

Table 1 – Section 9.1 Ministerial Directions

SECTION 9.1 MINISTERIAL DIRECTIONS	PLANNING PROPOSAL RESPONSE
<p>1.2 RURAL ZONES</p> <p><i>(4) A planning proposal must:</i></p> <p><i>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</i></p> <p><i>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</i></p> <p><i>(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</i></p> <p><i>(a) justified by a strategy which:</i></p> <p><i>(i) gives consideration to the objectives of this direction,</i></p> <p><i>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</i></p> <p><i>(iii) is approved by the Director-General of the Department of Planning, or</i></p> <p><i>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</i></p> <p><i>(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</i></p> <p><i>(d) is of minor significance.</i></p>	<p>The proposal involves rezoning two small areas of land within the north-east and northern western portions of the site from RU1 Primary Production to R2 Low Density and E2 Environmental Conservation, so that the site, forming part of a larger single parcel of land, has generally one zoning that aligns with its cadastre boundary. The proposed rezoning of 0.27ha ha of currently zoned primary production land is of minor significance.</p> <p>The majority of the larger lot within which the site is located (~ 70%) comprises R2 Low Density Residential zoned land. The existing RU1 Primary Production impedes the site’s ability to provide some 50 dwellings as identified within the Kiama Urban Strategy and contributing to the projected 2,850 dwellings required in Kiama by 2036 (refer to Action 2.1.1 of the NSW Government’s Illawarra-Shoalhaven Regional Plan).</p> <p>The larger land holding and site is not used for primary production. The proposed 0.25 hectares of RU1 Primary Production land that is proposed to be rezoned to R2 Low Density Residential is not of a sufficient size, shape, location or slope to be used for prime agricultural purposes. The proposed rezoning will not result in a significant impact of regionally important agricultural and resource lands.</p>

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1.5 RURAL LANDS

(4) A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

(5) A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

Note: State Environmental Planning Policy (Rural Lands) 2008 does not require a relevant planning authority to review or change its minimum lot size(s) in an existing LEP. A relevant planning authority can transfer the existing minimum lot size(s) into a new LEP. However, where a relevant planning authority seeks to vary an existing minimum lot size in an LEP, it must do so in accordance with the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a strategy which:

- i. gives consideration to the objectives of this direction,*
- ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites, and*
- iii. is approved by the Director General of the Department of Planning and is in force, or*

(b) is of minor significance.

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The proposal involves rezoning two small areas of RU1 Primary Production zoned land within the north-east and north western portions of the site to R2 Low Density and E2 Environmental Conservation, so that the site, being part of a larger single parcel of land, has generally only one zoning that better aligns with its cadastre boundary. The proposed rezoning of 0.27ha ha of currently zoned primary production land is of minor significance.

Kiama LEP 2011 prescribes a minimum lot size of 40 hectares for land zoned RU1 Primary Production. The portion of the site that is proposed to be zoned from RU1 Primary Production to R2 Low Density residential and E2 Environmental Conservation is 0.27ha and does not contain an existing dwelling. Under the provisions of Kiama LEP 2011, this land cannot be further subdivided, nor can a new dwelling house be erected on it. This land is also irregularly shaped. Incorporating this land into a subdivision design for the larger land holding, 70% of which is already zoned R2 Low Density results in inefficient building and development boundaries.

The RU1 Primary Production zone also impedes the site's ability to provide additional dwellings as identified within the Kiama Urban Strategy and the 2,850 dwellings required in Kiama by 2036 (refer to Action 2.1.1 of the NSW Government's Illawarra-Shoalhaven Regional Plan).

The site is not used for primary production. The proposed 0.27 hectares of RU1 Primary Production land that is proposed to be rezoned to R2 Low Density Residential and E2 Environmental Conservation is not of a sufficient size, shape, location or slope to be used for prime agricultural purposes. The proposed rezoning will

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<p>2.1 ENVIRONMENT PROTECTION ZONES</p> <p><i>(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</i></p> <p><i>(5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “Rural Lands”.</i></p> <p><i>(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</i></p> <p><i>(a) justified by a strategy which:</i></p> <p><i>(i) gives consideration to the objectives of this direction,</i> <i>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</i> <i>(iii) is approved by the Director-General of the Department of Planning, or</i></p> <p><i>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</i> <i>(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</i></p>	<p>not result in a significant impact of regionally important agricultural and resource lands.</p> <p>The planning proposal seeks to rezone 0.025 (237m²) ha of RU1 Primary Production land to E2 Environmental Conservation, as well as identify the proposed E2 Environmental Conservation land as biodiversity land under Kiama LEP 2011.</p> <p>An ecological constraints analysis of the site was undertaken by WSP as part of a larger study for the Spring Creek Urban Release Area. Due to historic and ongoing agricultural use and surrounding residential dwellings, the biodiversity values of the area in general and site have been heavily impacted and degraded. The majority of remnant native vegetation in and around the site is in a disturbed condition due to historical clearing, cattle grazing, fragmentation, small patch size and the absence of protective buffers due to adjacent land managed for residential subdivisions and agricultural tenures.</p> <p>Small isolated patches of Whalebone Tree – Native Quince dry sub-tropical rainforest (0.42 ha) (PCT 1300) occur within the north-east and north-western portions of the site. These patches are consistent with the Illawarra Subtropical Rainforest in the Sydney Basin threatened ecological community and listed as an endangered ecological community under the NSW BC Act. In September 2019, the Illawarra Subtropical Rainforest was listed as a critically endangered ecological community under the EPBC Act.</p> <p>In March 2020, an EPBC Act condition assessment of native vegetation on the site was prepared by WSP. The purpose of the assessment was to evaluate the potential ecological community against the EPBC Act key diagnostics (e.g. canopy cover, ground cover and species richness) and condition thresholds (for e.g.</p>

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(d) is of minor significance.

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patch size, and biotic thresholds) to determine whether this vegetation warranted zoning from RU1 Primary Production to E2 Environmental Conservation, consistent with the Gateway Determination dated 19 October 2019 and advice from Council dated 31 January 2020.

The following was concluded:

- North eastern patch - The rainforest vegetation in the north eastern portion of the site is contiguous with vegetation outside the site. Much of this vegetation is dominated by introduced species including *Olea europea* ssp. *cuspidata* and *Erythrina x Skyessii* and separated from other remnants by exotic grassland. The size of this vegetation area is relatively small being 0.1-1 ha. The north eastern patch is dominated by *Olea europea* ssp. *cuspidata* and *Notolaea venosa* with emergent *Acacia maidenii*. The margins of this patch consisted of *Olea europea* ssp. *cuspidata* overstorey and groundcover of exotic grasses including *Ehrharta erecta* with low diversity of native understorey species including *Hibbertia scandens*, *Pseuderanthemum variabile* and *Pittosporum species*. Only a small portion of vegetation within this patch was considered by WSP to meet the relevant conditions under the EPBC Act, with the remainder of vegetation below the medium-high threshold.
- North western patch – The rainforest vegetation in the north western portion of the site is contiguous with vegetation to the west of the site, which forms a patch that is greater than 1 ha in size. The margins of this forest are dominated by exotic species including *Olea europea* ssp. *cuspidata*, *Lantana* spp.,

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Rubus sp. and exotic grasses including *Ehrharta erecta* and *Paspalum dilatatum*. The north western remnant is dominated by *Notolaea venosa*, *Pittosporum undulatum*, *Glochidion ferdinandi* and *Ficus macrophylla*. The vegetation is considered to be of moderate condition and therefore consistent with the thresholds under the EPBC Act.

The 0.025ha ha (237m²) of vegetation assessed as being consistent with both the BC Act and the EPBC Act listings warrant rezoning to E2 Environmental Conservation. The remainder of vegetation on the site (i.e. within the RU1 Primary Production zone) comprises highly disturbed areas with no or limited native vegetation, consisting of predominantly of grazed exotic grassland.

In terms of fauna habitats, most vegetation communities do not occur as old-growth forms and important fauna habitat attributes, such as hollows, plentiful fallen timber, connectivity and large patch size are lacking. The general lack of these important habitat attributes reduces the site’s capacity for supporting a wide diversity of local native species, including threatened species, in isolation from other higher quality habitats in the locality.

The proposal is consistent with this ministerial direction in that it will improve the environmental protection standards that apply to the land.

2.2 COASTAL MANAGEMENT

(4) A planning proposal must include provisions that give effect to and are consistent with:

The site is identified within a coastal environmental area (i.e. coastal waters, coastal lakes and foreshores and surrounding lands) and Coastal Use Area Map (i.e. land adjacent to the coast) under the Coastal Management SEPP. This planning proposal does not seek to

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(a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;
(b) the NSW Coastal Management Manual and associated Toolkit;
(c) NSW Coastal Design Guidelines 2003; and
(d) 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 Schedule 3 to the Coastal Management Act 2016, that applies to the land.

(5) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:

(a) within a coastal vulnerability area identified by the State Environmental Planning Policy (Coastal Management) 2018; or

(b) 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) by or on behalf of the relevant planning authority and the planning proposal authority, or

(ii) by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.

(6) 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 the State Environmental Planning Policy (Coastal Management) 2018:

(a) Coastal wetlands and littoral rainforests area map;

(b) Coastal vulnerability area map;

(c) Coastal environment area map; and

(d) Coastal use area map.

Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone

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amend any mapping or applicable provisions relating to coastal management.

Coast vulnerability mapping is not currently available. In the interim, existing coastal hazard studies and other relevant information are to be used by Council when considering development within the coastal zone.

It is proposed to rezone two small areas within the north-east and north-western portions of the site that is currently zoned RU1 Primary Production (0.27 ha) to R2 Low Density and E2 Environmental Conservation, so that the site, forming part of a larger land holding, has a zoning that better aligns with its cadastre boundary and facilitates more rational building and development boundaries for future development.

The site forms part of a larger land holding within the 'Spring Creek Urban Release Area' in the Kiama Urban Strategy 2011 which was adopted by Council on 20 September 2011. The release area is earmarked to deliver some 160 dwellings of which approximately 50 dwellings are shown on Boral land. The site is also identified as 'urban land' under the Illawarra-Shoalhaven Regional Plan 2015.

The rezoning of a small portion of RU1 Primary Production land is unlikely to have a significant impact on a coastal environment area. The proposed rezoning does not override the provisions of the Coastal Management SEPP, which will continue to apply to the site regardless of the site's zoning.

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Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.

Note: Under section 10(2) of the Coastal Management Act 2016, any provision of an LEP that identifies a coastal management area (or part of such an area) must not be made without the recommendation of the Minister administering the Coastal Management Act 2016.

(7) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a study or strategy prepared in support of the planning proposal which gives consideration to the objective of this direction, or:

(c) in accordance with the relevant Regional Strategy or District Plan, prepared under Division 3.1 of the Environmental Planning and Assessment Act 1979 by the relevant strategic planning authority, which gives consideration to the objective of this direction, or

(d) of minor significance.

2.3 HERITAGE CONSERVATION

(4) A planning proposal must contain provisions that facilitate the conservation of:

(a) 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,

The larger land holding, within which the site forms part of, contains a number of dry stone walls. The dry stone walls are heritage items of local significance under Schedule 5 of LEP 2011. The small area of the site that is proposed to be rezoned does not contain any dry stone walls. The proposal will not have any adverse impact on any surrounding local or State heritage item.

An Aboriginal Heritage due diligence assessment for the Spring Creek Urban Release Area (including the site) was prepared by Kelleher Nightingale in March 2018 (refer to **Appendix C**). This assessment found no previously recorded Aboriginal archaeological

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(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and

(c) 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.

3.1 RESIDENTIAL ZONES

(4) A planning proposal must include provisions that encourage the provision of housing that will:

- (a) broaden the choice of building types and locations available in the housing market, and*
- (b) make more efficient use of existing infrastructure and services, and*
- (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) be of good design.*

(5) A planning proposal must, in relation to land to which this direction applies:
(a) 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
(b) not contain provisions which will reduce the permissible residential density of land.

(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

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sites on the site. The visual inspection did not observe any Aboriginal objects or archaeological sites.

It is proposed to rezone two small areas within the north-east and north-western portions of the site that is currently zoned RU1 Primary Production (0.27 ha) to R2 Low Density and E2 Environmental Conservation, so that the site, forming part of a larger land holding, has a zoning that better aligns with its cadastre boundary and facilitates more rational building and development boundaries for future development.

The proposal takes a balanced approach to housing that provides choice, affordability, and supports the orderly supply of land for development.

The site has good access to Kiama Town Centre, jobs and the Bombo Train Station, supporting housing opportunities close to existing services, jobs and infrastructure within the Kiama Town Centre and Wollongong which is approximately 25 km to the north of the site.

Given the nature of the proposed amendments, it is unlikely to result in any appreciable demand on public infrastructure. Future DAs for housing will need to demonstrate that the proposal can be adequately serviced.

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<p><i>(a) justified by a strategy which:</i></p> <p><i>(i) gives consideration to the objective of this direction, and</i></p> <p><i>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</i></p> <p><i>(iii) is approved by the Director-General of the Department of Planning, or</i></p> <p><i>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</i></p> <p><i>(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</i></p> <p><i>(d) of minor significance.</i></p>	
<p>3.3 HOME OCCUPATIONS</p> <p><i>(4) Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.</i></p> <p><i>(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.</i></p>	<p>Home occupations are permitted without consent within the R2 Low Density Residential zone under Kiama LEP 2011. The planning proposal would not alter this permissibility. The proposal is therefore consistent with this direction.</p>
<p>3.4 INTEGRATING LAND USE & TRANSPORT</p> <p><i>(4) 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> <p><i>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i></p> <p><i>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</i></p>	<p>The planning proposal will also provide opportunities for a mix of low and medium density housing close to existing services. Housing will be provided in an area that has good access to Kiama Town Centre and Bombo Train Station, services and facilities, recreation areas and jobs.</p>

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4.1 ACID SULFATE SOILS

(4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.

(5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:

(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or

(b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.

(6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.

(7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).

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The site comprises Class 5 Acid Sulfate soils. As part of future detailed DAs, an Acid Sulfate Management Plan will be required to support any development on the land, consistent with clause 6.1 of Kiama LEP 2011.

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(8) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or

(b) of minor significance.

4.3 FLOOD PRONE LAND

(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).

(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.

(6) A planning proposal must not contain provisions that apply to the flood planning areas which:

(a) permit development in floodway areas,

(b) permit development that will result in significant flood impacts to other properties,

(c) permit a significant increase in the development of that land,

(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or

(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.

Land that is proposed to be rezoned from RU1 Primary Production to R2 Low Density Residential and E2 Environmental Conservation is not identified as flood prone. This Planning Proposal is therefore consistent with this direction

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(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

4.4 PLANNING FOR BUSHFIRE PROTECTION

(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,

(5) A planning proposal must:

(a) have regard to Planning for Bushfire Protection 2006,

(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and

(c) ensure that bushfire hazard reduction is not prohibited within the APZ.

(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:

Part of the western boundary of the site is identified as Bushfire Prone Land – Vegetation Category 2) and Vegetation Buffer on the NSW Government Planning Portal website. Any future residential development will be required to provide suitable bushfire setbacks or asset protection zones. Notwithstanding, the identified bushfire risk on the site is relatively minor and can be mitigated as part of any future development proposal. A bushfire assessment is included at **Appendix B**.

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(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:
(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,
(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
(d) contain provisions for adequate water supply for firefighting purposes,
(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,
(f) introduce controls on the placement of combustible materials in the Inner Protection Area.

(7) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.

5.10 IMPLEMENTATION OF REGIONAL PLANS

(4) Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.

The proposed rezoning is consistent with the vision and goals for the Illawarra as set out in the Regional Plan, in that:

- The site forms part of a larger land holding, the majority of which (~ 70%) is zoned R2 Low Density Residential. The existing RU1 Primary Production zone impedes the site's ability to

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(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary), that the extent of inconsistency with the Regional Plan:

(a) is of minor significance, and

(b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions.

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provide some 50 dwellings as identified within the Kiama Urban Strategy and contributing to the projected 2,850 dwellings required in Kiama by 2036 (refer to Action 2.1.1 of the Regional Plan).

- The proposal secures an additional 0.025 ha (237m²) of native vegetation within an E2 Environmental Conservation zoning.
- The proposal provides opportunities for a mix of low and medium density housing in proximity to the Spring Creek Wetlands Walk and Bombo Beach.
- The proposal supports healthier environments by increasing densities in proximity to existing pedestrian and cycle networks, consistent with the vision for the Illawarra Region.
- By 2036, the population of the Illawarra-Shoalhaven is predicted to grow by just over 60,000 people and the make-up of the population is to include a greater proportion of people ages 65 years+ and one-two person households. The proposal delivers more diverse housing to meet the needs of singles, families and the aged and increasing the supply of affordable housing within Kiama. The proposal also responds to market demand for the area, consistent with Directions 2.1 and Action 2.1.1 of the Regional Plan.
- The proposal takes a balanced approach to housing that provides choice, affordability, and supports the orderly supply of land for development, consistent with Direction 2.1 of the Regional Plan.
- The site has good access to Kiama Town Centre, jobs and the Bombo Train Station, consistent with Direction 2.2 of the Regional Plan which supports housing opportunities close to existing services, jobs and infrastructure within the Kiama Town Centre and Wollongong which is approximately 25 km to the north of the site.

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- The proposal provides opportunities for different forms of housing in Kiama, consistent with Direction 2.2 of the Regional Plan. Action 2.2.1 of the Regional Plan states that the NSW Government will work with Council to review planning controls in existing urban areas to identify opportunities to increase the range of housing types.
- The 0.27 hectares of RU1 Primary Production land is not of size, shape, location or slope to be used for prime agricultural production. The proposed rezoning will not result in a significant impact of regionally important agricultural and resource lands, as required in Direction 4.1 of the Regional Plan.
- The proposal will not have an impact on any significant water bodies including Spring Creek, which is some 250 m to the south-east of the site, and will be separated by future residential development on adjoining R2 Low Density zoned lots. Future development will be required to comply with Council’s controls in relation to stormwater management to ensure the water quality and ecological function of the wetlands is not adversely impacted upon, consistent with Direction 5.4 of the Regional Plan.

6.3 SITE SPECIFIC PROVISIONS

4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

(a) allow that land use to be carried out in the zone the land is situated on, or

The planning proposal is not inconsistent with this direction.

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(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or

(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.

(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.