

15 REPORT OF THE DIRECTOR PLANNING, ENVIRONMENT AND COMMUNITIES

15.1 Kiama West (Springside Hill) Planning Proposal (PP 2023-2833) Stage 2 Preliminary Assessment

CSP Objective: Outcome 4.1 We love where we live; our housing reflects our values.

CSP Strategy: 4.1.3 Manage growth sustainably and thoughtfully.

Delivery Program: 4.1.3.1 Local Housing Strategy facilitates the provision of adequate housing supply within the Municipality

Summary

The purpose of this report is to provide Council with an assessment of the Planning Proposal Application (PP-2023-2833) (PP) for the rezoning of land at 177 Long Brush Road, Jerrara, 33 Greyleigh Drive, Kiama and 103 Jamberoo Drive, Kiama. This assessment is based on the requirements of the Environmental Planning and Assessment Act, the Regulations, the Ministerial Directions, and the NSW State Government Local Environmental Plan Making Guideline for Council.

The recommendation of this report is for the proposal to not proceed to Gateway at this point in time. The reasons for this are explained in detail within the report. The core reasons for this recommendation are summarised below:

- This site has not been strategically identified as a potential greenfield urban expansion area within any existing strategic planning documents or frameworks including the Kiama Local Strategic Planning Statement 2020, the Illawarra and Shoalhaven Regional Plan 2041 or the Kiama Urban Strategy 2011.
- The proposal relies on standalone infrastructure systems and supply.
- There is a lack of support for the proposal from key government agencies.
- There are information gaps and omissions in the documentation provided this needs to be addressed prior to Gateway determination.
- There are impacts on Council relating to acquisition and maintenance of land and riparian corridors, which have not been considered, planned for, or analysed properly through the process followed by the applicant.
- The proposed timeframe for delivery remains at a 10 to 15 years meaning the proposal does not provide immediate or short-term solution for housing supply for the Kiama LGA.
- The PP does not demonstrate compliance with the Section 9.1 Ministerial Directions, Kiama Local Strategic Planning Statement 2020, or the Illawarra Shoalhaven Regional Plan 2041.
- There are several technical studies that are required to be updated.
- There is a lack of contributions plans and financial contribution mechanisms for supporting infrastructure for this site. This may result in increased risks for the

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existing ratepayers who would bear the cost burden of the future development's required infrastructure, services, and facilities.

- There has been no strategic indication that this is the most suitable and only site available for future expansion and development in the Kiama LGA. Council is aware of several other landowners that have indicated interest in providing land for future development. A number of these landowners have indicated a willingness to wait for the Growth and Housing Strategy to be completed and to include consideration of their landholdings as part of this process.
- Supporting the planning proposal at this point in time pre-empts any process currently being followed by Council and in essence places the strategic planning process and decision making in a landowner's hands rather than Council or the community. Local Government's role in leading planning and development should not be undermined by private landowners right to seek development, but the processes for managing and planning growth ought to be followed.

Council recognises the need to provide for additional housing within our LGA and has embarked on the work required to complete our Growth and Housing Strategy. Council has acknowledged that this strategy work will need to identify locations for future growth and identify opportunities that such growth brings to the community.

Any growth however, should be planned and accompanied with appropriate, connected, sequenced infrastructure planning and provision, and good connectivity between development fronts and proposals. Focus also needs to be on providing appropriate employment lands, services, and facilities to support new communities prior to rezoning large parcels of land for primarily residential development purposes.

Several of the supporting arguments made within the documentation are based on the suggestion that no other land is available, and that Council does not have a strategic planning framework in place.

This is not the case, Council has in accordance with planning legislation adopted a Local Strategic Planning Statement in 2020 which clearly outlines land that has been identified for future urban expansion. This document is less than four (4) years old and remains the key strategic driver for urban land release. As part of the development of this document submissions were made about this land, and it was considered at that time and not supported for urban expansion.

Council has also been advised that the Bombo Quarry urban release area is progressing and that the timeframe for development is expected to be within 5 to 10 years (see attachment). There has been extensive work undertaken for the Quarry, and this is expected to be released within the coming months for community feedback.

It is important to note that the staff's recommendation does not mean that elements of the proposal or some of the concepts contained within the proposal do not have merit. It is essential however that the appropriate strategic planning work occurs to allow for appropriate infrastructure provision and scheduling of sites to be well planned to achieve positive outcomes for the community. As part of the recommendation in this report it is clearly stated that Council needs to undertake further consultation with the community as part of the development of the growth and housing strategy on this site

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and others to determine timing, housing needs and appropriate locations for delivery in a holistic and logical manner.

Whilst the proposal may have some future merit and the location could be considered through the process being undertaken for the Growth and Housing Strategy, to preempt the outcome of this work and in essence isolate any other consideration for suitable lands at this time cannot be supported by operational staff.

Financial implication

Council has adopted a fee structure for the submission and review of planning proposals. The relevant fees have been paid as required by Council's fees and charges schedule.

It is important to note that Council does not currently have an adopted S7.11 plan for this site. In order to prepare and adopt a S7.11 plan there are a number of studies that are required to be carried out to identify and cost the infrastructure that will be required to support the new development. In the absence of an adopted S7.11 plan, the current adopted S7.12 plan would apply to the site which means that contributions levied will be insufficient to cover the cost of infrastructure generated by the development, and this cost would therefore be shifted to existing ratepayers.

The applicant has offered to enter into a Planning Agreement (also known as a VPA) in association with the development. While a VPA can be a useful mechanism to obtain and secure development contributions, this will be dependent upon both parties negotiating a suitable outcome. To date there have been no discussions with Council staff on the content of a VPA.

Risk Implication

If Council resolves not to support the PP as recommended, the proponent may seek a rezoning review. A rezoning review allows a proponent to request an independent planning panel evaluate and recommend to the Minister whether a proposal should progress to gateway determination.

This is an expected risk for this proposal and it is likely that such a review would be sought by the proponent. This is not of concern and should not be used as an argument for supporting the proposal to proceed through Gateway.

One of the most important roles for councils in the strategic planning process is to guide the community through conversations about growth and setting the parameters and locations for urban expansion. By allowing a Proponent Led planning proposal to proceed at this pivotal point in the Growth and Housing Strategy development will undermine and set a precedent for others. It is likely that other landowners will seek to also proceed through proponent led PP's. This could result in adhoc development in undesirable locations and does not best represent good strategic planning done in concert with the relevant State agencies and the community itself.

Establishing onsite sewerage or standalone systems also carries significant risk and it is clear from the submission provided by Sydney Water that further work and process is required before any such proposal can be considered. A stand-alone system is an undesirable outcome for the community. Such a proposal also undermines any advocacy work or planning strategy which seeks for Kiama to be included in planning

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/ upgrades for water and sewerage infrastructure and the UDP. The need for improvements and capacity upgrades to the entire water and sewerage infrastructure network for the whole LGA is a matter of public record and one which Council has advocated strongly on before. Should this proposal be accepted, it will set a precedent for other developments and multiple standalone systems may result. There are also questions concerning the perpetuity of such public amenity arrangements, equity in terms of fees and charges and management of associated stormwater and water catchment lands.

Policy

PPs are required to be prepared and assessed in accordance with the Local Environmental Plan Making Guideline (August 2023) published by the NSW Government. They require consideration of various Acts, Government policies, environmental planning instruments and planning documents. Specifically, the Environmental Planning and Assessment Act 1979, Kiama LEP 2011, Illawarra-Shoalhaven Regional Plan 2041, Kiama Local Strategic Planning Statement 2020 and the Kiama Planning Proposal Policy.

Consultation (internal)

Council staff met with the applicant and DPE to discuss the outstanding issues.

Consultation (External)

Consultation will be undertaken as required through the PP process should the PP progress to Gateway Determination. The PP would be referred to relevant State Agencies for assessment, along with any other requirements of the Gateway Determination.

Preliminary State Agency Comments

The PP was referred to the following two State Agencies for preliminary comments primarily regarding the proposed onsite Utility Centre.

The proposal was forwarded to the following state agencies for review of flood matters for preliminary comments:

1. DEECCW (see attached)
2. Sydney Water (see attached)

The comments provided to Council are outlined assessment section of this report.

Communication/Community Engagement

In accordance with the *Kiama Community Participation Plan (CPP) 2019*, pre-Gateway consultation was not required.

However, Council informed the community of the proposed PP via the following channels:

1. Media Release
2. PP documents were made available on Council's Website
3. Councillors were briefed on the proposal

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Should Council support the PP, the Gateway Determination issued by the NSW Department of Planning, Industry and Environment will outline the minimum requirements for consultation to be undertaken with government agencies and the community. All other community engagement will occur in accordance with the Kiama Community Participation Plan.

Attachments

- 1 Planning Proposal [↓](#)
- 2 LEP Maps [↓](#)
- 3 DEECCW Comments [↓](#)
- 4 SWC Comments [↓](#)
- 5 Letter from Transport Asset Holding Entity [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council:

1. Not support the Planning Proposal (PP-2023-2833) (PP) for the rezoning of land at 177 Long Brush Road, Jerrara, 33 Greyleigh Drive, Kiama and 103 Jamberoo Drive, Kiama, as it is inconsistent with the Kiama Local Strategic Planning Statement 2020 and Illawarra and Shoalhaven Regional Plan 2041 and therefore does not satisfy the strategic merit and site-specific merit tests.
2. Not send the proposal to the Department of Planning for Gateway Determination.
3. Actively work with the proponent through the Growth and Housing Strategy process to consider this land, along with other sites for future potential urban expansion, in conjunction with the Urban Development Program.

Planning Proposal Process

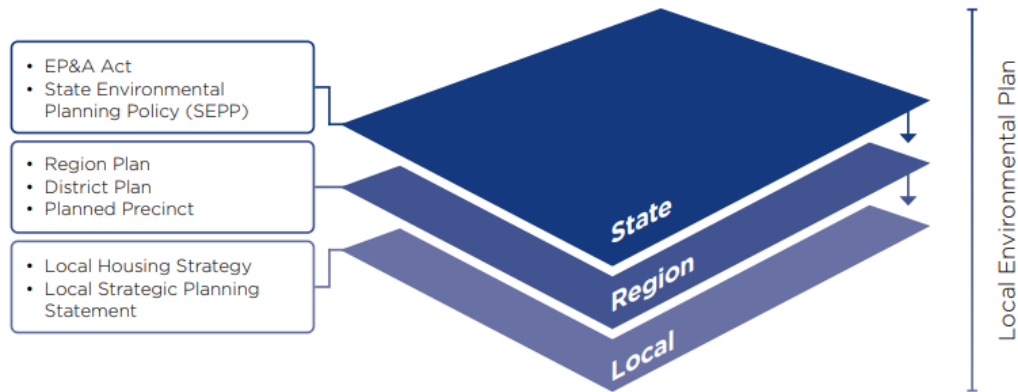
LEPs provide the local statutory framework that guides development and land use decisions throughout NSW. They do this through zoning and development standards, which provide a framework for the way land can be developed and used.

As changes to planning zones or controls to permit new development and land uses are proposed, this often requires an amendment to the LEP applying to that land. Amendments to LEPs are generally undertaken through the preparation and assessment of planning proposals.

A landowner, developer or an individual seeking to amend the zoning or development standards that apply to land they own or have an interest in may initiate a planning proposal. However, alignment across state and local strategic planning sets up a

streamlined process for amending LEPs by having planning matters resolved early and setting a clear sequence for how communities will grow and change over time.

Figure 1. Strategic planning framework



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The NSW Government has placed significant focus on the strategic planning framework, strategic place-based planning, connection to Country, green infrastructure and sustainability outcomes.

Council’s Local Strategic Planning Statement (LSPS) sets out the strategic planning ambitions for a LGA as a whole and for specific areas. As outlined in the diagram above, the LSPS allows councils to translate regional and district planning into local priorities and actions and identifies the need for further local strategic planning work (e.g. precinct planning, local housing, employment areas, and infrastructure strategies).

Planning Proposal – Assessment

Where the planning proposal has been initiated by a proponent, Council is to review and assess the planning proposal and decide whether to support and submit it to the Department for a Gateway determination. Where the planning proposal has been initiated by a council, the council is to prepare the planning proposal and submit it to the Department for a Gateway determination.

When an LEP is made or amended through the planning proposal, it must demonstrate strategic merit having regard to the criteria contained within the guideline. It is important to note that this proposal is at Stage 2 of the process, meaning it has been formally lodged with Council.

This proposal has been assessed as a complex planning proposal as it proposes to:

- Seeks to change in the land use zone and/or the principal development standards of the LEP, which would result in a significant increase in demand for supporting local, regional or State infrastructure and would require infrastructure funding.

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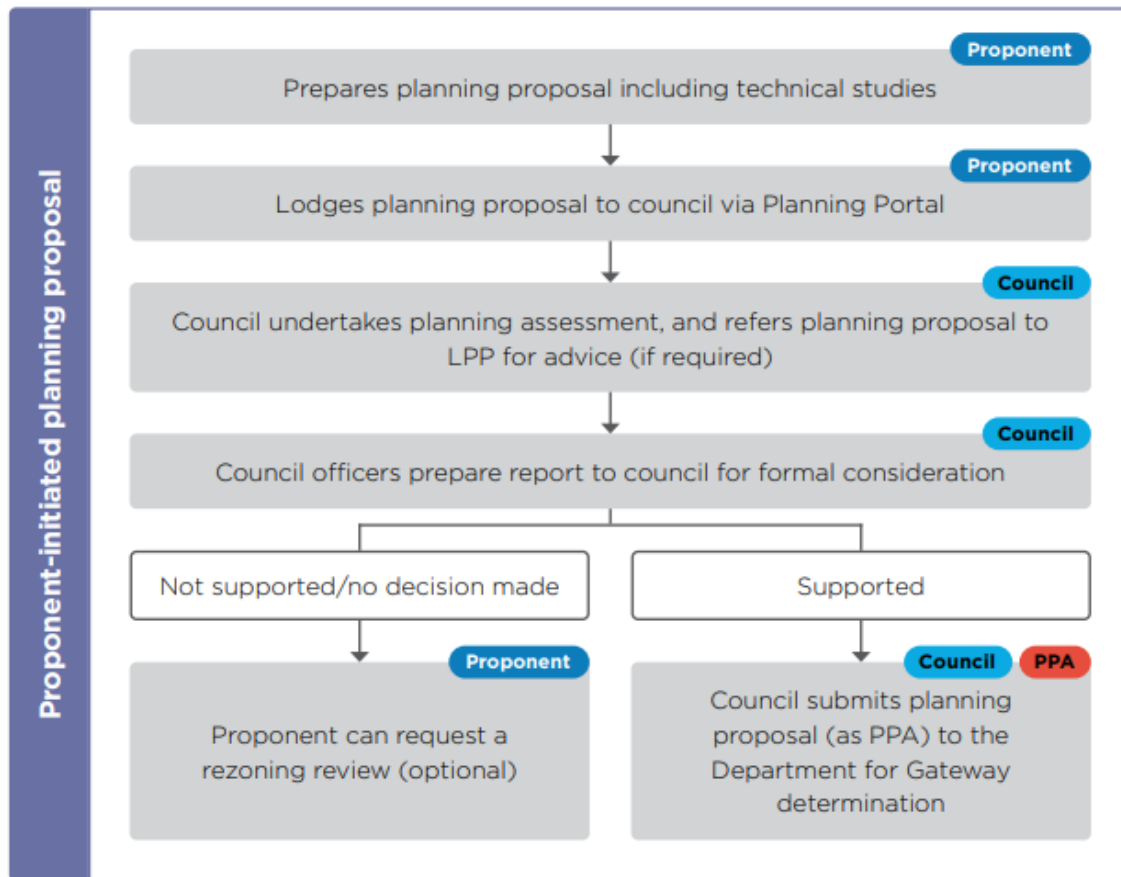
- Provides a new policy e.g. local character or new provision not in the standard instrument template.
- Inconsistent with a District/Regional Plan or council's endorsed LSPS.

At early meetings with the proponents, it was suggested that a scoping study process in accordance with the Guideline should be followed to enable comments to be obtained from agencies and for staff to be able to provide comment and feedback on the proposal. This would have enabled discussions and options to be presented. The proponent chose not to follow this formal scoping study process, prior to submitting their proposal to Council.

Some pre-lodgement discussions were held including a briefing of Councillors, however it becomes difficult to undertake further discussions including site meetings once the proposal is lodged with Council. It is essential that probity is upheld. Legal advice received in this matter reflects the need for formality in both process and discussions.

Staff have therefore conducted a review of the documentation that has been lodged with the proposal. Primarily focusing on the Planning Proposal document which addresses the requirements of the LEP Making Guideline. Changes to documentation, negotiations and/or formal feedback to the proponents does not occur at this stage of the process as any assessment can only be made on the information to hand. The process to be followed in the assessment of the Planning Proposal at this stage is outlined in diagram 2 below:

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Options Available to Council

As shown in the diagram above at this stage in the planning proposal process Council has two options available to consider for this proposal.

Option 1 - is not to support the planning proposal at this time. This is the recommendation of staff through this report. This means that work on the planning proposal will cease. The applicant may seek to have this decision reviewed by the Department of Planning through the planning panel process. If a review is undertaken by the applicant, staff will provide input into this review process using the context of this report as a basis for input to the panel.

Option 2 - Support the Planning Proposal in its current form. If Council was of a mind to support the proposal to proceed to Gateway amendments would be required to the planning proposal documentation. A number of these amendments are outlined within the body of this report and have also been raised through the external agency submissions. These are essential to be addressed and should be included in any documentation provided to the Department of Planning.

History – Previous Planning Proposals

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It is important to note that this is not the first time that owners (former) of this land have sought for it to be rezoned through a planning proposal process. Council has previously considered this parcel of land three times through individual planning proposals and also as part of the original establishment of the KLEP 2011 and subsequent amendments to this plan. These include:

1. In 2015 a PP was lodged to rezone 7ha of RU2 land to R2 Low Density Residential to deliver 32 lots. The site was not identified as a Greenfields expansion area in the Kiama Urban Strategy and therefore Council did not support the PP. A rezoning review was also rejected by the Department of Planning and Environment (DPE) on the basis that it was inconsistent with the regional and local strategic planning framework.
2. In 2019, a PP was lodged to rezone 38 hectares of rural land to deliver 168 lots and a mix of residential zones. Council did not support the PP as it was in the process of finalising the Kiama LSPS and inconsistent with the regional and local strategic planning framework. A rezoning review was also rejected by DPE for the same reasons.

Subject Site

The site comprises of 12 lots in single ownership and covers 114 hectares of land.

The site is located approximately 1.7km west of Kiama Railway Station and Town Centre. Several riparian corridors and Spring Creek run through the site.

The sites are currently zoned part RU2 Rural Landscape and part C2 Environmental Conservation and part C3 Environmental Management.

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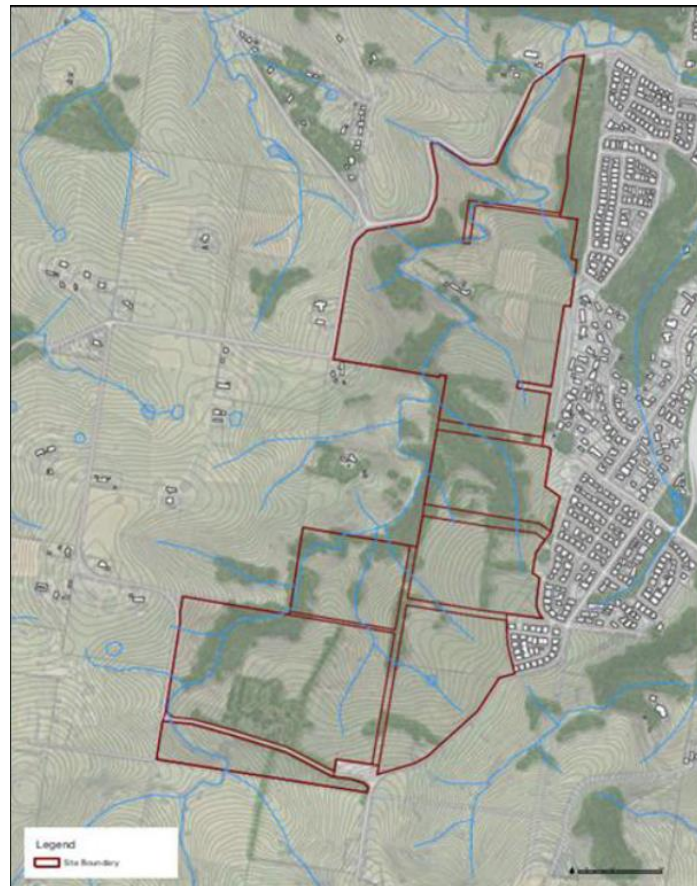


Figure 1: site locality plan

Overview of the Planning Proposal

The PP seeks to amend Kiama LEP 2011 to enable a Masterplanned Urban Release Area (URA) ‘*Springside Hill*’ to be developed on the site. A summary of the key components of the planning proposal request are provided in table 1 below:

Current Zone or Control	Proposed Zone or Control
RU2 Rural Landscape	R2 Low Density Residential R3 Medium Density Residential E1 Local Centre
Part C2 Environmental Conservation and part C3 Environmental Management.	RE1 Public Recreation.
Rural zoning controls apply	R2 to 8.5m R3 and E1 to 15m

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	Floor Space Ratio to 0.45:1.
The rural lot size controls apply – with a 40 ha minimum lot size	<p>Minimum Lot size of 450m² for R2 1000m² for R5</p> <p>However also seeks for exceptions to be provide to these minimum lot sizes and have it reduced to</p> <ul style="list-style-type: none"> • 350m² for lots where it can be demonstrated by a building envelope plan that a dwelling house can be built on the lot; • 200m² for a semi-detached dwelling; • 175m² for an attached dwelling.
Land ownership in private holdings	<p>Seeks to identify the following land for public acquisition (in essence passing this land to Council to care and control). Any land zoned:</p> <ul style="list-style-type: none"> - RE1 Public Recreation; - C2 Environmental Conservation - C3 Environmental Management.
No permitted uses for educational establishment, place of worship or attached dwellings are in place	<p>Seeks to add additional uses to the zone which would otherwise be prohibited. These are:</p> <ol style="list-style-type: none"> 1. Educational establishments and place of public worship in the RU2 Rural Landscape zone; 2. Attached dwellings in the R2 Low Density Residential zone.
The site is not identified within the Kiama LEP as an Urban Release Area or an area planned for this form of growth or development	Include the site in the Kiama LEP as an identified urban release area
Currently used for agricultural purposes.	The proposal seeks to clear and develop 122.1 hectares of agricultural land, leaving 19.9 hectares of agricultural land. If the PP was to proceed it would need to be referred to DPI – Agriculture to assess the impacts of this level of clearing.

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Currently Council is only considering the Planning Proposal to change the zoning on the land. The masterplan and other considerations that have been included within the documentation and provided by the applicant part of the justification and promotion of the site are not under assessment.

Any master planning, development consent, allocation of lands etc. would be subject of further development assessment processes and may also change over time. A number of the suggested outcomes cannot be “locked” in through the planning proposal process and cannot be guaranteed.

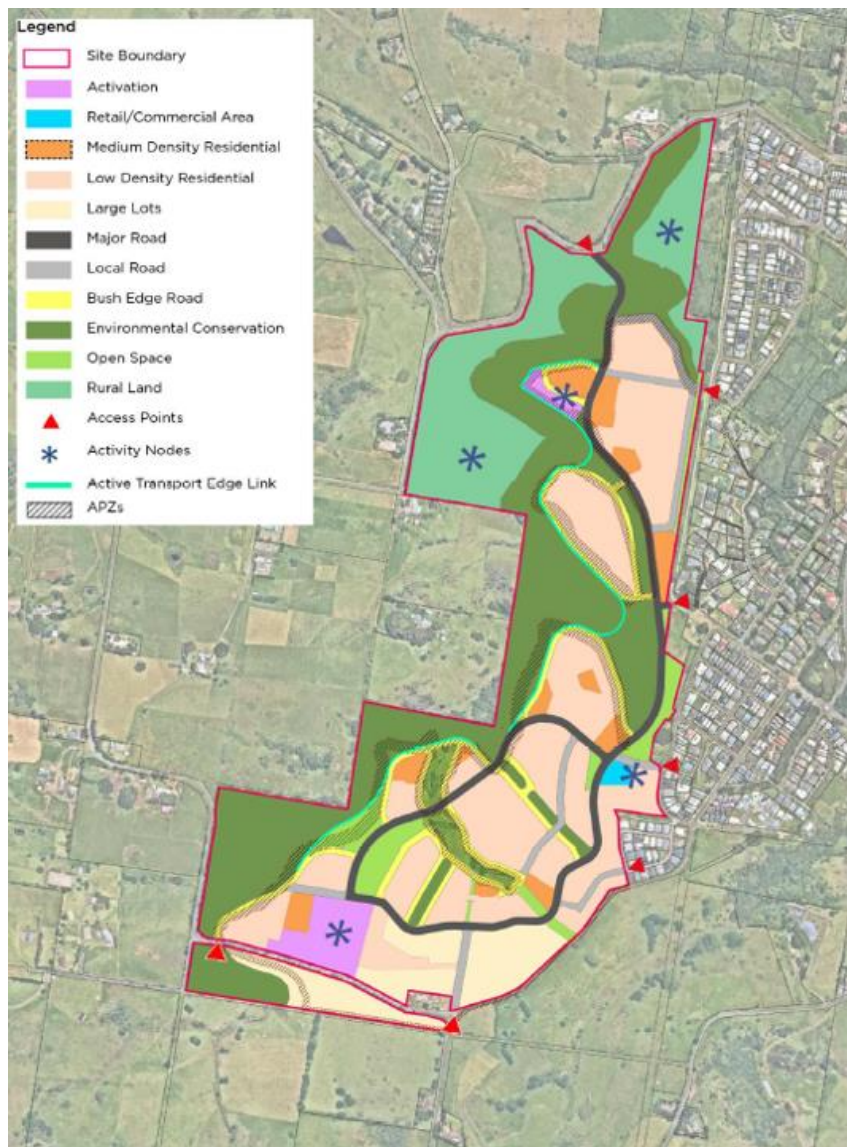
Proposed Indicative Masterplan

As part of the proposal and to support the justification for the rezoning an indicative masterplan has been provided by the proponents. The proposed URA would deliver approximately 1069 dwellings over a **10 to 15 year timeframe**. The proposal incorporates a mix of residential densities, commercial uses, recreation and conservation outcomes.

The proposed indicative concept masterplan outlines the following:

1. 1062 proposed new dwellings.
2. 377 low density residential lots.
3. 633 low rise, medium density housing i.e. terraces, townhouses and low-rise garden apartments.
4. 5% social housing delivered to NSW Land and Housing Corporation at no cost.
5. 5% delivered as affordable rental housing to be managed by a community housing provider in perpetuity.
6. 5% reserved for first home buyers.
7. 5% for locals identified in postcodes 2533 and 2534.
8. 16 ha of retained rural land, potentially for an educational establishment and place of public worship.
9. 43 ha of public open space, riparian lands and conservation areas.
10. Business uses to enable local retail and services.
11. Retention of Greyleigh House to ensure its long term tourism function.

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Officer Assessment

The following details outline the issues that have been identified through the preliminary assessment process undertaken for this planning proposal and the reasons why the proposal cannot be supported to proceed to Gateway at this time.

As outlined throughout this report Council is currently preparing its Growth and Housing Strategy and this and other potential land release areas should be considered through this process, rather than as a stand alone development proposal. This allows for all of the adjoining lands to be considered, connectivity with other development proposals to be assessed and combined infrastructure requirements to be mapped and provided for through the Urban Development Program.

Documentation and Studies – Gaps and Omissions

The following documentation gaps and omissions prevent the planning proposal from proceeding:

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1. The Bushfire Report prepared by Eco Logical Australia does not refer to the recently adopted *Bush Fire Prone Land Map 2023*. Therefore, an updated Bushfire Report is required.
2. The Preliminary Water Cycle Management and Flood Assessment prepared by J. Wynham Prince has not been prepared in accordance with the *2023 Flood Risk Management Manual* and Emergency Evacuation. Therefore, an updated Preliminary Water Cycle Management and Flood Assessment is required.
3. The Traffic Impact Assessment prepared by SCT Consulting does not include traffic flow that may occur resulting from Bombo Quarry to the north. Bombo Quarry may yield approximately 2000 dwellings. This will have a significant impact on traffic flow in the future. Therefore, the traffic impact assessment is not an accurate representation of future traffic impacts. Trip generation resulting from the proposed additional uses of the educational establishment and Education Facility appear to have not been considered in the traffic impact assessment.

Strategic Framework

Much is made within the documentation that Council's Strategic Planning documentation is aged or "retired". This statement is refuted. Council in accordance with the requirements of the NSW State Planning developed its Local Strategic Planning Statement in 2020. It also continues to identify the allocated and identified growth areas within the Kiama LGA. Of note is that a number of these sites have progressed and a housing pipeline in the short term is being delivered, albeit with limitations due to infrastructure constraints.

The LSPS is still the relevant planning document in accordance with legislation and it has not been retired. As has been reported to Council, community engagement is occurring on our Growth and Housing Strategy. This strategy has been enhanced to include the words growth primarily to create a document which explores more than just the standard housing data.

Council staff have been diligently and clearly outlining the need to explore new options and possibilities. It also has been consistently stated that always just saying no is not an ongoing option. However, it is important that strategic planning is done in a considered manner prior to significant land released being supported. There also needs to be a consideration of equity and opportunity and a clear consideration of why this proposal should proceed before others, and whether would there be other more suitable land.

Much has also been made of the Kiama LEP being created in 2011. Since this time there have been many amendments made to this document. A significant update was provided recently which included the changes made to heights, FSR and density within the Kiama Town Centre.

Extensive planning work was undertaken on this change and was based on a focus and desire to enhance densities and development within proximity to services and facilities, including key transport links. The development of these controls and the resulting housing supply they will offer is important to also consider, with significant housing stock currently in the pipeline through these zoning changes.

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Compliance with Ministerial Directions

Currently the PP does not comply with the following Ministerial Directions:

- a) Ministerial Direction 4.1 Flooding – must address the 2023 Flood Risk Management Manual and emergency evacuation.
- b) Ministerial Direction 3.2 Heritage – must address Aboriginal Heritage and Dry Stone Walls.
- c) Ministerial Direction 4.3 Planning for Bushfire – must refer to PFB 2019.
- d) Ministerial Direction 4.4 Remediation of Land – A stage 2 DIS report is required.

Management and Allocation of Proposed Public Lands

Approximately 43ha of public open space is proposed; however, much of this proposed open space includes riparian lands and conservation areas which do not provide formal open space outcomes and are not suitable for RE1 zoning. The land proposed has been determined by the applicant without any consultation with Council or assessment of community or Council needs. In essence it is the areas of unusable or constrained lands, that have been proposed to be “dedicated”.

If calculations based on usable open space are undertaken it is found that the area proposed is actually less than NSW standards and there is insufficient active open space, within this proposal.

Commentary is provided within the documentation that suggests dedication of lands (environmental zones and open space lands) to Council. Such a proposal can have significant implications for Council. As an example, when Calderwood land release was proposed and a calculation on the maintenance and management of the riparian lands and environmental spaces was undertaken by Shellharbour Council it was found that the expected cost would be so significant it would cause the Council to become unsustainable.

Given Council’s current financial position any dedication and resulting burden of management to Council for lands needs to be carefully and diligently considered. The suitability of Council accepting dedication of these lands and the cost and resource implications (including on-going maintenance) have not been adequately addressed in the documentation. Nor have these been appropriately explored through a strategic process.

Infrastructure and Servicing

The site is not identified in the Sydney Water Growth Servicing Plan 2024-2029. In response to this impediment to future development the PP proposes an on-site utility centre to service the lots on a long-term permanent basis. The facility will provide drinking water, wastewater and recycled water services for the proposed residential and non-residential uses proposed on the site.

The facility proposes to take available drinking water from the existing Sydney Water main and make a service available at the onsite utility centre to service the new URA. It is unknown whether Sydney Water and the Department of Climate Change, Energy, the Environment and Water would support this arrangement.

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The site is not included in Sydney Water Urban Growth Plan or the Developer Service Plans (DSP). Preliminary comments from Sydney Water (SW) direct the applicant to submit a feasibility analysis on the site.

Nonetheless, the Sustainable Services Utilities Strategy prepared for the proponents by Altogether (a private utility provision company) outlines communication between the proponent, the proponents Civil Engineer and Sydney Water.

The Proponents Civil Engineer has investigated the existing Sydney Water infrastructure and Assets. It is concluded that major upgrades would be required to the SW Infrastructure to service the proposed URA. As the site is not included in the DSP the developer would be liable for the cost of these upgrades.

Due to uncertainty, timing and costs associated with major upgrades to SW infrastructure, the applicant proposes an onsite utility centre.

Altogether have provided details for the delivery of a decentralised wastewater recycling facility on the site which is not reliant on Sydney Water's legacy assets and eliminates the need for any gravity mains or sewer pump stations.

The utility centre would service the proposed residential and non-residential uses proposed on the site.

The centre would allow the provision of:

- a) Drinking water;
- b) Wastewater; and
- c) Recycled water services.

The following is proposed:

1. Staged delivery of a Local Water Centre (LWC) capable of providing wastewater and recycled water services.
2. A reliable drinking water service based on an interconnection Strategy with Sydney Water Assets on a Utility-to-Utility Basis.
3. A Developer Services Plan ('DSP') based funding model allowing the proponents to defer capital expenditure and make necessary allowances for feasibility purposes.

Sydney Water Comments – Servicing

Comments from Sydney Water are attached to this report. In summary the comments made in this documentation include:

- *Servicing* - The development site is within the Kiama West Water Supply Zone. Wastewater servicing is currently unavailable to the site.
- *Growth Data* - In order to fully support all growth and developments and to fully assess proposed developments, Sydney Water require the ultimate and annual growth data for this development.
- Sydney Water has reviewed the proponents' *Potable Water and Wastewater Concept Review* and the *Sustainable Utilities Servicing Strategy*. The report, whilst not seen by, nor endorsed by Sydney Water at the time, recommended

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the lodgement of a Feasibility application to commence early consultation with Sydney Water.

- Sydney Water notes that a Feasibility application is the correct route for the proponent to take to engage directly with Sydney Water, but this has not yet been lodged either in relation to the initial 2022 report recommendations, nor as part of the undertakings noted in the 2023 sustainable servicing strategy. Sydney Water therefore does not endorse the information nor assumptions within these reports.

Requirements/next steps as proposed in Sydney Water Correspondence

- a) The proponent to lodge a Feasibility via their WSC.
- b) The proponent should complete and return the growth data form in the format as part of their Planning Proposal submission and with their Feasibility application.
- c) Sydney Water is happy to meet with the proponent to discuss all options for servicing the site once the feasibility is registered.

Environmental Impacts

The proposal was provided to the Department of Climate Change, Energy, the Environment and Water – Biodiversity Conservation Division (DEECCW). This response is provided as an attachment to this report. The comments are summarised below:

From a strategic context, BCS prefers that new urban expansion is accommodated where there is a well-informed understanding of broader catchment functioning and the sensitivity of the lands affected (as much as understanding broader urban planning/servicing matters).

By itself, this new proposal will considerably increase the footprint of urban development in a largely rural catchment of modest size. The PP also proposes an on-site utility hub/water centre that sets a concerning precedent for the next speculative PP to also pursue. The subject lands will ultimately drain to Spring Creek, an identified sensitive estuary. BCS is mindful that engineered solutions have a risk of failure and any impacts need to be well considered for the receiving waterway. There is not yet a risk-based framework for considering water quality for the catchment and managing the health of Spring Creek.

While there is some information about the subject land, BCS is not convinced there is enough information about the broader catchment such as water management (including flooding and water quality), biodiversity (including sensitivities and connectivity needs) and optimising integrated issues such as appropriate management and use of riparian lands.

Detailed comments on flood risk assessment, estuarine and waterway health and biodiversity are provided in the letter attached.

Requirements/Next steps

- a) *A fit for purpose Flood Impact and Risk Assessment (FIRA) report be prepared.*
- b) *Further flood assessment work be undertaken to address public safety risks.*

Report of the Director Planning, Environment and Communities

15.1 Kiama West (Springside Hill) Planning Proposal (PP 2023-2833) Stage 2 Preliminary Assessment (cont)

-
- c) *An assessment of potential impacts of the altered land-use on water quality prior to rezoning be undertaken to ensure adequate spatial and zoning provisions are incorporated.*
 - d) *Restoring riparian lands is supported but such land should be zoned to C2 or C3 rather than RE1.*
 - e) *A C2 zoning be considered for all significant biodiversity values on the site including areas mapped as “high ecological constraints” (some attributes currently zoned C3 may warrant C2 zoning longer term given the management intentions).*
 - f) *In addition to remnant native vegetation within the study area, significant biodiversity should be mapped and incorporated into non-urban zoning where possible, including hollow bearing trees, lone cabbage tree palms (*Livistona australis*) and large fig trees (*Ficus spp.*).*
 - g) *Buffers be applied to all remnant vegetation to prevent “edge effects” (eg. weed infestation, trampling, etc.) particularly Threatened Ecological Communities and populations of *Zieria granulata*.*
 - h) *Further ecological assessment be carried out at the Planning Proposal stage to determine if suitable areas for rehabilitation of the *Melaleuca armillaris* Tall Shrubland Critically Endangered Ecological Community occur within the subject site. If so, these should be included in conservation zones and rehabilitated in accordance with a Vegetation Management Plan VMP and/or an in-perpetuity conservation agreement.*
 - i) *Council appraises the land tenure outcomes of the conservation zoned land to ensure adequate funding/mechanism for ongoing management. Vegetated lands that may be transferred to Council are an opportunity to investigate the proponent establishing an actively managed Biodiversity Stewardship Agreement site/s before transfer.*
 - j) *A Vegetation Management Plan (VMP) be prepared for the Spring Creek riparian corridor, adjacent areas of remnant vegetation and any areas proposed for rehabilitation, and this should be secured at development application stage.*
 - k) *Asset Protection Zones (APZs) be contained within existing cleared areas (noting that the Master Plan indicates some APZs appear to be located within areas of “high ecological constraint”).*

Strategic Sites

The Planning Proposal report prepared by Mecone for the proponents states that Bombo Quarry (an identified strategic site) will not progress soon enough to meet dwelling demand, hence requiring support of this PP. This is not necessarily the case, as the Bombo Quarry landowners have recently indicated that the closure of the quarry operations is imminent and development investigations and studies have commenced.

The Housing Study prepared by AEC for this planning proposal, excludes Bombo Quarry as a site that is suitable to provide dwelling supply within the next 10-20 years due to rehabilitation of the site and the various legislation that impacts the redevelopment on quarries. Therefore, this Housing Study is not considered an

Report of the Director Planning, Environment and Communities

15.1 Kiama West (Springside Hill) Planning Proposal (PP 2023-2833) Stage 2
Preliminary Assessment (cont)

accurate representation of potential dwelling supply and the need for an additional URA area.

Bombo Quarry's resources are expected to be exhausted in the near future and the landowners have commenced the process of developing a *Vision Statement* in consultation with The Department of Planning, Housing and Infrastructure. Community consultation will commence in the coming weeks to inform and assist with formulating the vision statement for the Bombo Quarry Lands precinct.

The proposed URA is in close proximity to Bombo Quarry (Strategic Site) and South Kiama (Approved URA). The following lot yields apply to these sites:

1. South Kiama – land zoned for residential development 455 lot subdivision. Currently a concept subdivision plan has been lodged with Council for consideration.
2. Bombo Quarry – approximately 2000 dwellings.

Therefore, Bombo Quarry is anticipated to be able to deliver almost double the dwelling yield proposed by the Springside Hill Planning Proposal (Kiama West). Bombo Quarry is therefore anticipated to be able to fill the gap in dwelling demand required to be provided in the Kiama LGA between 2021-2041.

Suggestion of Change in Circumstances

A key argument within the planning proposal documentation is that the planning proposal responds to a change in circumstances and strategic planning within the local and regional context. It is suggested by the applicant that significant changes have occurred in the last three years which justify the proposal.

Whilst there is renewed focus on growth and a need to respond to the housing affordability and housing shortage, adhoc planning is not supported to respond to this challenge. There is significant work occurring on the housing pipeline, housing needs analysis and proposed supply. Figures used within the documentation need further analysis as the figures supplied exclude Bombo Quarry. This is an inaccurate analysis given the amount of work that is being undertaken on Bombo Quarry at this time and the strategic focus throughout all strategic documentation on the quarry to provide supply of both housing and employment lands for our LGA.

Attached to this report is an analysis of supply and pipeline data undertaken by Council staff, which needs to be considered in the context of the data provided to support this PP.

Financial Contribution of the Development

It is important to note that Council does not currently have an adopted S7.11 plan for this site. In order to prepare and adopt a Section 7.11 Plan there are a number of studies that are required to be carried out to identify and cost the infrastructure that will be required to support the new development. In the absence of an adopted s7.11 plan, the current adopted s7.12 plan would apply to the site which means that contributions levied will be insufficient to cover the cost of infrastructure generated by the development, and this cost would therefore be shifted to existing ratepayers.

The proposed *Planning Agreement* has not been approved by Council. There have been no discussions or negotiations with council staff on the content of the Letter of

Report of the Director Planning, Environment and Communities

15.1 Kiama West (Springside Hill) Planning Proposal (PP 2023-2833) Stage 2
Preliminary Assessment (cont)

Offer, which is an important step in the process as set out in Council's Planning Agreement Policy. While a VPA can be a useful mechanism to obtain and secure development contributions, this will be dependent upon both parties negotiating a suitable outcome. To date there have been no discussions with council staff on the content of a VPA.

Conclusion

The subject site has not been identified as a potential urban expansion area in the Kiama LSPS 2020 and is inconsistent with the Illawarra and Shoalhaven Regional Plan 2041.

Council officers have identified that the PP does not demonstrate compliance with the Section 9.1 Ministerial Directions, Kiama LSPS 2020 or the Illawarra Shoalhaven Regional Plan 2041. There are technical studies that are required to be updated.

Council officers do not consider the Planning Proposal demonstrates adequate strategic merit to progress to Gateway. The PP is not consistent with the regional and local strategic planning framework and therefore is not considered capable of support at this time. This may change in the future with the adoption of the Kiama Housing and Growth Strategy.

It is therefore recommended that Council not support the Planning Proposal to proceed to the Department of Planning, Housing and infrastructure for a Gateway Determination.



Planning Proposal report

Springside Hill


PREPARED FOR
Traders in Purple

December 2023
MECONE.COM.AU

Project Director

Chris Shannon

Contributors

REVISION	REVISION DATE	STATUS	AUTHORISED: NAME & SIGNATURE
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* This document is for discussion purposes only unless signed and dated by the persons identified.
This document has been reviewed by the Project Director.

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Executive summary

INTRODUCTION

This report has been prepared by Mecone Group Pty Limited on behalf of Traders in Purple (the proponent) in support of a planning proposal request to Kiama Council to amend *Kiama Local Environmental Plan 2011* (LEP) for the land at 177 Long Brush Road, Jerrara, and 33 Greyleigh Drive and 103 Jamberoo Drive, Kiama (the Site).

THE SITE

The Site comprises 12 lots and a number of unformed Crown roads, covering an area of approximately 114 ha. The Site is currently rural in nature and contains tracts of open grassland and more dense vegetation along several riparian corridors, including Spring Creek. Greyleigh Homestead, an accommodation venue, is contained within the southern portion of the Site and is accessed from Long Brush Road. Another dwelling is located within the northern portion of the Site, accessed from Jamberoo Road. The Site is located directly west of Kiama CBD, approximately 1.7 km west of Kiama Railway Station. The Site directly adjoins a mix of low density and large lot residential zoned land to the east. The proposal seeks to continue the pattern of housing to the west.

OBJECTIVES AND INTENDED OUTCOME

The objectives of the Planning Proposal is to amend the LEP to enable a masterplanned urban residential community to be developed on the Site that incorporates a mix of residential densities, commercial uses, recreation and conservation outcomes that is designed to respect the visual, topographical and environmental characteristics of the Site.

The intended outcome of the Planning Proposal is as follows:

- promote housing affordability and diversity through the introduction of a variety of dwellings, lot sizes and building heights
- retain existing parts of the Site to preserve view lines to and from the west
- incorporate a local centre that provides for commercial and retail daily convenience needs of future and existing residents, and future employment opportunities
- provide recreational opportunities for future and existing residents and visitors, including cycleways and walkways along Spring Creek
- conserve areas of high biodiversity significance
- enable the development of an educational establishment and place of public worship in the RU2 Rural Landscape zone.

PLANNING PROPOSAL

The Planning Proposal request has been prepared in accordance with:

- Section 3.33 of the *Environmental Planning and Assessment Act 1979*
- the NSW Department of Planning and Environment's *Local Environmental Plan Making Guideline*
- relevant Section 9.1 Ministerial Directions.

The Planning Proposal request demonstrates that it has site-specific and strategic merit to enable an amendment to *Kiama Local Environmental Plan 2011*.



Strategic merit

The Planning Proposal has strategic merit as it aligns with and promotes several key strategic planning priorities of Council and the State Government identified within State, regional and local policies and strategies.

In particular, the Planning Proposal responds to a change in circumstances in the Kiama LGA as the current strategic planning framework does not provide for sufficient housing supply to meet demand, which is resulting in a critical undersupply of housing.

Site-specific merit

The Planning Proposal has site-specific merit as there are no constraints on the Site that can't be managed that would prevent future development under the proposed land use zones. The proposal has been based on a detailed concept masterplan that has considered the environmental, topographical and visual characteristics of the Site.



1 Introduction

1.1 Overview

This report has been prepared by Mecone Group Pty Limited on behalf of Traders in Purple (the proponent), in support of a planning proposal request to Kiama Council to amend *Kiama Local Environmental Plan 2011* (LEP) for the land at 177 Long Brush Road, Jerrara, and 33 Greyleigh Drive and 103 Jamberoo Drive, Kiama (the Site).

The Site covers 12 lots in single ownership, covering approximately 114 hectares of land located directly west of the Kiama CBD, adjoining the existing Kiama urban area.

The intent of the planning proposal is to achieve the following objectives:

- design a residential community that responds to the topographical and environmental characteristics of the Site
- create diversity in the range of residential dwellings
- provide diversity in residential lot sizes and building heights
- provide affordable and social housing
- retain existing parts of the Site to preserve view lines to and from the west
- incorporate a local centre that provides for commercial and retail daily convenience needs of future and existing residents, and future employment opportunities
- provide recreational opportunities for future and existing residents, including cycleways and walkways along Spring Creek
- conserve areas of high biodiversity significance
- enable the development of an educational establishment and place of public worship in the RU2 Rural Landscape zone.

1.2 Planning proposal authority

Clause 3.32 of the *Environmental Planning and Assessment Act 1979* identifies the planning proposal authority to be the council for the local government area to which the proposed instrument is to apply, subject to proposals which the Minister directs the Planning Secretary to be the planning proposal authority (cl. 3.32(2)). In this instance, Kiama Council will be the planning proposal authority unless otherwise stated by the Minister.



1.3 Proponent and project team

The proponent for the planning proposal request is Traders in Purple. Traders in Purple are a long-term landowner in Kiama and have successfully delivered several housing projects within the Illawarra Shoalhaven Region and across Australia. Traders in Purple have long-standing partnerships with governments and community housing providers in the delivery of mixed tenure communities. It has a track record of successfully fusing private with social and affordable housing to create cohesive communities of mixed tenures, including partnerships with the NSW Land and Housing Corporation. Traders in Purple have engaged a team of reputable experts to provide advice and input into the planning process. Details of the proposed consultant team and submission documents are outlined below.

TABLE 1 – PROJECT TEAM

Item	Description
Concept Landscaping Plans	Sprout Studios
Concept Masterplan Urban Design	E8 Urban
Project Vision	Hoyne
Housing Study	AEC Economics
Preliminary Economic Impact Assessment	AEC Economics
Traffic Impact Assessment	SCT Consulting
Social and Community Needs Assessment	Mecone
Historical Heritage Constraints Assessment	Biosis
Aboriginal Due Diligence Assessment	Biosis
Ecological Report	Ecological
Bushfire Strategic Study Report	Ecological
Preliminary Water Cycle Management and Flood Assessment	J Wyndham Prince
Potable Water and Wastewater Concept Review	J Wyndham Prince
Utility and Infrastructure Servicing Report	J Wyndham Prince
Visual Attributes Study	Envisage
Stage 1 - Preliminary Site Investigation	Sydney Environmental
Agricultural Assessment and LUCRA	Minesoils
Sustainable Utilities Servicing Strategy	Altogether Group



1.4 Purpose and structure

The purpose of this report is to describe and justify the proposed amendment to Kiama LEP 2011. It has been prepared in accordance with:

- Section 3.33 of the *Environmental Planning and Assessment Act 1979*
- the NSW Department of Planning and Environment's Local Environmental Plan Making Guideline
- relevant Ministerial Directions issued under section 9.1 of the *Environmental Planning and Assessment Act 1979*.

This report is divided into two parts:

- Part A: Planning report – provides an overview of the Site, surrounds and planning history
- Part B: Planning Proposal – prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Local Environmental Plan Making Guideline prepared by the NSW Department of Planning and Environment.

The report is structured as follows:

- Part A: Planning report
 - Chapter 2: Site information – provides a description of the Site and surrounds
 - Chapter 3: Project background and context
 - Chapter 4: Statutory planning framework
- Part B: Planning Proposal
 - Chapter 5: Part 1 – A statement of the objectives and intended outcomes
 - Chapter 6: Part 2 – An explanation of the proposed provisions
 - Chapter 7: Part 3 – The justification of strategic and site-specific merit
 - Chapter 8: Part 4 – Maps
 - Chapter 9: Part 5 – Details of community consultation to be undertaken
 - Chapter 10: Part 6 – The anticipated project timeline for the plan making process
 - Chapter 11: Conclusion.



Part A – Planning report

2 Site information

2.1 Site details

The Site is located at 177 Long Brush Road, Jerrara, and 33 Greyleigh Drive and 103 Jamberoo Drive, Kiama. It comprises 12 lots and portions of unformed Crown roads, covering approximately 114 hectares of land in the Kiama Local Government Area (LGA). The portions of unformed Crown roads reflect the Sites history of being subdivided as part of historic land grants in Kiama’s urban areas.

The Site is located approximately 1.7 km west of Kiama Railway Station and Town Centre. It directly adjoins a mix of low density and large lot residential zoned land to the east, and contains undulating topography, which naturally recesses along lower order streams and towards Spring Creek that forms its western boundary.

The proposal seeks to continue the pattern of residential development to the west. The Sites size and consolidated ownership provides a unique opportunity for it to be developed for urban land uses consistent with adjoining urban development. The roads adjoining the Site include Greyleigh Drive and Arnold Circuit to the east, Old Saddleback Road and Longbrush Road to the south and Jamberoo Road to the north.

TABLE 2 – THE SITE

Legal description	Address	Area
Lot 201 DP 1148007	177 Long Brush Road, Jerrara	38.08 ha
Lot 1 DP 995058	33 Greyleigh Drive, Kiama	6.39 ha
Lot 1 DP 1003719	33 Greyleigh Drive, Kiama	5.69 ha
Lot 156 DP 751279	33 Greyleigh Drive, Kiama	5.46 ha
Lot 1320 DP1060995	33 Greyleigh Drive, Kiama	3.93 ha
Lot 183 DP 751279	33 Greyleigh Drive, Kiama	1.23 ha
Lot 185 DP 751279	33 Greyleigh Drive, Kiama	1.47 ha
Lot 186 DP 751279	33 Greyleigh Drive, Kiama	2.80 ha
Lot 187 DP 751279	103 Jamberoo Road, Kiama	1.43 ha
Lot 188 DP 751279	33 Greyleigh Drive, Kiama	4.94 ha
Lot 189 DP 751279	33 Greyleigh Drive, Kiama	3.07 ha
Lot 102 DP 1176643	103 Jamberoo Road, Kiama	39.23 ha
Total		113.72 ha



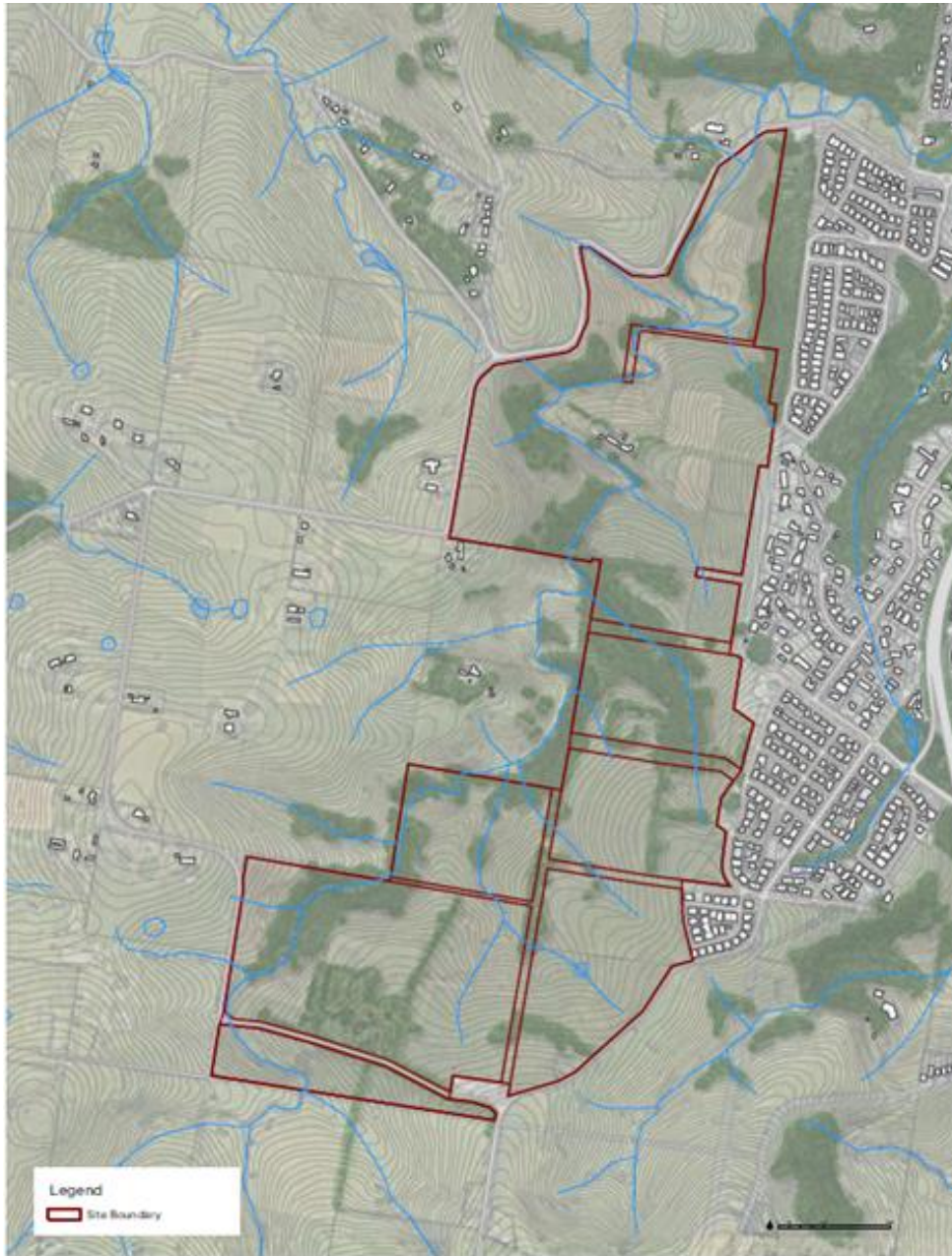


FIGURE 1 – THE SITE
Source: E8 Urban





FIGURE 2 – SITE CONTEXT

Source: Mecone

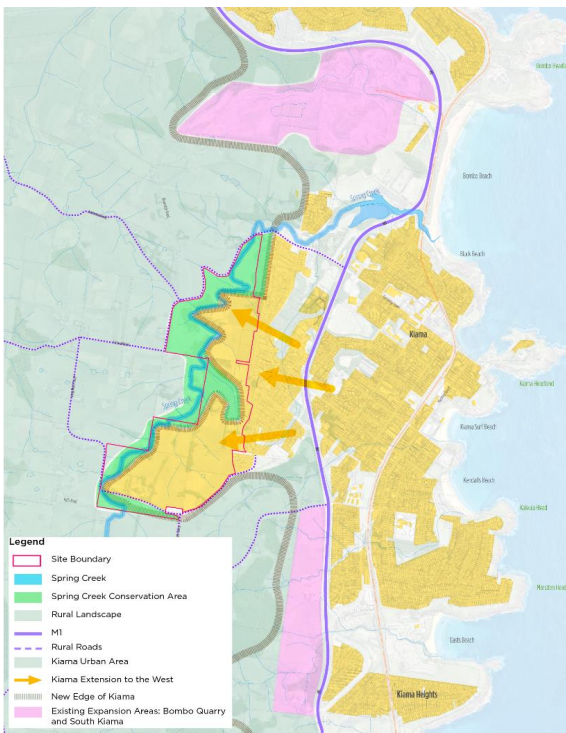


FIGURE 3 – POTENTIAL EXPANSION OF RESIDENTIAL SETTLEMENT

Source: E8 Urban



3 Project background and context

3.1 Site history

Land in the Kiama LGA, including the Site, was subdivided for land grants from the 1840s. 1987 Parish Maps reveal the Site and surrounding lands were subdivided into allotments between 6 and 8 hectares, which is consistent with the historic grants in Kiama's urban areas. Land parcels to the east of the Site have since been developed for low density housing. Despite having similar lot sizes and road allocation patterns, urban development has not extended as far west as the Site, due to more recent planning controls zoning the land for rural purposes.

Original land grants suggest that larger rural land holdings were intended to be located west of the Spring Creek Valley, extending from Jerrara Creek Catchment to the edge of the escarpment. The idea that rural land would be located west of Spring Creek is further supported by the 1987 Illawarra Regional Environmental Plan No 2 (IREP 2), which defines the Jamberoo Valley as land of important agricultural, environmental, and aesthetic value. The Jamberoo Valley, as defined in the IREP 2, is west of the Spring Creek catchment and does not include the Site.

The Site itself has historically been used for rural purposes. There are two dwellings on the Site and ancillary buildings fronting Long Brush Road on its southern portion.

3.2 Project background

Kiama Council has recently retired the historic Kiama Urban Strategy, which historically has been the document that guided and limited the provision and location of new greenfield urban development in Kiama. It is noted that the Kiama Urban Strategy was published prior to amendments to the *Environmental Planning and Assessment Act 1979 (EP&A Act)* in 2018 which introduced new requirements for councils to prepare a Local Strategic Planning Statement (LSPS). It is understood the Kiama Urban Strategy was primarily based on the nomination of potential greenfield sites by landowners and did not include a robust merit assessment or feasibility testing process, nor was it formally endorsed by the Department of Planning and Environment.

Since 2011 when the Kiama Urban Strategy was prepared, circumstances in Kiama and the Illawarra Shoalhaven Region have substantially changed with regard to housing demand and the need to accommodate housing growth.

Despite the retirement of the Kiama Urban Strategy, the Kiama LSPS continues to limit greenfield housing opportunities based on mapping which generally reflects the Kiama Urban Strategy. As such, there is currently no evidence based contemporary plan or policy which seeks to guide housing delivery in Kiama in line with the forecasted growth trends. This current application seeks to respond to a change in circumstances in that there is growing need for housing in Kiama and a current lack of direction in local planning policy to support the sustainable rollout of an adequate pipeline of housing.

It is understood that Council is currently working on a draft Local Housing Strategy in accordance with the commitment made in the Kiama LSPS. This action was identified for completion in FY21/22. We understand this process has been delayed and a local housing strategy is yet to be exhibited. Based on the contemporary evidence available (population forecast, demand trends and currently limited supply capacity) it is reasonable to expect that there will be a need for the Local Housing Strategy to explore potential greenfield opportunities outside of those areas historically identified in the Kiama Urban Strategy.



3.3 Historic planning proposal requests

There have been two planning proposal requests made to Kiama Council by previous landowners on part of the Site that is included in this planning proposal request. Those requests were not supported by Kiama Council, and as such, Council as the planning proposal authority, has not prepared a planning proposal on the Site. Details of those previous requests are outlined below.

3.3.1 2015 planning proposal request

On 22 May 2015, Kiama Council rejected a planning proposal request to rezone approximately 7 hectares of land from RU2 Rural Landscape to R2 Low Density Residential under Kiama LEP 2011. The proposal covered three existing lots generally located at Greyleigh Drive, Danube and Caliope Streets, Kiama, two of those lots form part of this planning proposal request. It was projected to deliver 32 residential lots. Council resolved not to support the planning proposal request primarily on the basis that the land was not identified as a nominated expansion area in the Kiama Urban Strategy (which is now retired).

The request proceeded to a rezoning review where it was also rejected by the Department of Planning and Environment on the basis that it was inconsistent with the regional and local strategic planning framework (which is now outdated) and Council's policy on the location of future urban development.

3.3.2 2019 planning proposal request

19 February 2019, Kiama Council rejected a planning proposal request to rezone approximately 38 hectares of primarily rural land to a mix of residential zones. The proposal covered nine existing lots generally located west of Kiama on land adjoining Greyleigh Drive and Old Saddleback Road, Kiama. Six of those lots form part of this current planning proposal request. It was projected to deliver 168 residential lots. Council resolved not to support the planning proposal request as it was considered premature given the status of Council's draft Local Strategic Planning Statemen

t and inconsistent with the regional and local strategic planning framework. The Department agreed with Council's determination as part of a rezoning review.

The table below highlights the differences between the 2015 and 2019 planning proposal requests by different proponents and the current planning proposal request by Traders in Purple. It demonstrates that there is no consistency between all three.

TABLE 3 – COMPARISON BETWEEN PREVIOUS REQUESTS AND THE CURRENT PROPOSAL

Characteristics	2015 planning proposal request	2019 planning proposal request	Current planning proposal request
Planning proposal lodged	No	No	No
Site area	7.42 ha	28.49 ha	113.72 ha
Existing lots	3	9	12
Projected dwelling yield	32 dwellings	168 dwellings	1,069 dwellings



4 Current statutory planning framework

The Kiama Local Environmental Plan 2011 (LEP) is the primary environmental planning instrument applicable to the Site. The relevant provisions on the Kiama LEP are outlined below.

4.1 Land use zoning

The Site is currently zoned part RU2 Rural Landscape, and part C2 Environmental Conservation and part C3 Environmental Management, which is generally associated with the Spring Creek riparian corridor along the western boundary of the Site. Residential development in the RU2 Rural Landscape zone is limited to dwelling houses and secondary dwellings.

The surrounding land is zoned as follows:

- to the west and south is primarily zoned RU2 Rural Landscape
- to the north is zoned RU1 Primary Production
- to the east forms part of the Kiama urban area and has a mix zones, mainly R2 Low Density Residential and R5 Large Lot Residential.

4.2 Maximum height of buildings

There is currently no maximum height of buildings control applying to the Site. The maximum building heights on the adjoining land is as follows:

- no maximum height of buildings controls on land to the north, west and south
- to the east, the R2 Low Density Residential zone and R5 Large Lot Residential zone has a maximum building height of 8.5 m.

4.3 Floor space ratio

There is currently no floor space ratio (FSR) control applying to the Site. The FSR controls on the adjoining land is as follows:

- no FSR control on land to the north, west and south
- to the east, the R2 Low Density Residential zone and R5 Large Lot Residential zone has a maximum FSR of 0.45:1.

4.4 Minimum lot size

There is currently a 40 ha minimum subdivision lot size applying to the Site. The minimum lot size control on the adjoining land is as follows:

- land to the north, west and south has a 40 ha minimum lot size control
- to the east, the R2 Low Density Residential zone has a minimum lot size control of 450 sqm and the R5 Large Lot Residential zone has minimum lot size control of 1,000 sqm.

4.5 Heritage

There are no items of environmental heritage applying to the Site. The following heritage items are located in the vicinity of the Site:

- local heritage item I80 'Silver Hill', located at 115 Bland Street, Kiama



- local heritage item I99 'Fernleigh residence (former guest house)', located at 2 Dido Street, Kiama
- local heritage item 135 'The Pines Homestead', located at Saddleback Mountain Road, Kiama
- local heritage item I77 'Park Mount residence', located at 82 Jerrara Road, Jerrara.

4.6 Acid sulfate soils

There is a minor affection of acid sulfate soils mapped as Class 5 in the Kiama LEP 2011 on the north-eastern corner of Lot 102 DP 1176643. The zoning on the part of the Lot identified as acid sulfate soils is not proposed to change. It will retain its existing RU2 Rural Landscape zone. The impact of acid sulfate soils on any future development on the Lot will be managed at the development application stage as required. No change is proposed to the mapped acid sulfate soils.

4.7 Terrestrial biodiversity

The Site contains portions of 'Biodiversity Land' as identified on the Terrestrial Biodiversity Map under Kiama LEP 2011. The areas mapped as Biodiversity Land are currently zoned C2 Environmental Conservation. No change is proposed to the areas mapped as Biodiversity Land or the zoning of the land.

4.8 Riparian land and watercourses

The Site is mapped as containing a Category 2 watercourse following Spring Creek, and three Category 3 watercourse tributaries connecting with Spring Creek. No change is proposed to the mapped watercourses. No residential development is proposed within these locations.



Part B – Planning Proposal

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Local Environmental Plan Making Guideline prepared by the Department of Planning and Environment.

The Planning Proposal is structured as follows:

- Part 1 – A statement of the objectives and intended outcomes
- Part 2 – An explanation of the proposed provisions
- Part 3 – Justification of strategic and site-specific merit, outcomes and the process for implementation
- Part 4 – Mapping
- Part 5 – Details of community consultation that is to be undertaken on the Planning Proposal
- Part 6 – Project timeline.

5 Part 1: Objectives and intended outcomes

5.1 Objectives

To amend the Kiama LEP 2011 to enable a masterplanned urban residential community to be developed on the Site that incorporates a mix of residential densities and tenure, commercial uses, recreation and conservation outcomes that is designed to respect the visual, topographical and environmental characteristics of the Site.

5.2 Intended outcome

The intended outcome of the Planning Proposal is as follows:

- promote housing affordability and diversity through the introduction of a variety of dwellings, lot sizes and building heights
- retain existing parts of the Site to preserve view lines to and from the west
- incorporate a local centre that provides for commercial and retail daily convenience needs of future and existing residents, and future employment opportunities
- provide recreational opportunities for future and existing residents and visitors, including cycleways and walkways along Spring Creek
- conserve areas of high biodiversity significance
- enable the development of an educational establishment and place of public worship in the RU2 Rural Landscape zone.



5.2.1 Indicative concept masterplan

Site investigations have informed the development of an indicative concept masterplan for the Site to demonstrate how it could be developed as a result of the planning proposal. The concept masterplan identifies a mix of residential, rural, recreation, employment and conservation land uses. The masterplan exercise has followed a first principles design approach, whereby site opportunities and constraints have been carefully considered to inform the proposed development layout.

The proposed layout responds to the environmental attributes and topography of the land and is generally designed to follow a centralised collector road which runs from Jamberoo Road in the north and creates a loop in the southern portion of the Site. The design carefully responds to the visually important areas of the Site by maintaining rural land uses, open space and larger allotments in areas of visual prominence.

The proposed indicative concept masterplan could enable the following development outcome:

- approximately 1,062 new dwellings which will provide housing for locals, first home owners, key workers and low/middle income earners. The diversity of this housing stock could include:
 - 22 large rural residential allotments, averaging 3,900 sqm
 - 377 low density residential allotments, made up of 233 'standard' lots averaging 523 sqm and 144 'gully' lots averaging 637 sqm
 - 663 low rise, medium density housing dwellings to support a diversity of housing to suit smaller household types such as attached terraces, townhouses and low-rise garden apartments. This includes 172 'mews' lots averaging 196 sqm, 67 medium density lots averaging 338 sqm and 424 townhouses and low rise apartments
 - opportunity for delivery of social and affordable housing. At this stage, it is anticipated this will be made up of a mix of the following:
 - 5% social housing to be delivered to NSW Land and Housing Corporation at no cost
 - 5% delivered as affordable rental housing to be managed by a community housing provider in perpetuity
 - 5% delivered as part of a shared equity scheme for key workers
 - 5% reserved for first home buyers
 - 5% for locals identified in postcodes 2533 and 2534.
- 16 ha of retained rural land, with the potential for an educational establishment and place of public worship
- 43 ha of publicly accessible open space, provided as a combination of formal public open space, riparian lands and conservation areas. This land is intended to be restored and enhanced as part of the development process
- business uses to enable local retail and services
- retention of Greyleigh House to ensure its long term tourism function
- supporting local street, pedestrian network and cycling infrastructure.



5.2.2 Proposed services and infrastructure

Given the proposed change in land use, the proposal will require the staged delivery of services and infrastructure to cater for the increased infrastructure demand and new residents.

The proposed infrastructure to support development on the Site includes:

- a new road network encompassing seven access points across the Site, including a centralised collector road, local streets and smaller shared streets/mews, as well as footpaths and cycle paths
- construction of a bushfire ring road and creation of appropriate asset protection zones
- the extension and upgrade of existing utility services within the vicinity of the site, including electricity, potable water, sewer and telecommunications
- stormwater management infrastructure as part of an integrated water management approach across the Site which responds to the ecological values of the existing watercourse
- community infrastructure including public open space, restored and protected riparian areas and areas of ecological value, local business and tourism opportunities and potential for an educational establishment and place of public worship.

The rollout of infrastructure will likely be staged to suit the preferred delivery model of the neighbourhood. Further details regarding staging will be informed by detailed infrastructure investigations and feasibility analysis closer to development application stage.

The concept masterplan identifies key infrastructure which will service new residents and provide amenity to surrounding areas. Such items include:

- new public streets and footpath network, including cycling infrastructure
- stormwater management infrastructure
- approximately 43 ha of green space made up of public open space and conservation areas which will be accessible to the public
- identification of a potential educational establishment and place of public worship
- protection and enhancement of the Spring Creek Nature Corridor, including enabling public access via a shared walking/cycling path
- land identified for small scale local retail, commercial and services to complement the Kiama CBD
- social and affordable housing in perpetuity to fill a much needed gap in the Kiama housing market.



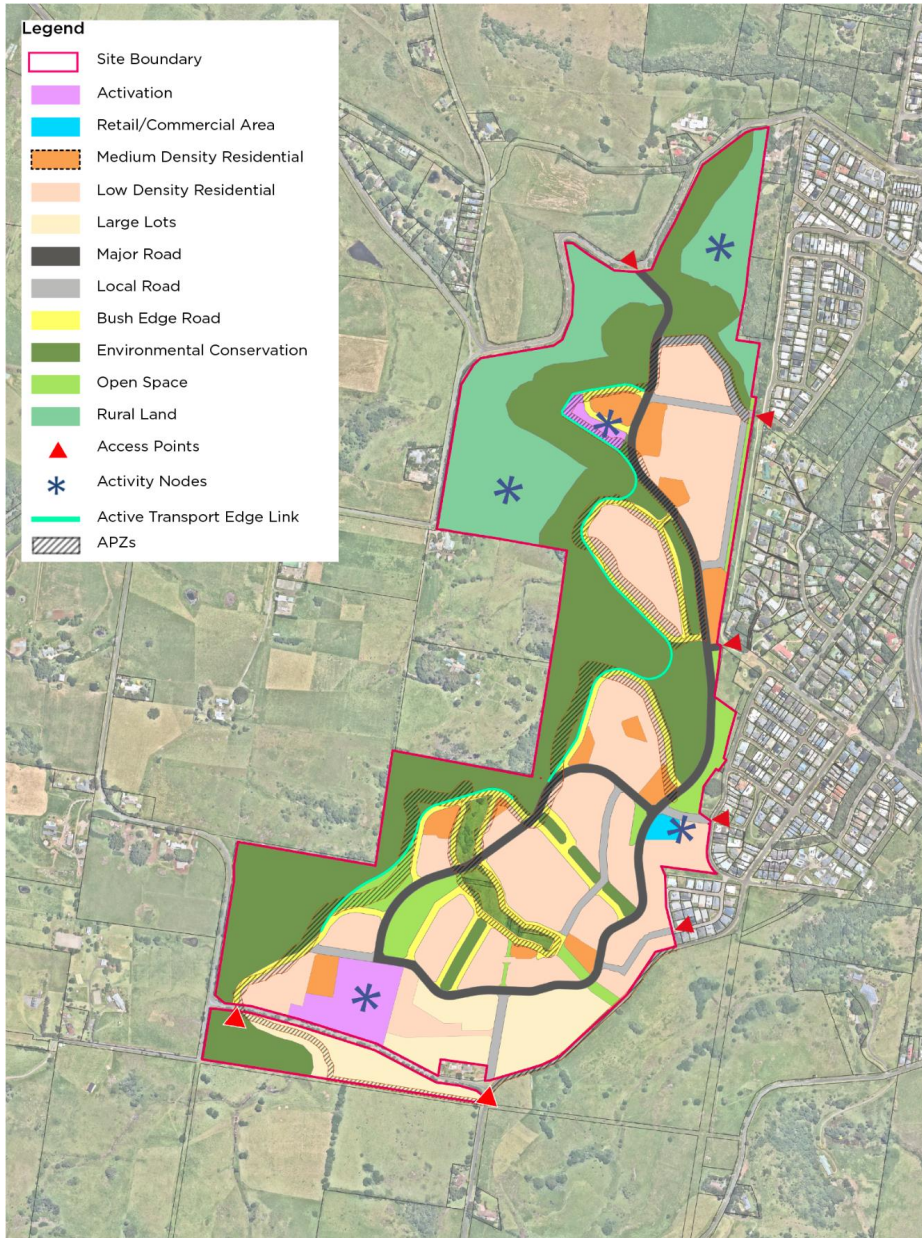


FIGURE 4 – INDICATIVE LAYOUT PLAN

Source: E8 Urban



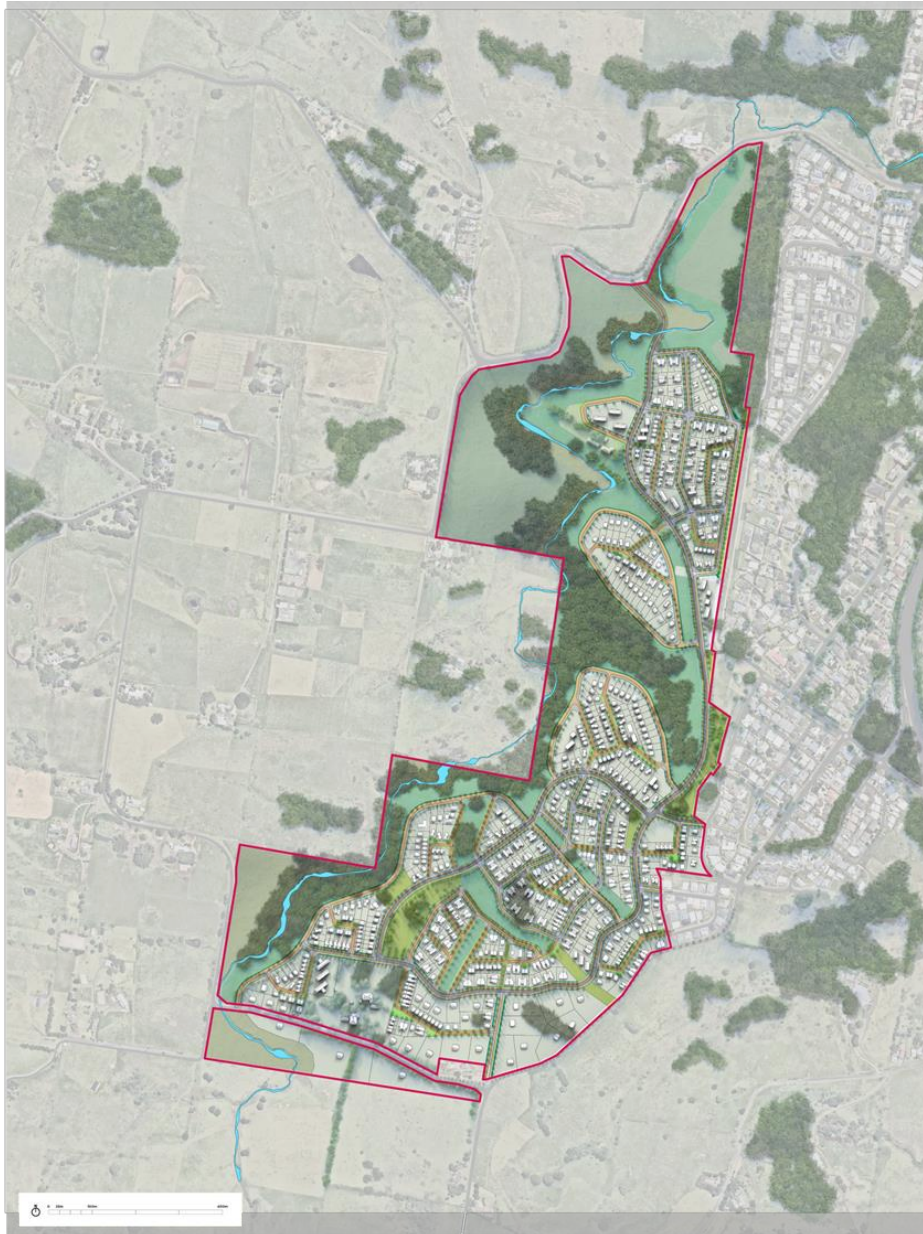


FIGURE 5 – PROPOSED MASTERPLAN

Source: E8 Urban



6 Part 2: Explanation of provisions

The planning proposal seeks to amend the *Kiama Local Environmental Plan 2011* to enable a mix of rural, residential, open space, conservation and employment land uses. The Indicative Layout Plan provides the proposed development layout and high level spatial allocations for new proposed land uses.

Specifically, the planning proposal request seeks amendments to the following:

6.1 Land use zoning

Rezone part of the Site from RU2 Rural Landscape to the following zones to enable development in line with the Indicative Layout Plan through the following zones:

- R2 Low Density Residential
- R3 Medium Density Residential
- E1 Local Centre
- RE1 Public Recreation.

In areas of the Site which are not proposed to be rezoned, the zoning will be retained as RU2 Rural Landscape. No change is proposed to the existing C2 Environmental Conservation and C3 Environmental Management zones.

6.2 Maximum height of buildings

Introduce maximum height of buildings controls of:

- 8.5 m for the R2 Low Density Residential zone
- 15 m for the R3 Medium Density Residential and E1 Local Centre zones.

6.3 Minimum subdivision lot sizes

Reduce the minimum subdivision lot size on part of the Site from 40 ha to the following:

- 450 sqm on land zoned R2 Low Density Residential and R3 Medium Density Residential
- 1,000 sqm on land zoned RU2 Rural Landscape in the southern portion of the Site.

6.4 Exception to minimum subdivision lot size for certain residential development

Introduce a clause that provides an exception to the minimum subdivision lot size to enable the following:

- 350 sqm for lots where it can be demonstrated by a building envelope plan that a dwelling house can be built on the lot
- 200 sqm for a semi-detached dwelling
- 175 sqm for an attached dwelling.

The proposed exception of minimum subdivision lot size clause is as follows:

Exception to minimum subdivision lot size for certain residential development

(1) *The objectives of this clause are—*

(a) *to enable lots to be created that are smaller than the minimum lot size shown on the Lot Size Map for certain residential dwellings*



(b) to provide opportunities for housing diversity and affordability.

(2) Development consent may be granted to the subdivision of land in Zone R2 Low Density Residential zone and R3 Medium Density Residential zone that results in a lot that is smaller than the minimum lot size shown on the Lot Size Map if—

(a) the subdivision of land results in a lot that is not less than 350 sqm if the consent authority is satisfied that the lot will contain a sufficient building envelop to enable the erection of a dwelling house on the lot, or

(b) the subdivision is carried out for the purposes of a semi-detached dwelling or an attached dwelling, and

(c) the size of any resulting lot is not less than—

(i) in the case of subdivision carried out for the purposes of a semi-detached dwelling – 200 square metres, or

(ii) in the case subdivision carried out for the purposes of an attached dwelling – 175 square metres.

6.5 Land reservation acquisition

Identify the following land for acquisition:

- RE1 Public Recreation
- C2 Environmental Conservation
- C3 Environmental Management.

6.6 Additional permitted use

Incorporate the following additional permitted uses on the Site in Schedule 1 of the Kiama LEP:

- educational establishments and place of public worship in the RU2 Rural Landscape zone
- attached dwellings in the R2 Low Density Residential zone.

The proposed additional permitted use clause is as follows:

Use of certain land at 103 Jamberoo Road, Kiama

(1) This clause applies to land at 177 Long Brush Road, Jerrara, and 33 Greyleigh Drive and 103 Jamberoo Road, Kiama, being part of Lot 201 DP 1148007, Lot 1 DP 995058, Lot 1 DP 1003719, Lot 156 DP 751279, Lot 1320 DP 1060995, Lots 183, 185-189 DP 751279, and Lot 102 DP 1176643.

(2) Development for the purposes of the following is permitted with development consent—

(a) educational establishments and place of public worship on land at 103 Jamberoo Road, Kiama, being part of Lot 103, DP 1176643, identified as “...” on the Additional Permitted Uses Map

(b) attached dwellings in the R2 Low Density Residential zone.

6.7 Urban release areas

Amend the urban release areas map to identify the Site.



7 Part 3: Justification of strategic and site-specific merit

7.1 Section A- Need for the proposal

7.1.1 Q1. Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

Kiama Council has recently retired the historic Kiama Urban Strategy, which historically has been the document that guided and limited the provision and location of new greenfield urban development in Kiama. Since 2011 when the Kiama Urban Strategy was prepared, circumstances in Kiama and the Illawarra Shoalhaven Region have substantially changed with regard to housing demand and the need to accommodate housing growth.

Despite the retirement of the Kiama Urban Strategy, the Kiama LSPS continues to limit greenfield housing opportunities based on mapping which generally reflects the Kiama Urban Strategy. As such, there is currently no evidence based contemporary plan or policy which seeks to guide housing delivery in Kiama in line with the forecasted growth trends. This current application seeks to respond to a change in circumstances in that there is growing need for housing in Kiama and a current lack of direction in local planning policy to support the sustainable rollout of an adequate pipeline of housing.

There is an action in the Kiama LSPS to prepare a Local Housing Strategy in FY21/22. The process to prepare the Local Housing Strategy has been delayed and not yet been exhibited.

The Department of Planning and Environment's LEP Making Guideline requires planning proposals to demonstrate how it satisfies strategic and site specific merit. It outlines assessment criteria that asks whether the planning proposal:

Responds to a change in circumstances that has not been recognised by the existing planning framework.

Further, the Guideline outlines the factors that could lead to a change in circumstances, and includes:

Changes to population and demographic trends and associated needs such as housing or jobs.

The Planning Proposal is a result of change in population and demographic trends in the Kiama LGA that is leading to a critical undersupply of housing over the next 5-15 years. The change in circumstances that justify the need for the Planning Proposal, notwithstanding the strategic and site-specific merit considerations, are outlined below.

Housing demand

A Housing Study has been prepared to demonstrate how the Site can assist in meeting the Department of Planning and Environment's implied dwelling target of 3,771 dwellings by 2041 for the Kiama LGA. The study found that there is a critical undersupply of housing over the next 5-15 years. The proposal has the potential to not only increase supply but will also provide much needed diverse in housing, including affordable and social housing.

The current projected population growth for Kiama LGA between 2021-41 has increased from 3,065 residents (2019 forecast) to 6,917 residents (2021 forecast) reflecting a substantial increase of +126% (or an additional 193 residents per annum). This has not been accounted for in the Kiama Local Strategic Planning Statement and there is no current local housing strategy for Kiama to address this demand.



Based on the 10 year historic average of 81 in-fill dwelling completions per annum, the study found that 1,620 infill dwellings are 'likely' to be delivered between 2021-41. The identified release areas (excluding Bombo Quarry) have the potential to deliver approximately 734 dwellings between 2021-41. Combined, the release areas and infill redevelopment sites have potential to deliver a total of approximately 2,354 dwellings to 2041, falling short of the Department's implied dwelling demand figure of 3,771 by -1,417 dwellings.

The 10 year historic average for dwelling completions (infill and greenfield) throughout Kiama LGA is 125 dwellings per annum (2010-2020). This is materially lower than what is required between 2021-41 based on the Departments implied dwelling demand of 3,771 (equating to 189 dwellings per annum).

Additionally, there is limited future supply from planning proposals in the system. The Kiama CBD Planning Proposal is the only current planning proposal in Kiama LGA that has potential to increase supply. It proposes a minor increase in the maximum height of buildings and maximum floor space ratio control on a limited number of lots in the Kiama Town Centre. The Kiama CBD Planning Proposal will not significantly increase housing supply capacity to address the shortfall in Kiama LGA.

Whilst Bombo Quarry has been identified for potential supply, its constraints in terms of rehabilitation, legislation, timing, complexity and its isolated location (distinct separation from key town centres/amenities), raises uncertainty as to whether it can ever be redeveloped for housing. This is reinforced by advice issued to Council on 1 September 2022 from the Department of Planning and Environment, which is included as Attachment 1.

Further, the Housing Study includes advice from Kiama Council that the wastewater network for Jamberoo is now at full capacity and no additional connections to the wastewater network can be made, which is likely to restrict delivery of new additional housing in Jamberoo.

TABLE 4 – POTENTIAL FUTURE DWELLINGS

Item	Potential dwellings deliverable between 2021-41
Release area – number of lots / dwellings	734*
Projection based on historic infill dwelling average	1,620 (81 dwellings per annum)
Total	2,354
DPE Implied Dwelling Demand	3,771
Gap	-1,417

* Comprises all identified expansion areas in the LSPS, excluding Bombo Quarry/

Source: AEC



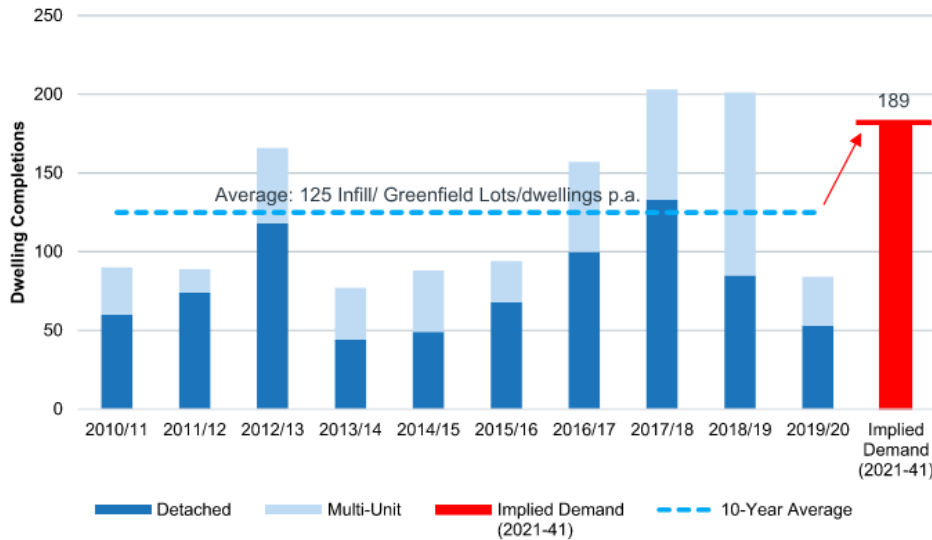


FIGURE 6 – KIAMA LGA HISTORIC DWELLING COMPLETIONS & ANNUAL IMPLIED DWELLING DEMAND (2021-2041)

Source: AEC and Illawarra-Shoalhaven Urban Development Program Dashboard

The change in circumstances is highlighted by the revised population projections, coupled with the lack of a strategic planning document from Council addressing housing demand. The most recent demographic data and housing completions data show that the current housing capacity and supply pipeline does not cater for this increased demand. Without intervention, such as this planning proposal, the supply shortfall will be exacerbated. This shortfall will potentially contribute to heightened affordability issues, critically low rental supply and a lack of housing availability for more vulnerable low and middle income households.

The Site has the potential to contribute to Kiama LGAs housing supply, assist in meeting implied dwelling demand figures, provide a range of suitable housing typologies (including affordable and social housing), unlock formerly privately owned land for open space and community uses, create jobs and ensure the regions long term sustainability and economic strength.

Based on the evidence presented within the Housing Study, it is clear that the consideration of additional housing supply opportunities in appropriate locations is a strategy which could be employed to assist with meeting dwelling demand and managing housing affordability issues in the LGA.

Housing affordability is also becoming an increasing issue for a number of LGAs within the Illawarra Shoalhaven region, however none-more so than for Kiama LGA where median house prices grew by 27% over 2021 and 23% in 2022.

Effectively, household income would need to double in order for existing residents to purchase a median priced house without entering 'mortgage stress' (where mortgage repayments are greater than 30% of a households income). There is a growing unaffordability gap in Kiama LGA that is not being addressed by the existing planning framework.



7.1.2 Q2. Is the Planning Proposal the best means of achieving the objectives and outcomes, or is there a better way?

Yes. The Planning Proposal is the best means of achieving the objectives and intended outcomes as the existing Kiama LEP 2011 does not facilitate the redevelopment of the Site as proposed. A site-specific planning proposal allows for the redevelopment of the Site to be contemplated in detail, and importantly how it integrates with surrounding environment.

7.2 Section B – Relationship to strategic planning framework

7.2.1 Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plan or strategies)?

Yes. The relevant directions, planning priorities and actions of the applicable regional strategic planning documents have been considered in the preparation of the Planning Proposal. The relevant considerations that demonstrate the strategic merits of the Planning Proposal are outlined below.

Illawarra Shoalhaven Regional Plan 2041

The Illawarra Shoalhaven Regional Plan 2041 is a 20-year land use plan that applies to the areas of Wollongong, Shellharbour, Kiama and Shoalhaven on the South Coast of NSW. The Regional Plan sets the strategic framework for the area, aimed at protecting and enhancing the region's assets and plans for a sustainable future.

The Regional Plan is anchored around four key themes:

- A productive and innovative region
- A sustainable and resilient region
- A region that values its people and places
- A smart and connected region.

The Regional Plan anticipates a growth in the region's population of at least 100,000 by 2041, with Kiama's population expected to increase by 3,997 people. It highlights the need for future development to consider sustainability, feasibility, water and wastewater capacity and the protection of existing character when delivering new housing and associated infrastructure.

The Regional Plan recognises the continuing growth in the region's ageing population, the decreasing household sizes, and the increase in home-based working due to the COVID-19 pandemic, which would impact the demand in the type of housing. It encourages an increase in the diversity and affordability of the range of housing available to cater to the needs of all generations and demographics.

The Regional Plan identifies a need for an additional 58,000 dwellings in the entire Illawarra-Shoalhaven region by 2041.

Kiama is identified as a Regional Centre in the Illawarra Shoalhaven Regional Plan. Objective 2 of the Regional Plan is to *grow the region's regional cities*, which includes the regional centre of Kiama. The Regional Plan states that it:

supports regionally significant centres by ... identifying and removing barriers to housing supply in Kiama.



This statement recognises that the current zoned housing supply capacity in Kiama will not meet demand and there is a need to *remove barriers* to new housing opportunities.

Objective 18 of the Regional Plan is to provide *housing supply in the right locations*. This is supported by Strategy 18.1 *identify urban growth boundaries and facilitate opportunities to support ongoing supply of housing in appropriate locations*.

There are no objectives or strategies in the Regional Plan which specifically restrict the consideration of additional housing in appropriate locations where it can be demonstrated that there is a demand. The Planning Proposal directly aligns and responds to the following Regional Plan objectives and strategies as outlined in the table below:

TABLE 5 – REGIONAL PLAN ASSESSMENT

Regional Plan Objectives	Consistency	Justification
Objective 11: Protect and enhance environmental assets	Consistent	The Planning Proposal will retain and protect all existing C2 and C3 zoned conservation land. Additionally, existing RU2 Rural Landscape zone on visually important parts of the site, surrounded by conservation and recreation zoned land in areas of high biodiversity will also be retained. This is generally associated with the Spring Creek riparian corridor that forms the western boundary of the Site. The protection of the Spring Creek corridor provides for biodiversity connections through the Site.
Objective 12: Build resilient places and communities	Consistent	A place based approach has been undertaken to the masterplanning of the Site to ensure that future residential development respects its existing environmental, visual and topographical characteristics. The concept plan identifies connecting roads through the Site, a local centre for the daily convenience needs of residents, protection of areas of biodiversity significance and retention of rural land. Diversity in lot and dwelling sizes, together with an integration of social, affordable and key worker housing, will ensure a thriving community for many decades.
Objective 13: Increase urban tree canopy cover	Consistent	The concept masterplan identifies the opportunity to retain existing biodiversity and to increase the tree canopy cover across the Site through the local street network, local open space and public spaces. This is reinforced through varying lot sizes that provide opportunity for tree planting on development lots.
Objective 14: Enhance and connect parks, open spaces and bushland with walking and cycling paths	Consistent	The proposal incorporates approximately 43 ha of publicly accessible open space provided as a combination of informal public open space, riparian corridors and conservation areas. This land is intended to be restored and enhanced as part of the development process, with extensive walking and cycling opportunities, taking advantage of Spring Creek as a local and regional tourist attraction.
Objective 18: Provide housing supply in the right locations	Consistent	The Objective seeks to balance housing opportunities in urban release areas and existing urban areas. Whilst the Site is not identified within the urban growth boundary by Council, it



		<p>provides an opportunity to support housing supply in a key location within close proximity to Kiama Town Centre. A new urban growth boundary could incorporate the Site to ensure that much needed housing supply is provided to address the critical undersupply in Kiama that has not been addressed in strategic plans and strategies. The objective seeks to prioritise new housing opportunities in strategic centres, such as Kiama. The Site is located approximately 1 km from the Town Centre. Further, the single ownership of the Site enables the important supporting infrastructure to be provided in conjunction with housing supply.</p>
<p>Objective 19: Deliver housing that is more diverse and affordable</p> <ul style="list-style-type: none"> • Strategy 19.1: Provide a diversity of housing choices and dwelling sizes • Strategy 19.2: Increase the supply of affordable housing • Strategy 19.3: Renew and increase social housing 	Consistent	<p>The proposal seeks to include a variety of dwelling typologies through the R2 Low Density Residential and R3 Medium Density Residential zones, with varying building heights and lot sizes to promote choice, diversity and affordability. Importantly, the proposal seeks to deliver social and affordable housing, with a mix of the following:</p> <ul style="list-style-type: none"> • 5% social housing to be delivered to the NSW Land and Housing Corporation at no cost • 5% delivered as affordable rental housing to be managed by a community housing provider in perpetuity • 5% delivered as part of a shared equity scheme for key workers • 5% reserved for first home buyers • 5% for locals identified in postcodes 2533 and 2534.
<p>Objective 21: Respond to the changing needs of local neighbourhoods</p>	Consistent	<p>The proposal includes two local centres that provide retail and services for the daily convenience needs of future residents. The centres have been strategically located for access by the majority of the future resident population and incorporated into the masterplan design of the Site.</p>
<p>Objective 22: Embrace and respect the region's local character</p>	Consistent	<p>The concept masterplan that has been developed for the Site has considered its visual, typographical and environmental characteristics in proposing a mix of land use zones, densities and housing typologies to ensure that the local character is respected.</p>
<p>Objective 23: Celebrate, conserve and reuse cultural heritage</p>	Consistent	<p>The Site contains the existing Greyleigh House that offers tourism opportunities, which is proposed to be retained in the RU2 Rural Landscape. The important cultural heritage aspects of the Site are associated with the Spring Creek riparian corridor that is proposed to be zoned public recreation and conservation. The existing historic dry stone walls on the Site will also be retained and incorporated as part of future development</p>
<p>Objective 28: Create connected and accessible walking and cycling networks</p>	Consistent	<p>Opportunities for walking and cycling will be incorporated into the masterplanned street network and throughout the 43 ha of publicly accessible open space provided as a combination of informal public open space, riparian corridors and conservation areas focused along Spring Creek.</p>



7.2.1 Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary of GSC, or another endorsed local strategy or strategic plan?

KIAMA LOCAL STRATEGIC PLANNING STATEMENT

The Kiama Local Strategic Planning Statement (LSPS) establishes a 20 year vision for land use in the Kiama LGA. It captures the local identity and shared community values and outlines how growth and change will be managed into the future. The Kiama LSPS predates the Regional Plan.

The LSPS highlights key community values, including:

- Protecting the natural environment
- Creating a more diverse and sustainable economy
- Retain community spirit but diversify the community with more cultural groups and young people
- Retain the character of the area and distinct towns and villages by avoiding overdevelopment.

The LSPS was published in 2020 and was based on 2019 population projections that forecast the population of Kiama would increase by 4,000 people between 2016 and 2041, from 22,100 to 26,100. The LSPS acknowledges that greenfield sites are required to deliver projected housing demand and identifies potential urban expansion areas, which are limited to those identified in the 2011 Kiama Urban Strategy (now retired).

However, since publication of the LSPS, the Department of Planning and Environment has released updated population projections and implied dwelling demand figures. These show that projections have substantially increased and exceed the available development pipeline and historic dwelling completion data. This constitutes a significant change in circumstances and suggests a requirement for additional greenfield sites, beyond those sites identified in the Kiama Urban Strategy.

An action in the LSPS was for a local housing strategy to be prepared by 2021/2022, which would revise the retired 2011 Kiama Urban Strategy growth boundaries to respond to current population projections and dwelling demand. The draft local housing strategy has not yet been exhibited. The planning proposal request seeks to contribute to the housing supply shortage given the absence of a contemporary housing strategy.

The Kiama LSPS also commits to the preparation of new strategies around rural land uses, urban greening, net zero emissions and walking and cycling. However, these strategies are yet to be prepared.

The table below is an assessment of the Planning Proposal against the relevant LSPS planning priorities.

TABLE 6 – LOCAL STRATEGIC PLANNING STATEMENT ASSESSMENT

Local strategies	Consistency	Justification
Theme 1 Manage sustainable growth		
PP1 Plan for and balance housing supply and demand	Justifiably Inconsistent	The Planning Proposal responds to a change in circumstances in Kiama that has resulted in a critical undersupply of housing to meet the project population growth. The LSPS does not account for updated population and implied dwelling forecasts that are needed in Kiama. The identified growth areas in the LSPS will not deliver the housing supply that is needed in Kiama.



PP4 Support the delivery of required infrastructure	Consistent	The concept masterplan identifies, and the single ownership of the Site will enable, the supporting infrastructure to be delivered in conjunction with much needed housing supply.
Theme 2 Develop a diverse and resilient economy		
PP5 Foster economic diversity	Consistent	The proposal includes two local centres that will provide for the daily convenience needs of future residents. The centres will enable a diverse range of commercial, retail and business activity, providing local employment opportunities. The educational establishment enabled as an additional permitted use will also provide local employment opportunities.
PP6 Manage tourism development and the visitor economy	Consistent	The existing Greyleigh House will be retained within its existing RU2 Rural Landscape zone and form an important part of the overall masterplan. It will continue to provide tourism opportunities, with visitors benefiting from the publicly accessible walking and cycling opportunities that will be enabled by the proposal.
PP7 Strengthen commercial centres	Consistent	The additional population on the Site will improve the economic viability of the Kiama Town Centre through increased visitation and spending.
Theme 3 Protect rural landscapes		
PP9 Protect scenic landscapes	Consistent	The important visual aspects west of the Site will be retained within the RU2 Rural Landscape zone and through the open space and conservation areas. A Visual Attributes Study has been prepared and its findings have been incorporated into the masterplan for the Site.
Theme 4 Mitigate and adapt to climate change and protect our environment		
PP10 Conserve areas of environmental significance	Consistent	The areas of high biodiversity significance are retained within the existing conservation zone and proposed public recreation zone, primarily focused along Spring Creek, which aligns with Biodiversity Land identified under the Kiama LEP 2011.
Theme 5 Foster vibrant and accessible places		
PP13 Support and create vibrant places	Consistent	The proposed local centres provide amenity and services for residents within walking distance of dwellings, which improves the vibrancy of the Site.
PP15 Celebrate and protect local character	Consistent	The local character is celebrated through retention of the important visual and rural aspects of the Site and incorporating it with public recreation opportunities, including a potential natural amphitheatre on the Site.

COMMUNITY STRATEGIC PLAN

The Community Strategic Plan 2022 - 2032 describes the outcomes for Kiama LGA over the next 10 years and the strategies to achieve them.

The Plan identifies that the population of Kiama is ageing, with the median age of 47, which is significantly higher than the regional median of 41.4; and in the capital cities of 36.5. Currently 32% of the Kiama population is over 60; this will increase to 39% by 2041. It states that many in the community are retired, or semi-retired, with regional populations increasingly seeing younger retirement ages or transitional



arrangements from 55 onwards. The Plan recognises that social connectedness is a major contributor to wellbeing, and it is important not to lose those connections during life stage changes. As such, events, activities and facilities work to create community cohesion and shared opportunities to participate in the society.

The Plan is based around five pillars that reflect the values and aspirations of the Kiama community and support the vision. Within each of these, the Plan identifies outcomes, which are the goals to be achieved, and strategies on how they will be achieved. The relevant outcomes and strategies that the Planning Proposal is consistent with are outlined below.

TABLE 7 – COMMUNITY STRATEGIC PLAN OUTCOMES AND STRATEGIES

Outcome	Strategy
Pillar 1 We belong and contribute	
A strong sense of community and belonging, where social and cultural life flourishes; and our families, friends and visitors feel welcome and included.	Provide spaces, services and initiatives that foster a proud, inclusive, and connected community for all.
	Connect with each other through participating in local arts, cultural and library activities and programs.
	Promote our major facilities to attract events and activities.
We love where we live; we have the services and facilities we need, and the natural beauty of our surroundings enhances our safe, active and healthy lifestyle.	Provide facilities that enable us to participate in social, cultural, recreational and sports activities, no matter our background, ability or age.
To know and honour our local heritage; Indigenous and non-Indigenous.	Support and promote local cultural activities.
	Recognise the importance of our heritage buildings and precincts; safeguard areas and items of local cultural and / or heritage significance.
Pillar 2 We thrive in a sustainable environment	
Our people, our place, our flora and fauna are protected through our planning and our actions.	Protect our coast, our estuaries and waterways.
	Protect our biodiversity, native plants and animals.
	Protect and maintain our natural areas; conserve areas of environmental significance.
Our natural environment of spectacular beaches, rainforests and rolling hills define our place.	Retain and promote our natural environment and our scenic rural landscapes.
Pillar 3 We create a strong and diverse economy	
A strong economy, vibrant local businesses and local economic growth.	Enhance and expand opportunities to demonstrate Kiama LGA as a place to invest in.
	Maintain and expand a wide range of industry and business; including tourism, agriculture, light industry, professional and care services, etc.



	Enhance opportunities to create a range of jobs for all residents.
An economy that embraces the tourism opportunities while ensuring we don't lose our community feel; our tourism development and visitor economy is well managed.	Manage tourism development and the visitor economy.
Pillar 4 We are part of a connected and liveable community	
We love where we live; our housing reflects our values.	Collaborate and partner through ISJO to develop a regional response to supply of affordable housing.
	Facilitate development that is respectful of the local characteristics of the Municipality.
	Manage growth sustainably and thoughtfully.
Our built environment is safe and inclusive; our infrastructure is well planned and well managed.	Create a regional network of interconnected roads, shared pathways and cycleways to maximise access to key destinations and facilities.
	Actively plan how we travel and create safe travel routes whether we are walking, cycling, driving or accessing public transport.
We embrace innovation and new technologies and resources that improve environmental and social outcomes.	Support education, training and different partnerships that support learning and sharing new information and ways of doing.



7.2.2 Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

STATE INFRASTRUCTURE STRATEGY 2022-2042

The State Infrastructure Strategy sets out Infrastructure NSW's advice on the infrastructure needs and priorities of the State for the next 20 years, and beyond. The Strategy recognises that infrastructure is critical in addressing housing supply and affordability. It states that:

New housing supply can only be delivered where infrastructure keeps pace with land use planning. Community acceptance of new development relies on good local amenity – transport connections, schools and health services, public civic and green spaces, protection of local character and access to services close to home. Achieving those outcomes requires timely planning, funding and delivery of local infrastructure in tandem with rezonings and subdivisions, based on well-developed master plans

The Strategy recognises that there are opportunities to improve the supply of housing in greenfield areas, noting that:

Wherever new housing supply is established, this Strategy supports the notion that the quality of local amenity will be upheld by a '15-minute neighbourhood' approach, ensuring residents can access most services and facilities by walking or cycling 15 minutes. This approach will require programs focused on local high streets, open spaces, and safe and enjoyable walking and cycling infrastructure.

The Planning Proposal is consistent with these principles in creating a masterplanned community that incorporates diversity in land uses, housing typologies, local centres and publicly accessible open space and conservation areas. The single ownership of the Site enables supporting infrastructure to be provided upfront in conjunction with housing growth. The table below highlights the relevant objectives and strategic directions that the Planning Proposal is consistent with.

TABLE 8 – STATE INFRASTRUCTURE STRATEGY OBJECTIVES AND STRATEGIC DIRECTIONS

Objectives	Strategic directions
Protect our natural environment	Foster sustainable use of natural resources and construction materials through reuse and recycling.
	Implement a strategic and practical approach to managing biodiversity.
	Capitalise on blue-green infrastructure opportunities
Integrate infrastructure, land use and service planning	Coordinate infrastructure, land use and service planning to meet housing, employment, industry and community needs.



7.2.3 Q6. Is the planning proposal consistent with applicable SEPPs?

Consideration has been given to all state environmental planning policies (SEPPs) in preparing the Planning Proposal. The Planning Proposal is consistent with all relevant SEPPs as outlined in the table below.

TABLE 9 – STATE ENVIRONMENTAL PLANNING POLICY ASSESSMENT

State environmental planning policy	Consistency	Justification
SEPP (Biodiversity and Conservation) 2021	Can be consistent	The SEPP does not prevent the development on the Site. The Site is not identified as a strategic conservation area or land to be avoided.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent	The planning proposal will not hinder the application of the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent	The planning proposal will not hinder the application of the SEPP.
SEPP (Housing) 2021	Can be consistent	The Planning Proposal will not create additional uses that can't satisfy the provision of the SEPP.
SEPP (Industry and Employment) 2021	Not applicable	Not applicable
SEPP No 65 – Design Quality of Residential Apartment Development	Can be consistent	The planning proposal will not hinder the application of the SEPP.
SEPP (Planning Systems) 2021	Consistent	The planning proposal will not hinder the application of the SEPP.
SEPP (Precincts – Central River City) 2021	Not applicable	Not applicable
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable	Not applicable
SEPP (Precincts – Regional) 2021	Not applicable	Not applicable
SEPP (Precinct – Western Parkland City) 2021	Not applicable	Not applicable
SEPP (Primary Production) 2021	Consistent	The planning proposal will not hinder the application of the SEPP.
SEPP (Resilience and Hazards) 2021	Can be consistent	The proposal does not fall within the definition of potentially hazardous or offensive industries. Future development will consider whether the land is contaminated and whether any remediation is required. The Preliminary Site Investigation has not identified any constraints that would prevent the Planning Proposal from progressing.
SEPP (Resources and Energy) 2021	Consistent	The Planning Proposal will not create additional uses that fall within the definition of mining, petroleum production or extractive industries.



SEPP (Sustainable Buildings) 2021	Consistent	The Planning Proposal will not hinder the application of the SEPP.
SEPP (Transport and Infrastructure) 2021	Can be consistent	The Planning Proposal does not create additional uses that can't satisfy the provisions of the SEPP.

7.2.1 Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

Section 9.1 of the *Environmental Planning and Assessment Act 1979* requires a planning proposal to demonstrate how it will achieve or give effect to principles, aims, objectives or policies specified in a Direction issued by the Minister for Planning.

Where the planning proposal is inconsistent with any of the relevant directions, those inconsistencies must be specifically explained and justified in the planning proposal. This can be supported by technical or evidence provided as part of the justification.

Consideration has been given to all Section 9.1 Local Ministerial Directions in preparing the Planning Proposal as outlined in the table below:

TABLE 10 – MINISTERIAL DIRECTION ASSESSMENT

Direction	Consistency	Justification
Focus area 1: Planning systems		
1.1 Implementation of Regional Plans	Consistent	The Planning Proposal is consistent with Objective 18 of the Illawarra Shoalhaven Regional Plan relating to housing supply in the right locations. It achieves the overall intent of the Regional Plan and does not undermine the achievement of the Regional Plan's vision, land use strategy, goals, directions or actions. This is discussed under Q3. The Planning Proposal seeks to address a change in circumstances in Kiama relating to the undersupply of housing. This is identified in the Housing Study. The Planning Proposal is needed to satisfy the full intent of the Regional Plan.
1.2 Development of Aboriginal Land Council Land	Not applicable	The Planning Proposal is not identified on Aboriginal Land Council land.
1.3 Approval and Referral Requirements	Consistent	The Planning Proposal does not include consultation, referral or concurrence provisions, nor identifies any development as designated development.
1.4 Site Specific Provisions	Consistent	The Planning Proposal does not propose any unnecessarily restrictive site-specific planning controls.



1.5	Parramatta Road Corridor Urban Transformation Strategy	Not applicable	The Site is not located in the Parramatta Road Corridor.
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable	The Site is not located in the North West Growth Area.
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable	The Site is not located in the Greater Parramatta Priority Growth Area.
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable	The Site is not located in the Wilton Priority Growth Area.
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable	The Site is not located in the Glenfield to Macarthur Urban Renewal Corridor.
1.10	Implementation of the Western Sydney Aerotropolis Plan	Not applicable	The Site is not located in the Western Sydney Aerotropolis.
1.11	Implementation of Bayside West Precincts 2036 Plan	Not applicable	The Site is not located in the Bayside West Precinct.
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable	The Site is not located in the Cooks Cove Precinct.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable	The Site is not located in the St Leonards and Crows Nest.
1.14	Implementation of Greater Macarthur 2040	Not applicable	The Site is not located in the Greater Macarthur area.
1.15	Implementation of the Pyrmont Peninsula Place Strategy	Not applicable	The Site is not located in the Pyrmont Peninsula Place.
1.16	North West Rail Link Corridor Strategy	Not applicable	The Site is not located in the North West Rail Link Corridor.
1.17	Implementation of the Bays West Place Strategy	Not applicable	The Site is not located in the Bays West Place Strategy.
1.18	Implementation of the Macquarie Park Innovation Precinct	Not applicable	The Site is not located in the Macquarie Park Innovation Precinct.
1.19	Implementation of the Westmead Place Strategy	Not applicable	The Site is not located in Westmead Precinct.
1.20	Implementation of the Camellia-Rosehill Place Strategy	Not applicable	The Site is not located in the Camellia-Rosehill Precinct.
1.21	Implementation of South West Growth Area Structure Plan	Not applicable	The Site is not located in the South West Growth Area
1.22	Implementation of the Cherrybrook Station Place Strategy	Not applicable	The Site is not located in Cherrybrook Station Precinct.

Focus area 3: Biodiversity and Conservation



3.1	Conservation Zones	Consistent	The Planning Proposal does not reduce the amount of land zoned for conservation purposes on the Site. The existing C2 and C3 zoned land will remain.
3.2	Heritage Conservation	Consistent	There are no listed items of environmental heritage on the Site.
3.3	Sydney Drinking Water Catchments	Consistent	The Planning Proposal reflects the watercycle management investigations that were undertaken on the Site. The riparian corridors are proposed within an RE1 Public Recreation zone and existing C2 Environmental Conservation zone to protect ecological values. Consultation with relevant State agencies will occur following issue of Gateway determination.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable	The Site is not located in the identified Far North Coast LGAs.
3.5	Recreation Vehicle Areas	Consistent	The Site is not identified as or around sensitive land where impacts from recreational vehicles could occur.
3.6	Strategic Conservation Planning	Not applicable	The Site does not contain land that is identified as avoided land or a strategic conservation area.
3.7	Public Bushland	Not applicable	The Planning Proposal does not apply to land within the identified LGAs.
3.8	Willandra Lakes	Not applicable	The Site is not located in the Willandra Lakes.
3.9	Sydney Harbour Foreshores and Waterways Area	Not applicable	The Site is not located in the Sydney Harbour foreshore or waterway.
3.10	Water Catchment Protection	Not applicable	The Site is not located within a regulated catchment within the meaning of <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> .
Focus 4: Resilience and Hazards			
4.1	Flooding	Consistent	<p>The Planning Proposal is consistent with the principles of the Floodplain Development Manual 2005.</p> <p>A Water Cycle Management and Flood Assessment has been prepared. It shows that flood mapping identifies that flows are contained wholly within the defined watercourses and their riparian areas and do not impact the land proposed for development. These areas are not proposed for residential development.</p> <p>The report identifies there is no evacuation need/risk for the development, nor will the development impact upon the ability for adjoining lands to evacuate in the event of a flood.</p>



			<p>Preliminary site grading of the main collector roads and the bushland perimeter roads demonstrate that the Site can be developed without requiring any filling of the waterways. The waterway crossings associated with the development proposal can be configured to avoid impacts upon the proposed new allotments and minimise flood impacts on adjoining land(s) to acceptable levels.</p> <p>There are no special flood considerations provisions in the Kiama LEP.</p>
4.2	Coastal Management	Not applicable	The Site is not identified as being located in a coastal zone.
4.3	Planning for Bushfire Protection	Consistent	The Planning Proposal has been informed by a Bushfire Strategic Study. The report found that the Site and future land uses have capacity to comply with the requirements of Planning for Bushfire Protection 2009.
4.4	Remediation of Contaminated Land	Consistent	A Preliminary Site Investigation into contamination has been prepared. It found that the Site can be developed for its intended uses, with further assessment required at the development application stage.
4.5	Acid Sulfate Soils	Consistent	There is a minor affection of acid sulfate soils mapped as Class 5 in the Kiama LEP 2011 on the north-eastern corner of Lot 102 DP 1176643. The zoning on the part of the Lot identified as acid sulfate soils is not proposed to change. It will retain its existing RU2 Rural Landscape zone. The impact of acid sulfate soils on any future development on the Lot will be managed at the development application stage as required. No change is proposed to the mapped acid sulfate soils.
4.6	Mine Subsidence and Unstable Land	Not applicable	The Site is not located in a mine subsidence district and has not been identified as unstable land.
Focus area 5: Transport and Infrastructure			
5.1	Integrating Land Use and Transport	Consistent	The indicative concept plan prepared in support of the Planning Proposal provides opportunities for a bus network to be extended through the Site, as well as the incorporation of active transport, with walking and cycling paths.
5.2	Reserving Land for Public Purposes	Consistent	The Planning Proposal identifies land for public open space generally along the Spring Creek riparian corridor that will be acquired by Kiama Council.
5.3	Development Near Regulated Airports and Defence Airfields	Not applicable	The Site is not located near regulated airports or a defence airfield.



5.4	Shooting Ranges	Not applicable	The Site is not adjacent to/or adjoining an existing shooting range.
Focus area 6: Housing			
6.1	Residential Zones	Consistent	<p>The proposed R2 Low Density Residential and R3 Medium Density Residential zones and the range of lot sizes and building heights will promote diversity and affordability of housing on the Site. The existing planning framework is outdated and does not enable sufficient housing supply. The Planning Proposal seeks to address the change in circumstances in Kiama that has led to the undersupply and lack of diversity and affordability of housing in Kiama.</p> <p>The Site directly adjoins the Kiama urban area and will benefit from being in close proximity to existing infrastructure and services. The single ownership of the Site means that new infrastructure can be delivered concurrently with new housing supply.</p>
6.2	Caravan Parks and Manufactured Home Estates	Consistent	The proposal does not involve any caravan or manufactured home estates.
Focus area 7: Industry and Employment			
7.1	Business and Industrial Zones	Consistent	The Planning Proposal includes two areas zoned as E1 Local Centre to provide for local employment opportunities and daily convenience needs for residents.
7.2	Reduction in non-hosted short-term rental accommodation period	Not applicable	The Site is not located in the Byron Shire Council LGA.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	The Site is not located within a north coast LGA that is traversed by the Pacific Highway.
Focus area 8: Resources and Energy			
8.1	Mining, Petroleum Production and Extractive Industries	Not applicable	The Planning Proposal does not change the permissibility of mining on the Site, which is currently prohibited in the RU2 Rural Landscape zone.
Focus area 9: Primary Production			
9.1	Rural Zones	Justifiably inconsistent	<p>The Planning Proposal responds to a change in circumstances in Kiama LGA identified in a Housing Study that highlights a significant undersupply of diverse and affordable housing to support population and demographic changes. The current planning framework does not enable this housing supply to be addressed.</p> <p>Further, an Agricultural Assessment has been undertaken which found that the characteristics of the Site suggest it has little agricultural</p>



			<p>productive value. Notwithstanding, the proposal will retain some of the existing agricultural value.</p> <p>The proposal is also consistent with the Illawarra Shoalhaven Regional Plan objectives of removing barriers to housing supply in Kiama.</p>
9.2	Rural Lands	Justifiably inconsistent	<p>The Planning Proposal is generally consistent with the Illawarra Shoalhaven Regional Plan and Kiama LSPS, with the exception of greenfield land identified for urban growth. This strategic planning framework does not account for the current change in circumstances that has led to significant undersupply and unaffordability of housing in Kiama. The Regional Plan identifies limited greenfield housing opportunities in Kiama. The Council in its LSPS also commits to preparing a local housing strategy to define the Kiama urban growth boundaries to accommodate the most recent population projections. The housing strategy has yet to be exhibited. This Planning Proposal seeks to address this undersupply with a diverse and social and affordable housing.</p> <p>The characteristics of the Site suggest it is not State significant agricultural land. The concept masterplan prepared for the Site has also considered the environmental attributes, avoiding conflict with environmentally sensitive areas, including creek corridors, significant vegetation and areas of visual prominence. This includes restoration and embellishment of the Spring Creek Corridor. These areas will be zoned RE1 Public Recreation and retain the existing C2 Environmental Conservation and C3 Environmental Management zones.</p>
9.3	Oyster Aquaculture	Not applicable	<p>The Site is not located in a priority oyster aquaculture area or is proposed for the purposes of oyster aquaculture.</p>
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable	<p>The Site is not located on the Far North Coast.</p>



7.3 Section C – Environmental, social and economic impact

The Planning Proposal is supported by a range of studies/reports outlined below. The outcomes and conclusions of these studies/reports show that the proposal does not include any unreasonable or unmanaged environmental, social or economic impacts.

TABLE 11 – PROJECT TEAM

ITEM	DESCRIPTION
Concept Landscaping Plans	Sprout Studios
Concept Masterplan Urban Design	E8 Urban
Project Vision	Hoyne
Housing Study	AEC Economics
Preliminary Economic Impact Assessment	AEC Economics
Traffic Impact Assessment	SCT Consulting
Social and Community Needs Assessment	Mecone
Historical Heritage Constraints Assessment	Biosis
Aboriginal Due Diligence Assessment	Biosis
Ecological Report	Ecological
Bushfire Strategic Study Report	Ecological
Preliminary Water Cycle Management and Flood Assessment	J Wyndham Prince
Potable Water and Wastewater Concept Review	J Wyndham Prince
Utility and Infrastructure Servicing Report	J Wyndham Prince
Visual Attributes Study	Envisage
Stage 1 - Preliminary Site Investigation	Sydney Environmental
Agricultural Assessment and LUCRA	Minesoils
Sustainable Utilities Servicing Strategy	AltogetherGroup

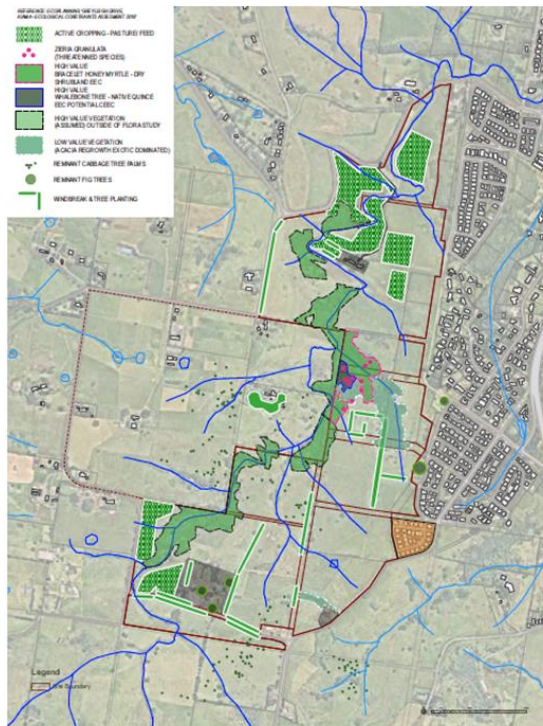


7.3.1 Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The Site contains portions of terrestrial biodiversity as identified on the Kiama LEP 2011 mapping. The Spring Creek Corridor is also identified as having biodiversity values on the NSW Biodiversity Values Map.

Based on the current available mapping and historic investigations undertaken in previous planning proposals, a vegetation values map has been prepared and considered as part of the concept masterplan process. Areas of dense vegetation and valuable native vegetation typically follow the creek corridors and have been avoided as part of the development layout.

Areas of ecological value are intended to be contained within the E2 Environmental Conservation, E3 Environmental Management and RE1 Public Recreation zoned land to restrict future development and enable a plan of management to be prepared. The Ecological Report outlines the recommended approach to managing areas of high ecological value.



Vegetation

- Remnant Dry Rain Forest vegetation
- Hedgerows and windbreaks

FIGURE 7 – VEGETATION AND ANALYSIS PLAN

Source: Sprout Studio



7.3.2 Q9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

TOPOGRAPHY

The Site contains undulating topography, which naturally recesses along lower order streams and towards Spring Creek. The investigations included a review of the Sites topography and detailed slope analysis. The proposal avoids areas of slope constraints, to avoid excessive cut and fill and maintain key view lines. Preliminary civil engineering advice has been provided to support the Planning Proposal with consideration of the Sites topography.

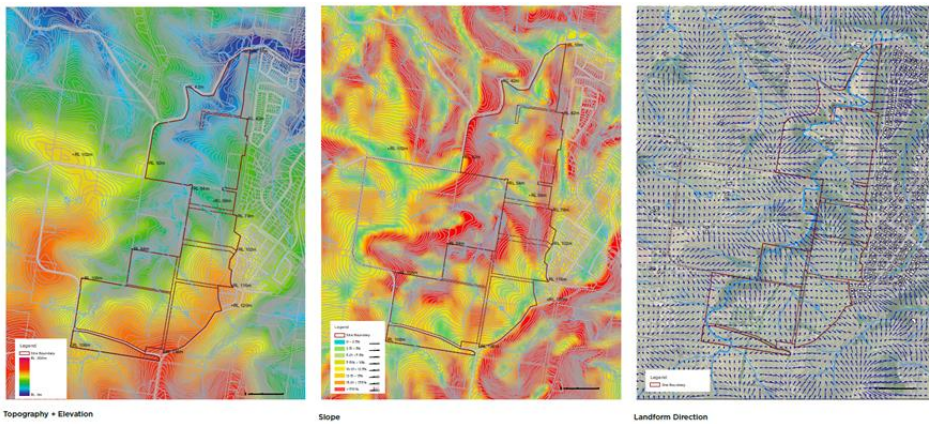


FIGURE 8 – TOPOGRAPHY

Source: E8 Urban



SCENIC LANDSCAPE VLAUES

Parts of the Site are considered valuable in terms of scenic landscape values. A Visual Attributes Study has been undertaken which has informed the concept masterplan and responds to concerns raised by Council in historic planning proposal requests. The study provides insights on the key viewpoints to and from the Site and areas of high visibility. The masterplan responds to the visual analysis by concentrating residential forms within the lower reaches of the Site and avoiding visually prominent areas that do not already adjoin residential uses. Ridgelines on the perimeter of the Site have been prioritised for the retention of rural land, public open space or large lot rural residential land uses.

Item 15.1

Attachment 1

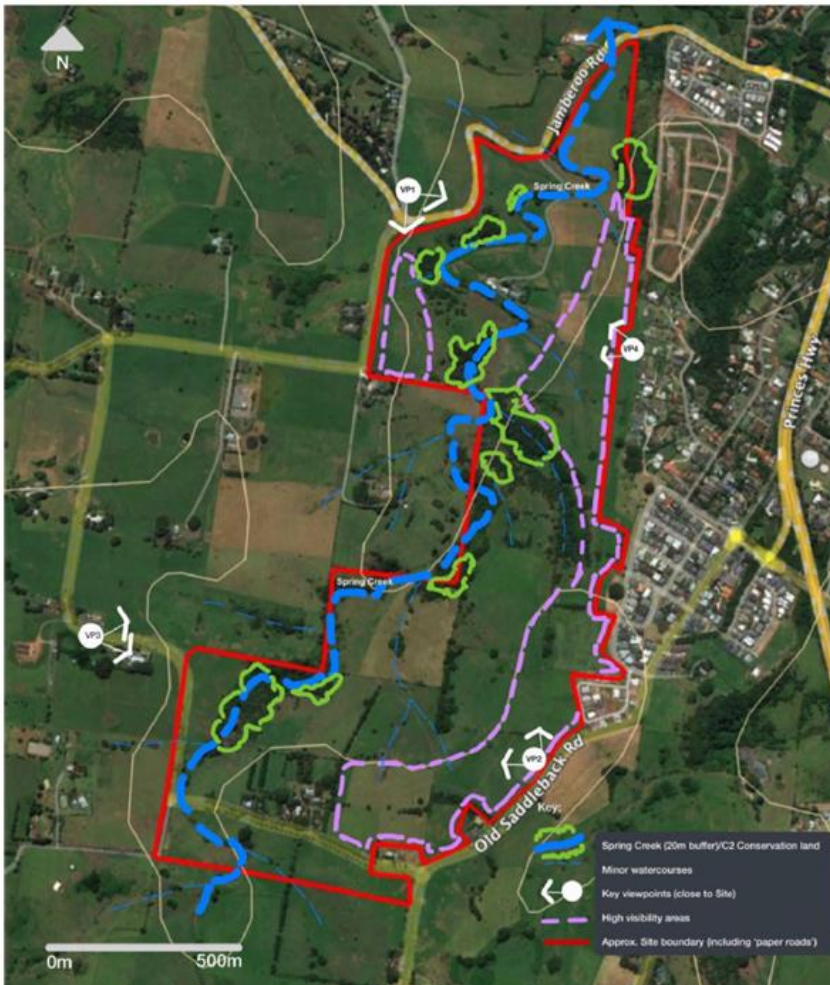


FIGURE 9 – VISUAL ANALYSIS PLAN

Source: Envisage



BUSHFIRE

The Site is partially impacted by bushfire prone land, including category 2 and buffer area bushfire risk categories. Bushfire prone land typically follows the pattern of dense vegetation along the Spring Creek corridor.

The concept masterplan has been designed with the intent of creating a bushfire resilient community. A bushfire ring road has been indicated along the Site's perimeter in accordance with the requirements of NSW Rural Fire Service *Planning For Bushfire Protection 2019*. A Bushfire Impact Assessment has been submitted with the Planning Proposal to provide commentary on the nature of bushfire risk and the recommended mitigation measures. There is no evacuation need/risk for the development, nor will the development impact upon any adjoining lands evacuation in the event of a bushfire.

WATER CYCLE MANAGEMENT

The Site is generally bound by Spring Creek to its western boundary and also contains several lower order streams which convey surface water into the creek corridor.

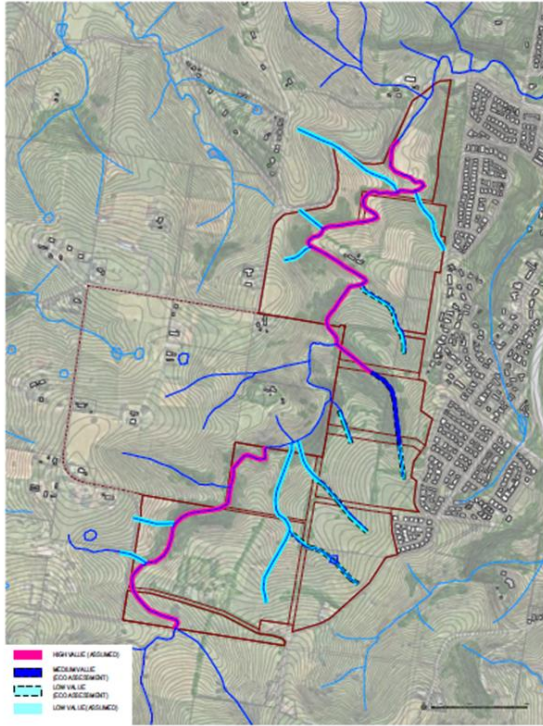
Spring Creek is a category 2 watercourse and several of the feeder streams are identified as category 3 watercourses. These watercourses have been considered in the master planning of the Site. Open space has been co-located with watercourses to prioritise the retention of their natural function and adjoining native vegetation. Lower order creeks may include some formalised drainage infrastructure in key locations to ensure the safety and functionality of the street network.

One of the key intended outcomes of the proposal is the protection and enhancement of the Spring Creek corridor, including opening this natural asset for public access and enjoyment. It is proposed that a shared pedestrian and cycle pathway will be provided along the creek corridor. This will be a key piece of public recreation infrastructure which will service both residents and visitors. In addition, opportunities exist for cultural walks along Spring Creek whereby the indigenous heritage values and history can be integrated into the design, planning and construction of the creek corridor.

Flood mapping shows that flows are contained wholly within the defined watercourses and their associated riparian zones and do not impact the land proposed for development. There is no evacuation need/risk for the development, nor will the development impact upon the ability for adjoining lands to evacuate in the event of a flood.

Preliminary site grading of the main collector roads and the bushland perimeter roads demonstrate that the Site can be developed without requiring any filling of the waterways. The waterway crossings associated with the development proposal can be configured to avoid impacts upon the proposed new allotments and minimise flood impacts on adjoining land(s) to acceptable levels.





Hydrology

- Quality of Spring Creek
- Hierarchy of water courses
- Relationship with remnant Dry Rain Forest vegetation

FIGURE 10 – HYDROLOGY ANALYSIS

Source: Sprout Studio

EUROPEAN HERITAGE

The Site is not identified in the Kiama LEP 2011 Heritage Mapping. However, the Site contains several dry-stone walls, identified as item heritage 64 within Kiama LEP Schedule 5. The Site is also nearby other local heritage items, being the Pines Homestead (item I13) and Silver Hill (item 180).

The dry-stone walls identified within the Site are the only heritage items which have the potential to be impacted by future works. According to Kiama Council, the dry-stone walls were constructed during the late 19th and early 20th century and are in varying conditions. The masterplan layout has been designed to generally avoid and minimise impacts to the dry stone walls. Some works may be required in the vicinity of stone walls to enable key infrastructure provision (such as roads and fire track access) and as part of an overall strategy to reduce excessive cut and fill across the Site. In areas where dry stone walls may be impacted, the proposal is to interpret and if possible, re-instate in new suitable locations within the public domain.



ABORIGINAL HERITAGE

The Aboriginal Due Diligence Assessment report identified 11 potential archaeological deposits within the Site. These areas were identified by landform, including elements such as proximity to water, elevation and flat areas. The remainder of the Site was identified as having low potential due to shallow soils, distance from water, prior disturbances from agricultural and residential land use, and unfavourable landforms. The report found one major Aboriginal cultural heritage constraint but proposed a range of strategies that would reduce the impacts and enhance the heritage elements as part of the masterplan. Further consultation will take place with the traditional owners of the land.

CONTAMINATION

The Stage 1 Preliminary Site Investigation report identified seven areas of environmental concern with low potential for contamination. Notwithstanding, the report found that the Site is considered to be suitable (from a land contamination perspective) for the proposed future land use subject to a targeted Stage 2 detailed site investigation within the identified areas of environmental concern as part of future development on the Site. The report concluded that any contamination within the targeted detailed site investigation is likely to be localised and will not preclude any redevelopment of the Site following remediation (if/where warranted).

TRAFFIC AND TRANSPORT

The Site is bound by several local streets which could potentially facilitate future street access. These include:

- existing site entry driveway from Jamberoo Road to the north
- potential extension and upgrade of Bland Street
- potential extension and connection to Danube Street
- potential connection point at Old Saddleback Road and Long Brush Road, near Greyleigh House.

The Site is also located approximately 400 m west of the Princes Highway (at its closest point) which is a classified State Road. Jamberoo Road to the north is a regionally significant arterial road. Access to the Site will naturally rely on existing State and arterial roads.

The cumulative impacts on the road network have been considered as part of a Traffic Impact Assessment. The Traffic Impact Assessment found that the net increase in vehicular traffic associated with the proposal is estimated to be 783 and 860 vehicles per hour for AM and PM peaks based on the RMS Guide to Traffic Generating Developments (2013). It found that the network would operate at satisfactory levels in all modelled periods including a future year with development and does not require any upgrades given there is sufficient remaining capacity on the local road network.

Public transport

Kiama Railway Station is located approximately 1.6 km east of the Site. During the AM peak period, three trains (southbound) arrive at Kiama and six trains travel northbound from Kiama. A bus stop exists near the intersection of Jamberoo Road and Jerrara Road (at the northern end of the Site) with the provision of two services (Route 125) from 6.30 to 10.00 am. Route 125 is a local bus service that connects between Kiama and Jamberoo.

The concept masterplan has been developed to include provision for a future bus route along the main collector road, whereas the internal street network increases permeability and accessibility for active transport, encouraging green transport use for the Site. There is also opportunity to consult with transport service providers and/or community organisation to explore options for alternative transport services such as a community shuttle to Kiama Town Centre or on demand services.



Existing cycle facilities are available along Merrick Circuit, to the east of the Site, delivered as part of newly built subdivision. However, there are limited existing cycleways connecting the proposed development to Kiama Town Centre. Improvement to the pedestrian and cycle infrastructure is a key intended outcome of this proposal.

AGRICULTURAL ASSESSMENT AND LAND USE CONFLICT RISK ASSESSMENT

An Agricultural Assessment and Land Use Conflict Risk Assessment (LUCRA) has been prepared that considers:

- the agricultural productive value of the land, as well as anticipated impacts to agriculture as a result of the proposal
- any potential land use conflicts between proposed urban zones (i.e. residential, business) and adjoining rural zoned land.

The assessment identified that the Planning Proposal will result in removal of 2.2% of land that is used for agriculture in the Kiama LGA, representing \$578,554 per year, being 2.1% of the gross value of agriculture in the Kiama LGA. The current agricultural land uses surrounding the Site and in the broader locality will not change as a result of the Planning Proposal, and there will be no fragmentation or displacement of existing agricultural industries.

The assessment found that the proposal will not negatively impact any existing agricultural enterprise outside the Site. There will be negligible impact on local, regional and State agricultural services as the supply and viability of agricultural support services are driven by social and market trends far exceeding the scale of the minor reduction in agricultural land use and productivity as a result of the Planning Proposal.

In terms of agricultural resources, the assessment found that there will be no direct or indirect impacts to:

- soil resources
- agricultural capability
- surface or groundwater resources
- agricultural infrastructure such as the road network that connects agricultural industries.

Other potential impacts on agriculture such as pest species, biosecurity, air quality and dust, traffic, noise and vibration and cumulative impacts were considered, and the impacts identified as negligible.

The LUCRA outlined potential risks that may arise from developing the Site. However, these can be managed through the development phase and as part of any ongoing management plans.



7.3.3 Q10. Has the planning proposal adequately addressed any social and economic effects?

Outlined below are the social and economic effects of the Planning Proposal.

SOCIAL

A Social and Community Infrastructure Needs Assessment has been prepared to determine the demand on social and community infrastructure as a result of the projected yield of approximately 1,100 dwellings and population of 3,300 people. The report found that the Kiama LGA is currently well served by social and community infrastructure and services, locally and regionally. The proposal, through the addition of 3,300 people, would add to the demand for these existing services, including community and cultural facilities, and active and passive open space.

Notwithstanding, there are opportunities to provide a range of local open space, community facilities, shops and health services on the Site to support both the existing and the incoming population. The additional population is not significant enough to reach a threshold to require the construction of additional community and cultural facilities and is instead likely to support continued patronage of existing facilities, particularly those identified within the catchment of the Site. The demand for additional open space will be absorbed by the existing active open space, however the provision of an additional 43 ha on the Site will supplement this and provide additional passive open space within walking distance of new residences.

Additionally, future development will be required to pay contributions to Kiama Council for community and social infrastructure outlined in the existing Section 7.12 Contributions Plans.

A review of the Kiama social profile has identified that, as the population of Kiama LGA and SA2 is projected to age over the next 20 years, demand for social and community infrastructure and services is likely to disproportionately be aligned towards those which cater towards the needs of older community members, particularly those aged 75+.

A review of the socio-demographic profile highlights that the current population of Kiama LGA has relatively low levels of deprivation and unmet need, particularly in comparison to the wider Illawarra-Shoalhaven region. Additionally, the review of the existing housing profile highlights that the existing housing stock is predominantly large, detached homes with multiple spare bedrooms. Additional housing diversity will be provided through this proposal, with over 60% of the proposed new dwellings being low-rise medium density housing designed to suit smaller households. This can provide suitable smaller housing options for aging residents, as well as affordable housing options for younger households.

The opportunity to deliver social and affordable housing through this proposal may help ameliorate housing stress, through the provision of social housing dwellings, affordable rental housing, shared equity scheme housing for key workers, and housing reserved for first home buyers.

The proposal will provide a range of opportunities for the delivery of social and affordable housing. It is anticipated this will be a mix of the following:

- 5% social housing dwellings to be delivered to NSW Land and Housing Corporation at not cost
- 5% delivered as affordable rental housing, to be managed by a community housing provider in perpetuity at no cost
- 5% delivered as part of a share equity scheme (key workers)
- 5% reserved for first home buyers
- 5% reserved for locals identified in postcodes 2533 and 2534.



The proponent has partnered with Housing Trust, a Wollongong based Community Housing Provider (CHP). Housing Trust will manage the social housing on behalf of NSW Land and Housing Corporation, and manage, and potentially own, the affordable housing component. Housing Trust acknowledge that the proposal will help address the significant need for more market and social and affordable housing in Kiama. Kiama Council does not have an affordable housing policy or plan.

The proponent has a strong track record of delivering social and affordable housing in partnership with NSW Land and Housing Corporation and Community Housing Providers. Currently in NSW, the proponent has five projects with NSW Land and Housing Corporation, one of which was completed in 2021, one currently under construction and three in the planning stage. NSW Land and Housing Corporation has indicated its support for the proposal.

ECONOMIC

The project will improve the local economy and provide employment opportunities during the development and construction phase, as well as ongoing operations. This includes:

- a local centre for retail and business opportunities
- identification of land for a potential educational establishment
- tourism associated with Greyleigh House, nature walks, cycling tracks and environmental education.

A Preliminary Economic Impact Assessment has been prepared to profile the estimated economic benefits that can potentially be generated by the development, including the direct and indirect benefits of both construction and ongoing impacts. These include:

Construction

The report found that the development has the potential to generate significant economic impacts within the Kiama LGA, including \$108.4 million in Gross Regional Product (GRP) directly from construction activity and \$74.9 million in flow on impacts. During construction, a total of 1,365 full time jobs (including direct and indirect) are anticipated to be created, many of which will be filled by locals.

Ongoing

Ongoing economic activity generated from operations of the educational establishment and retail precinct aspects of the development are estimated to include \$19.2 million in GRP, whilst also providing an estimated \$7.2 million in flow on impacts. Importantly the development is anticipated to deliver a total of 274 full time jobs (including direct and indirect), many of which may be filled by locals.



7.4 Section D – Infrastructure (Local, State and Commonwealth)

7.4.1 Q11. Is there adequate public infrastructure for the Planning Proposal?

UTILITY INFRASTRUCTURE

The Utility and Infrastructure Servicing Report identified that lead-in potable water, wastewater, electrical and communications services are required to service the Site. Servicing due diligence has been undertaken that has identified solutions for the provision of essential services to the Site.

In addition to the enquiries and feedback received from Sydney Water, and investigations undertaken by the civil engineer, opportunities exist to design and construct an off grid solution for wastewater and recycled water through AltogetherGroup.

The Utility and Infrastructure Servicing Report concludes that:

- potable water services can be made available to the Site by the provision of a 645m DN200 lead-in from Reservoir 0231 to service land below RL 82, and a 1.14km DN200 lead-in from Reservoir 0423 to service land above RL 82
- wastewater services can be made available to the Site by the provision of a 1.22km DN225 lead in to the north of the Site
- electrical services with sufficient capacity can be made available to the Site via a 2.2km 11kV lead-in from the Kiama Zone Substation
- telecommunications supply is available through the NBN Co. This connection can be upgraded where needed to suit servicing demands
- connection of reticulated gas to the Site is not available, however, gas is not considered to be an essential service.

The outcome of this assessment confirms that the Site can be adequately serviced with all essential utility infrastructure and that the provision of services is not an impediment to future development.

PUBLIC INFRASTRUCTURE

The development of the Site will result in the following public infrastructure being delivered:

- approximately 43 ha of open space, provided as a combination of formal public open space, riparian lands and conservation areas. This land is intended to be restored and enhanced as part of the development process.
- a variety of new green open spaces with varied programming and activation opportunities including:
 - playgrounds
 - picnic facilities
 - natural and built shade
 - designated space for market stalls
 - community meeting places
 - opportunity for public art
- a new natural amphitheatre and outdoor performance space
- restoration and embellishment work along the Spring Creek Corridor, and opening of the creek corridor for public access as a new 2 km walking/cycling route that will connect existing walking/cycling links



- delivery of new local roads, including associated drainage, pedestrian infrastructure and street tree planting in the public domain to achieve a minimum 40% canopy cover. The roads will be designed to accommodate a public transport bus service for local residents.

7.5 Section E – State and Commonwealth Interests

7.5.1 Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Preliminary consultation has occurred with Kiama Council and the Department of Planning and Environment as outlined below. The views of all relevant State and Commonwealth authorities will be obtained following issue of a Gateway determination.

January 2022

On 24 January 2022 preliminary engagement was undertaken with Council regarding the potential opportunity for housing on the Site and the unique opportunities it presents in terms of strategic location and community benefits. At that time, the Kiama Local Housing Strategy was due to be reported to Council in March 2022 and exhibited in April 2022. Following the meeting with Council, a preliminary concept design was prepared to understand the development capacity of the land.

June and December 2022

In June 2022 and December 2022, a meeting was held with the NSW Department of Planning and Environment to provide a briefing on the strategic merits of the Site, increased dwelling demand in the LGA and the proposed concept masterplan. Guidance was sought on the proposed planning pathway and timing. The Department were generally receptive to the proposed concept design approach and acknowledged there is an increased demand for housing in the region. The Department advised that engagement should continue with Council regarding the proposed planning proposal and timing of the Local Housing Strategy.

August 2023

On 28 August 2023 a meeting was held with Council to provide an update on the proposal and to discuss the process for lodgement and consideration, and to understand the timing of the Local Housing Strategy. Council could not confirm a timeframe for when the draft Local Housing Strategy would be publicly available. It also advised that it may not have resourcing capacity to consider the proposal.

November 2023

On 30 November, the proposal was presented to the Kiama Council executive staff. Council were advised that the planning proposal request would be lodged before the end of 2024 and that the proponent is willing to work with Council throughout the assessment phase.



8 Part 4 – Mapping

The Planning Proposal involves the following map amendments to Kiama LEP 2011:

- Land Zoning Map – Sheet LZN_012
- Height of Buildings Map – Sheet HOB_012
- Lot Size Map – Sheet LSZ_01
- Urban Release Area Map – Sheet URA_012
- Land Reservation Acquisition Map – Sheet LRA_012
- Additional Permitted Uses Map – Sheet APU_012



LAND ZONING MAP

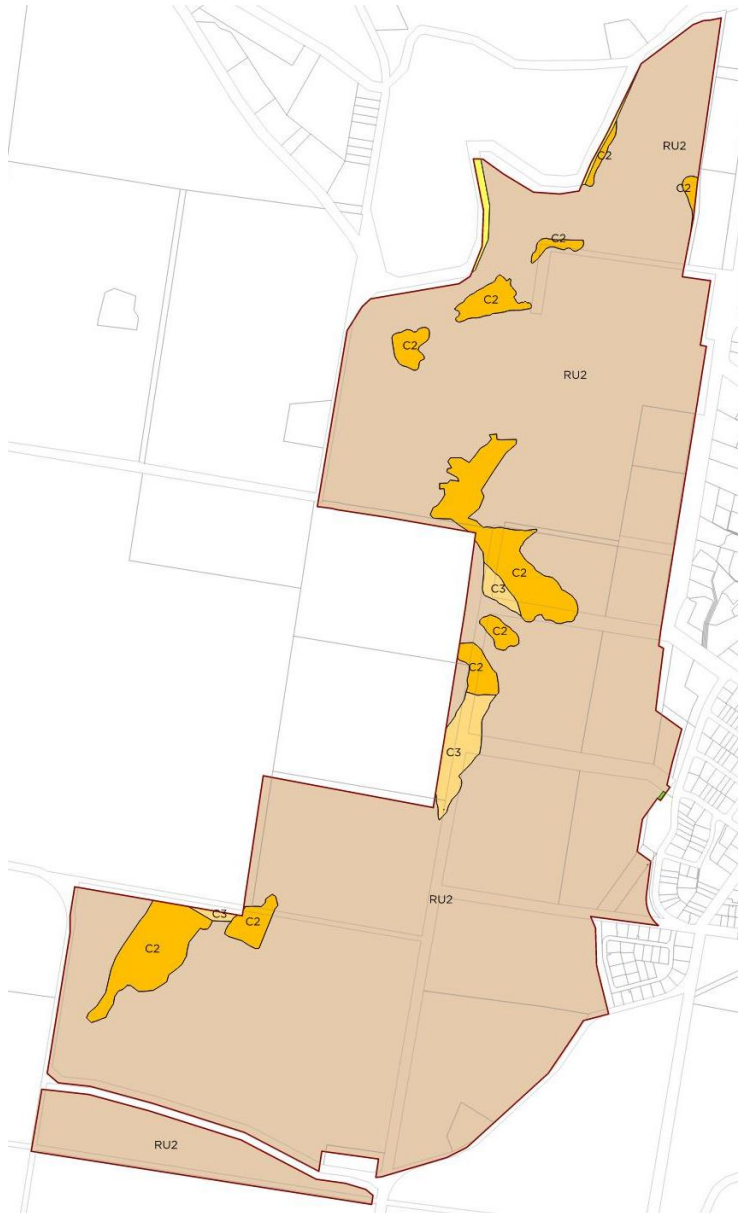


FIGURE 11 – EXISTING LAND ZONING MAP

Source: E8 Urban



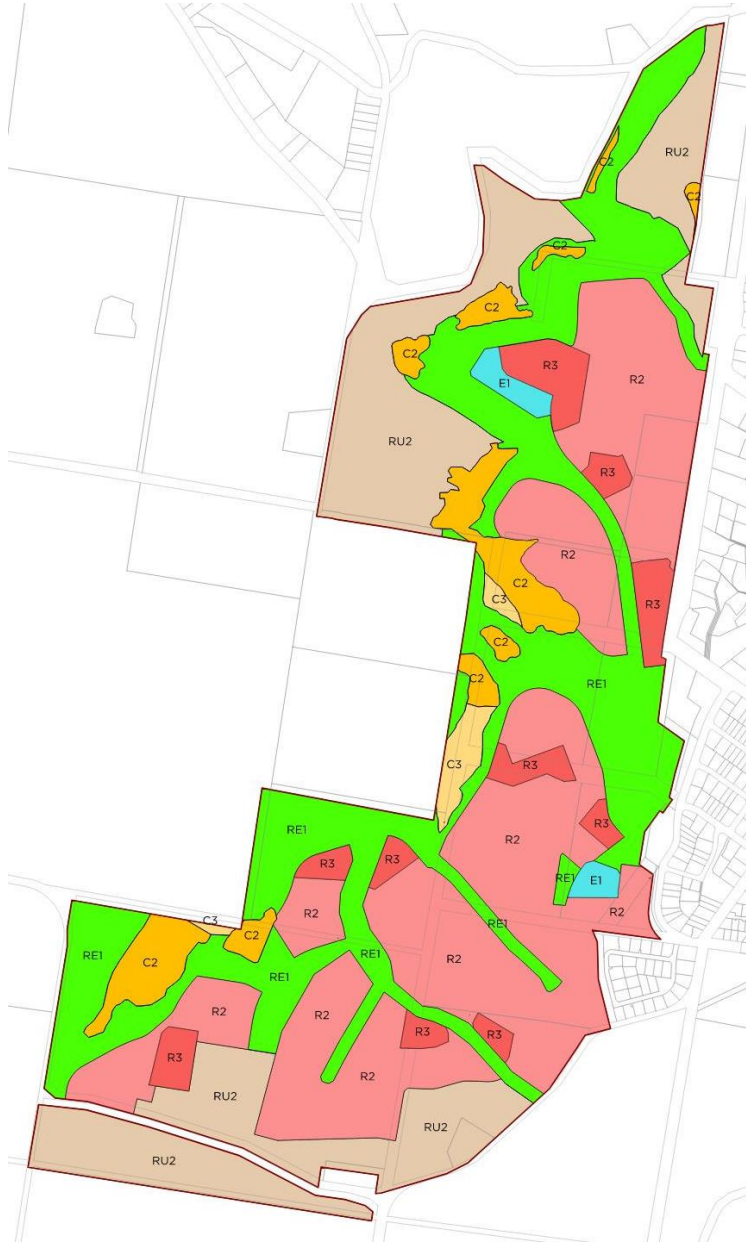


FIGURE 12 – PROPOSED LAND ZONING MAP

Source: E8 Urban



HEIGHT OF BUILDINGS MAP

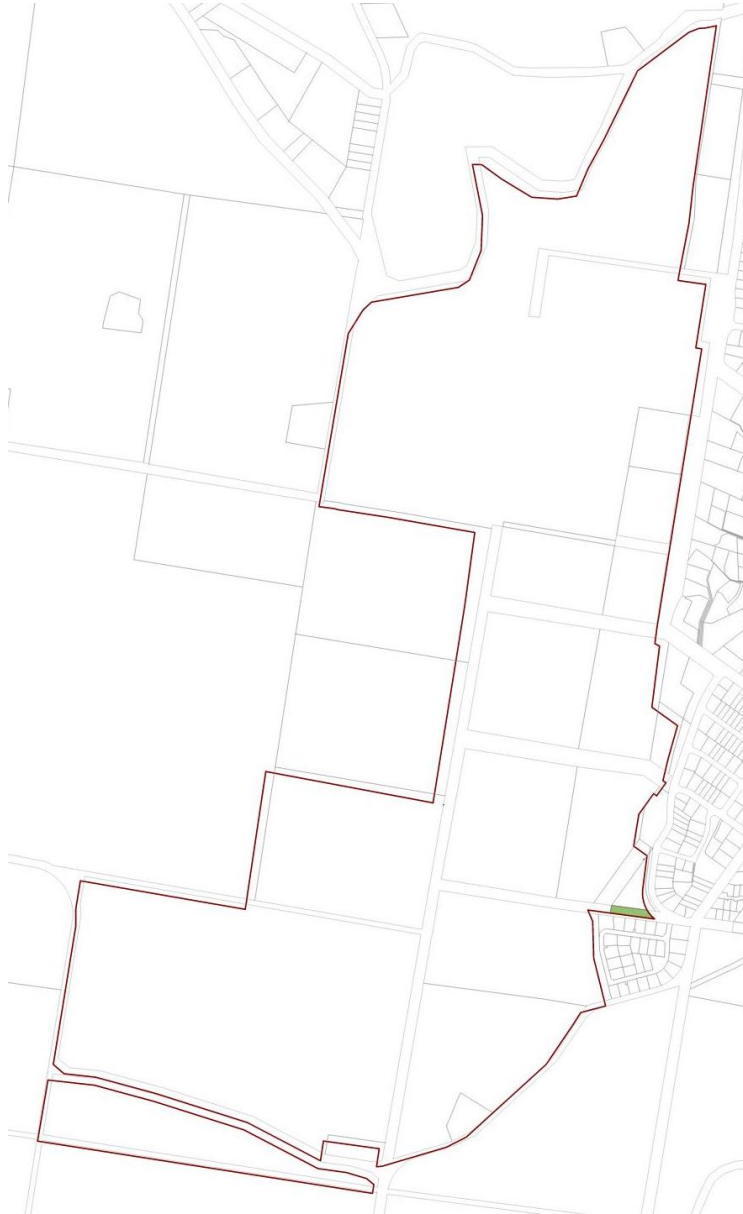


FIGURE 13 – PROPOSED MAXIMUM HEIGHT OF BUILDINGS MAP

Source: E8 Urban





FIGURE 14 – PROPOSED MAXIMUM HEIGHT OF BUILDINGS MAP

Source: E8 Urban



LOT SIZE MAP

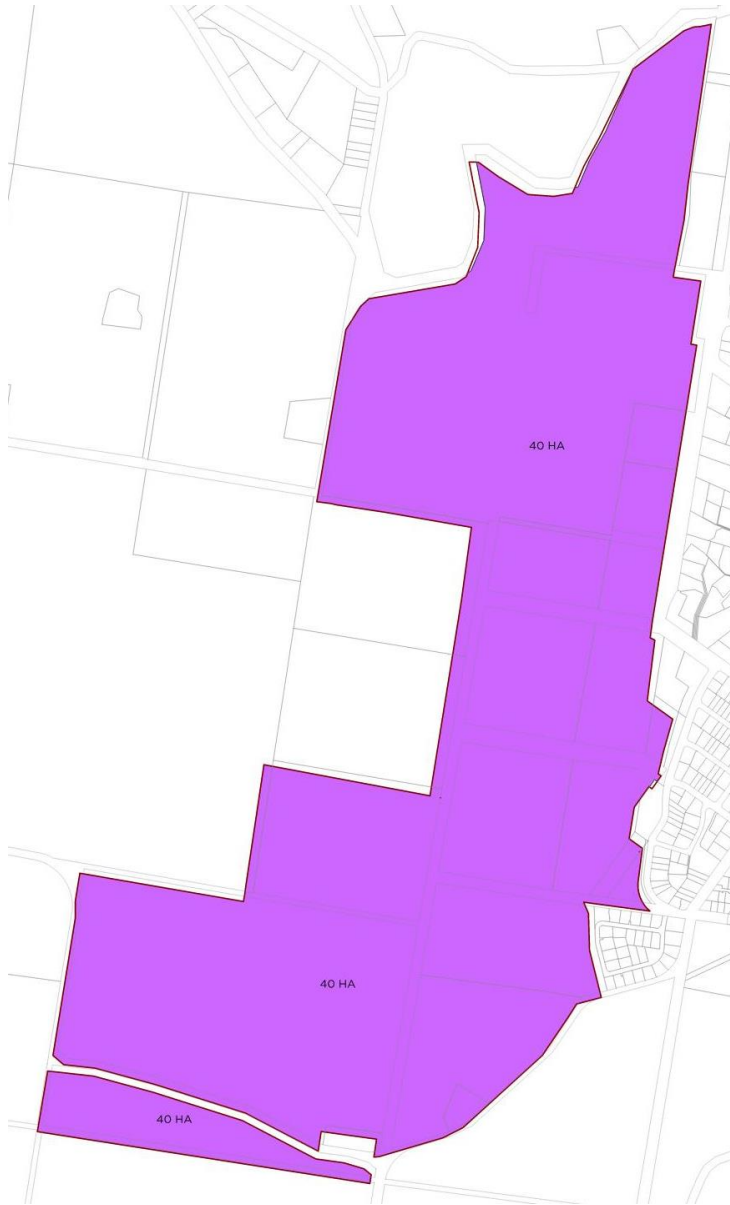


FIGURE 15 – EXISTING MINIMUM LOT SIZE MAP

Source: E8 Urban



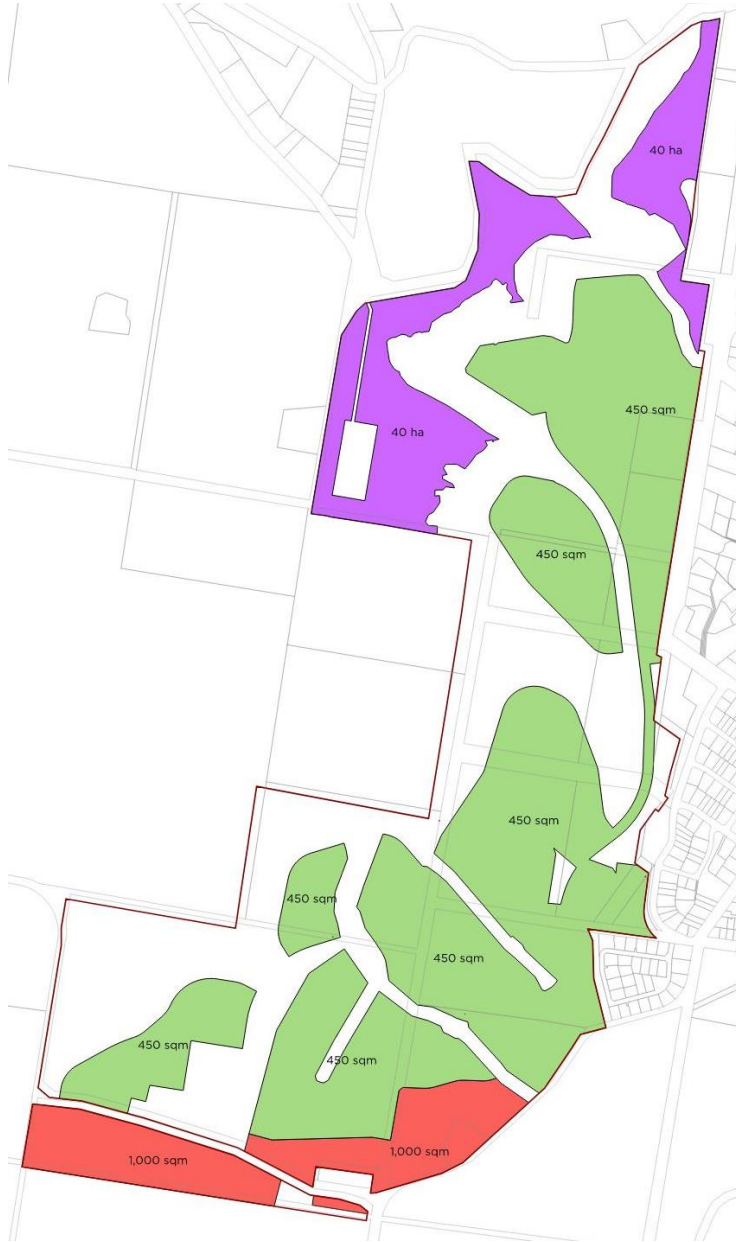


FIGURE 16 – PROPOSED MINIMUM LOT SIZE MAP

Source: E8 Urban



URBAN RELEASE AREA MAP

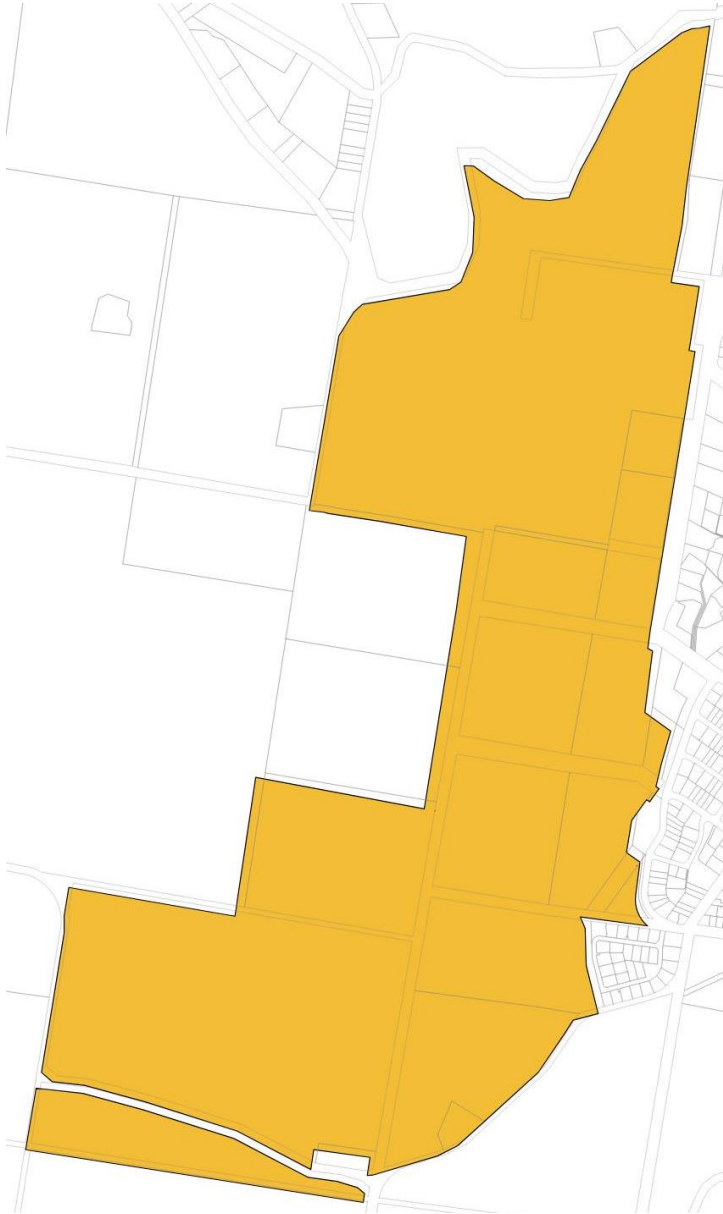


FIGURE 17 – PROPOSED URBAN RELEASE AREA MAP

Source: E8 Urban



LAND RESERVATION ACQUISITION MAP

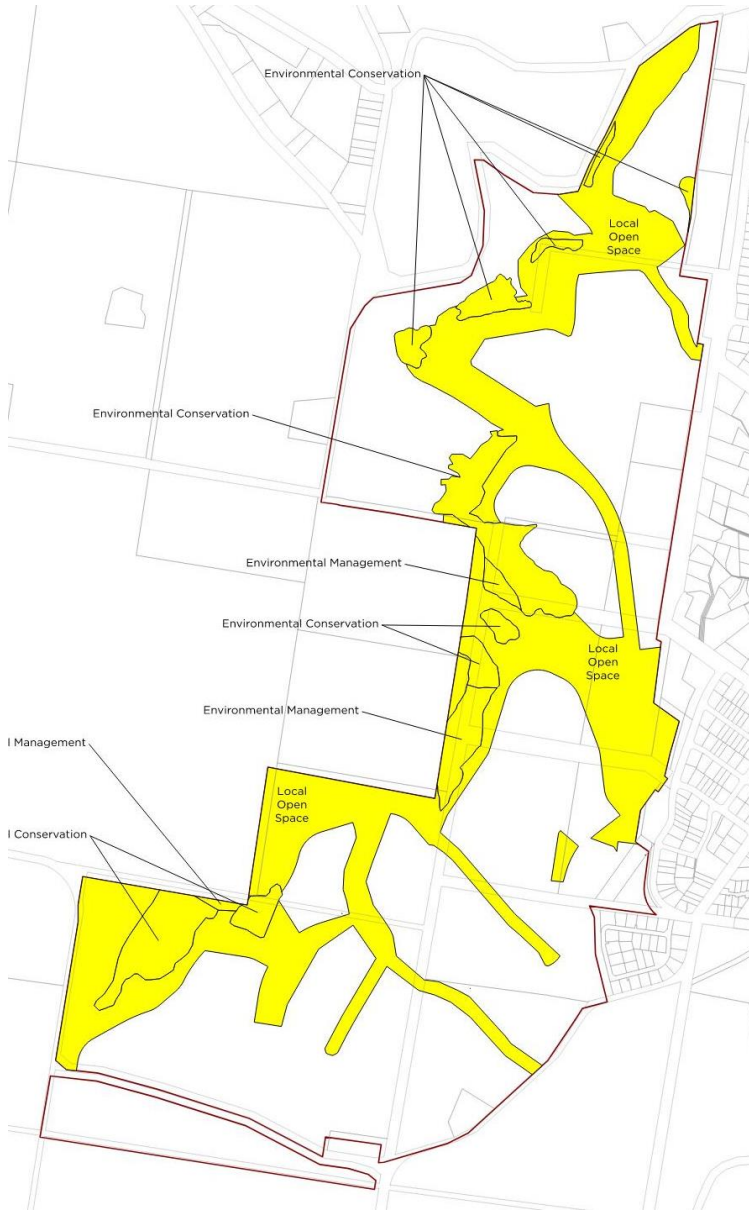


FIGURE 18 – PROPOSED LAND RESERVATION ACQUISITION MAP

Source: E8 Urban



ADDITIONAL PERMITTED USE MAP

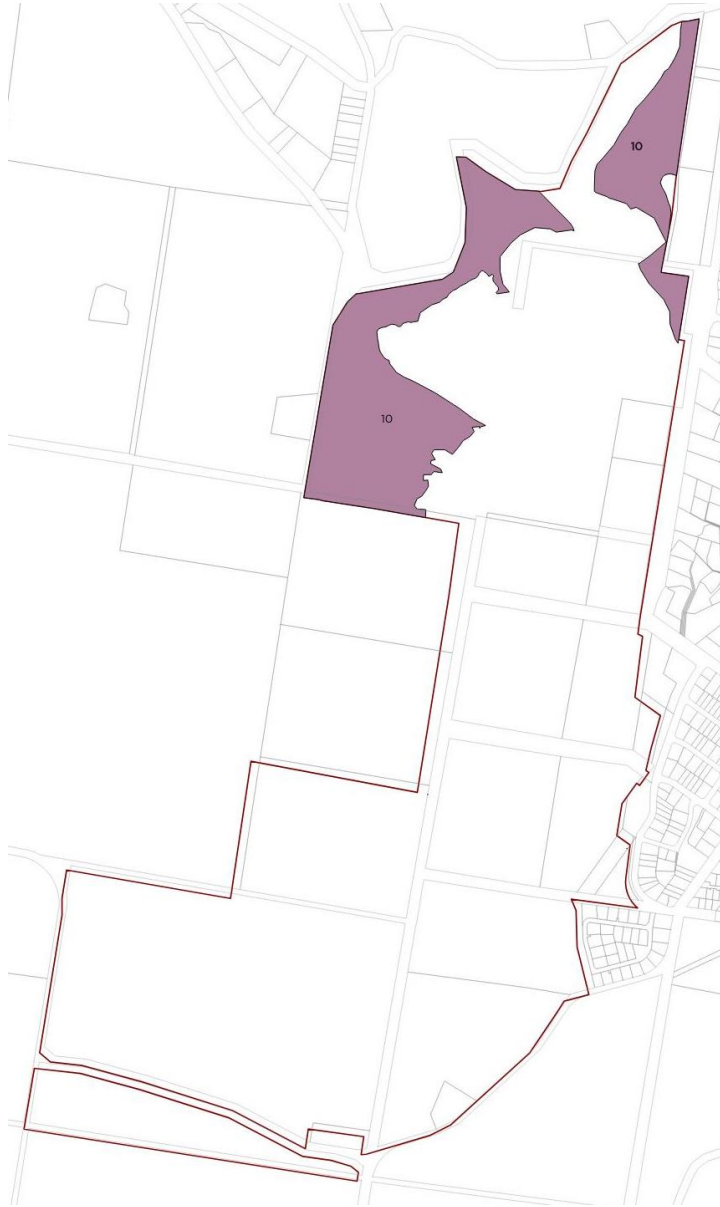


FIGURE 19 – PROPOSED ADDITIONAL PERMITTED USE MAP

Source: E8 Urban



9 Part 5 – Community consultation

Quantitative and qualitative research has been undertaken with the community, commencing in September 2022. This consultation identified particularly desires of the community and were a direct input into the Site masterplan. Further community consultation will occur in line with the Council's Community Participation Plan, with the Planning Proposal to undergo public notification following receipt of a Gateway determination.

10 Part 6 – Project timeline

The anticipated timeframe for completion of the Planning Proposal is as follows:

TABLE 12 – PROJECT TIMELINE

Milestone	Date
Submission of updated Planning Proposal	December 2023
Planning Proposal reported to Local Planning Panel	April 2024
Planning Proposal reported to Council	May 2024
Request for Gateway determination	May 2024
Issue of Gateway determination	June 2024
Commencement and completion dates for public exhibition	July - August 2024
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	June - August 2024
Timeframe for consideration of submissions and proposal post-exhibition	September 2024
Consideration of planning proposal by Council	October 2024
Date of submission to the Department of Planning and Environment to finalise the LEP	November 2024
Anticipated date relevant planning authority will make the plan (if delegated) or anticipated date relevant planning authority will forward to the department for notification	January 2024
Anticipated date for publishing of the plan	February 2024



11 Conclusion

The Planning Proposal has been prepared in support of a request to Kiama Council to amend the Kiama LEP 2011 to enable residential, employment, conservation and open space land use outcomes on the Site.

The Planning Proposal has been prepared in accordance with:

- Section 3.33 of the *Environmental Planning and Assessment Act 1979*
- the NSW Department of Planning and Environment's Local Environmental Plan Making Guidelines
- relevant Section 9.1 Ministerial Directions.

The Planning Proposal demonstrates that it has site-specific and strategic merit to enable an amendment to Kiama LEP 2011. Specifically, the Planning Proposal demonstrates that:

- it is consistent with the Central Coast Regional Plan 2041
- it responds to a change in circumstances in Kiama due to population demographic changes that have resulted in an undersupply in housing that has not been considered in strategic planning documents, which is consistent the *Local Environmental Plan Making Guideline*
- it is consistent with relevant Local Minister Directions and state environmental planning policies
- there are no constraints on the Site that can't be managed that would prevent future development under the proposed land use zones.

The Planning Proposal seeks to implement the place-based masterplan for the Site to enable an urban residential community to be developed that incorporates a mix of residential densities, commercial uses, recreation and conservation outcomes that is designed to respect the visual, topographical and environmental characteristics of the Site.

The Planning Proposal will result in the following positive outcomes for the Kiama LGA:

- promotion of housing affordability and diversity through the introduction of a variety of dwellings, lot sizes and building heights
- retention of existing parts of the Site to preserve view lines to and from the west
- incorporation of a local centre to provide commercial and retail daily convenience needs of future and existing residents, and employment opportunities
- recreational opportunities for future and existing residents and visitors, including publicly accessible walking and cycling along the Spring Creek corridor
- retention of the conservation of areas of high biodiversity significance
- potential development of an educational establishment and place of public worship in the RU2 Rural Landscape zone.



Attachment 1

Item 15.1

Attachment 1

**Item 15.9 - Response to Cr Larkins Notice of Motion: Bombo
Quarry timeline**

**Attachments 1 - Department of
Planning and Environment | Deputy
Secretary of Planning and Land Use
Strategy, Tim Raimond - Bombo
Quarry response**

Department of Planning and Environment



Your ref: 22/70570-SC1423

Our ref: MDPE22/1700

Ms Jane Stroud
Chief Executive Officer
Kiama Municipal Council
PO Box 75
KIAMA NSW 2533

Via email: council@kiama.nsw.gov.au

1 September 2022

Subject: **Illawarra Shoalhaven Regional Plan – Bombo Quarry, Kiama**

Dear Ms Stroud

Thank you for your correspondence to the Hon. Anthony Roberts MP, Minister for Planning and Minister for Homes, regarding the Bombo Quarry site. The Minister asked me to respond on his behalf.

I acknowledge Kiama Municipal Council's (Council) desire for certainty as to the timeframe for ending quarrying at Bombo Quarry. I also appreciate greater certainty will enable Council to plan more effectively for future growth in the Kiama local government area.

The Department of Planning and Environment (Department) understands the owners of Bombo Quarry are not able to provide a timeline for ending quarrying operations at this stage. However, the Department will continue to liaise with both the quarry owners and Council regarding plans for the site.

As you may be aware, the Department met with Council representatives on 19 August 2022. It was agreed that the Department will, in consultation with Council, prepare a roadmap to achieve a shared vision for the future of Bombo Quarry, as set out under Action 9 of the Illawarra Shoalhaven Regional Plan 2041.

Preparing a roadmap will help identify each step in the process, including likely timeframes, while acknowledging that the end date for quarrying operations is uncertain and potentially some years away. This work will also clarify that any future use of the site for housing or employment is unlikely to occur in the short to medium term. As such, the roadmap will provide a high-level vision to help manage stakeholder expectations for the site.

Should you have any questions, you are welcome to contact [REDACTED]

Yours sincerely

Tim Raimond
Deputy Secretary
Planning and Land Use Strategy

4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150
Locked Bag 5022, Parramatta NSW 2124

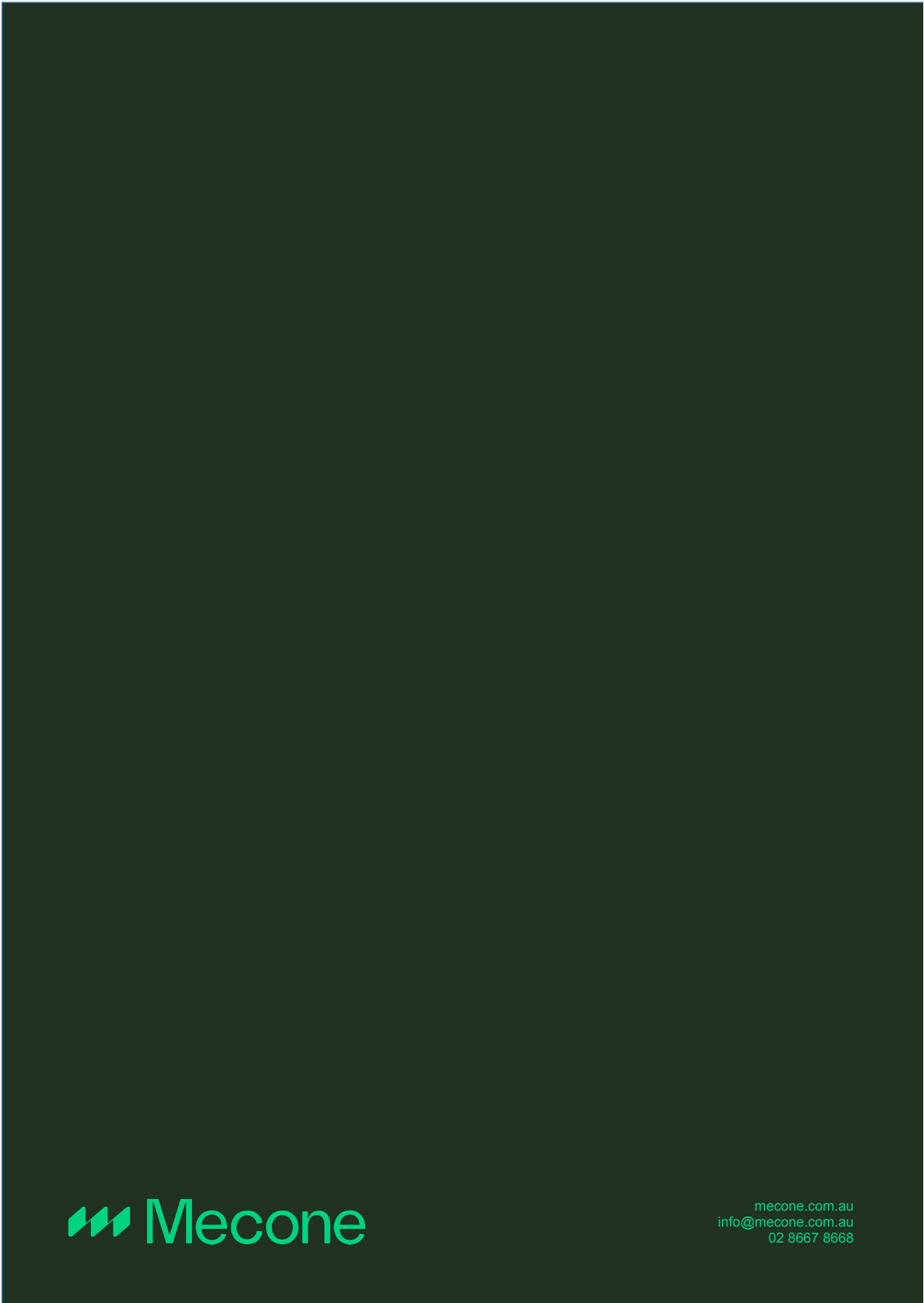
www.dpie.nsw.gov.au 1

Item 15.9

Attachment 1

Item 15.1

Attachment 1

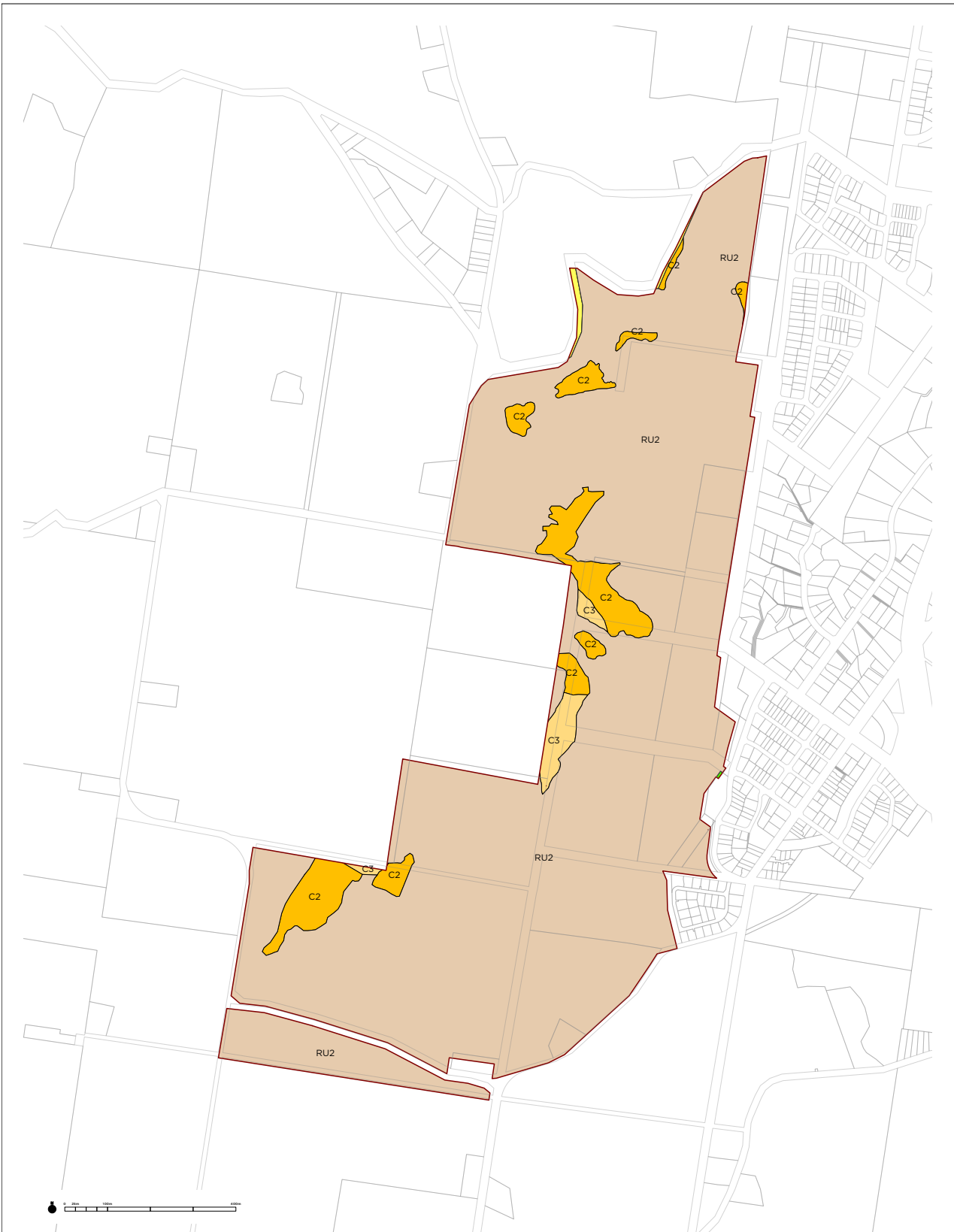


Item 15.1

Attachment 1



mecone.com.au
info@mecone.com.au
02 8667 8668



Traders In Purple

PROJECT:
Kiama Longbrush Road

CLIENT:
Traders in Purple

DRAWING:
EXISTING LNZ

DATE:
30/10/2023

SKETCH NO:
SK-0022

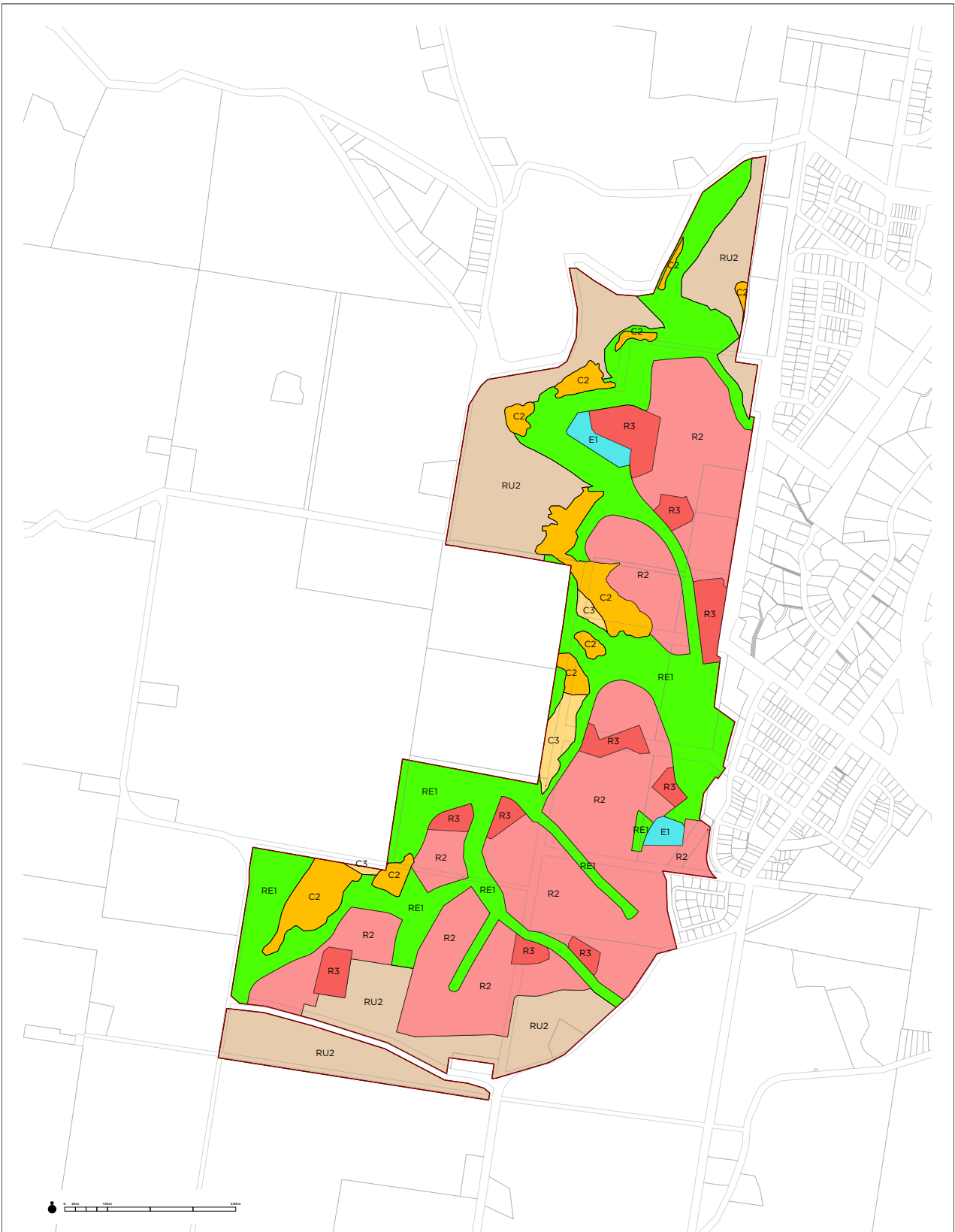
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SCALE:
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PURPOSE:
FOR INFORMATION

eUrban

DIRECTOR:
Joe Rowling
eUrban Pty. Ltd.
ABN: 68605717351



Traders In Purple

PROJECT:
Kiama Longbrush Road

CLIENT:
Traders in Purple

DRAWING:
OPTION J_PROPOSED LNZ

DATE:
30/10/2023

SKETCH NO:
SK-0014

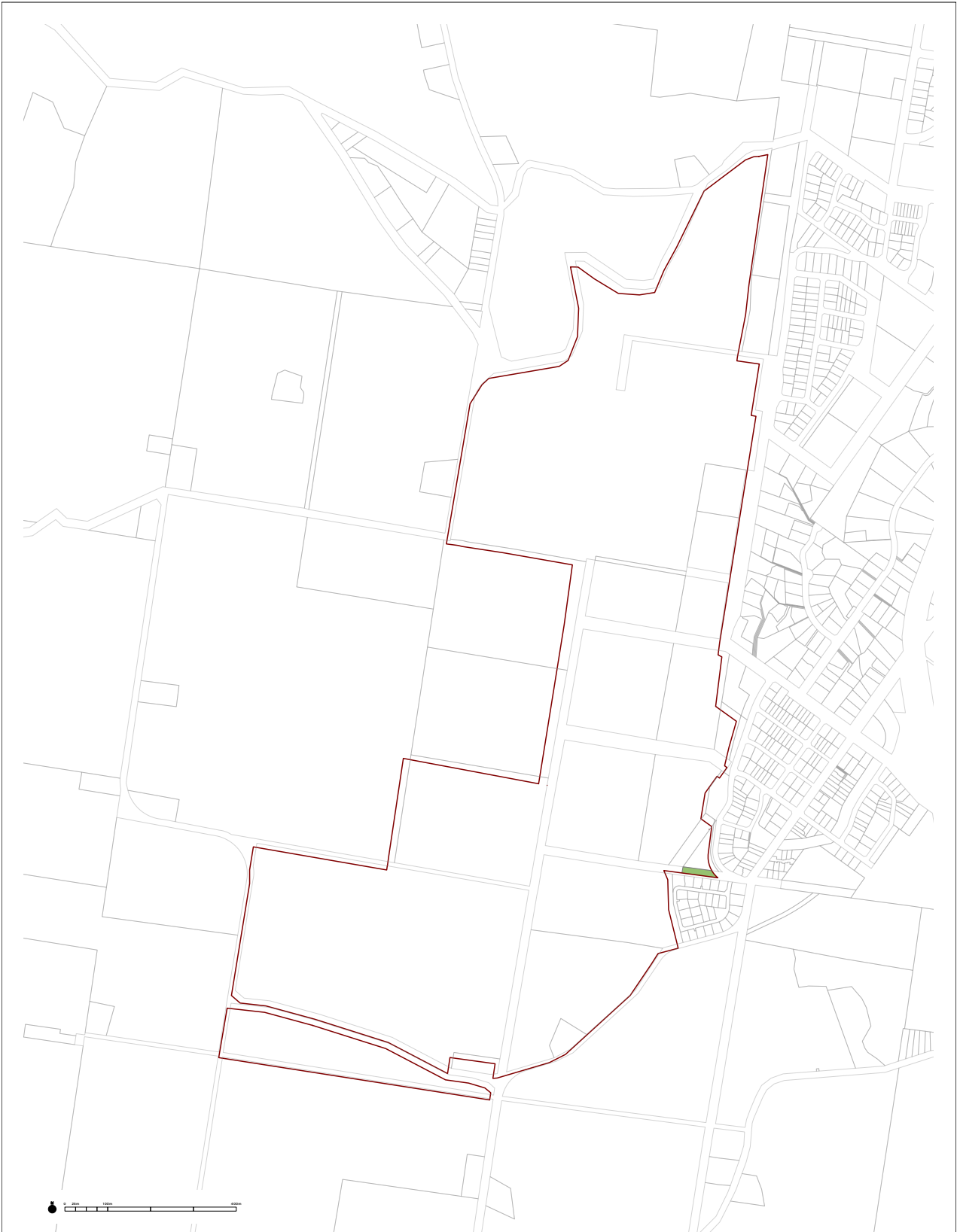
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SCALE:
1:7,500

PURPOSE:
FOR INFORMATION

eUrban

DIRECTOR:
Joe Rowling
eUrban Pty. Ltd.
ABN: 68605717351



Traders In Purple

PROJECT:
Kiama Longbrush Road

CLIENT:
Traders in Purple

DRAWING:
EXISTING HOB

DATE:
30/10/2023

SKETCH NO:
SK-0023

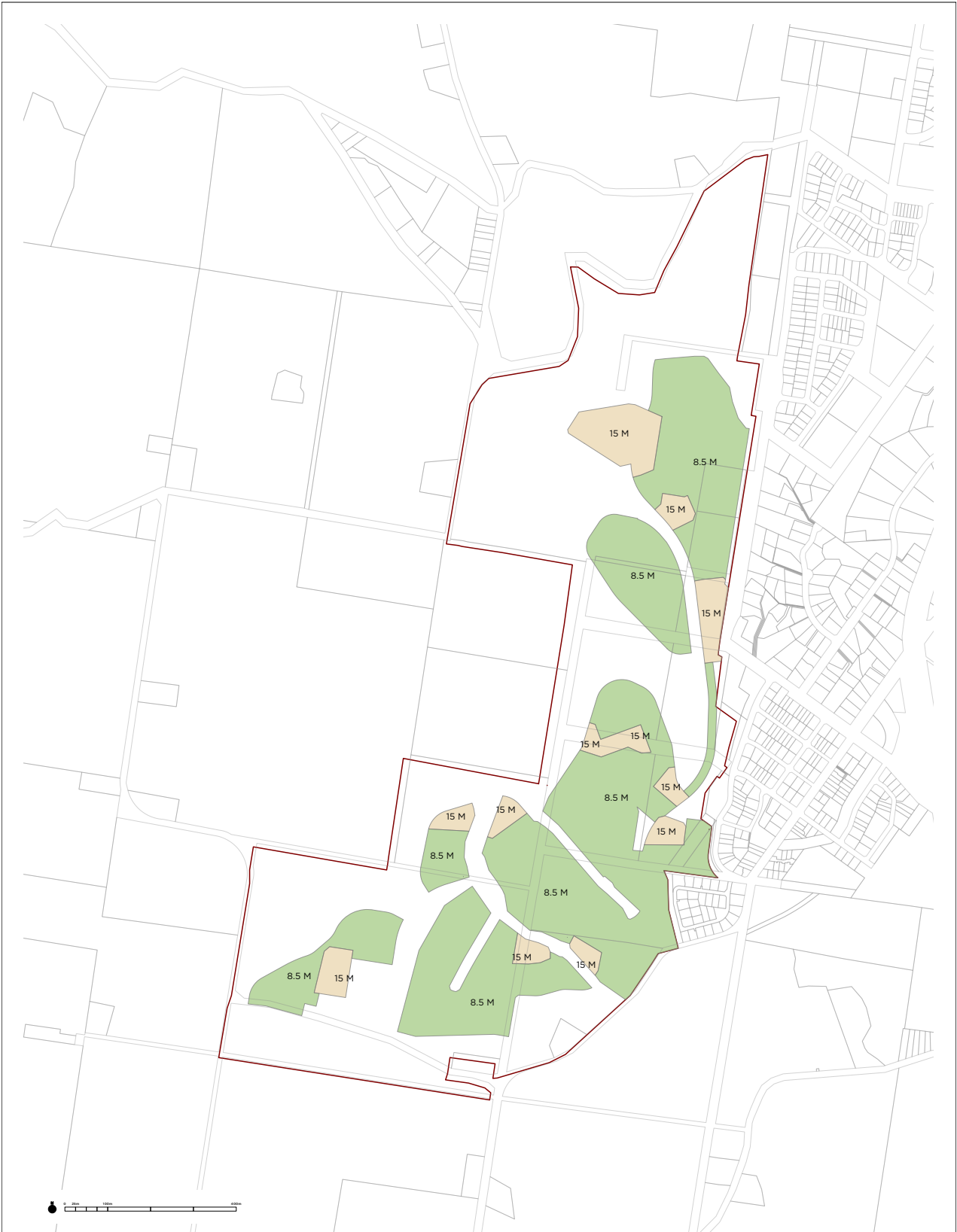
REVISION:

SCALE:
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PURPOSE:
FOR INFORMATION

eUrban

DIRECTOR:
Joe Rowling
eUrban Pty. Ltd.
ABN: 68605717351



Traders In Purple

PROJECT:
Kiama Longbrush Road

CLIENT:
Traders in Purple

DRAWING:
OPTION J_PROPOSED HOB

DATE:
30/10/2023

SKETCH NO:
SK-0016

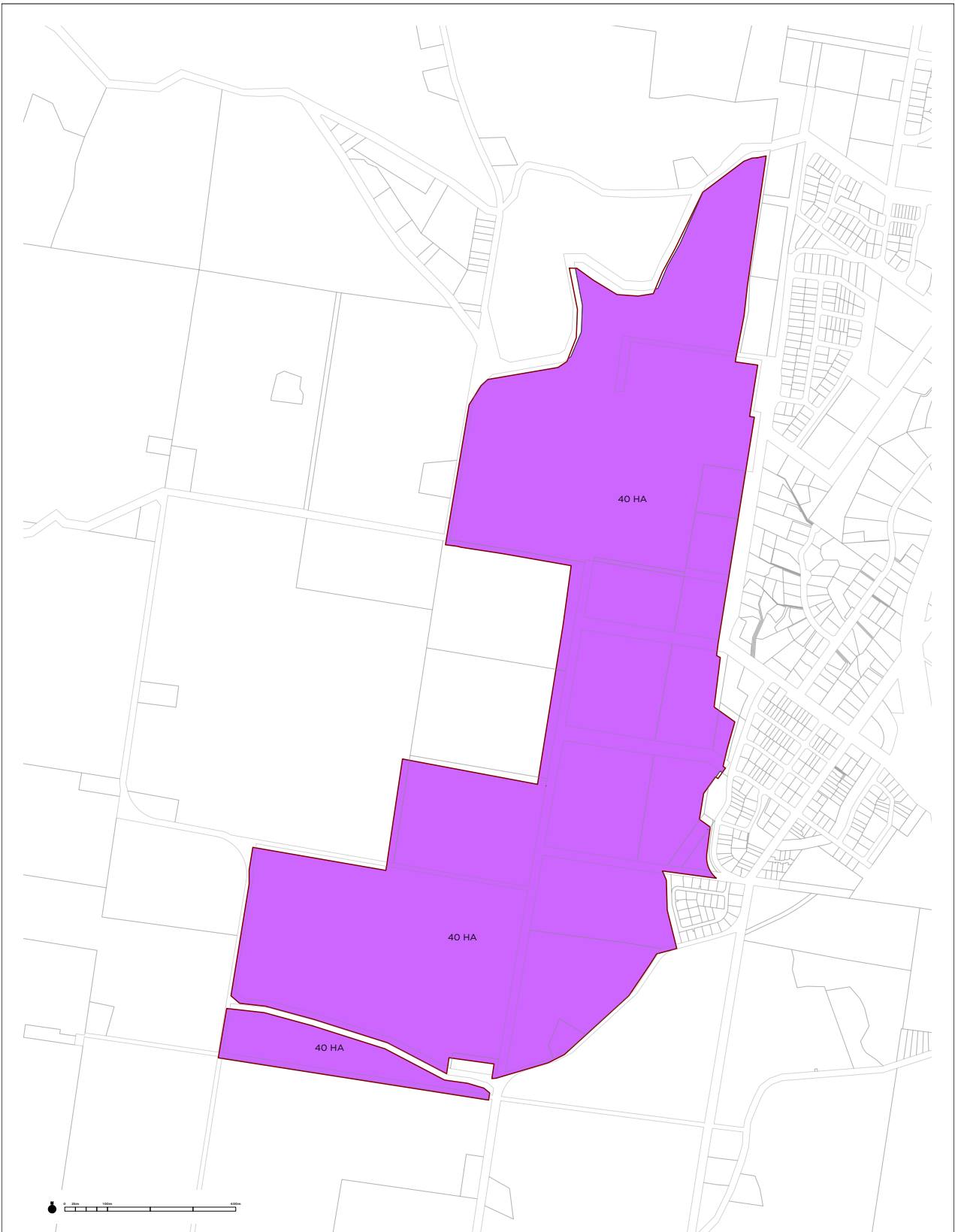
REVISION:

SCALE:
1:7,500

PURPOSE:
FOR INFORMATION

eUrban

DIRECTOR:
Joe Rowling
eUrban Pty. Ltd.
ABN: 68605717351



Traders In Purple

PROJECT:
Kiama Longbrush Road

CLIENT:
Traders in Purple

DRAWING:
EXISTING LOT SIZE

DATE:
30/10/2023

SKETCH NO:
SK-0024

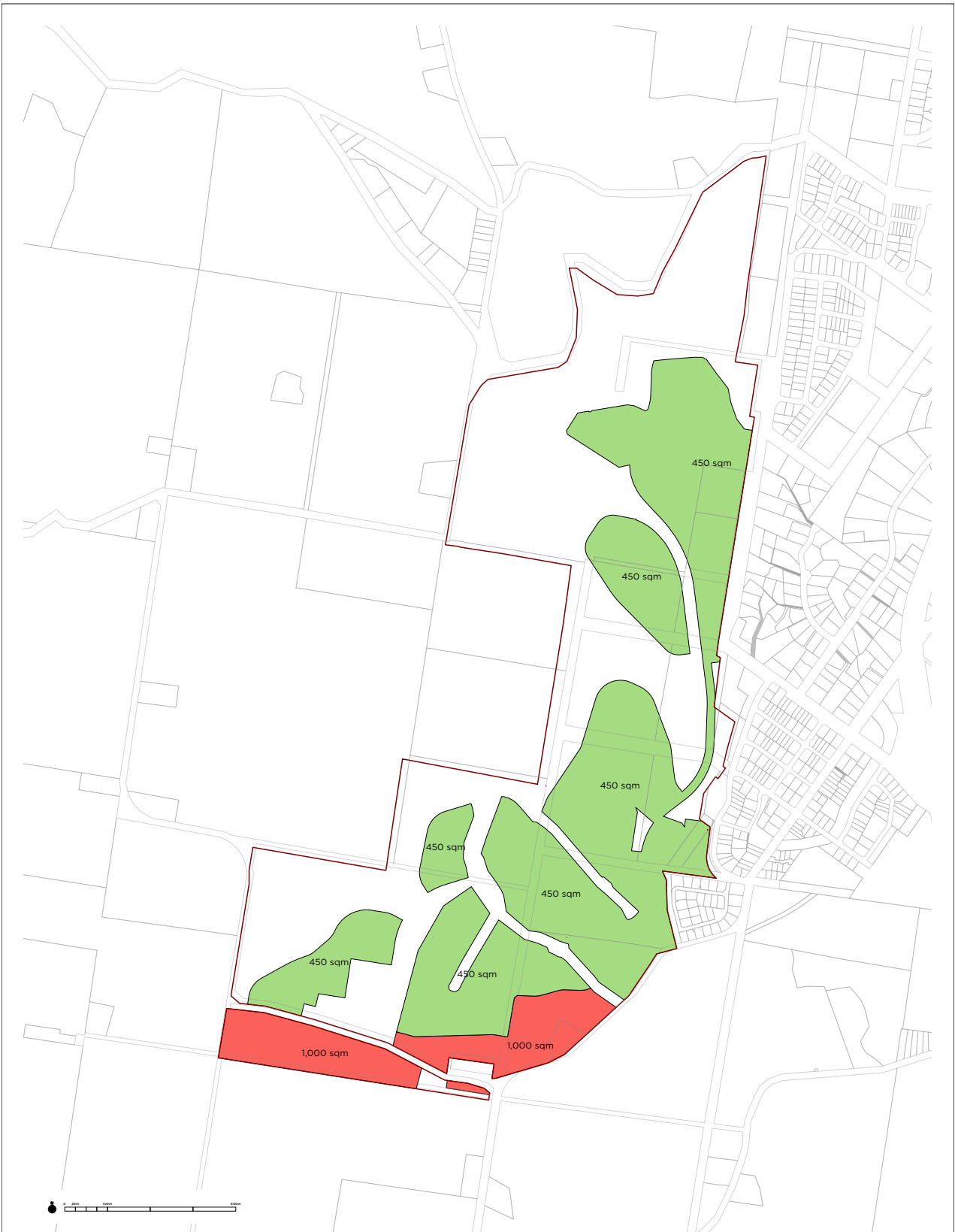
REVISION:

SCALE:
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PURPOSE:
FOR INFORMATION

eUrban

DIRECTOR:
Joe Rowling
eUrban Pty. Ltd.
ABN: 68605717351



Traders In Purple

PROJECT:
Kiama Longbrush Road

CLIENT:
Traders in Purple

DRAWING:
OPTION J_PROPOSED LOT SIZE

DATE:
30/10/2023

SKETCH NO:
SK-0017

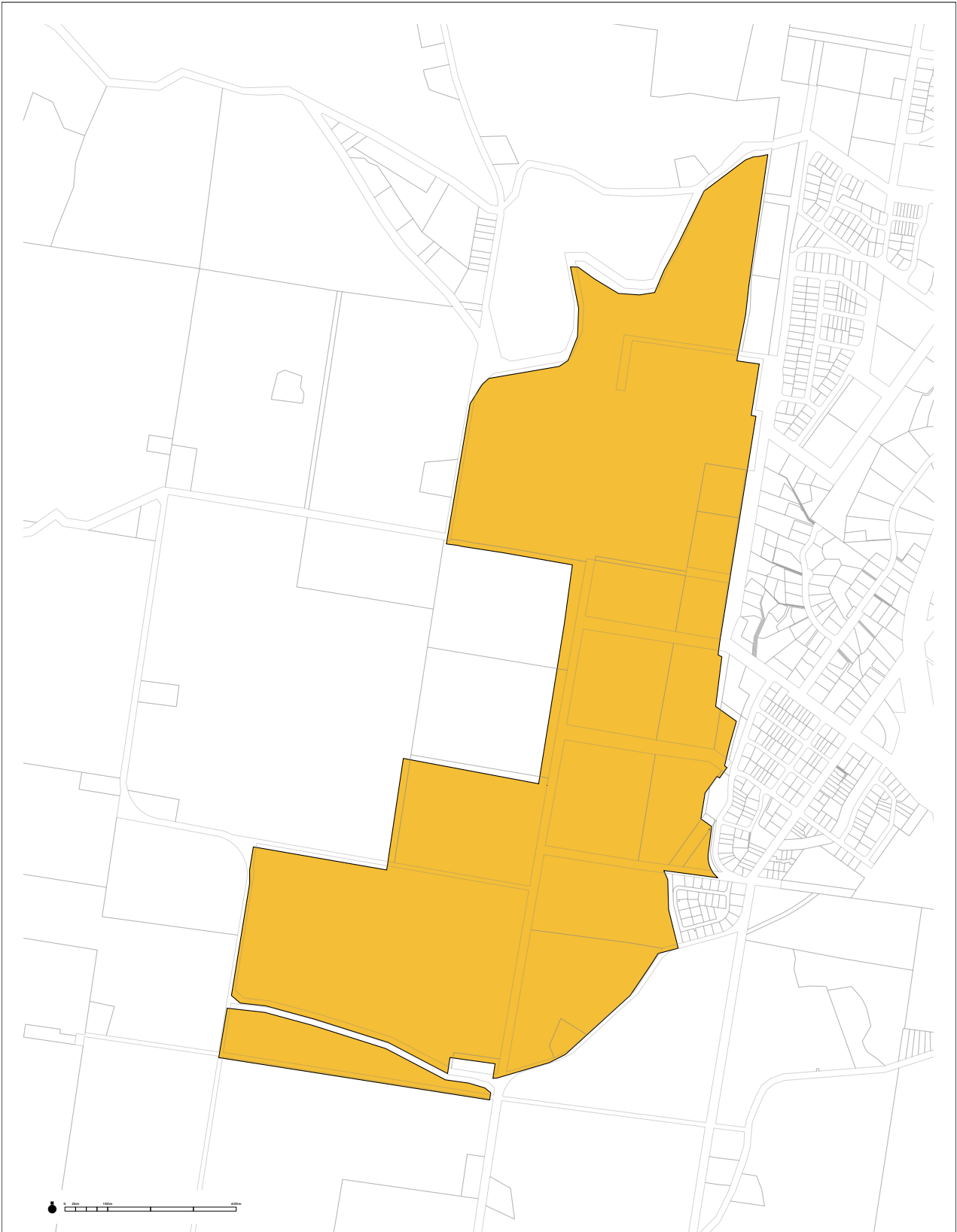
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SCALE:
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PURPOSE:
FOR INFORMATION

eUrban

DIRECTOR:
Joe Rowling
eUrban Pty. Ltd.
ABN: 68605717351



Traders In Purple

PROJECT:
Kiama Longbrush Road

CLIENT:
Traders in Purple

DRAWING:
OPTION J_PROPOSED URBAN RELEASE AREA

DATE:
13/12/2023

SKETCH NO:
2023/021

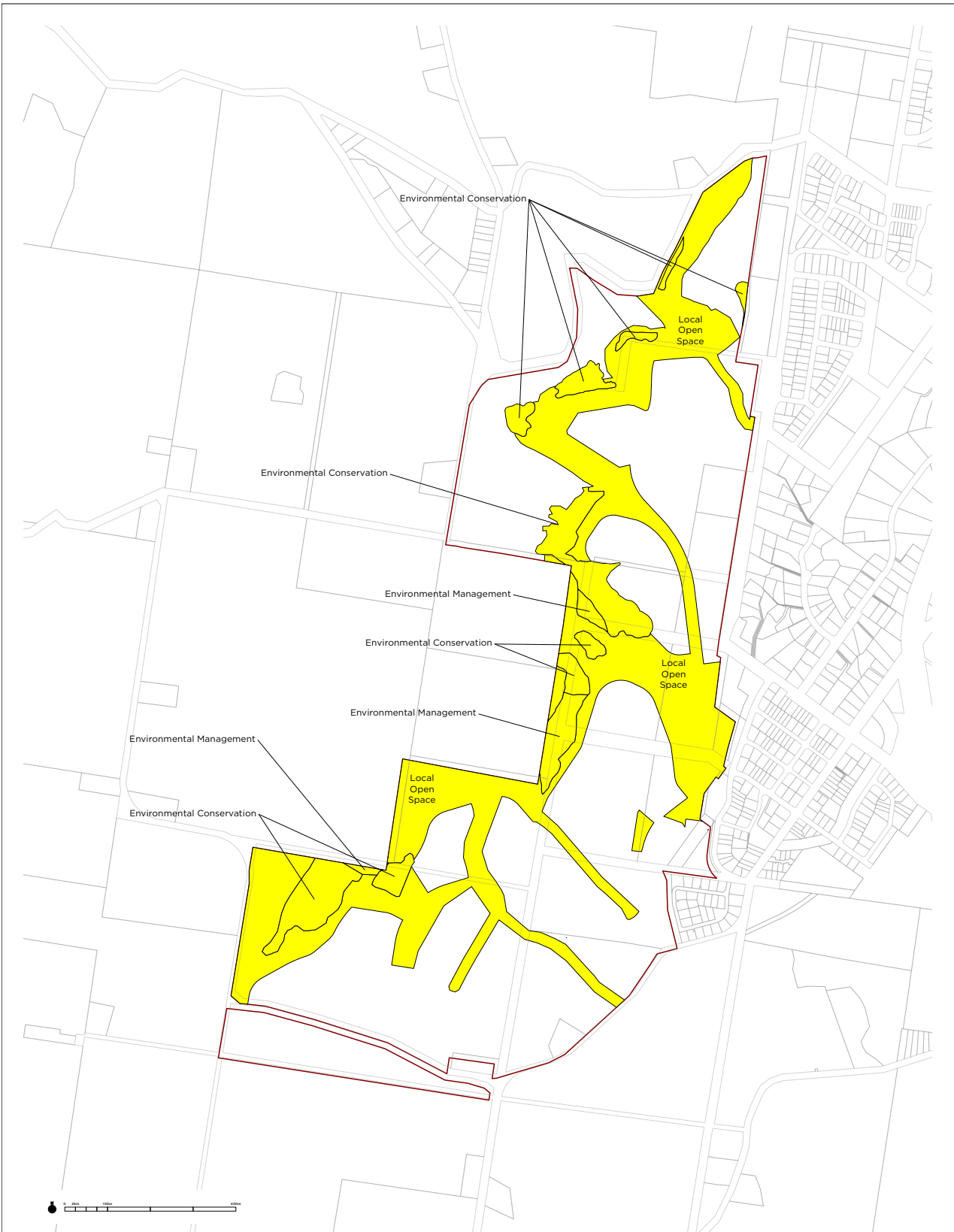
REVISION:

SCALE:
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PURPOSE:
FOR INFORMATION

eUrban

DIRECTOR:
Joe Rowling
eUrban Pty. Ltd.
ABN: 68605717351



Traders In Purple

PROJECT:
Kiama Longbrush Road

CLIENT:
Traders in Purple

DRAWING:
OPTION J_PROPOSED AQUISITIONS

DATE:
13/12/2023

SKETCH NO:
SK-0019

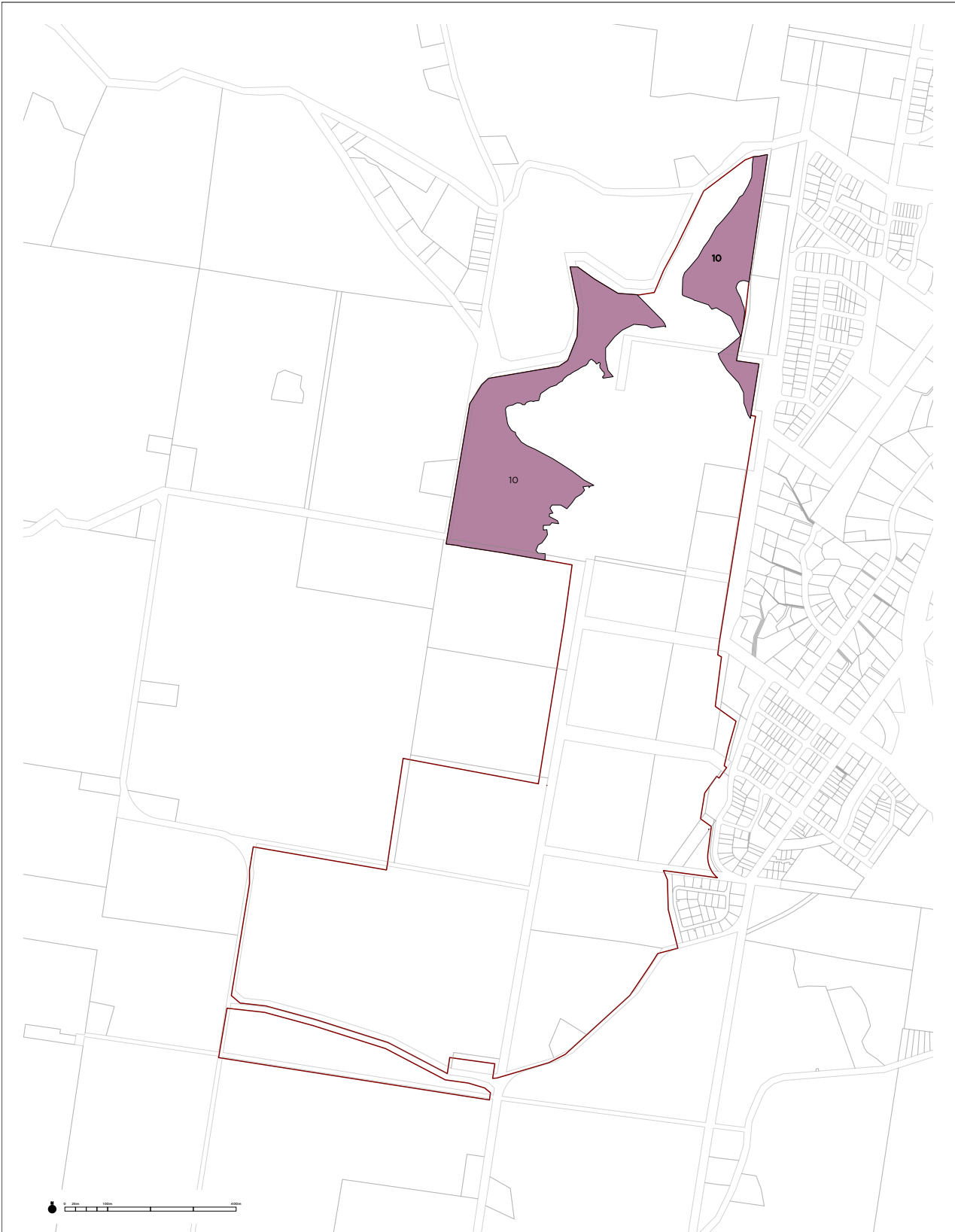
REVISION:

SCALE:
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PURPOSE:
FOR INFORMATION

eUrban

DIRECTOR:
Joe Rowling
eUrban Pty. Ltd.
ABN: 68605717351



Traders In Purple

PROJECT:
Kiama Longbrush Road

CLIENT:
Traders in Purple

DRAWING:
OPTION J_PROPOSED ADDITIONAL USE

DATE:
13/12/2023

SKETCH NO:
SEB-0020

REVISION:

SCALE:
1:7,500

PURPOSE:
FOR INFORMATION

eUrban

DIRECTOR:
Joe Rowling
eUrban Pty. Ltd.
ABN: 68605717351



Department of Climate Change, Energy, the Environment and Water

Your ref: PP-2023-2833
Our ref: DOC24/200145

Ms Suzi Stojcevska
Strategic Planner
Kiama Municipal Council
PO Box 75, KIAMA NSW 2533

By email: suzis@kiama.nsw.gov.au

Re: Planning Proposal – Kiama West Planning Proposal - Kiama City Council

Dear Ms Stojcevska

Thank you for referring the above Planning Proposal (PP) to the Biodiversity, Conservation and Science Group (BCS) of the Department of Climate Change, Energy, Environment and Water (DCCEEW). The Planning proposal is to rezone the site from predominantly RU2 Rural Landscape to a variety of new land use zones including Residential (R2, R3, and R5), Recreation (RE1), Special Purpose (SP4) and Conservation (C2). The site covers approximately 114 hectares of land and is located approximately 1.7 km west of the Kiama Town Centre.

Council is aware the PP is not identified as an urban expansion greenfield area in its Local Strategic Planning Statement. Additionally, Council should ensure the proponent more fully addresses many other environmental Objectives and Strategies set out in the overarching Illawarra Shoalhaven Regional Plan (ISRP) (2021). The ISRP is to be implemented via strategic planning and local plan making processes such as PPs.

From a strategic context, BCS prefers that new urban expansion is accommodated where there is a well-informed understanding of broader catchment functioning and the sensitivity of the lands affected (as much as understanding broader urban planning/servicing matters). A speculative PP such as this will likely have also triggered new thinking and pressures for further urban development on nearby lands or similar peri-urban locations.

By itself, this new proposal will considerably increase the footprint of urban development in a largely rural catchment of modest size. The PP also proposes an on-site utility hub/water centre that sets a concerning precedent for the next speculative PP to also pursue. The subject lands will ultimately drain to Spring Creek, an identified sensitive estuary. BCS is mindful that engineered solutions have a risk of failure and any impacts need to be well considered for the receiving waterway. There is not yet a risk-based framework for considering water quality for the catchment and managing the health of Spring Creek.

While there is some information about the subject land, BCS is not convinced there is enough information about the broader catchment such as water management (including flooding and water quality), biodiversity (including sensitivities and connectivity needs) and optimising integrated issues such as appropriate management and use of riparian lands. This knowledge is critical to guide any appropriate urban expansion footprints, inform subdivision layouts, the siting and

provision of services/utilities including understanding whether one or more on-site utility hub/water centres are suitable in the catchment and under what regime (eg sizing, design, tenure, management, funding, compliance, etc).

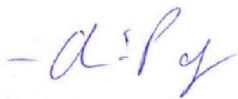
Advancing this PP involves a major decision to enable a considerable scale of urban development in a small catchment as much as inviting future speculation for more development. A major decision such as this should be based on improved strategic information.

Detailed comments on flood risk assessment, estuarine and waterway health and biodiversity are provided in Attachment A. Our main comments and recommendations are:

1. A fit for purpose Flood Impact and Risk Assessment (FIRA) report be prepared.
2. Further flood assessment work be undertaken to address public safety risks.
3. An assessment of potential impacts of the altered land-use on water quality prior to rezoning be undertaken to ensure adequate spatial and zoning provisions are incorporated.
4. Restoring riparian lands is supported but such land should be zoned to C2 or C3 rather than RE1.
5. A C2 zoning be considered for all significant biodiversity values on the site including areas mapped as "high ecological constraints" (some attributes currently zoned C3 may warrant C2 zoning longer term given the management intentions).
6. In addition to remnant native vegetation within the study area, significant biodiversity should be mapped and incorporated into non-urban zoning where possible, including hollow bearing trees, lone cabbage tree palms (*Livistona australis*) and large fig trees (*Ficus* spp.).
7. Buffers be applied to all remnant vegetation to prevent "edge effects" (eg. weed infestation, trampling, etc.) particularly Threatened Ecological Communities and populations of *Zieria granulata*.
8. Further ecological assessment be carried out at the Planning Proposal stage to determine if suitable areas for rehabilitation of the *Melaleuca armillaris* Tall Shrubland Critically Endangered Ecological Community occur within the subject site. If so, these should be included in conservation zones and rehabilitated in accordance with a Vegetation Management Plan VMP and/or an in-perpetuity conservation agreement.
9. Council appraises the land tenure outcomes of the conservation zoned land to ensure adequate funding/mechanism for ongoing management. Vegetated lands that may be transferred to Council are an opportunity to investigate the proponent establishing an actively managed Biodiversity Stewardship Agreement site/s before transfer.
10. A Vegetation Management Plan (VMP) be prepared for the Spring Creek riparian corridor, adjacent areas of remnant vegetation and any areas proposed for rehabilitation, and this should be secured at development application stage.
11. Asset Protection Zones (APZs) be contained within existing cleared areas (noting that the Master Plan indicates some APZs appear to be located within areas of "high ecological constraint").

If you have any further questions about this issue, please contact Vanessa Allen, Senior Conservation Planning Officer, Illawarra Planning on 0242244186 or at Vanessa.Allen@environment.nsw.gov.au.

Yours sincerely



22 March 2024

Chris Page
Senior Team Leader
Biodiversity, Conservation and Science Group

2

Attachment A: BCS Detailed comments – West Kiama Planning Proposal

Flood Risk Management

As the planning proposal involves the rezoning of flood prone land it should be considered in accordance with section 9.1 (2) Local Planning Direction - Focus Area 4: Resilience and Hazards 4.1 Flooding and the NSW Government's Flood Prone Land Policy as set out in the Flood Risk Management Manual, 2023 (FRMM). The policy aims to reduce the impact of flooding and flood liability on individual owners and occupiers, and to reduce private and public losses resulting from flooding utilising ecologically positive methods wherever possible.

The approving body for the planning proposal should consider and be satisfied that the following matters have been adequately addressed with relation to floodplain risk management:

- the impact of flooding on the development - including local overland flows and the range of possible floods up to the Probable Maximum Flood (PMF)
- the impact of the development on flood behaviour – particularly adverse impacts of existing communities downstream of the site
- the impact of flooding on the safety of people for the full range of possible floods
- the implications of climate change on flooding - particularly increased rainfall intensity on flood behaviour; and
- The flood behaviour implications of proposed natural rehabilitation of the riparian zone, climate change and stormwater management infrastructure are understood and used to inform the establishment flood planning levels.

Generally, and where possible, significant land areas identified for future rezoning are identified and planned for by preparing Floodplain Risk Management Studies and Plans prior to development. This ensures the appropriate management of flood risk to future communities but also ensures that adverse impacts associated with new development on flood behaviour are appropriately planned and managed. In this area, however, we are unaware of the existence of a Flood Risk Management Plan prepared and adopted by Kiama Municipal Council. Council is therefore encouraged to undertake a Floodplain Risk Management Study and Plan for Spring Creek to build on the Spring Creek Flood Study information and to inform its decision making for planning proposals.

To enable Council to move forward and in line with current best practice, it is recommended that a fit for purpose Flood Impact and Risk Assessment (FIRA) report be prepared. A FIRA should be completed to an adequate standard to address the requirements of the local planning direction and FRMM.

Guidance to assist planning authorities (and proponents) on the scope and assessment requirements for a flood impact and risk assessment to support large proposals such as this can be found here:

<https://www.environment.nsw.gov.au/research-and-publications/publications-search/flood-impact-and-risk-assessment>.

The Preliminary Water Cycle Management and Flood Assessment Report (J. Wyndham Prince, Jan 23) is inconsistent with or does not provide sufficient evidence to demonstrate consistency with the requirements detailed in the Section 9.1 Direction 4.1 (3), which should be addressed as part of best

practice for floods up to the probable maximum flood (PMF). The scale of the proposed development on the floodplain warrants a more comprehensive FIRA. A FIRA should be prepared in consultation with Council's flood team who are familiar with the flood policy and guidelines and can seek further advice as required from our technical flood officers.

The PP has not adequately addressed the risks associated with public safety. The determining authority should ensure that risks to life and emergency management measures are considered for all proposed residential areas over the full range of floods including those above the flood planning level up to the PMF. This should include any issues linked with flood access and isolation to the proposed community and may warrant consultation with the SES.

It is also unclear whether adequate consideration has been given to floods greater than the proposed 1% AEP design flood planning level, including the potential to establish a greater flood immunity to future owners and occupiers of flood prone residential sites. A greenfield development in such an area could potentially be planned and designed to avoid the need for flood notations on future planning certificates and reduce flood insurance for new owners of flood prone land. Council should also note that the recent NSW Flood Inquiry recommends the need for greater attention by land use planners to flood risk up to the PMF and as such these risks require careful planning to avoid future flood liability.

We also note that climate change has not been considered as required by Council's LEP (5.21 (1) (b)) in accordance with current practice and the FRMM. Climate change should be considered at the PP stage to ensure the overall development addresses climate change impacts to flood risk and the design of landform modifications including flood planning levels. Climate change is a critical element to ensure that the flood risk management objectives are achieved for the design life of the proposed development.

In the absence of adequate mapping and description in the flood study, it is unclear whether the PP appropriately provides for, and integrates, riparian corridor outcomes into the flood modelling. A suitable hydraulic roughness value for the future riparian corridors should be utilised for both existing and the longer term developed case modelling. The appropriate extent and roughness values should be determined in consultation with Council considering the likely long-term planned vegetated condition of the watercourse.

The following technical matters are also raised for Council consideration:

- ARR19 suitability has not been considered in any FRMS&Ps in Kiama. Significant issues have been identified with adopting ARR19 "off the shelf" in neighbouring LGAs. It is therefore recommended that the ARR87 methodology is retained until the suitability of ARR19 is adequately assessed in a Council adopted FRMS&P.
- No information has been provided on how issues associated with rain on grid models including losses and volume loss have been addressed. Hydrology verification has not been provided.
- Calibration to Council's adopted Spring Creek flood study has not been provided. Doing so would add significant confidence to the existing case flood modelling parameters.

Estuarine and Waterway Health

The site is not located within the coastal zone, however, its development has the potential to affect water quality and hydrology within Spring Creek and its downstream estuary. Spring Creek is listed as a sensitive estuary in the Illawarra Shoalhaven Regional Plan 2041 (ISRP). Strategy 11: *Protect Important environmental assets* is particularly relevant to the proposal.

Strategy 11.5 of the ISRP to: *Protect coastal lakes and estuaries by implementing the NSW Government's Risk Based Framework for considering waterway health outcomes in Strategic Land-Use Planning decisions* has not yet been addressed. An assessment of potential impacts of the altered land use on water quality and quantity prior to rezoning would help to ensure that adequate spatial provisions for Water Sensitive Urban Design and water cycle management infrastructure is included to manage any impacts of the proposed development on water quality and the downstream estuary.

NRAR and DPI-Fisheries should be consulted on appropriate future works on the riparian lands and if there are any additional riparian buffer requirements to ensure that vegetated riparian zones are adequately provided as per Council's planning instrument and development controls. Currently C2 and C3 zonings only apply to the remnant vegetation, with the remaining riparian areas proposed to be zoned RE1 Public Recreation. The restoration of these riparian corridors, in addition to their protection, will help to improve waterway health and biodiversity outcomes consistent with Strategies 11.1, 11.2, 11.3 and 11.4 of the Plan. As such, the riparian lands suit a future land use zoning such as C2 (or C3 depending on any compatible uses) rather than the large extent of RE1 proposed.

Biodiversity

We have reviewed the Kiama West Planning Proposal Biodiversity Technical Study (Eco Logical Australia 2022) and the Planning Proposal Report and maps (Mecone, December 2023) and provide the following detailed comments for your consideration.

The site contains a mixture of cleared rural lands and significant areas of native vegetation, predominantly along the Spring Creek corridor. The site also contains isolated clumps of native vegetation, individual trees, planted and exotic vegetation.

Parts of the site are mapped as "High Environmental Value" under the ISRP (see Figure 1 below). Strategy 11.1 of the ISRP states that strategic and local plans should recognise HEV in local environmental plans, minimise potential impacts arising from development on areas of high environmental value, implement the 'avoid, minimise and offset' hierarchy', and consistently manage riparian corridors through strategic conservation planning initiatives that accommodate natural physical processes...". The site is not mapped as being within a Regional Biodiversity Corridor under the ISRP. The Spring Creek corridor is mapped on the Biodiversity Values Map and the Terrestrial Biodiversity Layer (Kiama LEP 2011) applies to parts of the site.

The proposal suggests that most of the native vegetation would not be subject to direct impacts and riparian corridors would be restored under a Vegetation Management Plan to improve currently degraded remnants. The proposal would result in removal of 3.44 ha of remnant native vegetation and retain 16.08 ha of remnant native vegetation within the study area. As such, it is likely the Biodiversity Offsets Scheme (BOS) under the *Biodiversity Conservation Act 2016* (BC Act) would be triggered for biodiversity assessment at the development application stage, however a future development application/s would need to consider thresholds on a case-by-case basis. For further information, refer to <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/about-the-biodiversity-offsets-scheme/when-does-bos-apply>.

Threatened species

One threatened plant species, *Zieria granulata* (Endangered, BC Act; Endangered EPBC Act), was recorded 'in abundance' throughout the study area (Biodiversity Technical Study). From the information provided, it appears that *Z. granulata* mostly occurs in the proposed non-urban zones. No threatened fauna was recorded, however, the site contains habitat features which may be suitable for a number of species.

No targeted threatened species surveys were undertaken, however, it is noted there are several threatened plant species occurring close to the site, and which are known to have habitat within the

site. *Cynanchum elegans*, *Solanum celatum*, *Daphnandra johnsonii*, *Gossia acmenioides* and *Rhodamnia rubescens* all have high potential to occur, as do numerous threatened fauna species. The majority of habitat features, including one of the two recorded hollow-bearing trees, appear to occur within proposed non-urban zones.

Native vegetation

Two Threatened Ecological Communities (TECs) occur on site, Illawarra Lowland Subtropical Rainforest (Endangered, BC Act, Endangered EPBC Act) and *Melaleuca armillaris* Tall Shrubland (Critically Endangered, BC Act). Both TECs are listed as "Serious and Irreversible Impact" entities, in accordance with the BC Act. The concept of "Serious and Irreversible Impacts" is fundamentally about protecting threatened entities that are most at risk of extinction from development.

Figure 11 of the Biodiversity Technical Study maps ecological constraints. The Report states that all validated Plant Community Types (PCTs) on site meet the definition of 'high constraint' as they are 'Serious and Irreversible Impact' entities. Areas containing *Zieria granulata* are also defined as 'high constraint'.

For local development applications made under Part 4 of the EP&A Act, the consent authority must not grant approval if they determine that a proposed development is likely to have a serious and irreversible impact on biodiversity values.

Recommendations

Currently, the land is zoned predominantly RU2, with C2 and C3 pockets located along Spring Creek. The PP is to rezone rural-zoned land to R2, R3, E1, and RE1. The proposal is consistent with Ministerial Direction 3.1, Conservation Zones, as it does not reduce the amount of land zoned for conservation purposes and the existing C2 and C3 zoned land will remain in place. Nonetheless, we consider there is scope to increase the area of C2/C3 land as part of this proposal but note that the future tenure of such lands is not clear.

Given the biodiversity significance of the site, we recommend that C2 or C3 zones be applied to all areas mapped as 'high ecological constraints' (Figure 11 Biodiversity Technical Study). We also consider that RE1 zoning should be limited to parts of the site which will be used for higher intensity recreational purposes (eg. hard-stand areas, children's playgrounds etc.), with most of the area currently proposed to be zoned RE1 better suited to C2 or C3 zoning. There is scope to integrate shared pathways with riparian lands when it is done sensitively and the C3 zoning can achieve that outcome. It is also noted that the Concept Master Plan maps areas of remnant vegetation as 'environmental conservation' while the proposed LEP applies RE1 zoning to these same areas. This inconsistency between maps should be clarified.

Additionally, we recommend that all areas of 'high ecological constraint' be buffered by a suitable distance to prevent indirect impacts (eg. edge effects, weed infestation) on existing native vegetation, provide adequate bushfire protection, and provide strategic opportunities for rehabilitation and enhancement of biodiversity values within the area. In particular, we recommend that the area mapped as PCT 3872, i.e., the Critically Endangered Ecological Community (CEEC) *Melaleuca armillaris* Tall Shrubland (Figure 8 of the Biodiversity Report), be buffered in the area shown with purple hatching (Figure 2, shown below).

Buffer areas should be appropriately zoned for conservation. We also support the use of perimeter roads to protect and manage conservation-zoned land. We were not sent the Bushfire Report, however, the PP should ensure that the proposed zoning allows adequate scope for Asset Protection Zones (APZs) to be contained within existing cleared areas. We suggest that Council clarifies this as the PP Masterplan appears to show APZs encroaching into areas of remnant native vegetation.

Field observations indicate the site contains large fig trees (*Ficus spp.*) and lone cabbage tree palms (*Livistona australis*). These provide habitat for wildlife and have likely scenic and heritage

values. Further assessment of these values should be considered in the PP, and where possible, protected through appropriate conservation zoning.

We recommend investigating opportunities for in-perpetuity management of all areas of retained native vegetation. A Conservation Agreement or Biodiversity Stewardship Agreement (BSA) under the NSW *Biodiversity Conservation Act 2016*, and/or dedication to Council for ongoing management may be appropriate. A fully funded and managed conservation area would allow for the enhancement and management of the two TEC's, *Zieria granulata* and other biodiversity on site. We are willing to discuss this further with Council if required.

Figure 1 Map showing High Environmental Value (HEV) areas in green.

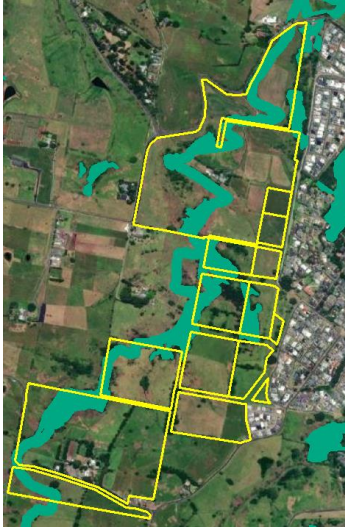
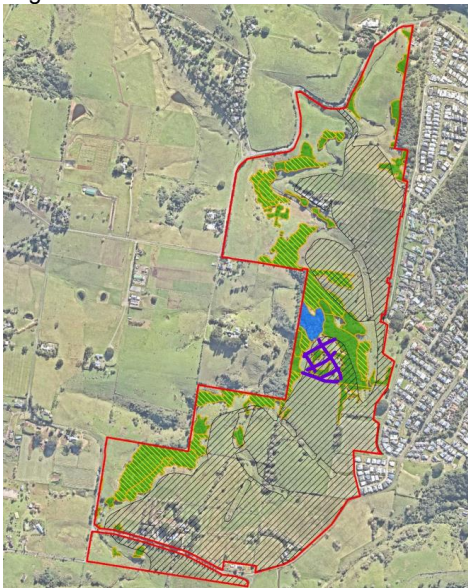


Figure 2 Map showing suggested buffer for the *Melaleuca armillaris* Tall Shrubland Critically Endangered Community (see purple hatching). Rehabilitation of the area would also buffer Illawarra Subtropical Rainforest and reduce the edge to area ratio of this considerable patch of vegetation.





20 March 2024

Our Ref: N/A

Suzi Stojcevska
Strategic Planner
Kiama Municipal Council
suzis@kiama.nsw.gov.au

Item 15.1

RE: Preliminary comments on PP-2023-2833 Kiama West

Thank you for consulting with Sydney Water regarding PP-2023-2833 Kiama West at 177 Long Brush Road, Jerrara and 33 Greyleigh Drive and 103 Jamberoo Drive, Kiama.

The concept masterplan proposes:

- 1,062 new dwellings made up of
 - 377 low density residential allotments,
 - 663 medium density dwellings including townhouses and low-rise apartments,
 - 22 large rural residential allotments.
- 16 ha of retained rural land, with the potential for a school / agricultural college.
- 43 ha of publicly accessible open space, including riparian lands and conservation areas.
- business uses to enable local retail and services.
- retention of Greyleigh House to ensure its long-term tourism function.

Growth Data

Sydney Water supports government-backed growth initiatives within our area of operations and endeavour to provide services in a timely and prudent manner that delivers cost effective water and wastewater infrastructure whilst not impacting our current customer base economically, environmentally, or unduly impacting current service levels.

- In order to fully support all growth and developments and to fully assess proposed developments, we require the ultimate and annual growth data for this development as noted in the attached appendix, be fully populated and returned to Sydney Water.
- Sydney Water acknowledges that timescales and final growth numbers may alter however, to provide robust servicing advice and to investigate the potential for staged servicing to meet timescales, we require a realistic indication of demand and timescales. Failure to provide this may result in Sydney Water being unable to formulate proper planning requirements.
- The growth data should be completed and provided (by the proponent) directly to Sydney Water via the Water Servicing Coordinator (WSC) **Feasibility application process** referencing this preliminary planning proposal response. The Feasibility application should be lodged if the proponent decides to further progress to the planning proposal stage.

Attachment 4



Servicing

- The development site is within the Kiama West Water Supply Zone.
- Wastewater servicing is currently unavailable to the site.

Sydney Water has reviewed the proponents' *Potable Water and Wastewater Concept Review* and the *Sustainable Utilities Servicing Strategy* and provides the following comments to assist in progressing the lodgement and in planning the future servicing needs of the proposed development.

Sydney Water understands that a Water Servicing Coordinator was engaged to produce the *Potable Water and Wastewater Concept Review* report in 2022. This report, whilst not seen by, nor endorsed by Sydney Water at the time, recommended the lodgement of a Feasibility application to commence early consultation with Sydney Water.

We note that a Feasibility application is the correct route for the proponent to take to engage directly with Sydney Water, but this has not yet been lodged either in relation to the initial 2022 report recommendations, nor as part of the undertakings noted in the 2023 sustainable servicing strategy. Sydney Water therefore does not endorse the information nor assumptions within these reports.

Requirements/Next steps

- **The proponent to lodge a Feasibility via their WSC once they decide to progress to the Planning Proposal stage.**
- The proponent should complete and return the growth data form in the format as part of their Planning Proposal submission and with their Feasibility application.
- Sydney Water is more than happy to meet with the proponent to discuss all options for servicing the site once the feasibility is registered.

This advice is not final approval of our requirements and constitutes high-level initial advice only. Further advice from Sydney Water may be offered at exhibition, the feasibility or, S73 stages with regards to capacity as well as the protection of our existing assets/easements and any BOA requirements. This will be investigated as we receive more detail, and specific protection requirements, objections or amendments will be documented as this progresses.

If you require any further information, please contact the Growth Planning Team at urbangrowth@sydneywater.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "K. Leitch", written over a white background.

Kristine Leitch
Commercial Growth Manager
City Growth and Development, Business Development Group
Sydney Water, 1 Smith Street, Parramatta NSW 2150



APPENDIX 1: GROWTH DATA FORM (emailed)

Item 15.1

Attachment 4



Transport Asset
Holding Entity

8th November 2022

Ms Jane Stroud

Chief Executive Officer

Kiama Municipal Council

Via email:

Jstroud@kiama.nsw.gov.au

CC: council@kiama.nsw.gov.au

Dear Ms Stroud,

Kiama Local Government Area Strategic Planning Update

Thank you for making time on Thursday 18 August 2022, for a strategic planning update on Kiama Downs, Bombo Quarry Precinct and Kiama Heights development proposals.

We value and note your feedback on Council's current views on the strategic planning context for these opportunities (see Minutes attached). We would also like to provide in principle support for your interest in extending the southern boundary of the Bombo Quarry Precinct to include the Council-owned land at Spring Creek. We are interested to hear about Council's plans for this parcel of land located just south of the current precinct boundary, and how it could be incorporated into the precinct to positively contribute to a well-considered place making outcome.

As indicated, Transport Asset Holding Entity (TAHE) is currently working with the adjacent landowner, Boral, to coordinate the planning activities required to facilitate the rehabilitation of the quarries and prepare a masterplan and planning proposal for the Bombo Quarry Precinct. We look forward to further discussing the Bombo Quarry Precinct masterplan with Council in the coming months.

To facilitate the delivery of the Precinct, we also plan to submit to the Department of Planning & Environment (DPE) a scoping paper for the rehabilitation of Bombo Quarry to obtain Secretary's Environmental Assessment Requirements (SEARs). After obtaining SEARs, we will carry out preliminary investigation activities with a view to starting community consultation in the first half of 2023.

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Holding Entity

Subject to key stakeholder support for rehabilitation, master planning and market conditions, TAHE and Boral are working to progress the Bombo Quarry Precinct proposal so it can contribute to local housing supply needs within a 5–10-year period. The inclusion of the Bombo Quarry Precinct within Council's Local Housing Strategy will demonstrate support for this goal as well as align with the aspirations of the Illawarra Shoalhaven Regional Plan 2041.

We would very much welcome ongoing discussion and collaboration with Council on these issues moving forward. Please contact Annie Manson, Senior Government Relations Manager, TAHE via email at annie.manson@tahensw.com.au should you have any queries.

Sincerely yours,

Alison McDonagh

Executive General Manager, Commercial & Property



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