

15.4 Post exhibition: Finalisation of Kiama Heritage Planning Proposal

CSP Objective: Outcome 1.3: Our heritage matters: we want to learn, preserve and share both the Aboriginal history of this area and the history since settlement.

CSP Strategy: 1.3.1 Recognise and respect our First Nations peoples and their connection with the land and waterways for thousands of years; identify and safeguard areas and items of cultural significance; engage with local and regional First Nations peoples; seek knowledge with intent to learn, share and protect.

Delivery Program: 1.3.1.2 Facilitate the identification and protection of local areas and items of cultural and/or heritage significance.

Item 15.4

Summary

The purpose of this report is to seek Council's adoption of the proposed amendment contained in Planning Proposal PP-2022-3463 (V2) (attached) which specifies a number of Heritage amendments to Kiama LEP 2011.

Following Council making the plan the amendments will be sent to the office of the NSW Parliamentary Counsel under section 3.36(1) of the Environmental Planning & Assessment Act 1979 and the subsequent placement of the final instrument in the Government Gazette and NSW Legislation website.

On 28 June 2022, Council supported a Planning Proposal (PP) to make heritage amendments to the *Kiama Local environmental Plan (LEP) 2011* (see attached Council Minutes). The amendments apply to a number of sites throughout the Kiama Municipality.

A Gateway Determination was issued by the Department of Planning, Industry and Environment (DPIE) on 24 October 2022.

The Planning Proposal proposed the following heritage amendments to Kiama LEP 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 Kiama LEP 2011 to incorporate the Blowhole Tennis Court (Terralong Street – Lot 1 DP 1115376),
3. Amend heritage item I117 in Schedule 5 of Kiama LEP 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, and
6. Amend Schedule 5 to identify exiting local heritage items I151, I152 and I153 as State Heritage Items, following approval from the NSW State Heritage Register (SHR) Committee.

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Details of the proposed amendments are outlined further in the “Background” section of this report.

Policy

Planning Proposals require consideration of a number of Acts, Government policies, environmental planning instruments and planning documents. Specifically, the *Environmental Planning and Assessment Act 1979*, *Kiama LEP 2011*, Illawarra-Shoalhaven Regional Plan, Kiama Local Strategic Planning Statement 2020 and the Kiama Planning Proposal Policy.

Consultation

Council’s Property and Development Assessment teams were consulted with as part of the PP process. No objection was raised.

Following Council’s resolution at its meeting held in June 2022, the PP was forwarded to the Department and received a Gateway Determination.

As required by the conditions of the Gateway, the PP was referred to Heritage NSW who provided satisfactory referral advice.

Communication/Community engagement

The Planning Proposal was placed on public exhibition between 1 February 2023 and 1 March 2023 in accordance with section 3.34(2)(c) and clause 4 of Schedule 1 to the Act and the Kiama Community Participation Plan (CPP) 2019.

Nil submissions were received during this exhibition period.

Following this the property owners of 1 Bong Bong Street, Kiama sought to remove their property from the Planning Proposal. Concerns were raised about the exhibition process and as a result the PP was placed on exhibition for a second time to allow for any additional submissions to be received.

The Planning Proposal was placed on public exhibition between 15 September 2023 and 6 October 2023. Public exhibition occurred in accordance with the Kiama Community Participation Plan (CPP) 2019.

Attachments

- 1 Kiama Heritage Planning Proposal to Amend KLEP 2011 - October 2022 [↓](#)
- 2 Gateway Determination [↓](#)
- 3 Heritage NSW Response dated 24 January 2023 [↓](#)
- 4 Council Minute - 28 June 2022 [↓](#)
- 5 Minutes of the State Heritage Register Committee Meeting - 4 October 2022 [↓](#)
- 6 Heritage map sheet HER_012 showing proposed new heritage conservation areas [↓](#)
- 7 Heritage map sheet HER_012 showing proposed new heritage items [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council:

1. Adopt the following amendments to Kiama LEP 2011 for the purpose of sending the amendments to the office of the NSW Parliamentary Counsel under section 3.36(1) of the Environmental Planning & Assessment Act 1979, subject to the maps being finalised in the Standard Instrument format:
 - (a) Amend Schedule 5 of the Kiama LEP 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 (I180)
 - (ii) 5 Noorinan Street, Kiama – Lot 12 DP 1166458 (I181)
 - (iii) 51 Shoalhaven Street, Kiama – Part Lot 200 DP 1017091 (I182)
 - (iv) 23 Barney Street, Kiama – Lot 1 DP 194007 (I183)
 - (v) 72 Collins Street, Kiama – Lot 1 DP 781177 (I184)
 - (vi) 1 Bong Bong Street, Kiama – Lot 1 DP 1115376 (I185)
 - (vii) 19 Barney Street, Kiama – Lot 1 DP 1014606 (I186).
 - 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 HCA.
 - (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 HCA.
 - (b) Amend sheet HER_012 to include the seven (7) new heritage items, listed above, and the two (2) new heritage conservation areas.
2. Delegate the Chief Executive Officer the authority to send the Planning Proposal to the office of the NSW Parliamentary Counsel in accordance with section 3.36(1) of the Environmental Planning & Assessment Act 1979 to draft the legal instrument that will give effect to this Planning Proposal.

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3. Delegate to the Chief Executive Officer the authority to make minor mapping and Local Environmental Plan instrument changes if required by the office of the NSW Parliamentary Council.
4. Delegate to the Chief Executive Officer the authority to finalise the Planning proposal by placing the final instrument received from the NSW Parliamentary Counsel (referred to in recommendation 1) in the NSW Government Gazette and on the NSW Legislation Website.

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Background

In June 2022, Council supported a Planning Proposal to make the following heritage amendments to Kiama LEP 2011:

- (c) *Amending Schedule 5 of the Kiama LEP 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:*
 - a) *24 Manning Street, Kiama – Lot 21 DP 1186998 (I180)*
 - b) *5 Noorinan Street, Kiama – Lot 12 DP 1166458 (I181)*
 - c) *51 Shoalhaven Street, Kiama – Part Lot 200 DP 1017091 (I182)*
 - d) *23 Barney Street, Kiama – Lot 1 DP 194007 (I183)*
 - e) *72 Collins Street, Kiama – Lot 1 DP 781177 (I184)*
 - f) *1 Bong Bong Street, Kiama – Lot 1 DP 1115376 (I185)*
 - g) *19 Barney Street, Kiama – Lot 1 DP 1014606 (I186)*
 - iv. *List the following areas as new local Heritage Conservation Areas (HCA);*
 - a) *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 HCA.
 - b) *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 HCA.
- (d) *Amending sheet HER_012 to include the seven (7) new heritage items, listed above, and the two (2) new heritage conservation areas.*

The proposed new seven local heritage items are displayed in *Figure 1*.



Figure 1: Proposed new Heritage Items

Proposed new Heritage Conservation Areas

The proposed new Heritage Conservation Areas are mapped in *Figure 2* as follows:

- i. C2 – Smiths Farm HCA
- ii. C3 – Kiama Town Centre HCA.



Figure 2: Proposed new HCA areas

Smiths Farm HCA

The boundary lines of Kiama Town Centre HCA are mapped in *Figure 3*:

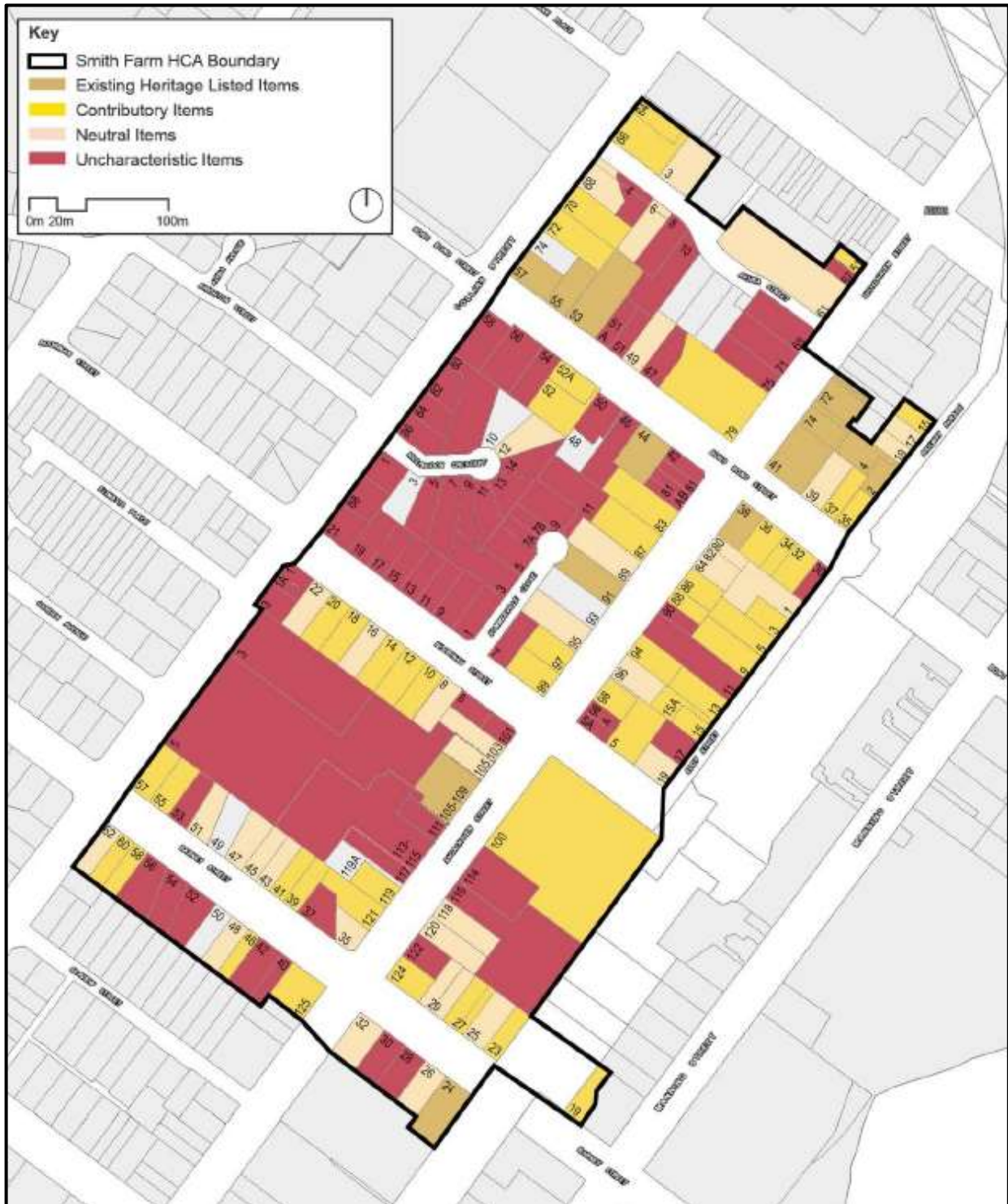


Figure 3: Smiths Farm HCA Boundary Lines

Kiama Town Centre HCA

The boundary lines of Kiama Town Centre HCA are mapped in *Figure 4*:



Figure 4: Kiama Town Centre HCA Boundary Lines

The PP also sought to list the *Kiama Justice Precinct* comprising of three local heritage items as State Heritage Items, following approval from the NSW SHR Committee. The NSW SHR Committee reviewed these items at their 4 October 2022 State Heritage Register Committee meeting. The Meeting Minutes resolved that the items were not a current priority to progress to a full assessment towards potential listing on the State Heritage Register. Therefore, there will be no changes in this regard as part of the endorsement of this PP.

Gateway Determination

Following Council's resolution in June 2022, the PP was forwarded to the Department Planning, Industry and Environment (DPIE) for a Gateway Determination.

The Gateway determination required Council to consult with the Heritage NSW under Section 3.34(2)(d) of the Act and the community under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act.

State Agency Consultation

In accordance with the conditions of the Gateway Determination, the PP was referred to Heritage NSW pursuant to section 3.34(2)(d) of the EP&A Act. Heritage NSW provided a satisfactory referral on 24 January 2023.

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Public Exhibition of Planning Proposal

Following state agency consultation and as a requirement of the Gateway, the PP was placed on public exhibition between 1 February 2023 and 1 March 2023. Public exhibition occurred in accordance with the Kiama Community Participation Plan (CPP) 2019.

Nil submissions were received during this exhibition period.

Following this period, the property owners of 1 Bong Bong Street, Kiama raised a submission to Council to remove their property from the Planning Proposal. As part of their request to Council concerns about the exhibition process were raised. In order to ensure probity in the process the Planning Proposal was again placed on public exhibition between 15 September 2023 and 6 October 2023. Public exhibition occurred in accordance with the Kiama Community Participation Plan (CPP) 2019.

Notification of the formal public exhibition period occurred on 13 September 2023 via the following:

- Council media release
- Council's social media platforms
- Council's project webpages
- Individual letters were sent to all property owners within the Kiama Town Centre project scope area and the proposed Heritage Conservation Areas informing them about the public exhibition period.

Four (4) Submissions were received during the re-exhibition period. The submissions and staff response are outlined in the Community Engagement section of this report.

Public Exhibition Outcomes

The Planning Proposal was placed on public exhibition between 1 February 2023 and 1 March 2023 in accordance with section 3.34(2)(c) and clause 4 of Schedule 1 to the Act and the Kiama Community Participation Plan (CPP) 2019.

Nil submissions were received during this exhibition period.

Following this period, the property owners of 1 Bong Bong Street, Kiama raised a submission to Council to remove their property from the Planning Proposal.

The Planning Proposal was placed on public exhibition between 15 September 2023 and 6 October 2023. Public exhibition occurred in accordance with the Kiama Community Participation Plan (CPP) 2019.

The Planning Proposal was re-exhibited between 15 September 2023 and 6 October 2023.

Four (4) submissions were received.

Community Concerns: Oppose listing parts of Terralong Street in HCA

Oppose listing properties on the southern side of Terralong Street, between Shoalhaven Street and Collins Street (excluding 58-64 existing heritage) from the proposed Kiama Town Centre HCA area. These properties have no historical appeal. The precinct being "maintained" as a "low and consistent roofline" will result

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in unappealing developments, high cost of development and high insurance premiums.



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Staff Response:

The Kiama Historic Town Centre Heritage Conservation Area represents the growth and development of the public centre of Kiama from the 1840s to the 1950s. It incorporates Kiama’s key civic and early commercial buildings. The HCA area is characterised by predominately nineteenth century and early twentieth century buildings, including Late-Victorians and more modest Federation-era shop-tops.

The Kiama Historic Town Centre is representative of the importance of the town’s coastal setting, with the siting, materiality, and landscaping of the Kiama Town Centre expressing the relationship between the town and Kiama Harbour. Streets feature wide footpaths that provide views to and from the harbour, with street tree plantings, and planter boxes scattered throughout the HCA adding to the natural character of the area. The HCA expresses the gradual evolution of the heart of the town of Kiama and its relationship to its natural setting. This character should be preserved and retained through the retention of the facades of contributory buildings, the scale of the streetscapes, the common materialities and visual motifs, views to and from the harbour, public open space, the legible subdivision pattern, and street tree plantings.

The properties listed in the submission are situated in a key location at the entrance of Kiama and opposite Hindmarsh Park. Half of the properties listed within this section of the street are categorized as either neutral or uncharacteristic, therefore demolition is permissible. The other properties are listed as contributory and require retaining the existing façade, where possible, to retain the heritage and character of the heart of the Town Centre. These properties have the opportunity to be redeveloped and increased further to their 11m maximum building height. Any properties adjacent or within close proximity to a heritage item would be required to comply with DCP and LEP heritage controls, irrespective of being within a heritage conservation area.

The proposal has not been amended to remove any properties out of the Kiama Town Centre HCA area.

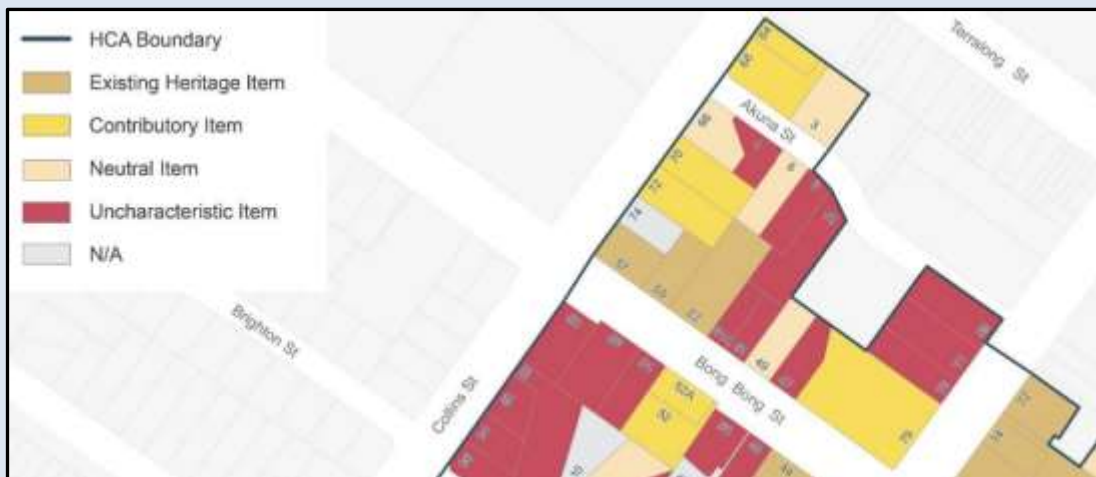
Community Concerns: Oppose listing sites on Collins St & Akuna St in HCA

1. Oppose listing properties 66 Collins Street and 3 Akuna Street (and 64 Collins Street), from the proposed Smiths Farm HCA area.

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2. Oppose the classification of 66 Collins Street as a 'contributory' item within the proposed HCA area.
3. This submission argues that the Planning Proposal should not proceed until proper strategic planning and built form analysis for the block bounded by Terralong, Shoalhaven, Akuna and Collins Streets is undertaken.
4. The inclusion of these properties within the Kiama LEP 2011 HCA Mapped area trigger another layer of planning provisions limiting the reasonable development of the land
5. The properties have a Business zoning under the LEP and are surrounded by existing modern commercial development and/or proposed for high development potential. Remove sites from HCA area.
6. The properties are single storey in scale and are former residential buildings that currently have limited practicality for commercial uses. These properties are suitable for redevelopment.



Staff response:

The Smith Farm HCA demonstrates the historic development of housing in Kiama from the 1850s to the 1960s. The area represents several key phases of development including the late Victorian, early Federation, Interwar and Post war periods, displaying a number of significant residential typologies from these periods. The character of the HCA should be conserved through the retention of contributory buildings, the scale of streetscapes, the common materials and decorative details, and the legible subdivision pattern. The site 3 Akuna Street is classified as neutral and therefore demolition is permissible.

These properties are not proposed to removed from the Smiths Farm HCA area and remain part of this Planning Proposal.

Community Concerns: Oppose listing 1 Bong Bong St as a new heritage item

Oppose listing 1 Bong Bong Street, Kiama as a proposed new heritage item.

Staff response:

GML heritage described the dwelling as an example of a *Victorian Weatherboard Cottage*. The site has satisfied sufficient level of criteria assessment in the heritage assessment undertaken by GML Heritage. The property met 3 of 7 assessment criteria; historical significance, aesthetic significance and representativeness. Not all heritage criteria is required to be satisfied. Only one criteria is required to be met at a minimum. Although there are other examples of the typology throughout the Kiama Town Centre area, that does not mean that this property does not warrant heritage protection, particularly given its location at the entrance to the Kiama Showground.

Preliminary plans for the proposed development submitted for review on the subject site could be considered and heritage protection can open opportunities for alternative types of development to occur on site. A heritage listing on the property does not prevent alterations and additions to the site.

The Planning Proposal was re-exhibited on the NSW Planning Portal between 15 September 2023 and 06 October 2023.

Notification of the formal public exhibition period occurred on 13 September 2023 via the following:

- Council media release
- Council's social media platforms
- Council's project webpages
- Individual letters were sent to all property owners within the Kiama Town Centre project scope area and the proposed Heritage Conservation Areas informing them about the public exhibition period.

It is considered that the property warrants heritage listing and it is not recommended that 1 Bong Bong Street, Kiama from excluded from this Planning Proposal.

Community Concerns: LEP Heritage map error

The LEP Heritage map sheet HER_012_HCA incorrectly includes the Southern car park on Akuna Street within the boundary lines of the Smiths Farm HCA.

Staff response:

During the public exhibition period, a submission indicated that the Southern Carpark in the Akuna Street Strategic Site had been incorrectly included in the boundaries of the Heritage LEP map sheet HER_012.

The boundaries lines prepared by GML Heritage for Smiths Farm HCA and as endorsed by Council did not include the southern car park in this area.

The LEP map has been amended to correct the boundary lines by removing the Southern car park.

Changes Exhibition - Minor amendment to LEP Heritage Map

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During the public exhibition period, a submission indicated that the Southern Carpark in the Akuna Street Strategic Site had been incorrectly included in the boundaries of the Heritage LEP map sheet HER_012.

The boundaries lines prepared by GML Heritage for Smiths Farm HCA and as endorsed by Council did not include the southern car park in this area.

The LEP map has been amended as per *Figure 1* to correct the boundary lines by removing the Southern car park.

The amended LEP map is attached.

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Figure 3: LEP Heritage HER_012_HCA

Delegations

As part of issuing the Gateway Determination, DPIE delegated plan making functions for this PP to Council. As such, Council is the decision-making authority for this PP.

As the planning proposal authority, Council is satisfied that the PP has been carried out in accordance with the conditions prescribed by the Gateway Determination.

Conclusion

It is recommended that Council support this PP and use its plan making delegations to finalise the relevant amendments to Kiama LEP 2011. In accordance with section 3.36(1) of the Environmental Planning & Assessment Act, 1979 Council must request

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the NSW Parliamentary Counsel's Office (PCO) to draft the legal instrument that will give effect to this PP. Following receipt of the final legal instrument and mapping, a further report to Council will be made seeking consideration of the PP for Gazettal in the Government Gazette and NSW Legislation website.

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Heritage Planning Proposal to Amend Kiama LEP 2011

October 2022



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

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Attachment 1

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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, and
6. Amend Schedule 5 to identify exiting local heritage items I151, I152 and I153 as State Heritage Items, following approval from the NSW State Heritage Register (SHR) Committee.

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

- v. list the following 3 local heritage items as *State Heritage Items*, following approval from the NSW SHR Committee:
- i. 30 Terralong Street, Kiama – Kiama Police Residence – Part Lot 2 Section 5 DP 758563 and Part of Lot 7033 DP 1061038 – existing item I152
 - ii. 32 Terralong Street, Kiama – Kiama Police Station– Lot 1 Section 5 DP 758563 and Part of Lot 7033 DP 1061038 – existing item I151
 - iii. 34 Terralong Street, Kiama – Kiama Court House - Lot 1 Section 5 DP 758563 and Part of Lot 7033 DP 1061038 – existing item I153
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.

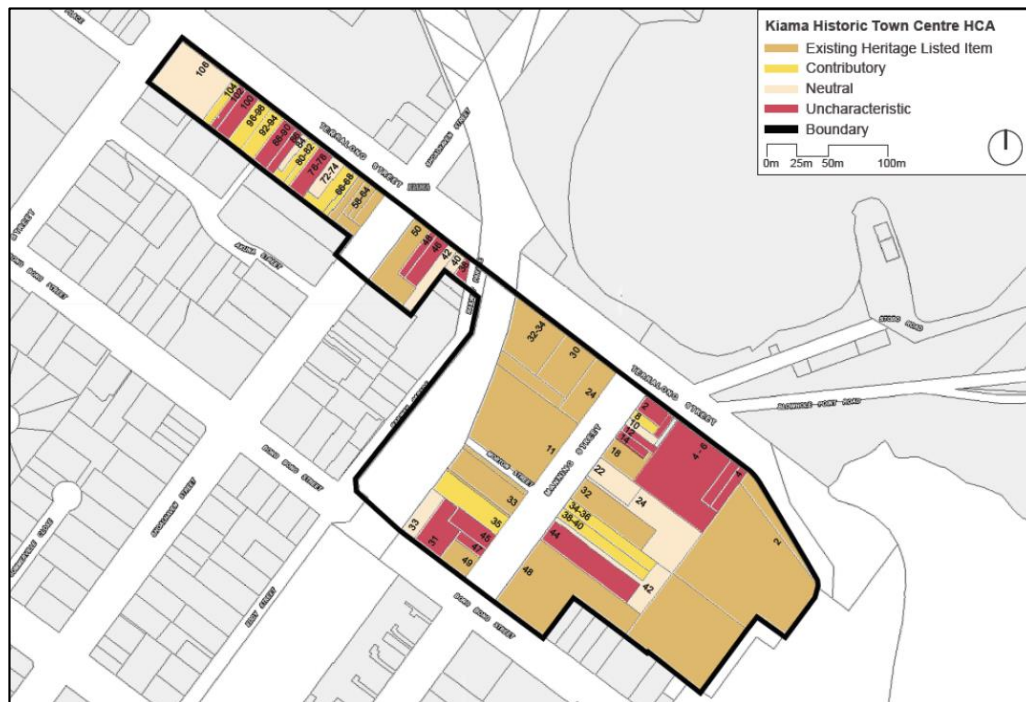


Figure 1: Boundaries and building classifications within Kiama Town Centre HCA

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 and 3.2 Heritage Conservation.

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>	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. 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.
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.
c) <i>Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an</i>	The preliminary justification report prepared by GML Heritage does not address Aboriginal cultural heritage values.

Heritage Conservation Direction Assessment	
Direction Requirement	Assessment
<i>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>	

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.

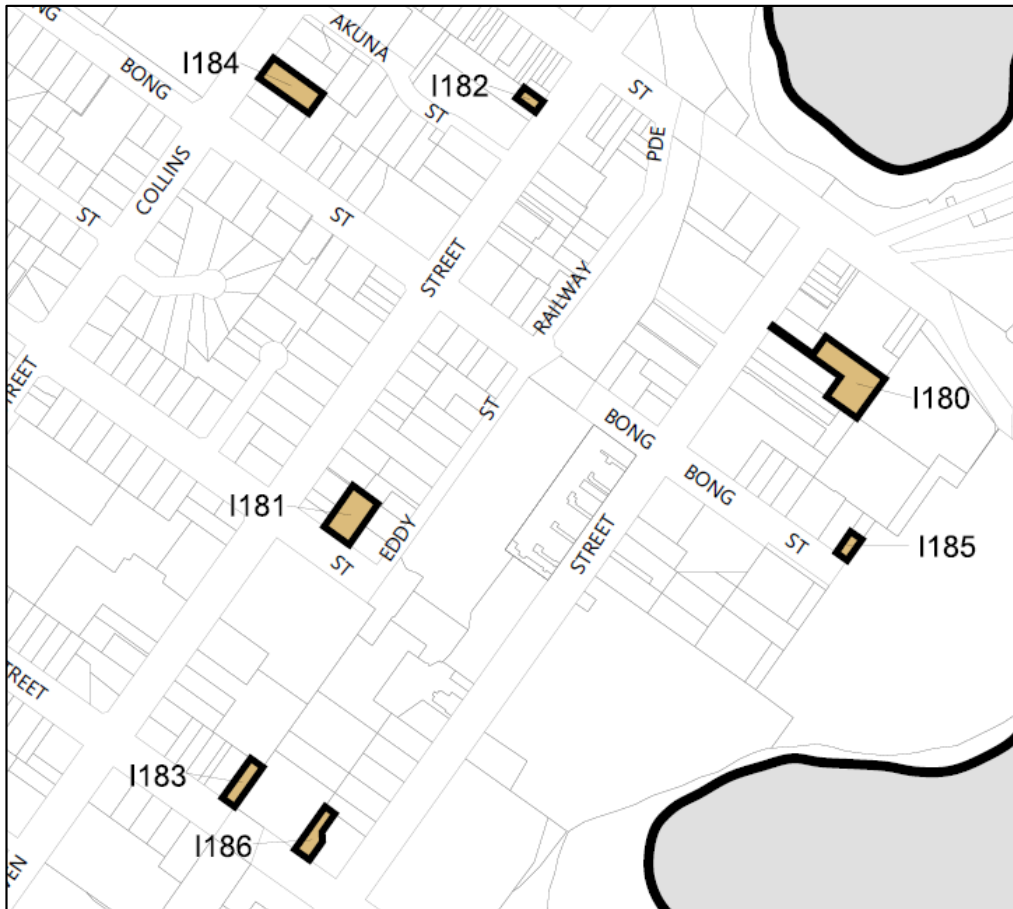


Figure 3: Proposed new heritage items

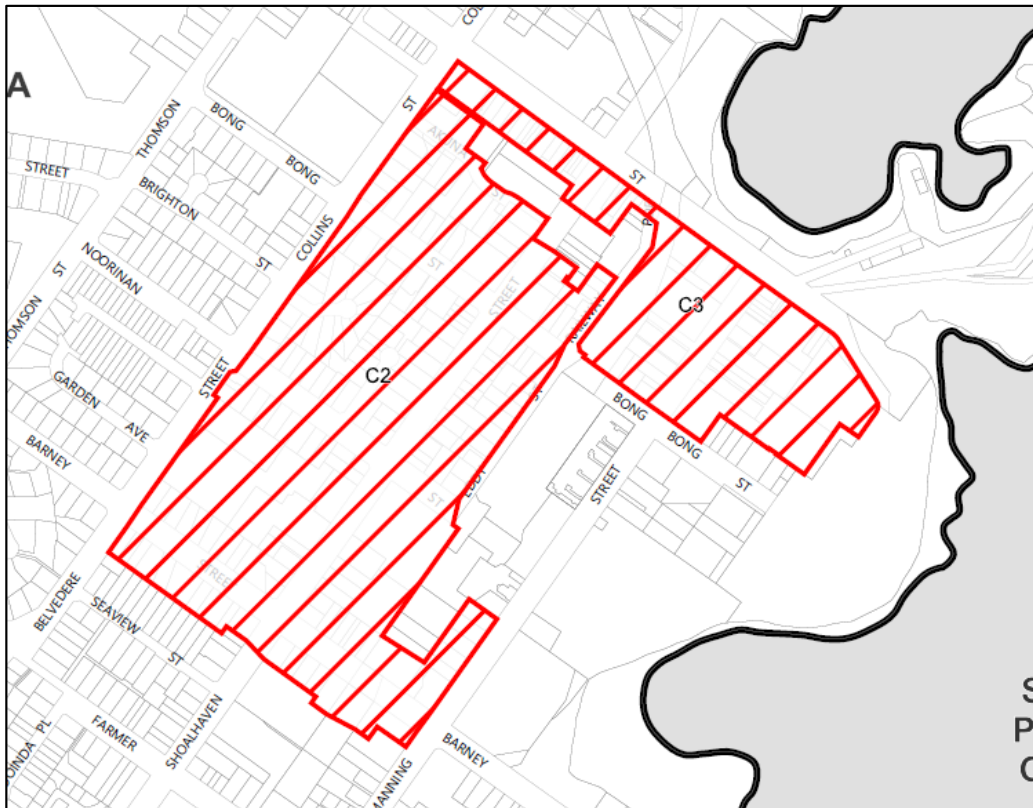


Figure 4: Proposed new heritage conservation areas (C2 and C3)

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 Pymont 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	The PP will not alter the existing provisions of the Kiama LEP 2011 and Kiama DCP 2020 which give effect to heritage conservation. The PP seeks to list 7 new individual heritage items and 2 new heritage conservation areas in Schedule 5 of Kiama LEP 2011. The PP is consistent with Direction 2.3 – Heritage Conservation.
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	The direction does not apply to the PP.
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	The direction does not apply to the PP.
5.2 Reserving Land for Public Purposes	This direction does not apply to the PP.

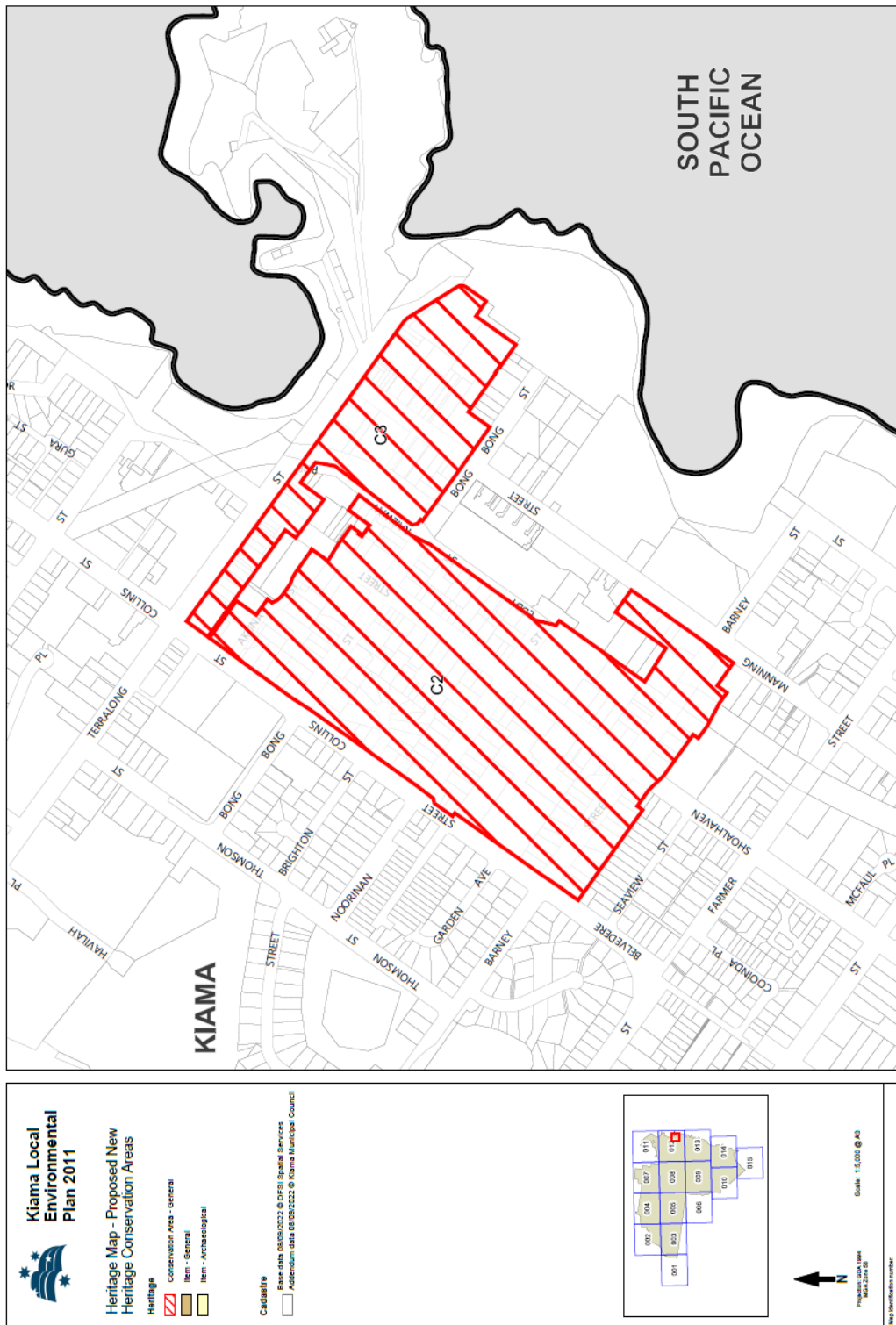
5.3 Developing Near Regulated Airports and Defence Airfields	The direction does not apply to the PP.
5.4 Shooting Ranges	The direction does not apply to the PP.
6. Housing	
6.1 Residential Zones	The direction does not apply to the PP.
6.2 Caravan Parks and Manufactured Home Estates	The direction does not apply to the PP.
7. Industry and Employment	
7.1 Business and Industrial Zones	The direction does not apply to the PP.
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



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Planning Proposal to Amend Kiama LEP 2011 – Heritage Amendments



Planning Proposal to Amend Kiama LEP 2011 – Heritage Amendments



Planning Proposal to Amend Kiama LEP 2011 – Heritage Amendments

10.0 Appendix 4 – Coastal Use Area Map



Planning Proposal to Amend Kiama LEP 2011 – Heritage Amendments

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How to contact Council

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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



Department of Planning and Environment

Gateway Determination

Planning proposal (Department Ref: PP-2022-3463): to amend the Kiama Local Environmental Plan 2011 to amend existing, add new local heritage items and create new heritage conservation areas.

I, Daniel Thompson the Director, Southern Region, at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Kiama Local Environmental Plan 2011 as described above should proceed subject to the following conditions:

1. The planning proposal shall be updated prior to public exhibition to:
 - (a) remove all aspects seeking to identify exiting local heritage items I151, I152 and I153 as State Heritage Items; and
 - (b) address consistency with all applicable Section 9.1 Directions (including Direction 4.2 – Coastal Management, Direction 5.1 – Integrating Land Use and Transport, Direction 7.1 – Business and Industrial Zones and Direction 6.1 – Residential Zones).
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (c) the planning proposal is categorised as basic as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 days; and
 - (d) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
3. Consultation is required with Heritage NSW under section 3.34(2)(d) of the EP&A Act. Heritage NSW is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the gateway determination;

- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act, or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The LEP should be completed on or before 24th July 2023.

Dated 24th day of October 2022.



**Daniel Thompson
Director, Southern Region
Local and Regional Planning
Department of Planning and Environment**

Delegate of the Minister for Planning

PP-2022-3463 (IRF No 22/3372)



Our ref: DOC22/1125125

Suzi Stojcevska
Strategic Planner
The Council of the Municipality of Kiama
suzis@kiama.nsw.gov.au

Kiama Council Planning Proposal - Heritage Amendments to the Kiama Local Environmental Plan 2011

Dear Ms Stojcevska

Thank you for the opportunity to comment on the heritage planning proposal to list a number of new local heritage items and Heritage Conservation Areas on Schedule 5 of the *Kiama Local Environmental Plan 2011* (LEP), as well as the proposed nomination of three existing local heritage items to the State Heritage Register (SHR). It is understood that the proposal is based on a Council commissioned 'Kiama Town Centre Heritage Review Preliminary Justification Report' prepared by GML Heritage, dated April 2021.

Based on the information provided, we understand that there are no identified impacts on Aboriginal objects or places protected under the *National Parks and Wildlife Act 1974* or historic archaeology protected under the *Heritage Act 1977*.

Heritage NSW have reviewed the planning proposal and make the following comments:

State heritage considerations under the Heritage Act 1977

The proposal includes the nomination of three existing local heritage items to the SHR as follows:

- 30 Terralong Street, Kiama – Kiama Police Residence – Part Lot 2 Section 5 DP 758563 and Part of Lot 7033 DP 1061038 – existing item I152
- 32 Terralong Street, Kiama – Kiama Police Station– Lot 1 Section 5 DP 758563 and Part of Lot 7033 DP 1061038 – existing item I151
- 34 Terralong Street, Kiama – Kiama Court House - Lot 1 Section 5 DP 758563 and Part of Lot 7033 DP 1061038 – existing item I153

It is important to ensure that any nomination of a new item to the SHR should be accompanied by a complete and accurate nomination form, with a clear assessment of state significance of the place, which will assist in the timely consideration of the nomination. The form and guidelines for Nominations to the SHR can be downloaded at: environment.nsw.gov.au/topics/heritage/request-a-heritage-listing/nominate-an-item-for-listing-on-the-state-heritage-register.

If, at the completion of the assessment/s, the Heritage Council recommends one or more of the individual items to the Minister for Environment and Heritage for listing on the SHR and they

Level 14, 4 Parramatta Place, 12 Darcy Street Parramatta NSW 2150 ■ Locked Bag 5020 Parramatta NSW 2124
P: 02 9873 8500 ■ E: heritagemailbox@environment.nsw.gov.au

are subsequently approved, it is understood that Council will amend Schedule 5 of the LEP to reflect the change in significance level for these items.

Local heritage considerations under the *Environmental Planning and Assessment Act 1979*

It is understood that this planning proposal applies to nine new local heritage items, and two new Heritage Conservation Areas (HCA) for inclusion on Schedule 5 of the LEP. The intention with the proposed changes is to ensure that Schedule 5 and the associated maps are as accurate and clear as possible in order to appropriately identify and protect items and conservation areas of local heritage significance.

As Local heritage is protected under the *Environmental Planning and Assessment Act 1979* and under Council's LEP, Council is the consent authority and the assessment and consideration of impacts on this Local heritage rests with Council.

While Heritage NSW encourage amendments to LEPs for better greater accuracy and better protection of Local heritage, it is noted that the Heritage Council of NSW, and Heritage NSW as its Delegate, do not have a role in the approval of or changes to Local heritage listings.

If you have any questions about the advice above, please contact Lara Goldstein in relation to State heritage matters by email at lara.goldstein@environment.nsw.gov.au or by phone on 02 9895 6408.

Yours sincerely

Rajeev Maini

Rajeev Maini
Manager, Heritage Assessments
Heritage NSW
24 January 2023



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 28 JUNE 2022

Council Chambers
11 Manning Street, KIAMA NSW 2533

MINUTES OF THE ORDINARY MEETING

28 JUNE 2022

12.7 Post Exhibition - Endorsement of Chapter 4 Heritage and Cultural Conservation of the Kiama Development Control Plan 2020 and preparation of Planning Proposal to amend Schedule 5 of the Kiama Local Environmental Plan 2011

Disclosure of Interest - Councillor Larkins

Councillor Larkins disclosed a less than significant non-pecuniary interest in this item and voted on this matter.

It was **moved** by Councillor Brown and seconded by Councillor Steel that this matter be deferred for further consideration and consultation with residents.

On being put this motion was **lost**.

For: Councillors Brown, Croxford, Reilly and Steel

Against: Councillors Draisma, Keast, Larkins, Renkema-Lang and Rice

Councillor Croxford raised a **point of order** in relation to the validity of Councillor Draisma's amendment however the Mayor, Councillor Reilly deemed the amendment valid.

22/1070C

An amendment was moved by Councillor Draisma and seconded by Councillor Renkema-Lang, and **resolved** as follows:

That Council:

1. Submit a nomination to the NSW Heritage Council to list the following sites as State heritage items:
 - a. 30 Terralong Street, Kiama – Kiama Police Residence – Part Lot 2 Section 5 DP 758563 and Part Lot 7033 DP 1061038
 - b. 32 Terralong Street, Kiama – Kiama Police Station– Lot 1 Section 5 DP 758563 and Part Lot 7033 DP 1061038
 - c. 34 Terralong Street, Kiama – Kiama Court House - Lot 1 Section 5 DP 758563 and Part Lot 7033 DP 1061038
 - d. Corner of Eddy and Noorinan Street, Kiama – Kiama Rail turntable – Lot 2 DP 1073158. 2.
2. Prepare a Planning Proposal to amend Schedule 5 of the Kiama Local Environmental Plan 2011 to:
 - a. amend Item 164 to incorporate the Blowhole Tennis Court
 - b. amend Item 117 to incorporate Saints Peter and Paul Catholic Church
 - c. list the following the sites as local heritage items:
 - i. 24 Manning – Lot 21 DP 1186998

MINUTES OF THE ORDINARY MEETING

28 JUNE 2022

- ii. 5 Noorinan - Lot 12 DP 1166458
- iii. 51 Shoalhaven Street – Part Lot 200 DP 1017091
- iv. 23 Barney Street – Lot 1 DP 194007
- v. 72 Collins Street – Lot 1 DP 781177
- vi. 1 Bong Bong Street – Lot 1 DP 1115376
- vii. 19 Barney Street – Lot 1 DP 1014606.
- d. List the following the areas as local Heritage Conservation Areas:
 - i. 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. 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.
- e. Map the known historical Dry Stone Walls, as identified by the Dry Stone Wall Program undertaken in 2008.
3. Submit the above Planning Proposal to the NSW Department of Planning & Environment for a Gateway Determination.
4. Undertake consultation with relevant State agencies and the community in accordance with the Gateway Determination and the Kiama Community Participation Plan 2019.
5. Following consultation prepare a future report to enable the elected Council to formally make the above amendments to Schedule 5 of the Kiama Local Environmental Plan 2011.
6. Adopt and publish on the Council's website the enclosed Chapter 4 – Heritage and Cultural Conservation of the Kiama Development Control Plan 2020.
7. Acknowledge the significant contribution of Sue Eggins, Michael Forsyth, Robynne Mills and Kathy Timms, as members of the Heritage Reference Group since 2016 in the development of Chapter 4 – Heritage and Cultural Conservation of the Kiama Development Control Plan 2020.

(Councillors Draisma and Renkema-Lang)

For: Councillors Draisma, Keast, Larkins, Reilly, Renkema-Lang and Rice

Against: Councillors Brown, Croxford and Steel



STATE HERITAGE REGISTER COMMITTEE

MEETING MINUTES

4 October 2022 | 9:00 AM – 11:40 AM

Via teleconference

ATTENDANCE

State Heritage Register Committee

Ms Colleen Morris	Acting Chair
Dr Stephen Gapps	Member
Dr Wayne Johnson	Member
Mr Paul Knight	Member
Dr Brian Lindsay	Member
Ms Natalie Vinton	Member
Mr Frank Howarth AM PSM	Alternate Member

Apologies

The Hon Robyn Parker	Chair
Ms Lisa Trueman	Member

External Presenters – Society of Kameruka Golfers

Mr Paul Carter	Chairman of Kameruka Golf (Item 2.1)
Mr Harley Kruse	International Golf Architect (Item 2.1)
Mr Adrian Logue	Society of Kameruka Golfers (Item 2.1)
Mr Pat Wilson	Turf Manager & Landscaping (Item 2.1)

Heritage NSW

Ms Anna London	A/Director Heritage Programs
Dr Natalie Blake	A/Manager, Heritage Programs South (Item 5.2)
Dr Aleisha Buckler	Listings Coordinator (Items 6 & 7)
Ms Judith Coombes	Senior Heritage Officer, Heritage Programs North (Item 3.1)
Ms Mary Ann Hamilton	A/Manager, Heritage Programs North (Items 2.2, 5.4)
Mr David Hoffman	Senior Heritage Officer, Heritage Programs North (Item 3.2)
Mr Stuart Read	Senior Heritage Officer, Heritage Programs South (Item 4.1)
Dr Damian Tybussek	Senior Heritage Officer, Heritage Programs South (Items 2.1, 5.1)

Secretariat

Ms Olgica Lenger	Manager Secretariat
Miss Linda Bugarin	Assistant Secretariat Officer

IN-CAMERA SESSION

Item 1. Welcome and Formalities

Acting Chair, Ms Colleen Morris, opened the meeting at 9:00 am and delivered an Acknowledgment of Country.

It was noted apologies were received from The Hon Robyn Parker and Ms Lisa Trueman and a quorum had been met.

Item 1.1 Conflict of Interest Declarations

The Committee noted the following standing declarations:

- o Robyn Parker: 2011-2015 Decisions
- o Colleen Morris: National Trust of Australia
- o Dr Wayne Johnson: Place Management NSW

Item 1.2 Out of Session Decisions

Resolution 2022-53
The State Heritage Register Committee: 1. Confirmed the minutes of the out of session meeting (16 September 2022) as a complete and accurate record of that meeting.
Moved by Dr Stephen Gapps and seconded by Natalie Vinton

Item 1.3 Minutes from the Previous Meeting – 6 September 2022

Resolution 2022-54
The State Heritage Register Committee: 1. Confirmed the minutes of the previous ordinary meeting (6 September 2022) as a complete and accurate record of that meeting.
Moved by Dr Wayne Johnson and seconded by Paul Knight

Item 1.4 Matters Arising

NIL

Item 1.5 Action Report

The State Heritage Register Committee noted the report.

Item 2. SHR Nominations – Notice of Intention – External Presentations

Item 2.1 Kameruka Golf Course – Presentation by Society of Kameruka Golfers

The State Heritage Register Committee noted the presentation by the Society of Kameruka Golfers.

Key points raised in the presentation:

- The Society of Kameruka Golfers has the capacity, expertise and experience to restore Kameruka Golf Course.
- Kameruka Golf Course is the oldest intact 9-hole golf course in NSW and possibly Australia and the only intact example of the Victorian era Penal School of Golf Course Architecture in Australia. The elements of the As Built Plan are still visible today.
- The restoration would be minimal and include using old style grasses, removing weed pasture grasses and adding a sustainable irrigation system.
- There are overseas examples of similar restoration and conservation efforts in golf courses that are successful self-sustaining businesses.
- The Society would like to build a museum adjacent to renovated club house.
- The Society has had discussions with the owner's planning consultant regarding buying or lease the land.

The Acting Chair thanked the Society for their presentation.

The Committee discussed:

- The information presented by the Society of Kameruka Golfers indicated that there is a possibility the golf course can be restored at no cost to the owner.
- The golf course does not qualify as a ruin under the relics provision.
- Heritage NSW will provide an update paper to the Committee at the November meeting for their decision.

The Chair thanked Dr Damian Tybussek and Dr Natalie Blake for the update.

Item 3. SHR Nominations – Notice of Intention

Item 3.1 Manly Warringah War Memorial State Park – NOI

The State Heritage Register Committee noted the update on Manly Warringah War Memorial State Park – NOI by Judith Coombes and Mary Ann Hamilton.

Key points noted:

- The Manly Warringah War Memorial State Park nomination was originally for a curtilage extension but is now proposed as a complementary listing to Manly Dam.
- The State Park has been regarded as war memorial since the 1920s. It is a cultural landscape inclusive of biodiversity, commemorative, Gayemagal cultural heritage, historical, social, scenic and recreational values alongside the engineering innovation of the gravity wall dam.
- The State Park has connections to the broader system of Sydney watercourses, the eel creation story, art and music projects, and is valued for its biodiversity and endangered flora and fauna.
- There has been a growing interest by Aboriginal people in using the park, with an important site uncovered in 2014.
- The State Park has been assessed as meeting all seven significance criteria.

- o Heritage NSW would like to have an advertising period of 21 days, returning in December with Site Specific Exemptions finalised.

The Chair thanked Judy Coombes for her presentation.

Resolution 2022-55
<p>The State Heritage Register Committee:</p> <ol style="list-style-type: none">1. Considers the item known as <i>Manly Warringah War Memorial State Park</i> at King Street, Manly Vale, defined in accordance with the curtilage shown at Tab 3.1C of the report, is likely to be of State heritage significance.2. In accordance with section 33(1)(a) of the <i>Heritage Act 1977</i>, will give each person that it considers to be an affected owner or occupier written notice that it is going to consider whether or not to recommend the listing of the item concerned (a <i>Notice of Intention to Consider Listing</i>).3. In accordance with section 33(1)(b) and section 33(1)(c) of the <i>Heritage Act 1977</i>, within 14 days after notice of intention to consider listing is given, will cause a notice of intention to consider listing to be published in a newspaper circulating in the area in which the item is situated, inviting submissions on the listing, specifying a date as the closing date for the receipt of submissions of 21 days after the publication of the newspaper notice and the manner in which submissions may be made.
Moved by Dr Brian Lindsay and seconded by Mr Paul Knight

Item 3.2 Badangi – NOI – Update

The State Heritage Register Committee noted the update on Badangi – NOI by David Hoffman and Mary Ann Hamilton.

Key points noted:

- o Lane Cove Council expressed concern that Viva Energy has a fire access road through Manns Point and an electrical conduit that runs on the foreshore. As a result, Heritage NSW has excluded both those elements from its research.
- o Three submissions received during the exhibition period suggested the curtilage be extended to include Manns Point. Manns Point has an AHIMS site comprising an overhang cave with hand stencils that was destroyed during the Victorian era. This association links Manns Point to Berry Island and all the other ACH values for Badangi.
- o TfNSW has requested that the nomination be put on hold until the tender designs for the Western Harbour Tunnel are completed. Heritage NSW is seeking clarification of this request from TfNSW.
- o Heritage NSW will continue negotiations with Lane Cove Council to add Manns Point to the Badangi listing and will include any changes to the site-specific exemptions.
- o The Committee is keen to progress this listing and is seeking another update from Heritage NSW.

The Chair thanked David Hoffman for his update.

Resolution 2022-56
That the State Heritage Register Committee: 1. Directs Heritage NSW to continue negotiations with Lane Cove Council to encompass Manns Point in the Badangi listing and to negotiate with TfNSW to progress the nomination to Recommendation to List.
Moved by Natalie Vinton and seconded by Dr Wayne Johnson

Item 4. SHR Nominations – Recommendation to List

Item 4.1 Sydney Mardi Gras Parade Route – RTL

The State Heritage Register Committee noted the update on Mardi Gras Parade Route – RTL by Stuart Read.

Key points noted:

- A late submission was received from TfNSW regarding the wording of a site-specific exemption, which was accepted by Heritage NSW and the Committee.
- It was noted that roads with archaeology are protected regardless of whether they are on the State Heritage Register.
- Heritage NSW did not specifically contact Sydney Gay and Lesbian Mardi Gras but confirmed that the advertisement was included in LGBTQIA+ media in September.
- No submission or response have been received from the local MP.

The Chair congratulated Stuart Read, Heritage NSW staff and the LGBTQIA+ Working Group for their hard work on this nomination.

Resolution 2022-57
That the State Heritage Register Committee: 1. In accordance with section 33(1)(d) of the <i>Heritage Act 1977</i> , has considered the submissions received (at Tab 4.1F of the report) in response to its Notice of Intention to Consider Listing and considers the item known as <i>Sydney Mardi Gras Parade Route</i> at Oxford Street, Darlinghurst, Taylor Square, 301 Forbes Street, Darlinghurst, Flinders Street, Surry Hills; and Anzac Parade, Moore Park, satisfies more than one of the approved criteria for determining whether an item is of State heritage significance, being criteria (a), (b), (c), (d), (e), (f) and (g), as detailed in the report at Tab 4.1A . 2. Recommends to the Minister, in accordance with sections 32(1) and (2) of the <i>Heritage Act 1977</i> , that the Minister direct the listing of the item, <i>Sydney Mardi Gras Parade Route</i> at Oxford Street, Darlinghurst, Taylor Square, 301 Forbes Street, Darlinghurst, Flinders Street, Surry Hills; and Anzac Parade, Moore Park, on the State Heritage Register, as shown in the curtilage plan at Tab 4.1C of the report. 3. In accordance with section 33(1)(e) of the <i>Heritage Act 1977</i> , give notice of its decision to persons notified under section 33(1)(a). 4. In accordance with section 57(2) of the <i>Heritage Act 1977</i> , recommends that the Minister grant the site-specific exemptions at Tab 4.1E of the report from section 57(1) of the <i>Heritage Act 1977</i> in addition to the Heritage Council Standard Exemptions.
Moved by Dr Brian Lindsay and seconded by Frank Howarth

Item 5. Matters for Consideration

Item 5.1 15 Year Management Review of Braidwood and its Setting – Community Consultation Update

The State Heritage Register Committee noted the report by Dr Damian Tybussek and Dr Natalie Blake.

Key points discussed:

- Heritage NSW and GML Heritage are conducting a review of the management of Braidwood and its setting, and are developing plans for the long-term management of the site.
- Milestone One of the project comprised a report produced by GML Heritage which reviewed all the relevant planning documents and heritage assessments.
- Milestone Two comprised community consultation undertaken by Heritage NSW and GML Heritage in Braidwood in May 2022. This included a large community meeting, community workshops, afternoon drop-in sessions, and a month-long online survey.
- It was noted that whereas previously the community's support for the listing was divided, the community consultation had robust discussions that revealed the community's strong interest in their heritage.
- Key points raised by the community during the consultation:
 - the township is held in high esteem by the community
 - there are breakdowns in the coordination of and communication between the various levels of government and the community
 - there is a lack of clarity and consistency in the statutory heritage planning management and development control of Braidwood
 - there is a demonstrable lack of access to technical support, advice, and funding
 - the community is seeking opportunities to participate in the ongoing management, conservation and promotion of Braidwood.
- The Committee discussed the labour intensity of Braidwood's management, noting Heritage NSW has limited resources. The Committee discussed the need for a different approach to large area listings because of limited resources such as clearly identifying what is significant and having all else within the council's own day-to-day planning frameworks.
- The community consultation highlighted the need for long term input from Heritage NSW into improving the management of Braidwood. Heritage NSW advised that it must be clear in its communication and planning which will include site-specific exemptions, a communication strategy, and regular site visits.
- Heritage NSW will seek community feedback on the draft report. This will inform the recommendations on how best to proceed.
- The Committee discussed the importance of a strong Development Control Plan (DCP) that is understood by the community and options for the local council to seek funding to update the DCP.
- It was noted that there was Aboriginal Cultural Heritage consultation during this process.
- GML Heritage has been invited to present to SHRC after Milestone Three is complete.

The Chair thanked Dr Damian Tybussek and Dr Natalie Blake for their update.

Item 6. Preliminary Assessment of New SHR Nominations

The State Heritage Register Committee noted the presentation on Preliminary Assessment of New SHR Nominations by Dr Aleisha Buckler.

Three nominations were presented to SHRC to consider; the first two were submitted in August during the freeze.

All Saints Anglican Church, Bodalla

- All Saints Anglican Church, Bodalla is a cultural landscape in an intact setting, and has moveable cultural heritage and owner support. Heritage NSW is recommending that the nomination becomes active and prioritised.

Resolution 2022-58
That the State Heritage Register Committee: 1. Considers that <i>All Saints Anglican Church</i> , Bodalla may be of State heritage significance and the nomination should be progressed to a full assessment towards potential listing on the State Heritage Register.
Moved by Natalie Vinton and seconded by Dr Brian Lindsay

Jones House, Bellevue Hill

- Jones House, Bellevue Hill is an intact, modernist building nominated by Woollahra Municipal Council. It was noted that modern movement buildings are underrepresented on the State Heritage Register and are a priority. However, Jones House was not identified in the Heritage Council thematic studies, and it is unlikely that the owner would support listing.
- Jones House is subject to a local Interim Heritage Order (IHO) and Land and Environment Court proceedings. The court hearing was held on 15 September and the court decision could be expected within three months after the hearing.
- The Committee discussed the need for comparative analysis, and noted that the IHO adds complexity to the nomination.
- It was noted that Jones House will be listed locally and is on a draft LEP.

Resolution 2022-59
That the State Heritage Register Committee: 1. Considers that <i>Jones House</i> , Bellevue Hill may be of State heritage significance upon further investigation and advises Heritage NSW that the nomination should not be progressed to a full assessment towards potential listing on the State Heritage Register at this time.
Moved by Dr Brian Lindsay and seconded by Dr Stephen Gapps

Kiama Justice Precinct, Kiama

- Kiama Justice Precinct was nominated by Kiama Municipal Council. It comprises three buildings (courthouse, police station and police station residence), which are owned by NSW Police and Property NSW. Local council has not engaged with the owners.
- It was noted that two buildings are on the Police register but this register is not current.

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Minutes CONFIRMED

- Collections of courthouses, police stations and post offices are typical of the 1880s town centre and are important to the identity of a local government area. The buildings will all be on the LEP and are not considered to be under threat.
- The Committee discussed contacting the relevant agencies regarding listing the buildings on the Heritage Conservation Register.

The Chair thanked Dr Aleisha Buckler for her report.

Resolution 2022-60
That the State Heritage Register Committee: 1. Considers that <i>Kiama Justice Precinct</i> , Kiama may be of State heritage significance, however it is not a current priority to progress to a full assessment towards potential listing on the State Heritage Register.
Moved by Dr Wayne Johnson and seconded by Paul Knight

Item 6. SHR Listings Monthly Report

The State Heritage Register Committee noted the SHR Listings Monthly Report by Dr Aleisha Buckler.

The Committee reflected on the process and timeframes in getting the recommended listings to the Minister and noted the additional steps required to present the briefs in a new template.

The Chair thanked Dr Aleisha Buckler for her report.

Item 7. General Matters

Item 7.1 Forward Agenda

The State Heritage Register Committee noted the report.

Meeting Close

There being no further items of business, Acting Chair, Colleen Morris, closed the meeting at 11:40 AM.

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The Hon. Robyn Parker

Chair, State Heritage Register Committee

1 November 2022

