

Heritage Planning Proposal to Amend Kiama LEP 2011

November 2022



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

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Planning Proposal for heritage amendments to the Kiama LEP 2011

1.0 Statement of the objectives

The Planning Proposal (PP) proposes the following heritage amendments, which apply to a number of sites throughout the Kiama Municipality, to the *Kiama Local Environmental Plan 2011*:

1. Amending the relevant Heritage Maps as per Appendix 2 to show additional new local heritage items and local heritage conservation areas within the Kiama Town Centre. Kiama LEP 2011 Heritage map sheet HER_012,
2. Amend heritage item I164 in Schedule 5 of the KLEP 2011 to incorporate the Blowhole Tennis Court (Terralong Street – Lot 1 DP 1115376),
3. Amend heritage item I117 in Schedule 5 of the KLEP 2011 to incorporate Saints Peter and Paul Catholic Church (94 - 112 Manning Street, Kiama – Lot 1002 DP 859186),
4. Amend Schedule 5 to include 7 new local heritage items,
5. Amend Schedule 5 to include 2 new local Heritage Conservation Areas.

2.0 Explanation of provisions

The Kiama Local Environmental Plan (KLEP) 2011 is to be amended by:

- 1) Amending Schedule 5 of the KLEP 2011 to:
 - i. to incorporate the Blowhole Tennis Court (Terralong Street – Lot 1 DP 1115376) in heritage item I164
 - ii. to incorporate Saints Peter and Paul Catholic Church (94 - 112 Manning Street, Kiama – Lot 1002 DP 859186) in heritage item I117
 - iii. List the following sites as new individual local heritage items;
 - i. 24 Manning Street, Kiama – Lot 21 DP 1186998
 - ii. 5 Noorinan Street, Kiama – Lot 12 DP 1166458
 - iii. 51 Shoalhaven Street, Kiama – Part Lot 200 DP 1017091
 - iv. 23 Barney Street, Kiama – Lot 1 DP 194007
 - v. 72 Collins Street, Kiama – Lot 1 DP 781177
 - vi. 1 Bong Bong Street, Kiama – Lot 1 DP 1115376
 - vii. 19 Barney Street, Kiama – Lot 1 DP 1014606
 - iv. List the following areas as new local Heritage Conservation Areas (HCA);
 - i. Smiths Farm Heritage Conservation Area);

The area generally between Akuna Street, Shoalhaven Street, Barney Street, Seaview Street, Belvedere Street and Collins Street and 87 Shoalhaven Street – Lot 7 DP 258846 as the Smiths Farm Heritage Conservation Area
 - ii. Kiama Town Centre Heritage Conservation Area

Manning Street, from Bong Bong Street to Terralong Street, and Terralong Street, from its eastern extent to Collins Street, including the façade of 66 and 68 Terralong Street – Lots 1 & 2 DP 508891, as the Kiama Town Centre Heritage Conservation Area
- 2) Amending sheet HER_012 to include the seven (7) new heritage items, listed above, and the two (2) new heritage conservation areas.

3.0 Justification of strategic and site-specific merit

3.1 Proposal's demonstrated need for the planning proposal

3.1.1 Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Yes, the PP is the direct result of the *Kiama Local Strategic Planning Statement 2020* (LSPS).

Theme 5 of the Kiama LSPS 2020 is to foster vibrant and accessible places. Planning Priority 14, of the Kiama LSPS 2020, is to identify and safeguard areas and items of heritage significance. The following actions have been identified to achieve this Planning Priority:

- Establish a holistic review program of the existing heritage register contained in Schedule 5 of the Kiama LEP 2011
- Finalise Kiama Town Centre Heritage Review Project, as identified by the Kiama Town Centre Study, to consider the outcomes of the KTC Study and to identify other potential heritage items and/or areas
- Update associated inventory sheets to ensure all relevant information is available regarding the heritage significance of heritage listed items/areas
- Create a heritage conservation area (HCA) for Civic Precinct

The inclusion of these items and areas within Schedule 5 of the Kiama LEP 2011 is a direct result of the Kiama Town Centre Preliminary Justification Report prepared by GML Heritage.

New individual heritage items to be listed in Schedule 5 of KLEP 2011:

1) *Blowhole Point Tennis Court – Terralong Street - Lot 1 DP 1115376*

GML Heritage proposed the individual heritage listing of Blowhole Point Tennis Court in Schedule 5 of Kiama LEP 2011.



The property met 3 of 7 assessment criteria; historical significance, historical association significance and social significance. Refer to the enclosed Ordinary Council June meeting report and inventory sheet for the complete heritage assessment.

Council endorsed to amend heritage item 164 in Schedule 5 to include the Blowhole Tennis Court (Terralong Street – Lot 1 DP 1115376).

2) 94-112 Manning Street, Kiama – Lot 1002 DP 859186

The Church is described as a *post-war ecclesiastical construction* designed in the mid-century A-frame style.



GML Heritage assessed the property to have cultural significance at a local level. The property met 4 of 7 assessment criteria; historical significance, historical association significance, aesthetic significance, rarity and representativeness.

Refer to the enclosed Ordinary Council June meeting report and inventory sheet for the complete heritage assessment.

Council endorsed to amend heritage item 117 in Schedule 5 of the KLEP 2011 to incorporate Saints Peter and Paul Catholic Church (94 - 112 Manning Street, Kiama – Lot 1002 DP 859186).

3) 24 Manning Street, Kiama – Lot 21 DP 1186998

The property is described as a detached, *two-storey late-Victorian* that was modified in the 1920s.



GML Heritage assessed the site to have cultural significance at a local level. The property met 5 of 7 assessment criteria; historical significance, historical association significance, aesthetic significance, rarity and representativeness.

Refer to the enclosed Ordinary Council June meeting Report and inventory sheet for the complete heritage assessment.

Council endorsed to list the new heritage item in Schedule 5 as heritage item number I180.

4) Noorinan Street, Kiama – Lot 12 DP 1166458

The property is described as a *detached, single-storey Federation dwelling*.



GML Heritage assessed the property to have cultural significance at a local level. The property met 3 of 7 assessment criteria; historical association significance, aesthetic significance and representativeness.

Refer to the enclosed Ordinary Council June meeting report and inventory sheet for the complete heritage assessment.

Council endorsed to list the new heritage item in Schedule 5 as heritage item number I181.

5) 51 Shoalhaven Street, Kiama – Part Lot 200 DP 1017091

The property is described as a Weston Family *Interwar Pre-Fabricated Bungalow*.



GML Heritage assessed the property as having cultural significance at a local level. The property met 5 of 7 assessment criteria; historical significance, historical association significance, aesthetic significance, rarity and representativeness.

Refer to the enclosed Ordinary Council June meeting report and inventory sheet for the complete heritage assessment.

Council endorsed to list the new heritage item in Schedule 5 as heritage item number I182.

6) 23 Barney Street, Kiama – Lot 1 DP 194007

The property is described as ‘*Basman*’ and a *highly intact example of an Interwar California Bungalow*.



GML Heritage assessed the property which met 2 of 7 assessment criteria; aesthetic significance and representativeness.

Refer to the enclosed Ordinary Council June meeting report and inventory sheet for the complete heritage assessment.

Council endorsed to list the new heritage item in Schedule 5 as heritage item number I183.

7) 72 Collins Street, Kiama – Lot 1 DP 781177

The dwelling is described as ‘*Rothbury*’ and a ‘*significant late-Victorian dwelling*’ built in 1898-1899. The site is Residentially zoned.



GML Heritage assessed the property which met 3 of 7 assessment criteria; historical significance, historical association significance and representativeness.

Refer to the enclosed Ordinary Council June meeting report and inventory sheet for the complete heritage assessment.

Council endorsed to list the new heritage item in Schedule 5 as heritage item number I184.

8) 1 Bong Bong Street, Kiama – Lot 1 DP 1115376

The dwellings is described as an example of a *Victorian Weatherboard Cottage*. The site is zoned B2 Local Centre.



GML Heritage assessed the property which met 3 of 7 assessment criteria; historical significance, aesthetic significance and representativeness.

Refer to the enclosed Ordinary Council June meeting report and inventory sheet for the complete heritage assessment.

Council endorsed to list the new heritage item in Schedule 5 as heritage item number I185.

9) 19 Barney Street, Kiama – Lot 1 DP 1014606

The property is described as a 'good intact example' of an *Interwar weatherboard cottage* in the Kiama area.



GML Heritage assessed the property which met 2 of 7 assessment criteria; aesthetic significance and representativeness.

Refer to the enclosed Ordinary Council June meeting report and inventory sheet for the complete heritage assessment.

Council endorsed to list the new heritage item in Schedule 5 as heritage item number I186.

New heritage conservation areas to be listed in Schedule 5 of KLEP 2011:

1. *Kiama Town Centre HCA*

The PP seeks to include the newly formed Kiama Town Centre HCA in Schedule 5 of KLEP 2011.

The Kiama Town Centre HCA is mapped in Figure 3 below and in Appendix 9. The HCA represents the historical town centre of Kiama and includes many State and Local heritage items.

The PP will result in additional heritage controls and/or restrictions that will guide future development within the HCA and protect heritage.

Proposed development within the HCA will also need to comply with Chapter 4 – Heritage and Cultural Conservation of the KDCP 2020 along with additional controls and character statements provided in the Kiama Town Centre HCA of this chapter.

Council endorsed to include the new heritage conservation area in Schedule 5 as the new heritage item C2.

The following map outlines the boundary lines of the proposed Kiama Town HCA and the properties included within the HCA.

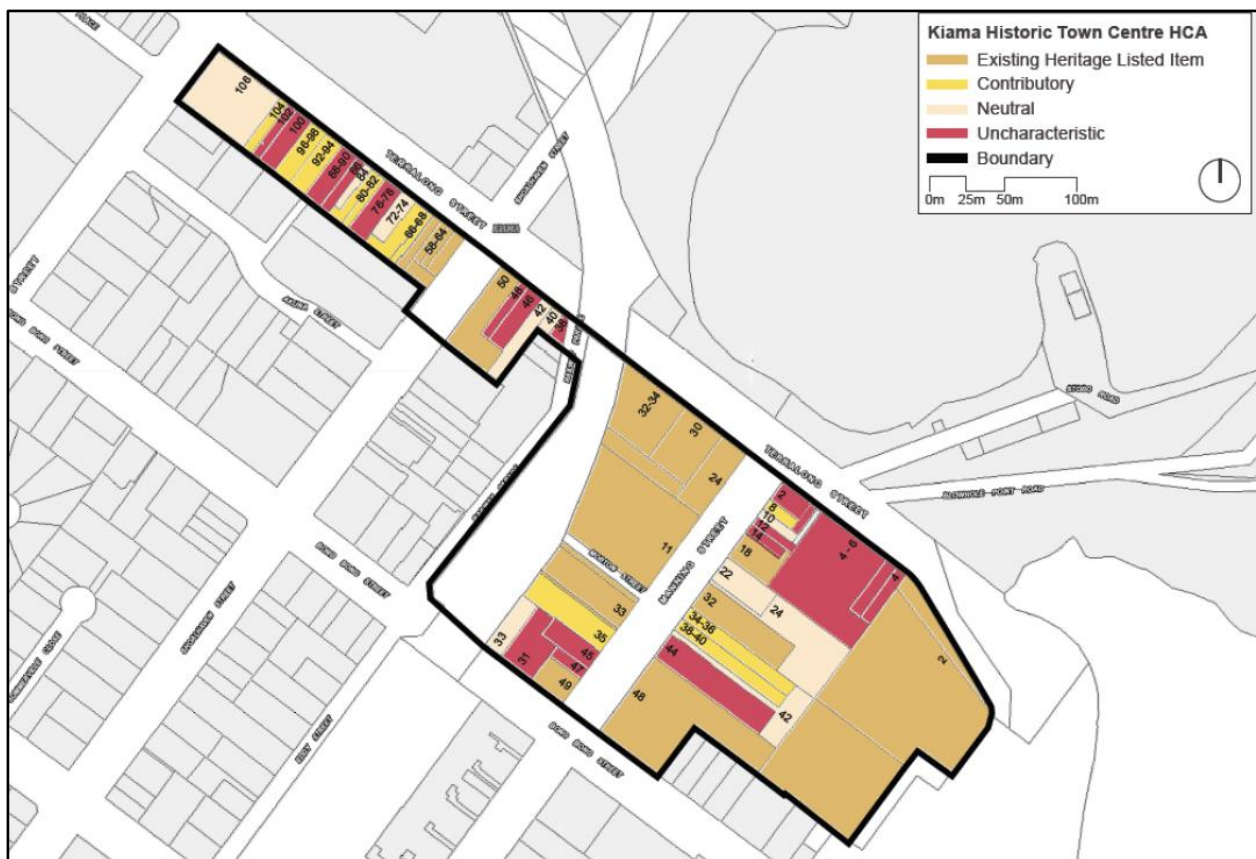


Figure 1: Boundaries and building classifications within Kiama Town Centre HCA

2. Proposed Smiths Farm HCA

The PP seeks to include the newly formed Smiths Farm HCA in Schedule 5 of KLEP 2011.

The Smiths Farm HCA is mapped in Figure 4 below and in Appendix 9.

The HCA primarily demonstrates the historic evolution of residential development in the vicinity of the town centre and includes many State and Local heritage items.

The PP will result in additional heritage controls and/or restrictions that will guide future development within the HCA and protect heritage. Proposed development within the HCA will also need to comply with Chapter 4 – Heritage and Cultural Conservation of the KDCP 2020 along with additional controls and character statements provided in the Smiths Farm HCA of this chapter.

Council endorsed to include the new heritage conservation area in Schedule 5 as the new item C3.

In the June Council Report, Council staff provided comment that we would expand the Smiths Farm HCA boundary lines to pick up additional properties. The boundary lines have been expanded out to 91 Manning Street, Kiama which is the end of the Residential zoning. 21, 21A & 21B Barney Street, previously shaded as grey, have now been classified as uncharacteristic.

The following 7 properties and their classifications were included in the updated Smiths Farm HCA;

- Lot 31 DP 603929 – 105 Manning Street – Existing Heritage
- Lot 0 SP 75324 – 101 Manning Street – Uncharacteristic
- Lot A DP 938575 – 99 Manning Street – Contributory
- Lot 1 DP 65854 – 97 Manning Street – Contributory
- Lot 170 DP 852155 – 95 Manning Street - Contributory
- Lot 0 SP 90932 – 93 Manning Street – Uncharacteristic
- Lot 0 SP 93022 – 91 Manning Street – Uncharacteristic
- Already mapped - Lot 6 DP 1188287 21, 21A & 21B Barney Street, Kiama – Classification of uncharacteristic

The following map outlines the boundary lines of the proposed new Smiths Farm HCA and the properties included within the HCA. Refer to Appendix 9 for a larger version of this map.



Figure 2: Boundaries and building classifications within Smiths Farm HCA

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

The PP is the only means of listing the items and areas as items and areas of local heritage significance.

3.2 Proposal's relationship to the strategic planning framework

3.2.1 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 PP is consistent with the applicable regional plan, being the Illawarra Shoalhaven Regional Plan 2041.

It is considered that the proposed amendments to the Kiama LEP 2011 are consistent with the objectives contained within the plan, specifically:

- *Objective 23: Celebrate, conserve and reuse cultural heritage*

Objective 23: Celebrate, conserve and reuse cultural heritage

Strategy 23.1 aims to identify, conserve and enhance cultural heritage values.

Through the Kiama LSPS 2020 consultation process, the community expressed the importance of protecting the local heritage and character of Kiama. GML Heritage conducted the Kiama Heritage Review Study and informed recommendations for potential new individual heritage items and new heritage conservation areas.

The heritage conservation areas have their own distinct local character and aim to protect local character through additional heritage controls and restrictions. Listing new heritage items and heritage conservation areas conserves and protects our cultural heritage that the community value highly.

3.2.2 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Yes, refer to section 3.1.1.

3.2.3 Is the planning proposal consistent with any other applicable State and regional studies or strategies?

N/A

3.2.4 Is the planning proposal consistent with applicable SEPPs?

There are no SEPP's that are applicable to the planning proposal.

SEPP's compliance checklist:

State Environmental Planning Policy (SEPP)	Comment
1. SEPP (Biodiversity and Conservation 2021)	The SEPP does not apply to the PP.
2. SEPP Building Sustainability Index: BASIX) 2004	The SEPP does not apply to the PP.
3. SEPP (Exempt and Complying Development Codes) 2008	The SEPP does not apply to the PP.
4. SEPP (Housing) 2021	The SEPP does not apply to the PP.

5. SEPP (Industry and Employment) 2021	The SEPP does not apply to the PP.
6. SEPP No 65 – Design Quality of Residential Apartment Development	The SEPP does not apply to the PP.
7. SEPP (Planning Systems) 2021	The SEPP does not apply to the PP.
8. SEPP (Precincts – Central River City) 2021	The SEPP does not apply to the PP.
9. SEPP (Precincts – Eastern Harbour City) 2001	The SEPP does not apply to the PP.
10. SEPP (Precincts – Regional) 2021	The SEPP does not apply to the PP.
11. SEPP (Precincts – Western Parkland City) 2021	The SEPP does not apply to the PP.
12. SEPP (Primary Production) 2021	The SEPP does not apply to the PP.
13. SEPP (Resilience and Hazards) 2021	<p>Chapter 2 – Coastal Management of this SEPP applies to the proposal.</p> <p>Some heritage items, the Kiama Town Centre HCA and parts of the Smiths Farm HCA are within the Coastal Use Area and the Coastal Environmental Area.</p> <p>Refer to Appendix 3 for the Coastal Use Area Map overlay and Appendix 4 for the Coast Environment Area Map overlay.</p> <p>Part 2 of the Coastal Management Act 2016 No 20 outlines management objectives for Coastal Environment Areas.</p> <p>The planning proposal seeks to protect heritage items and character within the identified areas from future development. The proposal will not be at detriment to the coastal environmental values and natural processes and therefore is not inconsistent with this SEPP.</p>
14. SEPP (Resource and Energy) 2021	The SEPP does not apply to the PP.
15. SEPP (Sustainable Buildings) 2022	The SEPP does not apply to the PP.
16. SEPP (Transport and Infrastructure) 2021	The SEPP does not apply to the PP.

3.2.5 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

Council finds the proposal consistent with all applicable Section 9.1 Ministerial Directions, specifically Directions 1.1 Implementation of Regional Plans, 3.2 Heritage Conservation, Direction 4.2 Coastal Management, Direction 5.1 Integrating Land Use and Transport, and Direction 6.1 Residential zones.

Direction 1.10 Implementation of Regional Plans

This Direction applies if a Regional Plan has been released by the Minister for Planning applies to the site as the PP meets the following Clause 3 requirements:

This direction applies when a relevant planning authority prepares a planning proposal.

Implementation of Regional Plans Directions	
Direction Requirement	Assessment
1) <i>Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.</i>	The PP is consistent with the overall intent of the Illawarra Shoalhaven Regional Plan 2041, in particular Objective 23, and outcomes such as conserving local heritage and protecting region's local character.

The PP is consistent with this direction

3.2 Heritage Conservation

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This Direction applies when a relevant planning authority prepares a planning proposal.

Heritage Conservation Direction Assessment	
Direction Requirement	Assessment
1) <i>A planning proposal must contain provisions that facilitate the conservation of:</i>	
a) <i>items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i>	<p>The accompanying Kiama Town Centre Preliminary Justification Report prepared by GML Heritage has examined the scoping area of Kiama Town Centre and identified 10 potential new individual heritage items. Of these, 7 individual heritage items are proposed for listing and 2 new heritage conservation areas of significance.</p> <p>This PP seeks to list new items and areas as being of local heritage significance. Once listed the provisions of Clause 5.10 Heritage Conservation of the Kiama LEP would apply to these sites and areas. The provisions of Clause 5.10 of the Kiama LEP seek to conserve the environmental heritage of Kiama.</p>
b) <i>Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i>	The preliminary justification report prepared by GML Heritage does not address Aboriginal cultural heritage values. None of the proposed heritage sites and/or heritage conservation areas known for having Aboriginal objects or being Aboriginal places.

Heritage Conservation Direction Assessment	
Direction Requirement	Assessment
	This Planning Proposal does not seek to remove the existing provisions of the Kiama LEP 2011, which facilitate the protection of Aboriginal objects or Aboriginal places protected under the <i>National Parks and Wildlife Act 1974</i> .
c) <i>Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i>	<p>The preliminary justification report prepared by GML Heritage does not address Aboriginal cultural heritage values. None of the proposed heritage sites and/or heritage conservation areas known as Aboriginal areas, objects places or landscapes.</p> <p>Council is unaware of any Aboriginal heritage survey, prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority submitted to any relevant planning authority.</p>

The PP is consistent with this direction.

Direction 4.2 – Coastal Management

The objective of this Direction is to protect and manage coastal areas of NSW.

This Direction applies when a relevant planning authority prepares a planning proposal that applies to land that is within the coastal zone, as defined under the *Coastal Management Act 2016*.

Implementation of Regional Plans Directions	
Direction Requirement	Assessment
<p>1) <i>A planning proposal must include provisions that give effect to and are consistent with:</i></p> <ul style="list-style-type: none"> a) <i>the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;</i> b) <i>the NSW Coastal Management Manual and associated Toolkit;</i> c) <i>NSW Coastal Design Guidelines 2003; and</i> d) <i>any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of</i> 	<p>Some of the sites proposed for heritage listing either as a heritage item or within a new heritage conservation area are located within the coastal zone.</p> <p>This Planning Proposal does not seek to remove the existing provisions of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> which ensures consistency with the <i>Coastal Management Act 2016</i>.</p>

<i>Schedule 3 to the Coastal Management Act 2016, that applies to the land.</i>	
<p>2) <i>A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:</i></p> <ul style="list-style-type: none"> a) <i>within a coastal vulnerability area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021; or</i> b) <i>that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:</i> <ul style="list-style-type: none"> i. <i>by or on behalf of the relevant planning authority and the planning proposal authority, or</i> ii. <i>by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.</i> 	The planning proposal does not seek to rezone any land.
<p>3) <i>A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.</i></p>	The planning proposal does not seek to rezone any land.
<p>4) <i>A planning proposal for a local environmental plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021:</i></p> <ul style="list-style-type: none"> a) <i>Coastal wetlands and littoral rainforests area map;</i> b) <i>Coastal vulnerability area map;</i> c) <i>Coastal environment area map; and</i> d) <i>Coastal use area map.</i> 	The planning proposal does not seek to amend any of the Coastal maps and does not seek to increase or decrease any land within these maps.

The PP is consistent with this direction

Direction 5.1 – Integrating Land Use and Transport

This direction applies when a relevant planning authority prepares a planning proposal.

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives;

Implementation of Regional Plans Directions	
Direction Requirement	Assessment
<p>1) <i>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</i></p> <ul style="list-style-type: none"> i. <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i> ii. <i>The Right Place for Business and Services – Planning Policy (DUAP 2001).</i> 	<p>The PP only seeks to list new heritage items and heritage conservation areas within the Kiama LEP 2011. Therefore, the PP seeks only to alter the heritage provisions within the LEP relating to land that is zoned for residential and business that is either proposed as a heritage item and/or within a heritage conservation area. These heritage provisions will not impact on transport choice and within business zone land will not impact on permitted uses and the types of business that can be established within the Kiama Town Centre.</p>

The PP is consistent with this direction

Direction 6.1 – Residential Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted.

The objectives of this direction are to encourage a variety and choice of housing types to provide for existing and future housing needs; make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.

Implementation of Regional Plans Directions	
Direction Requirement	Assessment
<p>1) <i>A planning proposal must include provisions that encourage the provision of housing that will:</i></p> <ul style="list-style-type: none"> a) <i>broaden the choice of building types and locations available in the housing market, and</i> b) <i>make more efficient use of existing infrastructure and services, and</i> c) <i>reduce the consumption of land for housing and associated urban development on the urban fringe, and</i> d) <i>be of good design.</i> 	<p>The PP only seeks to list new heritage items and heritage conservation areas within Schedule 5 of the Kiama LEP 2011. Therefore, the PP only seeks to amend the relevant heritage provisions and heritage maps within the LEP. Although the PP will not include provisions that encourage the provision of housing, the heritage conservation areas will ensure that future development is sympathetic with the surrounding area and not 'out of character', therefore assisting with achieving good design.</p>
<p>2) <i>A planning proposal must, in relation to land to which this direction applies:</i></p>	<p>The PP only seeks to list new heritage items and heritage conservation areas within</p>

<p>a) <i>contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i></p> <p>b) <i>not contain provisions which will reduce the permissible residential density of land.</i></p>	Schedule 5 of the Kiama LEP 2011 and therefore this clause does not apply.
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The PP is consistent with this direction

Direction 7.1 – Business and Industrial Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone.

The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified centres.

Implementation of Regional Plans Directions	
Direction Requirement	Assessment
<p>1) <i>A planning proposal must:</i></p> <p>a) <i>give effect to the objectives of this direction,</i></p> <p>b) <i>retain the areas and locations of existing business and industrial zones,</i></p> <p>c) <i>not reduce the total potential floor space area for employment uses and related public services in business zones,</i></p> <p>d) <i>not reduce the total potential floor space area for industrial uses in industrial zones, and</i></p> <p>e) <i>ensure that proposed new employment areas are in accordance with a strategy that is approved by the Planning Secretary.</i></p>	<p>The PP only seeks to list new heritage items and heritage conservation areas within Schedule 5 of the Kiama LEP 2011.</p> <p>Some of the proposed heritage items and properties within a new heritage conservation area are within Business Zones.</p> <p>The PP retains the areas and locations of existing business zones and does not reduce the potential FSR area for employment uses and related public services in business zones.</p> <p>The PP does not propose a new employment area.</p>

The PP is consistent with this direction

3.3 Proposal's environmental, social and economic impact

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

Due to the nature of the PP it is considered unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposed changes.

None of the sites to which this Proposal applies contain any know critical habitat or threatened species, populations or ecological communities, or their habitats.

3.3.2 Are there any other likely environmental effects 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.

None of the sites to which this Proposal applies contain any know significant environmental areas, resources or hazards.

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

The PP is considered to have positive social effect for the community. The PP seeks to amend Schedule 5 in the LEP to include 7 new heritage items and 2 new heritage conservation areas. This will have positive social effects for the community as it will ensure the protection and retention of local heritage and that appropriate development controls and/or restrictions are in place to guide any future development. This will ensure best practice urban design and development that retains character and is sympathetic to adjoining heritage and/or the HCA.

Social heritage are the non-physical aspects of our culture in our society. By retaining items of cultural significance this has positive effects on restoring the social effects of heritage.

The PP is considered to have positive economic effect for the community. Amending the LEP to include new heritage items and heritage conservation areas will have a positive effect on the community as it ensures that cultural heritage and local character will be protected. Kiama has a strong existing cultural heritage and tourism function that will continue to support development and performance. Kiama's local economy has a strong reliance on tourism, therefore retaining and protecting Kiama's cultural heritage and local character will have positive economic effects.

Owning a heritage listed also enables owners to apply for heritage grants and loans and apply for special heritage valuations and concessions.

3.4 Proposal's infrastructure (Local, State and Commonwealth) requirements

3.4.1 Is there adequate public infrastructure for the planning proposal?

The proposal seeks to list new heritage items and heritage conservation areas in Schedule 5 of the Kiama LEP 2011 and therefore does not have the potential to increase the current demand on public infrastructure.

3.5 State and Commonwealth Interests

3.5.1 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Pre Gateway consultation

The proposal is minor in nature and as such, no State or Commonwealth authorities have been consulted as part of the preparation of this Planning Proposal.

Post Gateway consultation

Following the receipt of any Gateway Determination, Council proposes to seek the views of the following state and federal public authorities and government agencies:

- Heritage NSW

4.0 Maps

The PP seeks to amend the following LEP Maps to be amended:

- Heritage Map:
 - Sheet HER_012

The following figures demonstrate how Sheet HER_012 is to be amended.

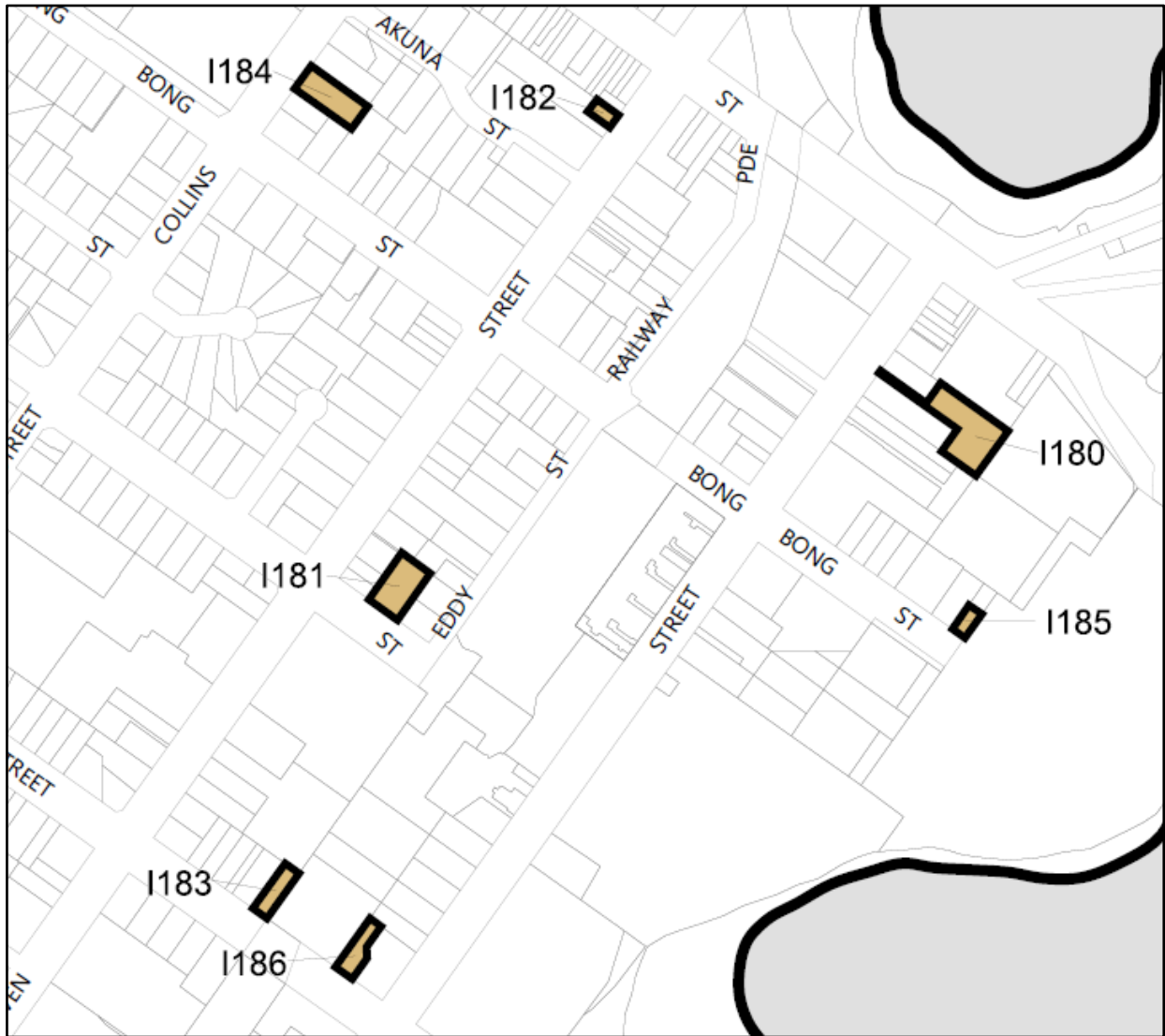


Figure 3: Proposed new heritage items

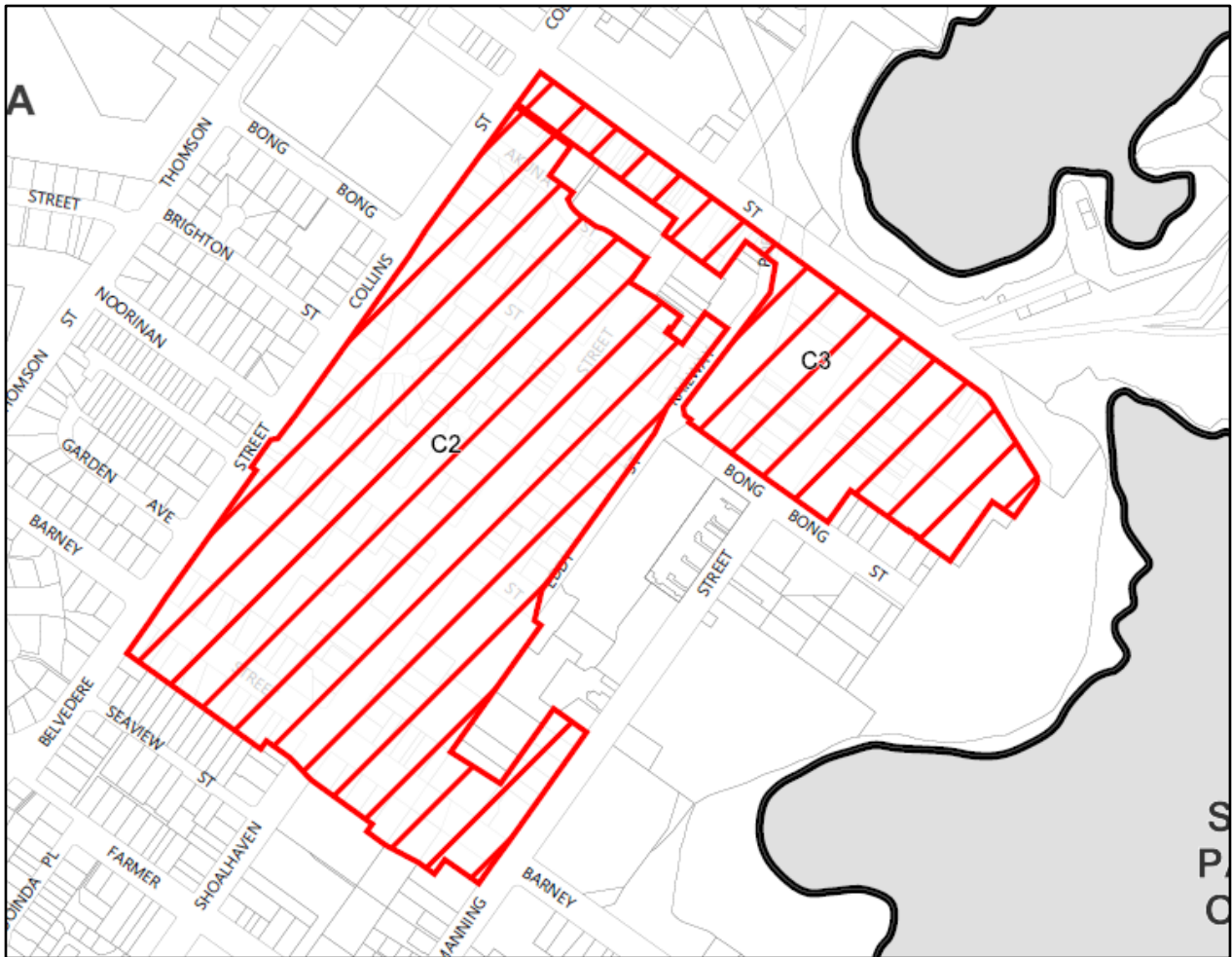


Figure 4: Proposed new heritage conservation areas (C2 and C3)

5.0 Community Consultation

Council will undertake community consultation in accordance with the Kiama Community Participation Plan (CPP) 2019, including publicly exhibiting the Proposal for a period of 28 days and include:

- Electronic copy on Council's website,
- Notification letters to affected/neighbouring land owners and relevant community precinct groups,
- Notification letters to relevant State agencies and other authorities/agencies nominated by the DPIE.

6.0 Project Timeline

The timeframe for the Planning Proposal is that, from date of Gateway determination to date of submission to the Department of Planning, Industry & Environment (DPIE), to finalise the LEP is a period of 9 months.

Figure 4:

	Timeframe	Possible dates
Submit to DPIE seeking a Gateway Determination		September 2022
Receive Gateway Determination	4 weeks from submission date	October 2022
Preparation of any outstanding studies (if required)	N/A	N/A
Consult with State/Commonwealth agencies	4 weeks from completing review of any outstanding studies	November 2022
Exhibition of PP and technical studies (assuming no requirement to resubmit to DPIE)	4 weeks from completing review of any outstanding studies	January/February 2023
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	March 2023
Report to Council for final endorsement	First available Council meeting after completion of review of submissions (allow 8 weeks)	April 2023
Seek Parliamentary Counsel Office's (PCO) opinion.	2 weeks from date of Council meeting minutes being published	May 2023
Submit maps to DPIE for review	2 weeks from date of Council meeting minutes being published	May 2023
Submit to DPIE to publish LEP amendment	4-6 weeks from date PCO's opinion requested	June 2023
Anticipated publication date of LEP amendment	2 weeks from date of submission to DPIE	June 2023

7.0 Appendix 1 – Section 9.1 Ministerial Directions – Compliance Checklist

Ministerial Direction	Comment
1. Planning Systems	
1.1 Implementation of Regional Plans	The PP is consistent with the Illawarra-Shoalhaven Regional Plan (see Section 4.3 of this report). The PP is consistent with Direction 5.10 – Implementation of Regional Plans.
1.2 Development of Aboriginal Land Council Land	The identified sites are not identified on the Land Application map of <i>State Environmental Planning Policy (Aboriginal Land) 2019</i> .
1.3 Approval and Referral Requirements	The direction does not apply to the PP.
1.4 Site Specific Provisions	The direction does not apply to the PP.
1. Planning Systems – Place-based	
1.5 Parramatta Road Corridor Urban Transformation Strategy	This direction does not apply to the Kiama LGA.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation	This direction does not apply to the Kiama LGA.
1.7 Implementation of Greater Parramatta Interim Land Use and Infrastructure Implementation	This direction does not apply to the Kiama LGA.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation	This direction does not apply to the Kiama LGA.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	This direction does not apply to the Kiama LGA.
1.10 Implementation of the Western Sydney Aerotropolis Plan	This direction does not apply to the Kiama LGA.
1.11 Implementation of Bayside West Precincts 2036 Plan	This direction does not apply to the Kiama LGA.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	This direction does not apply to the Kiama LGA.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	This direction does not apply to the Kiama LGA.
1.14 Implementation of Greater Macarthur 2040	This direction does not apply to the Kiama LGA.

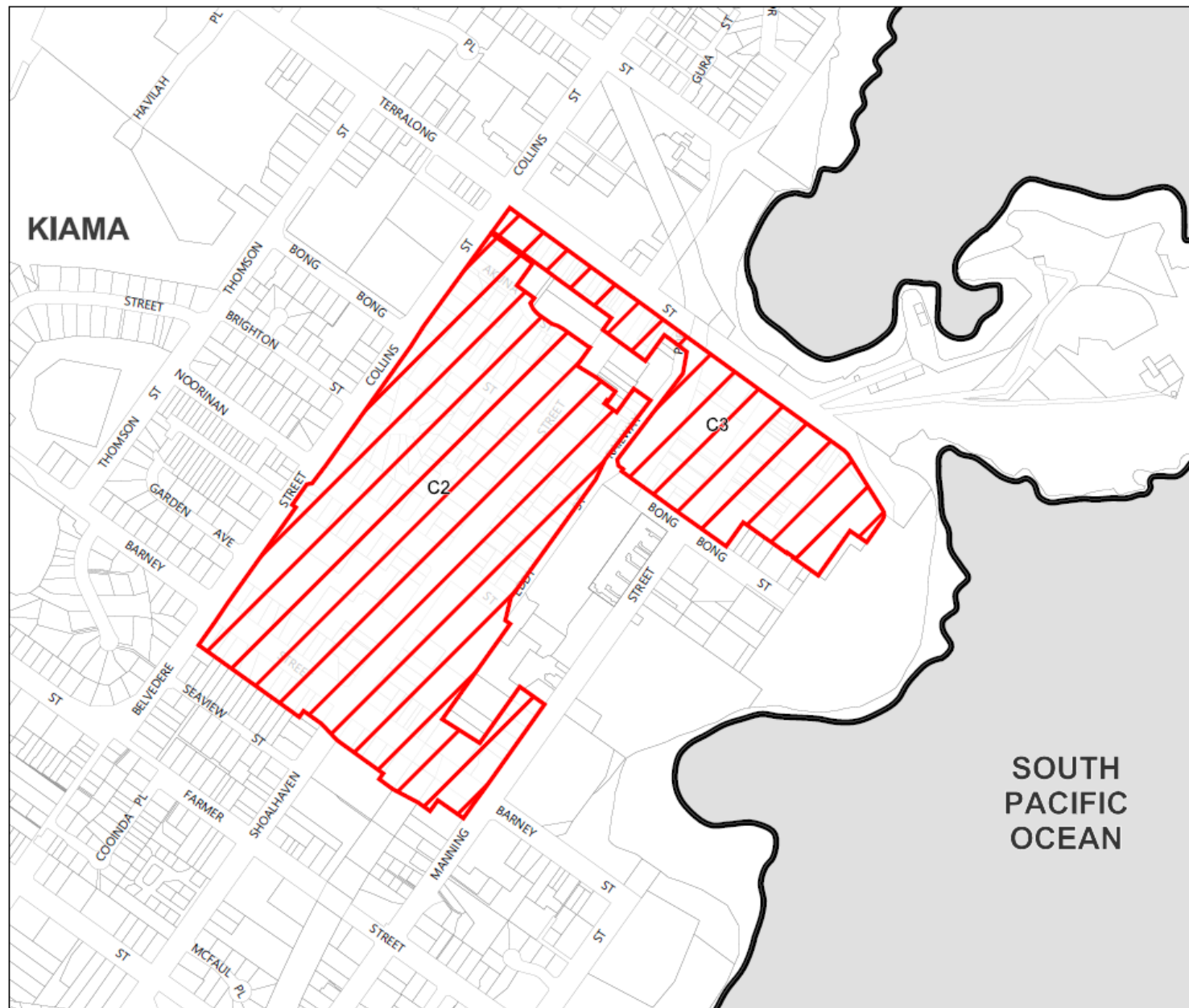
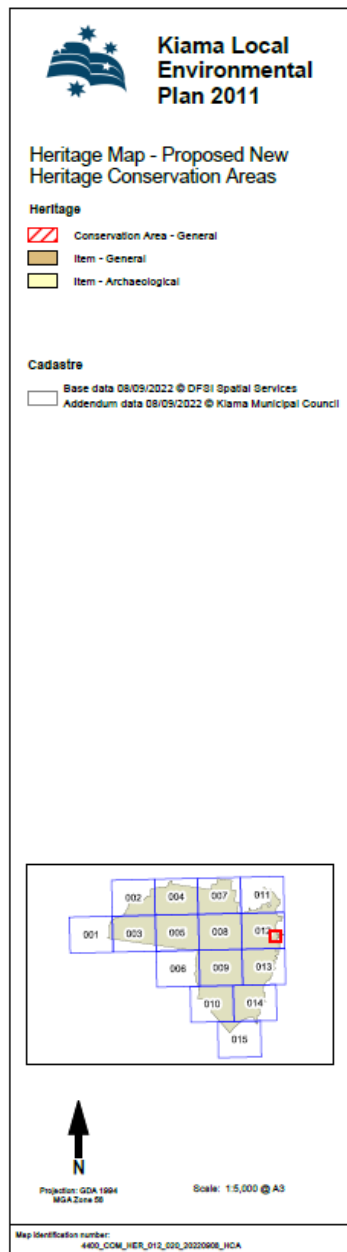
1.15 Implementation of the Pyrmont Peninsula Place Strategy	This direction does not apply to the Kiama LGA.
1.16 North West Rail Link Corridor Strategy	This direction does not apply to the Kiama LGA.
1.17 Implementation of the Bays West Place Strategy	This direction does not apply to the Kiama LGA.
2. Design and Place	
3. Biodiversity and Conservation	
3.1 Conservation zones	The direction does not apply to the PP.
3.2 Heritage Conservation	<p>The PP will not alter the existing provisions of the Kiama LEP 2011 and Kiama DCP 2020 which give effect to heritage conservation.</p> <p>The PP seeks to list 7 new individual heritage items and 2 new heritage conservation areas in Schedule 5 of Kiama LEP 2011.</p> <p>The PP is consistent with Direction 3.2 – Heritage Conservation.</p>
3.3 Sydney Drinking Water Catchments	The direction does not apply to the PP.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	The direction does not apply to the PP.
3.5 Recreation Vehicle Areas	The direction does not apply to the PP.
3.6 Strategic Conservation Planning	The direction does not apply to the PP.
4. Resilience and Hazards	
4.1 Flooding	The direction does not apply to the PP.
4.2 Coastal Management	<p>The PP applies to land within the Coastal Zone. Some of the sites proposed for heritage listing either as a heritage item or within a new heritage conservation area are located within the coastal zone.</p> <p>This Planning Proposal does not seek to remove the existing provisions of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> which ensures consistency with the <i>Coastal Management Act 2016</i>.</p> <p>The PP does not seek to rezone any land within the Coastal Zone, amend any of the Coastal maps and does not seek to increase or decrease any land within these maps.</p>

	The PP is consistent with Direction 4.2 Coastal Management
4.3 Planning for Bushfire Protection	The direction does not apply to the PP.
4.4 Remediation of Contaminated Land	The direction does not apply to the PP.
4.5 Acid Sulfate Soils	The direction does not apply to the PP.
4.6 Mine Subsidence and Unstable Land	The direction does not apply to the PP.
5. Transport and Infrastructure	
5.1 Integrating Land Use and Transport	<p>The PP only seeks to list new heritage items and heritage conservation areas within the Kiama LEP 2011. Therefore, the PP seeks only to alter the heritage provisions within the LEP relating to land that is zoned for residential and business that is either proposed as a heritage item and/or within a heritage conservation area. These heritage provisions will not impact on transport choice and within business zone land will not impact on permitted uses and the types of business that can be established within the Kiama Town Centre.</p> <p>The PP is consistent with Direction 5.1 Integrating Land Use and Transport.</p>
5.2 Reserving Land for Public Purposes	This direction does not apply to the PP.
5.3 Developing Near Regulated Airports and Defence Airfields	The direction does not apply to the PP.
5.4 Shooting Ranges	The direction does not apply to the PP.
6. Housing	
6.1 Residential Zones	<p>The PP only seeks to list new heritage items and heritage conservation areas within Schedule 5 of the Kiama LEP 2011. Therefore, the PP only seeks to amend the relevant heritage provisions and heritage maps within the LEP. Although the PP will not include provisions that encourage the provision of housing, the heritage conservation areas will ensure that future development is sympathetic with the surrounding area and not 'out of character', therefore assisting with achieving good design.</p> <p>The PP is consistent with Direction 6.1 Residential Zones.</p>
6.2 Caravan Parks and Manufactured Home Estates	The direction does not apply to the PP.
7. Industry and Employment	

7.1 Business and Industrial Zones	<p>The PP only seeks to list new heritage items and heritage conservation areas within Schedule 5 of the Kiama LEP 2011.</p> <p>Some of the proposed heritage items and properties within a new heritage conservation area are within Business Zones.</p> <p>The PP retains the areas and locations of existing business zones and does not reduce the potential FSR area for employment uses and related public services in business zones. The PP does not propose a new employment area.</p> <p>The PP is consistent with Direction 7.1 Business and Industrial Zones.</p>
7.2 Reduction in non-hosted short-term rental accommodation period	The direction does not apply to the PP.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	The direction does not apply to the PP.
8. Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	The direction does not apply to the PP.
9. Primary Production	
9.1 Rural Zones	The direction does not apply to the PP.
9.2 Rural Lands	The direction does not apply to the PP.
9.3 Oyster Aquaculture	The direction does not apply to the PP.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	The direction does not apply to the PP.

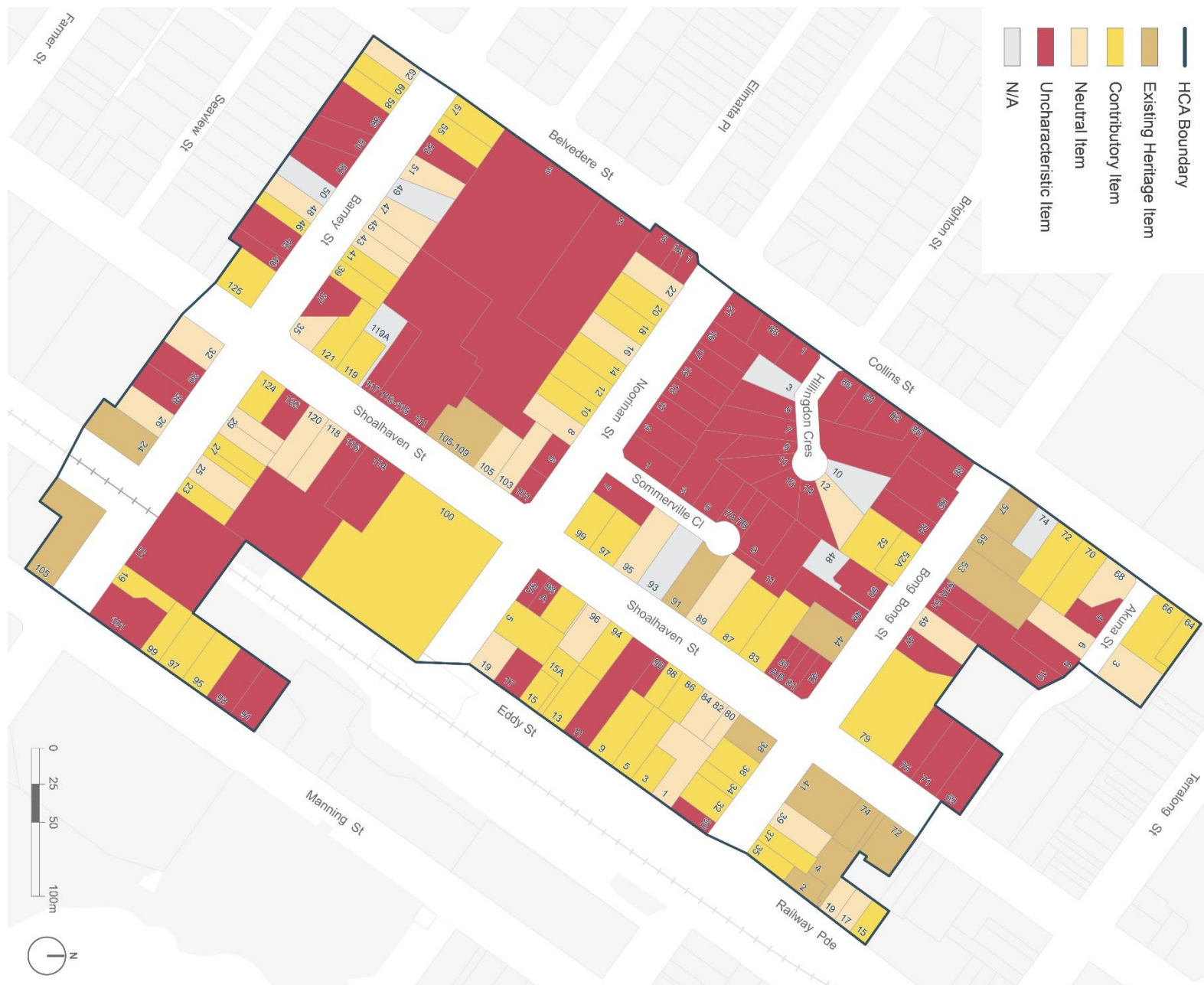
8.0 Appendix 2 – draft Heritage LEP Maps



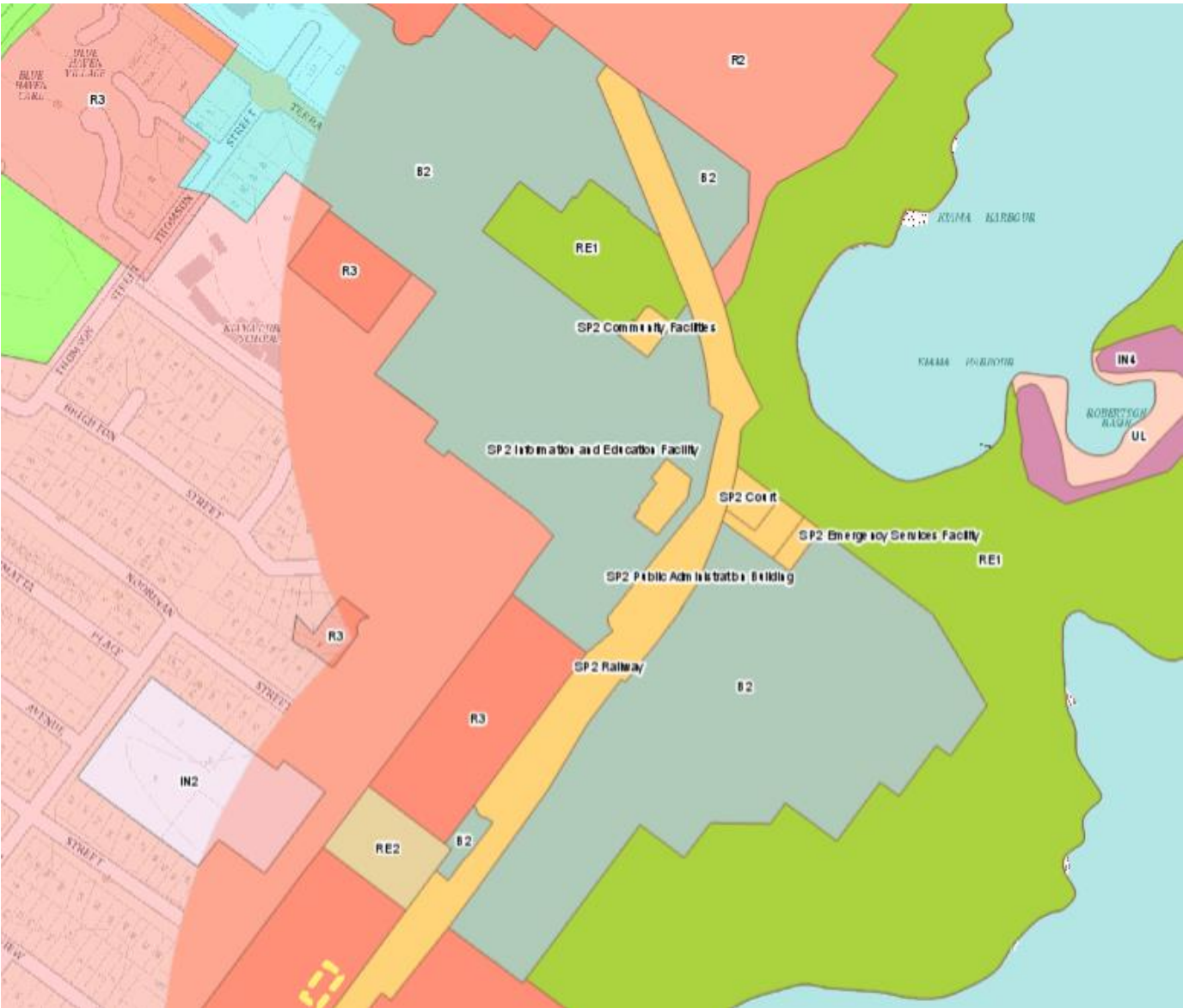


9.0 Appendix 3 – Heritage Conservation Area Maps and Building Classifications





10.0 Appendix 4 – Coastal Use Area Map



11.0 Appendix 5 – Coastal Environment Area Map



How to contact Council

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KIAMA MUNICIPAL COUNCIL
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