Streets. Views are also possible through this development, down to the Harbour.

Development steps in height to respond to the adjacent heritage buildings. Smaller footprint buildings are proposed to the rear of heritage buildings fronting Terralong Street to support smaller scale commercial, and retail/restaurant/arts uses.

Opportunity Site B: Option 1 (Laneway)

Council Chambers + Civic Buildings

Commentary

- The proposal increases pedestrian permeability through the site.
- New Council Administration would benefit from a prominent entry on Manning Street and views from upper levels. The entry building could enable lift access and use of the historic Council Chambers.
- The council offices are provided in a stand alone building, which offers future flexibility of ownership for the commercial building at the rear of the council site, adjacent to the railway.
- On grade parking is provided to the rear of properties fronting Terralong Street.
- Accommodating sufficient parking on the council site for the new council offices and commercial building will require multiple basement levels.
- Vehicle access for parking and servicing is provided via a laneway accessed from Manning Street.
- Block A is 5 storeys in height (approx 18m) as it is next to the Railway line and has limited impact on views. It may need to be reduced to 4 storeys if impact is considered to be too great

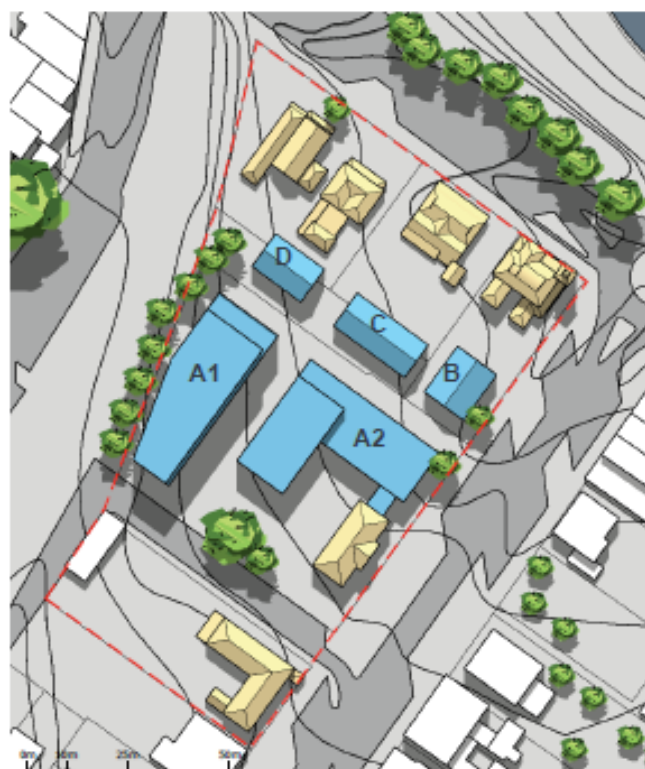


Figure 9 Plan View

Schedule of Development

	Storeys	Basement Levels	GBA total	GBA car parking	Remaining GBA	Commercial GFA (80% of GBA)	No. of car spaces
Block A1	5	2	4195	1770	2425	1940	51
Block A2 (Inc. council chambers)	3	3	4280	1700	2580	2064	49
Block B (Inc. post office)	2	0	810	0	810	648	8
Block C (Inc. police residence)	2	0	680	0	680	544	8
Block D (Inc. court + police stn)	2	0	760	0	760	608	8
Total			10725	3470	7255	5804	123

Opportunity Site B: Option 1 (Laneway)
Council Chambers + Civic Buildings

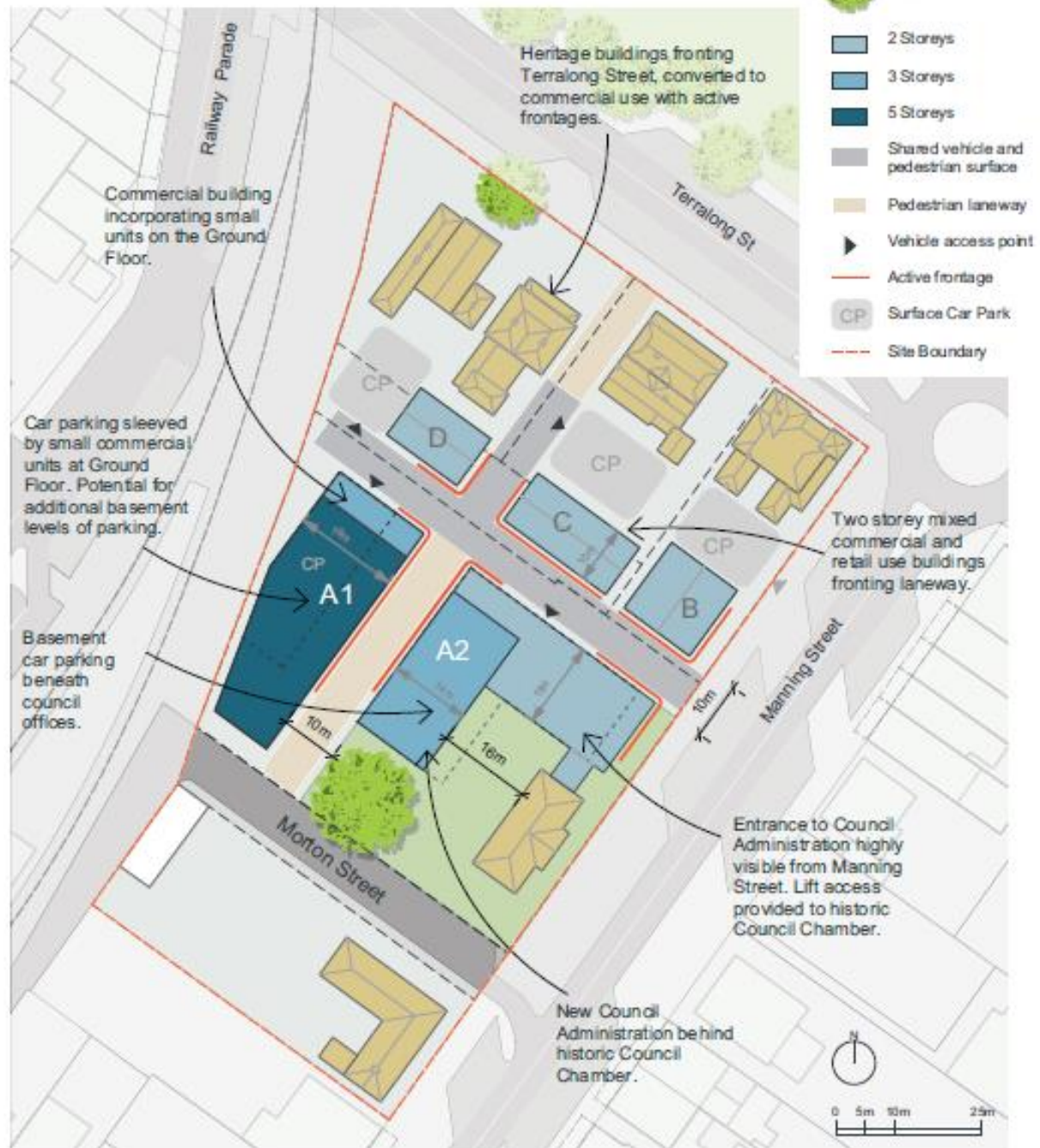


Figure 10 Site Plan

Opportunity Site B: Option 1 (Laneway)

Council Chambers + Civic Buildings



Figure 11 Section AA

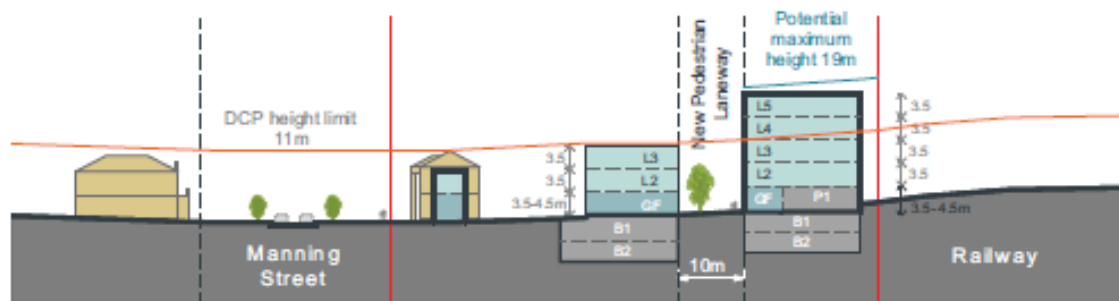


Figure 12 Section BB



Key Plan

Opportunity Site B: Option 2 (Town Square)

Council Chambers + Civic Buildings



Figure 13 Aerial View Looking North

Site B - Option 2 (Town Square)

Option 2 considers developing a 4 storey commercial building to the rear of the historic Council Chambers. Mixed commercial and retail/art/food uses are proposed within smaller buildings to the rear of heritage properties fronting Terralong Street.

A new laneway and public square is proposed to increase pedestrian permeability through the block and create a public frontage for development in the rear of Terralong St properties.

The new commercial building could accommodate both council offices and other commercial tenants. The large floor plates allow for flexibility and a wide range of tenants.

An elevated connection to the historic Council Chambers provides lift access to the upper floor of the building.

Option 2 provides the opportunity to locate a large basement car park beneath the new commercial/council building and public square accessed from Morton Street.

Opportunity Site B: Option 2 (Town Square)

Council Chambers + Civic Buildings

Commentary

- The proposal increases pedestrian permeability through the site, and creates a new public square fronting Manning Street.
- A large commercial building is created with wide flexible floor plates that could accommodate council offices and other commercial tenants. The building gains ocean views from upper levels.
- A large efficient basement car park is provided beneath the council offices/ commercial building which could provide parking for the buildings fronting Terralong Street and the new laneway.
- Consolidating parking beneath the larger council/ commercial building would create a more pedestrian friendly environment in the new laneway and a finer grain of development adjacent to the heritage properties on Terralong Street.
- Vehicle access for parking is provided from Morton Street. The new laneway would provide vehicle access for servicing only.
- Block A, at 4 stories is only slightly higher than the 11m maximum height limit.



Figure 14 Plan View

Schedule of Development

	Storeys	Basement Levels	GBA total	GBA car parking	Remaining GBA	Commercial GFA (80% of GBA)	No. of car spaces
Block A	4	2	9450	4260	5190	4152	122
Block B (Inc. Post Office)	2	0	840	0	840	672	0
Block C (Inc. police residence)	2	0	815	0	815	652	0
Block D1	2	0	400	0	400	320	0
Block D2 (Inc. court + police stn)	1	0	460	0	460	368	0
Total			11965	4260	7705	6164	122

Opportunity Site B: Option 2 (Town Square)

Council Chambers + Civic Buildings

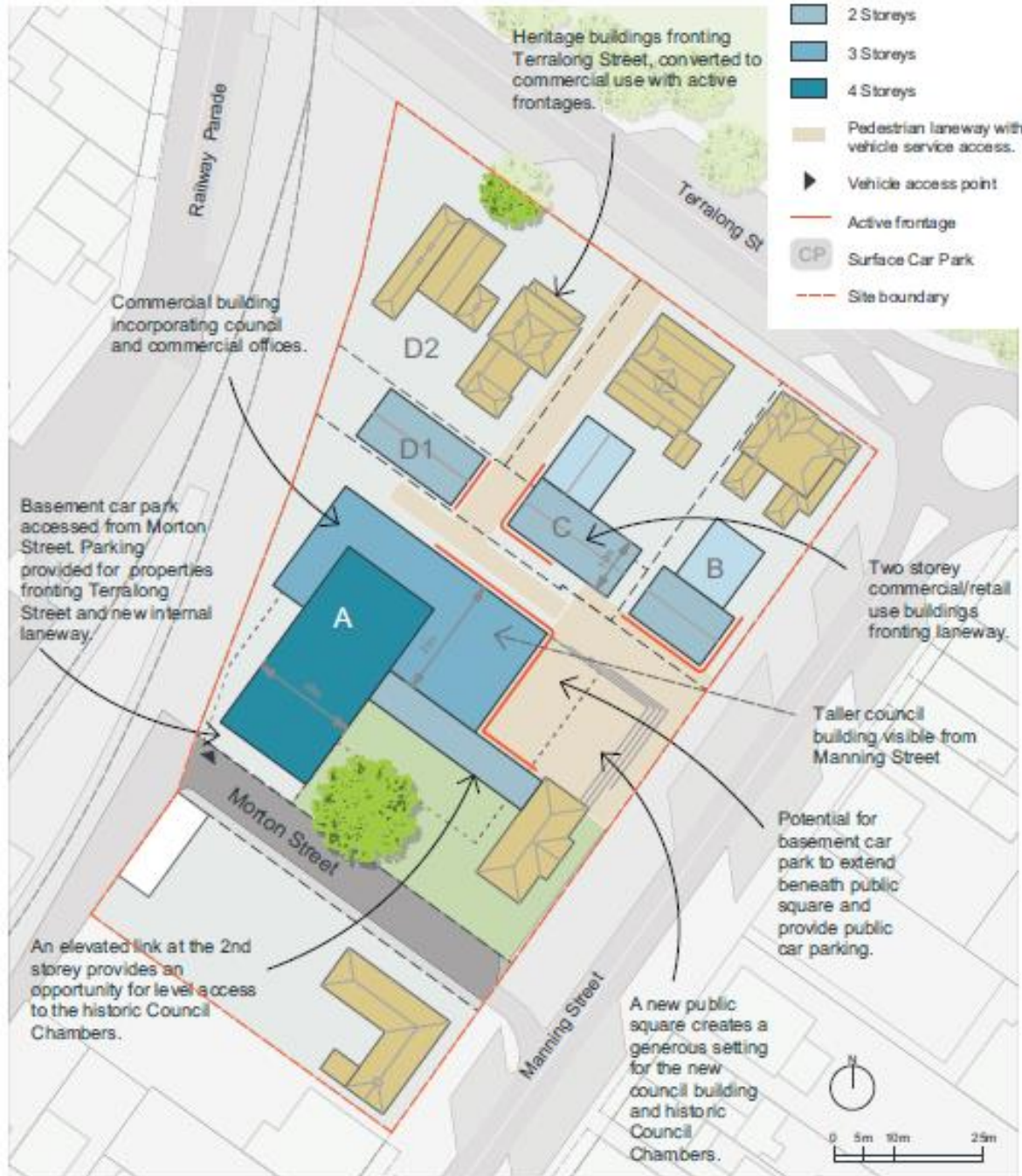


Figure 15 Site Plan

Opportunity Site B: Option 2 (Town Square)
 Council Chambers + Civic Buildings

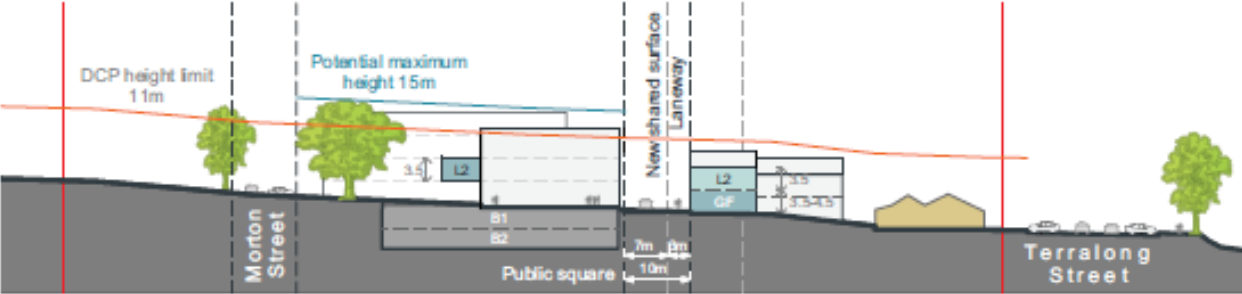


Figure 16 Section AA

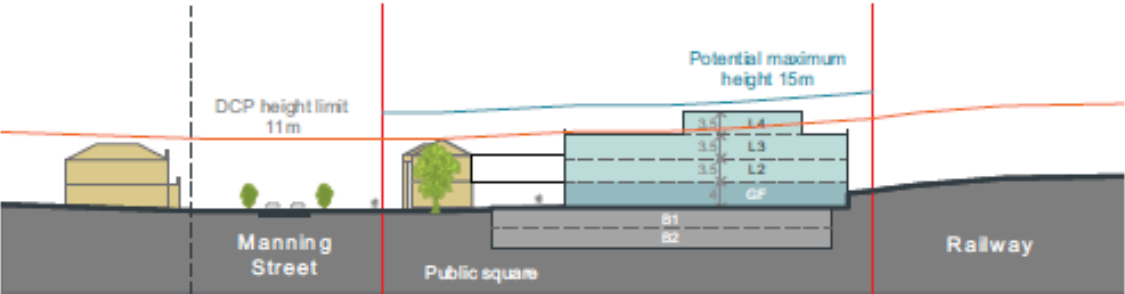


Figure 17 Section BB



Key Plan

Opportunity Site B: Option 1 (Laneway)

Council Chambers + Civic Buildings



View A: Street view from Manning Street looking west towards new public square and new council building behind.



View B: Street view of the post office building and new development behind.



Key plan showing view locations



View C: Street view from Terralong Street looking south west up new laneway.

Opportunity Site B: Option 2 (Town Square)

Council Chambers + Civic Buildings



View A: Street view from Manning Street looking west towards new public square and new council building behind.



View B: Street view of the post office building and new development behind.



Key plan showing view locations



View C: Street view from Terralong Street looking south west up new laneway.

Opportunity Site E

Havilah Place

Currently the location of the Aged Care facility that is to be relocated to the former Kiama Hospital site, this site is ripe for redevelopment into a residential offering. The concept design proposes a mix of residential typologies including Torrens titled town-houses and an apartment building.

Located adjacent to the Kiama Leisure Centre, this site is ideal for residential uses, with easy access to a wide variety of facilities and amenities. Located away from the centre of the town, it is still within walking distance (albeit via a steep route) to the northern end of the retail area, including the existing shopping centre. Development on this site is limited by consideration of views from the adjoining retirement development. Due to its location at the top of the hill, that falls away towards the harbour, if a taller apartment building is possible it could provide breathtaking views of both the oceanfront and the escarpment without impacting on the views of surrounding developments.



A commercial development option has also been considered on this site. Due to the triangular shape and the topography, this is not as successful an option. The site has no presence on Terralong St, and a commercial building tenant would gain little from proximity to the nearby leisure facilities.



Havilah Place site viewed from Kiama leisure centre, Blue Haven aged care building behind.

Opportunity Site E

Havilah Place

Contemporary coastal apartments- Little Bay, Sydney
(Source: AJA architects)



Modern 2-storey terrace housing- Putney Hill, Sydney



Terraced townhouses-
Canthlum Way,
Casuarina Beach

Economic Assessment + Comment - HillPDA

- Residential is the preferred option for this site as it will return a considerably higher residual land value.
- The amount of commercial in Option 2 is excessive for a market of this size and is less marketable given the location, which is separated from the main street. It may result in a zero residual land value.
- The residential option will provide apartments with very good views – up to \$12,000/sqm for apartments on the upper levels with escarpment and water views (even more for the top level penthouses). Lower level apartments would achieve \$8,000/sqm.
- Likely residual land value would be around \$8m to \$9m based on say \$130,000 to \$150,000 per apartment and town house assuming the land is appropriately zoned. Additional apartments – particularly on the upper levels, could push the residual land value past \$10m.
- Feasibility is depended on the current 'as is' value of the existing dwellings, or the cost to replace them.

Opportunity Site E: Option 1 (Residential)

Havilah Place

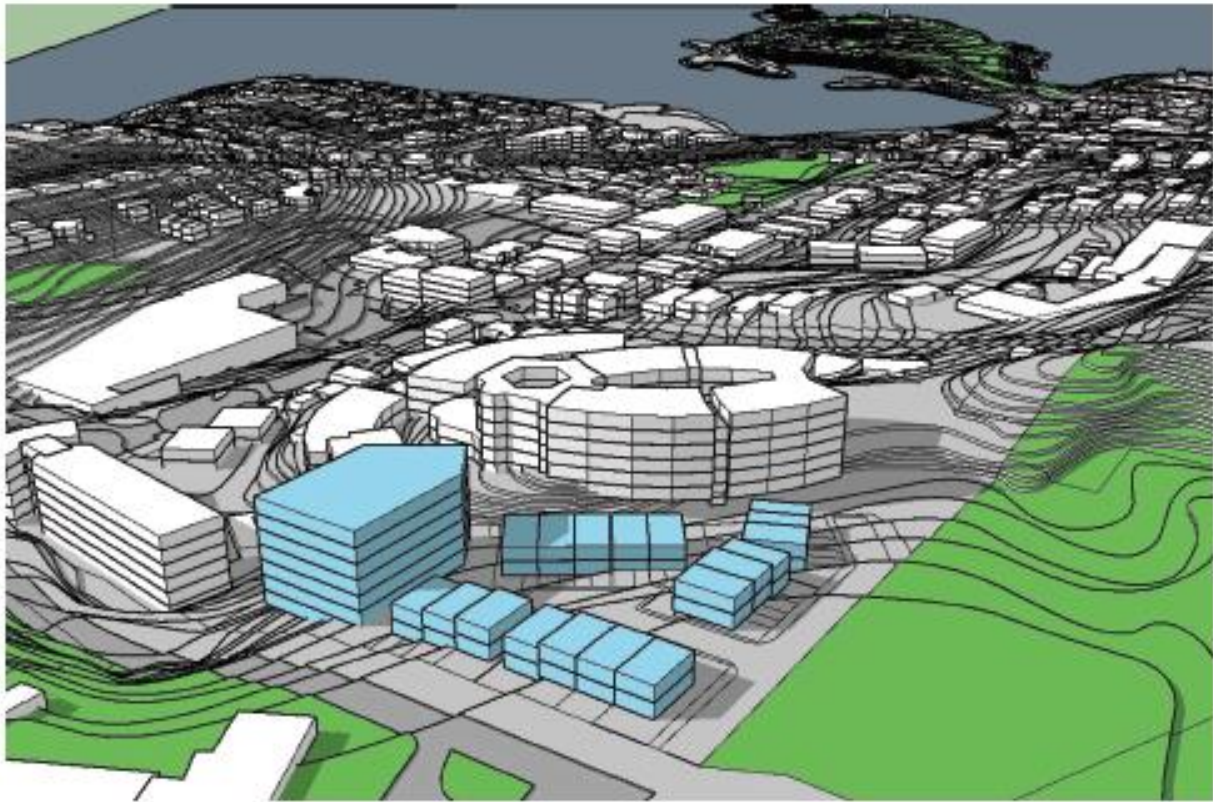


Figure 18 Aerial View Looking East

Overview

This 7,400sqm site is located opposite the Kiama Leisure Centre. Access is via Havilah Place, a no-through road off Terralong Street, with a considerable slope.

The site is located away from the core of the town centre, and there are few services and no commercial premises within its immediate vicinity. The Kiama Village shopping centre is 250m to the north east, however, there is a significant slope separating this retail facility from the site.

The site is entirely within council ownership, adjacent to the Blue Haven Aged Care development and offers the opportunity for long views to the north and west.

Site E - Option 1 (Residential)

The site is considered well suited for residential use, as it is located adjacent to other residential uses and an aged care facility, and is on the edge of the wider town centre.

Option 1 proposes 2-storey town-houses fronting Havilah Place, and a new internal road along the southern boundary and to the rear of the site. The low level town-houses ensure that the majority of existing views from the Blue Haven Independent Living Units are maintained. A 7-storey apartment block is located in the northern corner and upper levels will be able to capture long views to the coastline and ocean.

Havilah Place

- The design incorporates approximately 18 2-storey town-houses.
- A 7-storey apartment block in the northern corner takes advantage of panoramic views to the north and east whilst minimising impact on views from the adjacent Independent Living Units.
- The views from the site, and if additional height is permitted on the site, may also make it an attractive location for a hotel development.

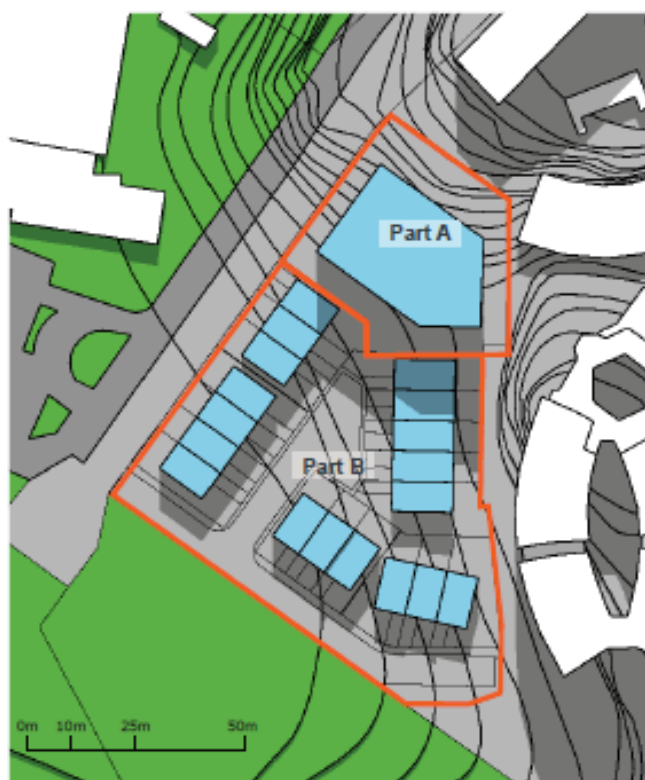


Figure 19 Plan View

Schedule of Development

Part A		Storeys	Basement Levels	GBA total	GBA car parking	Remaining GBA	Residential GFA, (70% of GBA)	Approx no. of apartments (av. 77sqm)	No. of car spaces
Apartment Block		7	2	7830	2175	5655	3959	51	62
Approx site area	1900	sqm							
FSR	2.1								

Town houses	2	0	3412	480	2932	2639	19	38
Approx site area	5500	sqm						
FSR	0.5							

Total		11242	2655	8587	6597	70	100
Approx site area	7400	sqm					
FSR	0.9						

Opportunity Site E: Option 1 (Residential)
Havilah Place

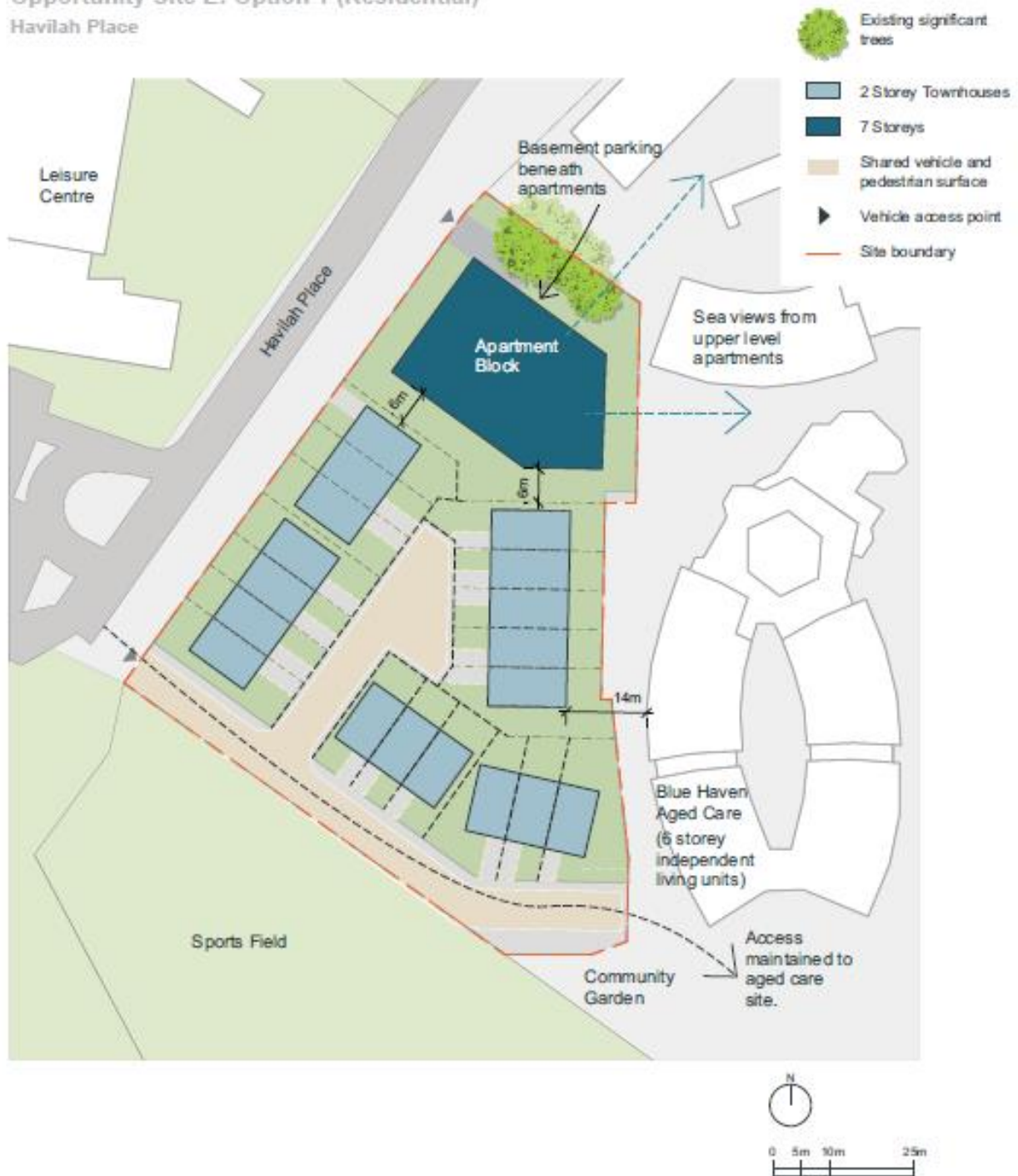


Figure 20 Level 01 Plan

Opportunity Site E: Option 1 (Residential)
Havilah Place

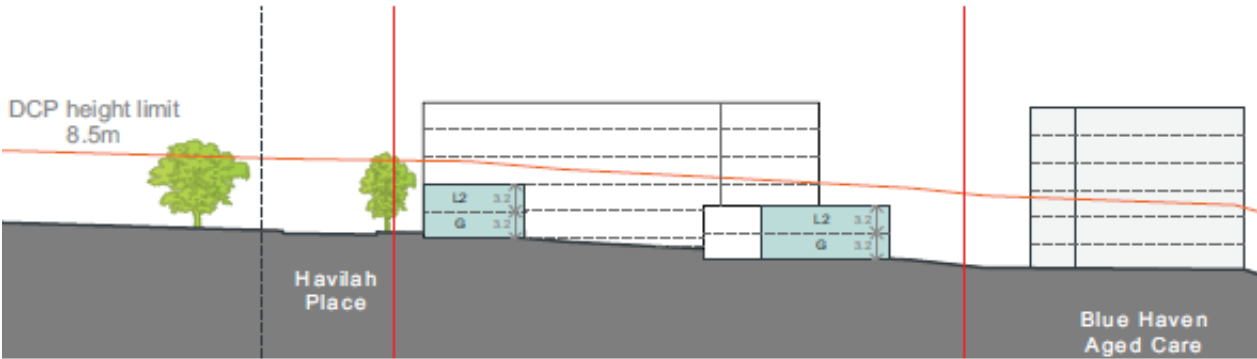


Figure 21 Section AA

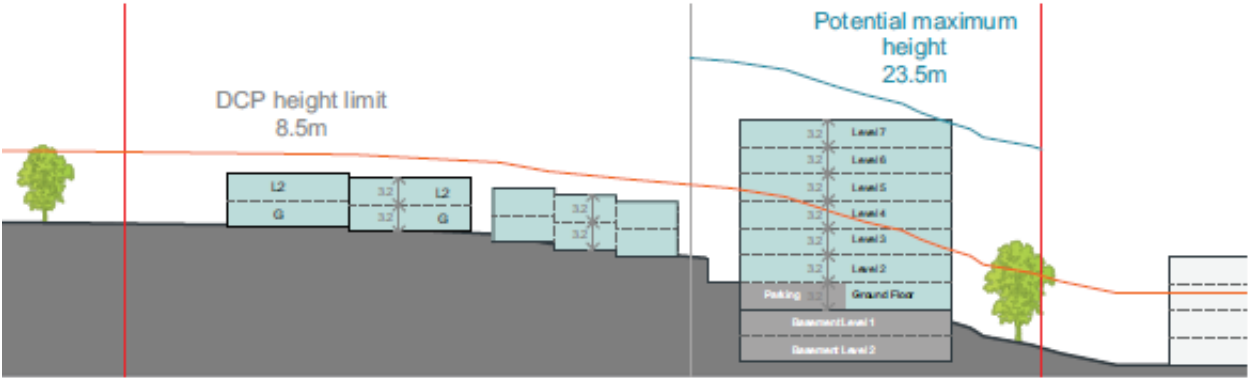


Figure 22 Section BB



Key Plan

Opportunity Site E: Option 1 (Residential)
Havilah Place



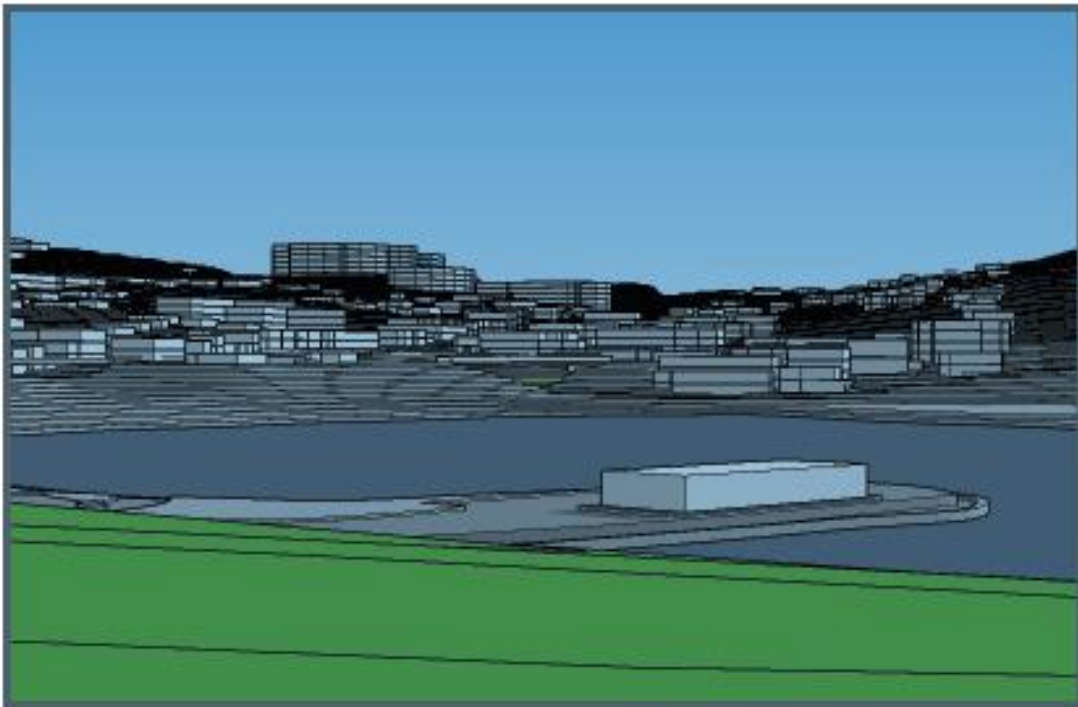
View A: view from level 7 of new apartment block showing sea views, and Blue Haven Independent living units to the right.



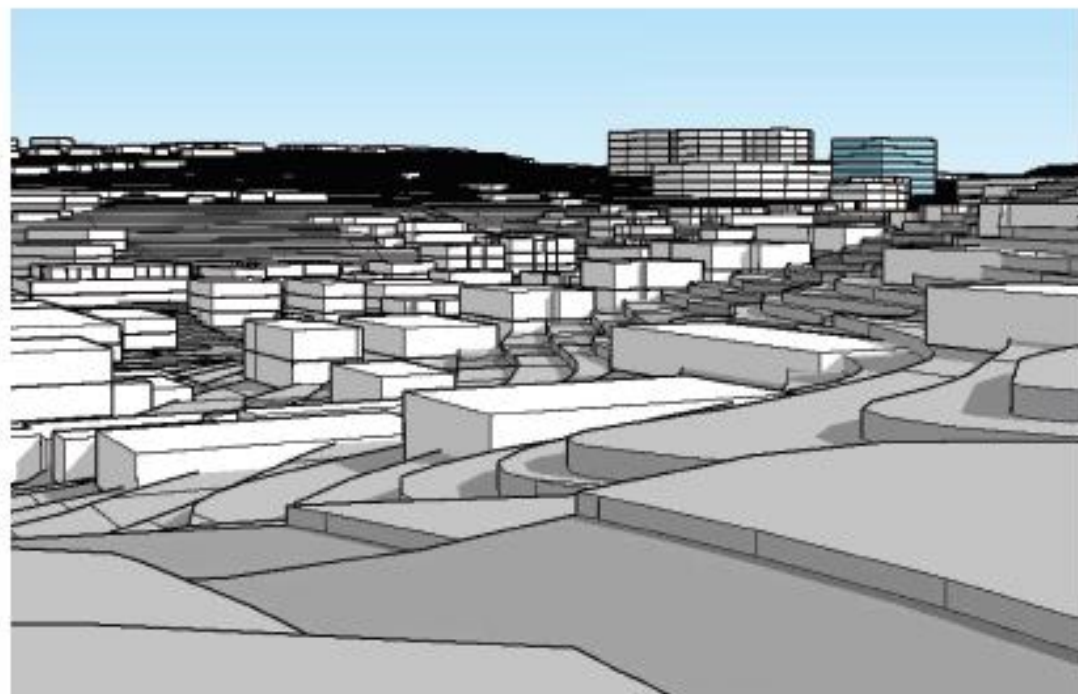
Key plan showing view location

Opportunity Site E: Option 1 (Residential)

Havilah Place



View B: View from The Blowhole looking back towards the Klama Town Centre.



View C: Street view from Collins Street looking west across the valley.

How to contact Council

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Office hours

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11 Manning Street Kiama is open 8.45 am to 4.15 pm
Monday to Friday (excluding public holidays)



KIAMA MUNICIPAL COUNCIL
your council, your community