



Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2025-1821): to amend the Kiama Local Environmental Plan 2011 to enable residential development of land at 2 Caliope Street, Kiama and to protect it for environmental conservation and management purposes.

I, the Director, Southern, Western and Macarthur Region, at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Kiama Local Environmental Plan 2011 as described above should proceed subject to the following.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 26 March 2027.

Gateway Conditions

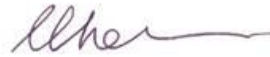
1. Prior to public exhibition, NSW Rural Fire Service is to be consulted in accordance with the Ministerial Direction 4.3 Planning for Bushfire Protection and take into account any comments made.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act (or any other part of the Act) and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - Department of Climate Change, Energy, the Environment and Water;
 - Environment Protection Authority;

- Heritage NSW;
- NSW State Emergency Service;
- Sydney Water; and
- Endeavour Energy.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 24 March 2026



Chantelle Chow
Director, Southern, Western and
Macarthur Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces

Item 15.5

Enclosure 1

PP-2025-1821 (IRF No 26/3697)

PLANNING PROPOSAL REQUEST



**LOT 672 DP 1308222
2 CALIOPE STREET, KIAMA**

Prepared by

Plannex Environmental Planning

on behalf of DSM Generation Pty Ltd

December 2025 (Revision A)

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Enclosure 2

Planning Proposal – Residential Rezoning
2 Caliope Street, Kiama

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Version	Date
Original	October 2025
Revision A	December 2025

1.0 INTRODUCTION

1.1 Introduction

Plannex Environmental Planning has been engaged by Silvana Moussallem, of DSM Generation Pty Ltd, to prepare a Planning Proposal report in relation to a proposal for the rezoning of part of the company's property at No.2 Caliope Street, Kiama, (see Figure 1) to enable the western part of the site to be subdivided and developed for residential purposes and to promote the protection of the vegetated areas of the eastern portion of the site.

Figure 1 Location Plan



Source - SIX Maps

This Planning Proposal report has been prepared following consideration of the feedback provided from Kiama Council in response to a *Scoping Proposal* (January 2025) and identifies the objectives and intended outcomes of the planning proposal; offers an explanation of the proposed amendments to Kiama Local Environmental Plan 2011; and provides detailed justification for the proposed amendments.

This Planning Proposal report has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act, 1979 (EP&A Act); and the Department of Planning, Housing and Infrastructure's (DPHI) '*Local Environmental Plan Making Guideline*' (August 2023).

1.2 Subject Site

The subject site is an elongated, irregular-shaped allotment of land situated on the south-eastern corner of Old Saddleback Road and Caliope Street at Kiama (see Figure 2). The subject site is legally described as Lot 672 in Deposited Plan No.1308222 and is located at No.2 Caliope Street, Kiama.

Figure 2 Site Context



The subject site has a frontage of about 131m to Old Saddleback Road along its western boundary, and a total frontage of approximately 239m to Caliope Street along its northern boundary. The eastern boundary of the subject site measures about 148m, and the southern boundary approximately 398m. The subject site has an area of 5.707 hectares.

The subject site is located on the upper and sides slopes of a broad ridge to the west of the M1 Princes Motorway. The landform of the subject site has variable slopes, with the western portion of the site sloping gently in an easterly direction, before sloping more steeply into a gully that cuts across the south-eastern corner of the site.

The western portion of the site is generally clear of vegetation, with the land managed as grassland. There are two large fig trees located on the lower slopes of the western portion of the site, adjacent to Caliope Street. The steeper slopes leading down to the gully are heavily vegetated with Illawarra Subtropical Rainforest vegetation. There is a second area of open grassland over the eastern portion of the site. A population of 379 individuals of Illawarra Zieria (*Zieria*

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granulata) is located along the western fringe of the subtropical rainforest vegetation in the centre of the site.

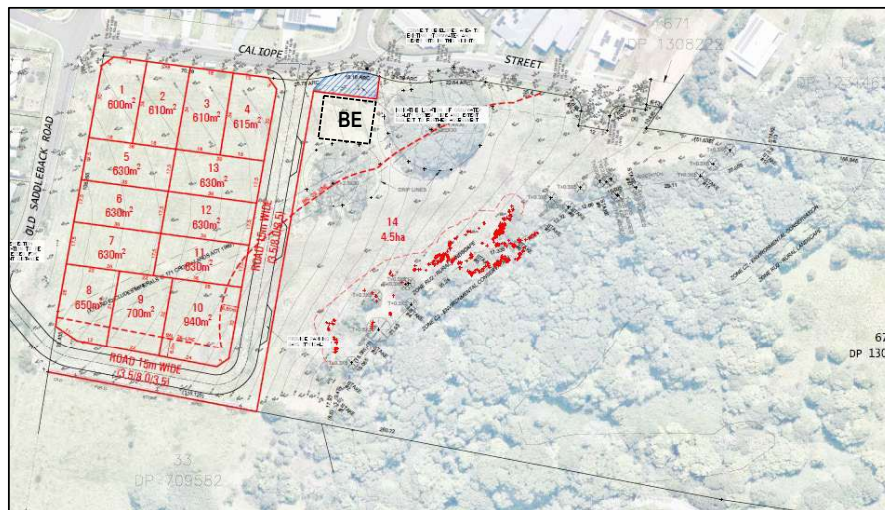
The site is currently vacant, with the only structure on the site being the remains of an old agricultural outbuilding located beneath the canopy of the Moreton Bay Fig adjacent to Caliope Street. The boundaries of the subject site are generally not fenced, although there is a heritage-listed drystone wall along the southern boundary of the site. Photographs of the subject site are attached at Appendix A.

1.3 Development Proposal

The Planning Proposal seeks to rezone the western portion of the subject site from RU2 Rural Landscape to R2 Low Density Residential to enable it to be subdivided into thirteen (13) residential allotments (as shown in Figure 3), ranging in size from 600m² to 940m², to be developed for residential purposes. The central portion of the site is proposed to be rezoned from RU2 to a combination of R2, C2 Environmental Conservation and C3 Environmental Management. The proposed C2 zoning will extend the existing C2 zoning to encompass an area of Illawarra Zieria (*Zieria granulata*). The eastern portion of the site will be rezoned from RU2 to C3.

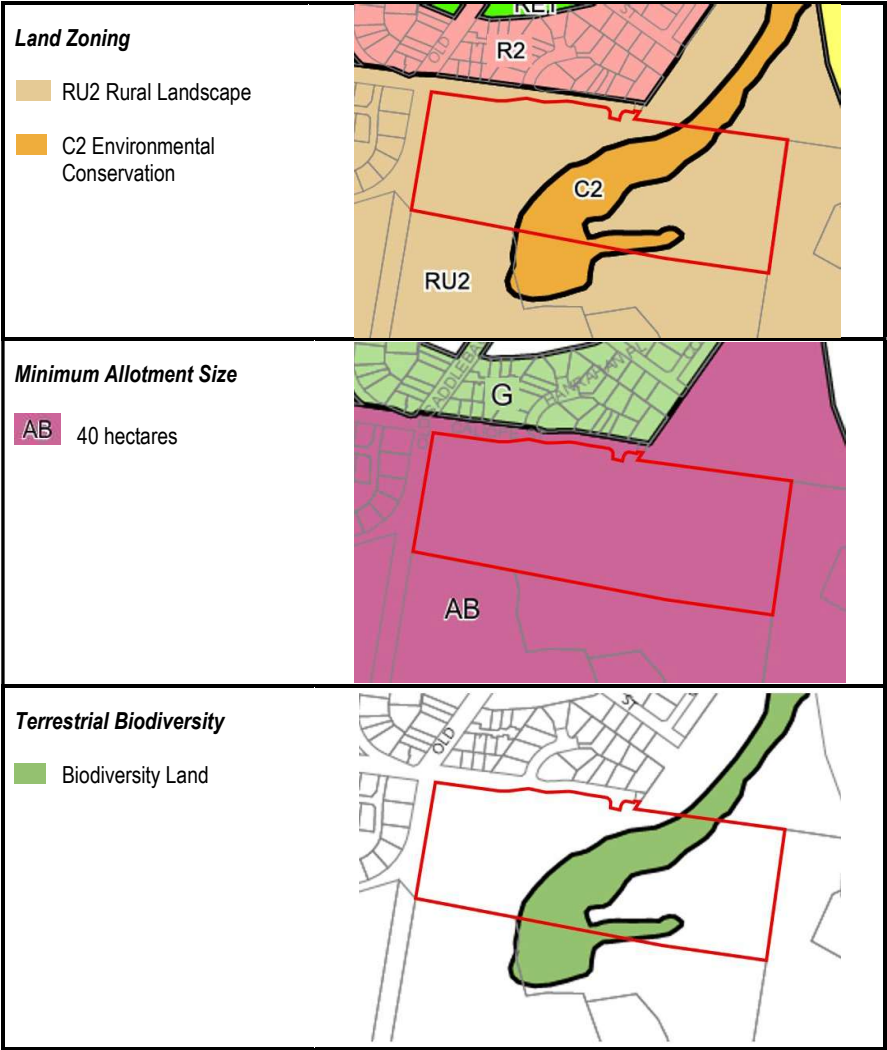
It is intended that the central and eastern portions of the site will be contained within a single residue allotment (proposed Lot 14) with an area of 4.5 hectares and a building envelope (within the proposed R2 zoned area). The residue allotment will be managed in accordance with a Vegetation Management Plan to restore the biodiversity values of the subject site and to protect the population of Illawarra Zieria and the area of Illawarra Subtropical Rainforest.

Figure 3 Concept Subdivision Proposal



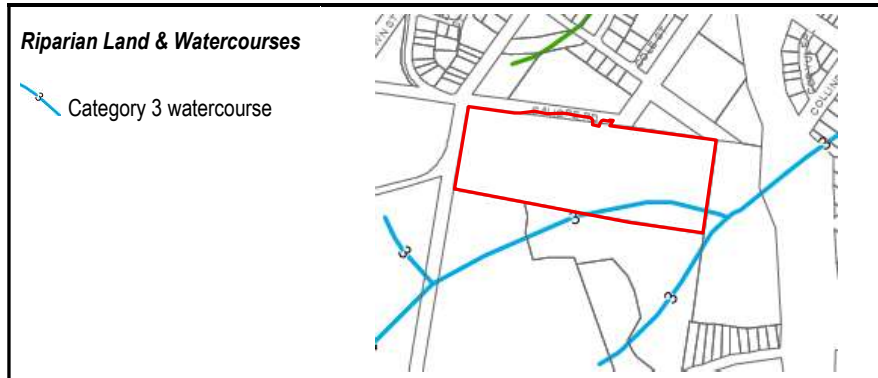
1.4 Existing Planning Controls

The subject site is affected by the provisions of Kiama Local Environmental Plan 2011 (KLEP 2011). Under KLEP 2011 the following specific planning controls apply to the subject site (shown edged in red on the map extracts):-



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2.0 OBJECTIVES & INTENDED OUTCOMES

The objectives and intended outcomes of the Planning Proposal are:-

- (a) To enable the subdivision of the western portion of the subject site into thirteen (13) residential allotments, bounded to their east and south by a perimeter road;
- (b) To enable future residential development of the thirteen (13) residential allotments for residential housing, in accordance with the provisions of KLEP 2011;
- (c) To identify and protect the population of Illawarra Zieria (*Zieria granulata*) located on the subject site;
- (d) To enable the creation a residue allotment containing all of the subject site's significant ecological elements, with a designated building envelope, and to provide for the ongoing management of that land in accordance with a Vegetation Management Plan.

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3.0 EXPLANATION OF PROVISIONS

The objectives and intended outcomes of the Planning Proposal, as identified in Section 2.0, will be achieved by:-

- Amending the KLEP 2011 Land Zoning Map to rezone the RU2 Rural Landscape zoned portions of the subject site to a combination of R2 Low Density Residential, C2 Environmental Conservation, and C3 Environmental Management.
- Amending the KLEP 2011 Lot Size Map to apply a minimum allotment size of 450m² to the R2-zoned portion of the subject site.
- Amending the KLEP 2011 Height of Buildings Map to apply a maximum permissible building height of 8.5m to the R2-zoned portion of the subject site.
- Amending the KLEP 2011 FSR Map to apply a maximum permissible FSR of 0.45:1 to the R2-zoned portion of the subject site.
- Amending the KLEP 2011 Terrestrial Biodiversity Map to extend the biodiversity land mapping layer to encompass the population of Illawarra Zieria (*Zieria granulata*).

The proposed mapping changes are outlined in section 5.0 of this report, and the proposed maps are contained at Appendix B.

Opportunities for increasing the residential density on the site have been considered, including providing a smaller lot size and re-zoning to R3 Medium Density Residential. However, these options have been ruled out because of the distance to the Kiama town centre and railway station and the absence of public transport (eg buses) servicing the area. Instead, an R2 zoning has been nominated, in keeping with adjoining land, and the proposed allotments are sized to meet the provisions of clause 4.1E of KLEP 2011, making them suitable for dual occupancy development as either local development or complying development, thereby allowing a range of housing types.

The subdivision proposal nominates an OSD/water quality facility being located adjacent to the north-eastern corner of the proposed residential allotments (opposite Hanrahan Place). This facility is proposed to be located within a widened section of road reserve which is proposed to be zoned R2 Low Density Residential. Section 2.138 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* allows the construction of a “stormwater management system” (within the meaning of section 2.136) to be constructed with consent on any land. Therefore, the OSD/water quality facility is permitted, with consent, on the R2-zoned land.

The residue of the subject site, east of the proposed perimeter road, will maintain the current 40-hectare minimum allotment size. This is not seen as being a hindrance to the achievement of the objectives and intended outcomes of the Planning Proposal as an R2-zoned building envelope is proposed to be included in the north-western corner of the residue allotment, adjacent to the proposed

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perimeter road, to enable the residential occupation of the land to encourage and facilitate the implementation of the Vegetation Management Plan.

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4.0 JUSTIFICATION OF STRATEGIC & SITE-SPECIFIC MERIT

This section of the report examines the justification for the Planning Proposal in terms of the need for the proposal; how it sits within the strategic planning framework; its likely environmental, social and economic impacts; infrastructure requirements; and its implications for State and Commonwealth government agencies. This section is structured as responses to the questions contained within the DPHI's *'Local Environmental Plan Making Guideline'* (2023).

4.1 Need for the Planning Proposal

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

The Planning Proposal has arisen as a direct result of Kiama Council's *'Local Housing Strategy'* (Kiama LHS) which was adopted by Council in July 2025. Further comment on the Planning Proposal's relationship to the Kiama LHS is provided in section 4.2.2 of this report.

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

The subject site is currently zoned RU2 Rural Landscape and C2 Environmental Conservation under KLEP 2011 and affected by a minimum allotment size of 40 hectares. To achieve the recommendations of the Kiama LHS, to enable the subdivision of the subject site and the development of its western portion for low density residential purposes, and to promote the protection of the ecologically significant vegetation on the site, it is most appropriate that the subject site be rezoned by way of a standalone Planning Proposal.

4.2 Relationship to Strategic Planning Framework

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

The *Illawarra-Shoalhaven Regional Plan 2041* (ISRP) applies to the local government areas of Wollongong, Shellharbour, Kiama and Shoalhaven and sets a strategic planning framework aimed at informing local councils' land use planning, the work of infrastructure service agencies, and the wider community of the State government's approach to land use and development within the region. The ISRP establishes a vision for "an innovative, sustainable, resilient, connected, diverse and creative region" underpinned by four themes:-

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

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Within each theme are a range of objectives, actions, strategies and collaboration activities.

The Planning Proposal is broadly consistent with the ISRP. Under the theme of “a *sustainable and resilient region*”, the Planning Proposal is consistent with the following objectives:-

Objective 11: Protect important environmental assets – The Planning Proposal recognises the validated area of high ecological value on the subject site (ie the subtropical rainforest vegetation mapped as ‘*biodiversity land*’ and zoned C2) and avoids this land and any edge impacts on this land. Furthermore, the proposal seeks to protect the population of Illawarra Zieria by extending the existing C2 zoning and terrestrial biodiversity mapping overlay over that land and avoiding any development or land clearing within this area.

Objective 12: Build resilient places and communities – The subject site is mapped as bushfire prone land. A bushfire hazard assessment has been undertaken to identify the lower risk areas of the site that may be suitable for future residential development and the proposal has limited development to these areas only.

Under the theme of “a *region that values its people and places*”, the Planning Proposal is consistent with the following objectives:-

Objective 18: Provide housing supply in the right locations – The ISRP encourages councils to prepare housing strategies and to create urban growth boundaries to clearly identify where urban growth may occur and where it should be avoided. The subject site has been identified in the Kiama LHS as a site with potential for limited future residential development.

Objective 19: Deliver housing that is more diverse and affordable – The Planning Proposal and future subdivision of the subject site has been designed to cater for a variety of housing types – detached dwelling houses, secondary dwellings, and dual occupancies. Future residential development on the site will have the benefits of being fully serviced and located close to the Kiama town centre, local facilities and services, and local primary and secondary schools.

Objective 23: Celebrate, conserve and reuse cultural heritage – The existing dry stone wall along the western section of the southern boundary will be retained and will define the southern edge of the perimeter road reserve. Being at the edge of the road reserve, the dry stone wall will be openly exposed to public view in much the same way as other roadside dry stone walls further to the south along Old Saddleback Road. It has been recommended that the westernmost 115m of the dry stone wall have vegetation carefully removed to reveal the dry stone wall and, where required, be carefully restored using original techniques and materials. The roadside exposure of the historic wall will allow the passing public to appreciate and interpret the wall in context.

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

(a) Kiama Local Strategic Planning Statement (2020)

The *Kiama Local Strategic Planning Statement* (KLSPS) was adopted by Kiama Council in July 2020. The KLSPS gives effect to the directions and actions recommended in the ISRP at a local level. The KLSPS establishes the land-use framework management for the Kiama LGA over a period of 20 years, and seeks to integrate land use, transport, and infrastructure planning.

In terms of housing supply and demand, the KLSPS contains an identified planning priority (PP1) to “*plan for and balance housing supply and demand*” with a recommended action to:-

Undertake planning work to identify future opportunities to amend LEP controls which facilitate varied housing options within the boundaries of the existing towns and villages.

The Planning Proposal seeks to provide additional housing in an area that adjoins existing residential development and that has access to existing public utility infrastructure – including roads, water, sewer, electricity, NBN telecommunications and stormwater drainage. This aspect of the proposal is consistent with the KLSPS’ planning priority PP1 to “*plan for and balance housing supply and demand*”.

The existing C2-zoning will be maintained and extended across the adjacent area containing the population of Illawarra Zieria. Similarly, the existing terrestrial biodiversity mapping overlay, which coincides with the C2 zoned land, will also be extended across the area of Illawarra Zieria. A residue allotment of 4.5 hectares in area will be created, encompassing the C2-zoned land, and will be managed in accordance with a VMP. The environmental management aspects of the Planning Proposal are consistent with the KLSPS’ identified planning priorities PP9 to “*protect scenic rural landscapes*” and PP10 to “*conserve areas of environmental significance*”.

(b) Kiama Local Housing Strategy (2025)

The Kiama LHS was prepared to consider and identify opportunities and options for urban infill and greenfield urban expansion development within the Kiama Local Government Area (LGA) in order to meet the NSW State Government’s five-year housing target of 900 additional dwellings for the LGA by 2029.

The subject site is identified in the Kiama LHS as a potential greenfield site, with the Kiama LHS specifically noting:-

The western part of this site adjoins the existing urban area and may be suitable for residential development. The remainder of the site contains environmentally sensitive land that will need to be preserved for conservation and is not suitable for housing.¹

The subject site is classified by the Kiama LHS as a ‘Tier 4’ site, which is a strategically identified site that, whilst being suitable from a land use planning

¹ *Local Housing Strategy* (Kiama Council 2025) – page 31

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perspective, requires more detailed investigation and planning approvals before it is available for release. One of the purposes of this Planning Proposal is to provide the further detailed site investigations needed to enable part of the land to be considered for rezoning to permit residential development.

The Kiama LHS has identified Council's four priorities for the appropriate management of growth and housing in the Kiama LGA. The Planning Proposal has been reviewed against each of these priorities and the following is noted:-

Priority 1 – Sufficient and well-located housing supply

The Planning Proposal will enable the provision of housing that will:

- make positive contribution to the Kiama community;
- be located near employment opportunities and to existing community, retail, commercial and medical services provided in Kiama;
- be resilient and not subjected to unreasonable bushfire risks;
- be located with a buffer to the environmentally sensitive areas of the site; and
- be serviced with essential public utility infrastructure.

Priority 2 – Diversity of housing options

The Planning Proposal will provide residential allotments that are capable of accommodating a variety of low-density residential housing forms – including detached dwelling houses, secondary dwellings, and dual occupancies. The residue lot will provide the opportunity for a fully serviced, larger rural-residential style allotment in close proximity to the Kiama town centre. Both of these outcomes will add to the diversity of housing in the locality and provide some scope for more affordable housing options.

Priority 3 – Infrastructure is provided to support population growth

The site adjoins land that is fully serviced with reticulated water and sewerage services, underground mains electricity, NBN telecommunications, and stormwater drainage services. Engagement with utility service agencies indicates that these public infrastructure services are available for connection to the subject site.

Priority 4 – Our centres and villages thrive

The Planning Proposal will eventually accommodate additional residents who will both benefit from and promote the need for local entertainment, social and employment opportunities.

From the above review, the Planning Proposal will actively promote the achievement of the priorities identified in the Kiama LHS.

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

Apart from the ISRP, there are no other State or regional strategies that are applicable to the Planning Proposal.

As outlined in section 4.2.1 of this report, the Planning Proposal is consistent with the ISRP.

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

The Planning Proposal has been reviewed against all State Environmental Planning Policies (SEPPs) to determine its consistency or otherwise with those SEPPs. The Table in Appendix C provides a summary of that review.

The Planning Proposal is consistent with all relevant SEPPs.

4.2.5 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions) or key government priority?

The Planning Proposal has been reviewed in light of the Directions issued by the Minister pursuant to Section 9.1 of the EP&A Act. The Planning Proposal has been assessed as being generally consistent with the relevant Section 9.1 Directions, as outlined in the summary Table in Appendix D.

The Planning Proposal is inconsistent with s9.1 Directions 9.1, relating to rural zones, and 9.2, relating to rural lands, as it seeks to rezone part of the subject site from RU2 to R2 and to increase the permissible density on the land by lowering the minimum allotment size from 40 hectares to 450m². The inconsistency with the s9.1 Directions is justified on the basis that the Planning Proposal is consistent with the Kiama LHS, as outlined in 4.2.2(b) above.

4.3 Environmental, Social and Economic Impact

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

The subject site contains a number of ecological constraints, including Illawarra Lowland Subtropical Rainforest vegetation along a steep-sided gully, two fig trees, and a population of Illawarra Zieria. Some of these constraints are recognised in existing planning controls that affect the subject site. For example, the Illawarra Lowland Subtropical Rainforest vegetation is zoned C2 Environmental Conservation and is mapped as 'biodiversity land'. These controls are not proposed to be changed by the proposed rezoning.

A flora and fauna assessment of the subject site and the proposed subdivision development has been undertaken by Lodge Environmental (see Appendix E). The flora and fauna assessment has identified that the subject site contains Illawarra Lowland Subtropical Rainforest (PCT 3013) – a Threatened Ecological Community, 379 individuals of *Zieria granulata*, and two habitat bearing trees (ie the two fig trees) as shown in Figure 4.

The assessment notes that the implementation of the bushfire Asset Protection Zone (APZ) will directly impact upon the edge subtropical rainforest and the two (2) fig trees, affecting 0.12 hectares of PCT 3013, and three (3) individuals of Illawarra Zieria. However, the APZ can be managed to allow for the retention of the fig trees, the Illawarra Zieria and the rainforest edge vegetation and native vegetation will not need to be removed to meet APZ requirements.

Figure 4 Ecological Constraints



Field surveys of the subject site did not identify any threatened fauna species. Threatened fauna species with the potential to utilise the limited habitat available on the subject site were identified as the Eastern False Pipistrelle, the Grey-Headed Flying Fox, and the Greater Broad-Nosed Bat.

Although no native vegetation will be removed to accommodate the development proposal and bushfire APZ, the vegetation within the APZ area still needs to be considered as 'impacted' for the purposes of assessing the entry threshold to the Biodiversity Offset Scheme (BOS). The impacted area of 0.12 hectares is less than the entrance threshold of 1 hectare for the current minimum lot size of 40 hectares and is also less than the entrance threshold of 0.25 hectares for lots with a minimum area of less than 1 hectare. The subject site does not contain any mapped biodiversity values land under the Biodiversity Conservation Act, 2016. The proposal does not trigger entry into the BOS.

To ensure the potential impacts of the proposal on threatened and non-threatened vegetation communities, flora and fauna are minimised, a number of mitigation measures have been recommended by the flora and fauna assessment, including:-

- Vegetation protection, including the provision of a 5m buffer to Illawarra Zieria individuals. The buffer area is to be delineated and protected and appropriate signage installed.
- The implementation of a Vegetation Management Plan (VMP) to include the APZ area, the subtropical rainforest area, and the eastern cleared area of the subject site. A copy of the VMP is attached at Appendix F.

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- Zoning the area of Illawarra Zieria C2 Environmental Conservation, with the eastern and western parts of residue land to be zoned C3 Environmental Management.
- Establish a fence between the residential lots and residue lot to restrict access into the bush lot and reduce potential impacts at the urban and bushland interface.
- Future stormwater management should maintain the natural drainage pattern to avoid altering moisture levels of the Illawarra Zieria population and subtropical rainforest.
- Implementation of a Construction and Environmental Management Plan at development stage.
- Future residential lots should be managed to control priority weeds and should be landscaped with species consistent with PCT 3013 Illawarra Lowland Subtropical Rainforest.

The flora and fauna assessment has concluded that no threatened flora or fauna were recorded in the subject site that will be significantly impacted by the proposal and that careful avoidance and recommended mitigation measures will protect the population of Illawarra Zieria and the Illawarra Lowland Subtropical Rainforest and improve the environmental outcome of the Planning Proposal.

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

In addition to the investigations of the site's ecological constraints (outlined in 4.3.1 above), other site constraints and environmental effects have been investigated as outlined below:-

(a) Bushfire Hazard Management

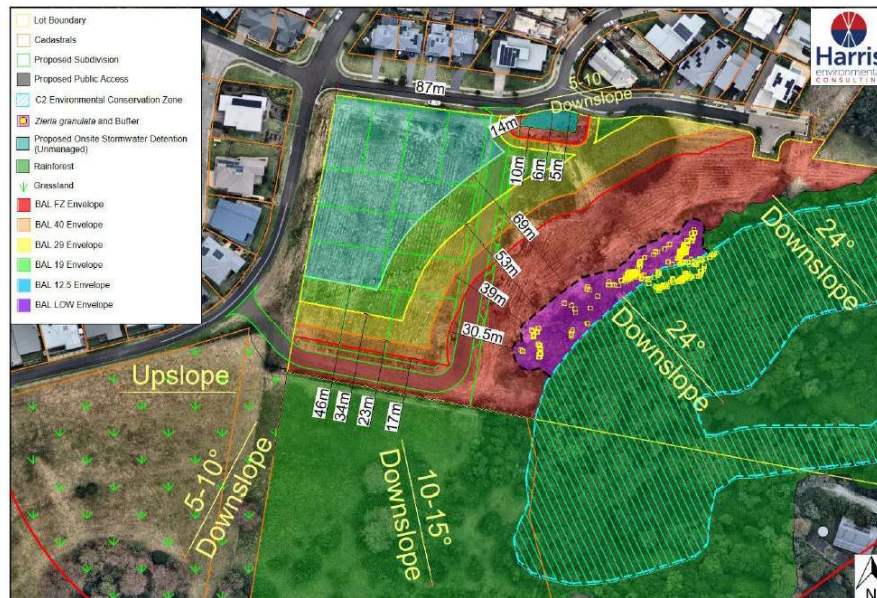
The subject site is mapped as bushfire prone land and a strategic bushfire assessment of the proposed residential subdivision has been prepared in accordance with the provisions of *Planning for Bushfire Protection* (2019) (PBFPP). A copy of this assessment is attached at Appendix G.

The strategic bushfire assessment has undertaken an investigation of the vegetation communities and land slopes influencing bushfire behaviour. The vegetation surrounding the proposed residential subdivision consists of 'rainforest', 'grassland' and the OSD facility ('freshwater wetland') to the east, 'rainforest' and 'grassland' to the south, and 'grassland' to the north-west and north-east. As one of the underlying objectives of the Planning Proposal is to protect the areas of Illawarra Subtropical Rainforest and Illawarra Zieria, the separation distance to that vegetation and the underlying slopes has been assessed in the strategic bushfire assessment and bushfire attack level (BAL) ratings determined across the site, as shown in Figure 5.

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Figure 5 BAL Ratings



Subdivisions are required to achieve a bushfire attack level of not more than BAL-29 at building footprints. For the proposed subdivision to achieve a compliant BAL-29, APZs of 23m to the south and 39m to the east and south-east, and 10m to the north-east are required. As shown in Figure 5, the proposed subdivision has been designed so that each of the proposed residential lots and the residue lot's building envelope has a buildable area of no more than BAL-29 without the need to require clearing of the areas of Illawarra Subtropical Rainforest and Illawarra Zieria, and without the removal of either of the fig trees.

The strategic bushfire assessment has considered water supply and access. The report notes that some proposed lots will have access to existing fire hydrants in Caliope Street and Old Saddleback Road, while lots in the southern section of the proposed subdivision will require either new hydrants or a static water supply. The report also notes that the proposed perimeter roadway will need to be designed to meet the perimeter road requirements of PBFP, as indicated in the concept subdivision layout plan.

(b) Site Contamination

Having regard to the historic use of the land for agricultural purposes, a Preliminary Site Investigation (PSI) has been undertaken to determine whether contamination has the potential to exist on the site, to assess if any contamination poses an unacceptable risk to human health or the environment, and to document whether further investigation is required. A copy of this assessment is attached at Appendix H.

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Based on a review of the site's history and an inspection of the site a conceptual site model, identifying four (4) preliminary Areas of Environmental Concern (pAEC), namely:-

- pAEC01** ~1,500m² located in the northern area of the site
- pAEC02** ~101m² stockpile of rocks
- pAEC03** 12,000m² being the shallow site soils across the entire site
- pAEC04** 20m² shallow soils in a hotspot within pAEC03

Laboratory testing of the soil samples from pAEC01, pAEC02 and pAEC03 for contaminants revealed results that were less than the applicable Site Assessment Criteria (SAC). The soil samples from pAEC04 had elevated levels of TRH, PAH, copper and lead. The material within pAEC04 was assessed as suitable for management under waste management procedures and the NSW EPA Waste Classification Guidelines and was removed from site. Subsequent validation sampling and laboratory analysis of pAEC04 reported results below the adopted SAC and were considered satisfactory.

Based on the results of the PSI, the identified preliminary Areas of Environmental Concern can be removed from the conceptual site model, and the site may be assessed as suitable for the proposed residential development in accordance with *State Environmental Planning Policy (Resilience & Hazards) 2021*.

(c) Soil & Water Management

A Water Cycle Management Study (WCMS) has been prepared in support of the Planning Proposal to demonstrate compliance with Council's Water Sensitive Urban Design (WSUD) Policy and to ensure that WSUD principles are incorporated into the proposal and protect the downstream environment. A copy of this report is attached at Appendix I.

The WSUD has considered flooding and riparian land management and notes that the area to be rezoned R2 is located well outside the Flood Planning Area identified in the *Surf Beach Catchment Floodplain Risk Management Study and Plan* (2017), with the flood-affected area being confined to the south-eastern corner of the subject site. A Category 3 watercourse traverses the south-eastern corner of the subject site and the area to be rezoned R2 is a minimum of 87m away, exceeding the 10m distance which triggers clause 6.5 of KLEP 2011.

For subdivisions, Council's WSUD Policy establishes water quality targets for pollutants, maximum post-development peak flows, and baseline mains water consumption reduction. The WCMS has assessed the proposed subdivision to determine achievement of the required targets.

Water quality for the proposed subdivision has been modelled using the Model for Urban Stormwater Improvement Conceptualisation (MUSIC). The MUSIC modelling indicates that the water quality targets outlined in Council's WSUD Policy can be achieved with the implementation of gross pollutant traps, a bioretention basin, and rainwater tanks (for individual dwellings).

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Peak flows for the pre-development and post-development scenarios have been calculated and detailed in the WCMS. The peak flow modelling indicates that, with the implementation of On-Site Detention (OSD), post-development flows from the subject site can be limited to no more than the pre-development levels allowed for in the design of the downstream stormwater drainage system.

In relation to baseline water consumption reduction, State Environmental Planning Policy (Sustainable Buildings) 2022 requires a minimum 40% reduction in mains water usage, which accords with the target set by the WSUD Policy. The achievement of the water conservation target will be demonstrated through BASIX Certificates with future individual dwelling construction.

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

The Planning Proposal has been considered in terms of heritage impacts – both Aboriginal and European; social impacts; and economic impacts.

(a) Aboriginal Archaeology

An Aboriginal Cultural Heritage Assessment (ACHA) of the subject site and development proposal has been undertaken (see Appendix J). The ACHA consisted of historical site and literature reviews, AHIMS searches, consultation with Aboriginal stakeholders, and an archaeological field survey of the subject site.

The AHIMS searches did not disclose any previously registered sites within the study area, and the field survey did not identify any archaeological sites within the study area. The field survey considered the landform of the subject site and noted that there are no areas within the site that would have been suitable for activity areas, resulting in no potential for subsurface archaeological deposits to exist within the subject site. The outcome of the site inspection and field survey was that no further archaeological assessment is warranted for the subject site.

The ACHA report has recommended that no further archaeological assessment of the site is required and that stop work provisions be implemented should any unanticipated Aboriginal archaeological material or human remains be encountered during site works. Should works extend beyond the boundaries of the assessed site, then further investigation of those areas should be completed.

(b) Cultural Heritage

A Statement of Heritage Impact (SoHI) has been prepared in support of the Planning Proposal (see Appendix K). The preparation of the SoHI included a review of statutory registers to identify listings for the study area, a literature search, and a site inspection.

The subject site was once part of the 'Garden Hill' property established in mid-1800s by Gerard Irvine, with the original bluestone cottage currently located at No.11 Caliope Street.

The site inspection noted the dry stone wall along the site's southern boundary and the dilapidated wooden structures beneath the fig tree. The wooden structures may

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have been associated with the 'Garden Hill' farmhouse and appear to have been extended over the years. Whilst some potentially original fabric, possibly dating back to the original construction of the farmhouse, was noted in one section, much of the remaining structure has utilised copper logs and other modern building materials.

The dry stone wall along the site's southern boundary has been determined as having heritage significance due to its likely association with Thomas Newing, its aesthetic characteristics, rarity and representativeness. The SoHI has recommended that the dry stone wall, for a distance of 115m eastward from the site's south-western corner, should be revealed through the careful removal of vegetation, taking care not to dislodge stones, and, where necessary, the wall should be carefully reconstructed in the original method utilising the original material wherever possible. The remainder of the wall, heading downslope to the riparian corridor, is difficult to access and is not immediately visible as part of the development proposal. No further work is recommended for this section of the wall.

The timber remains of the structures beneath the fig tree are not considered to have any heritage significance under any of the relevant significance criteria. The timber remains are visually disconnected from the original farmhouse and their retention is not considered possible or feasible as restoration to a safe standard would result in replacement or removal of almost all original fabric. The SoHI has recommended that consideration be given to undertaking a photographic archival recording of the structures prior to their removal, in order to document them as original items of the area's earliest European settlement.

The SoHI notes that minimal construction has occurred on the subject site, with structures associated with 'Garden Hill' were previously located along the northern boundary but have been demolished to make way for the alignment of Caliope Street. These structures were likely timber structures with minimal footings and are unlikely to have resulted in significant archaeological deposits remaining. The SoHI does not consider the site as having historic archaeological potential.

(c) Social Effects

The Planning Proposal will provide additional residential land to be developed for detached dwelling houses or dual occupancies to assist Kiama Council in meeting the NSW Government's five-year housing targets and meeting the needs of future residents. The subject site is close to the Kiama town centre and the amenities it offers, including administrative and social services; medical services; community and recreational facilities; shops and cafes; and primary and secondary schools.

(d) Economic Effects

The proposed subdivision will be undertaken entirely at the proponent's expense. All costs associated with the proposed subdivision, including utility infrastructure extension and provision, stormwater drainage works, and road works, will be borne by the proponent with no cost implications for State agencies or Council.

The Planning Proposal will lead to increased development and building activity throughout the subdivision and dwelling construction phases. The increase in population will increase the demand for goods and services which will benefit the

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viability of local businesses and service providers. Future section 7.12 Contributions levied by Council will provide funding for identified Council projects.

4.4 Infrastructure (Local, State and Commonwealth)

4.4.1 Is there adequate public infrastructure for the planning proposal?

Consideration has been given to the availability and adequacy of public utility infrastructure services to cater for the Planning Proposal. Initial enquiries of service agencies indicates that there is capacity available within the existing reticulated water supply and sewerage systems to cater for the Planning Proposal, and that there is also spare capacity available in the local electricity supply network.

(a) Roads

The subject site has direct access from the existing road network. Caliope Street, along the northern edge of the site is a two-way bitumen-sealed road with rolled kerb to both sides. Old Saddleback Road along the western edge of the site is a bitumen-sealed two-way road with kerb and gutter and a grassed verge along its western side. The eastern side has no road shoulder and no kerb and gutter.

The subdivision of the subject site, enabled by the Planning Proposal, will include the construction of a new perimeter road, around the proposed residential lots, between Old Saddleback Road and Caliope Street. The perimeter road will be a two-way, bitumen-sealed road, with kerb and gutter to both sides.

It is anticipated that there will be road widening works along Old Saddleback Road, from Caliope Street to the intersection with the new perimeter road. It is likely the road widening will include road shoulder and kerb and gutter construction. There is ample available width within the existing road reserve to accommodate these works.

(b) Sydney Water

Initial consultation with Sydney Water has indicated that the site is located within the Kiama Water Supply Zone and that the system has capacity to service the proposed development. To meet water supply service level requirements, the subdivision will need to be connected to the Kiama West supply reservoir.

Sydney Water has also advised that the proposed subdivision can drain to an existing 150mm sewer main, located in Caliope Street opposite Hanrahan Place. Initial assessment by Sydney Water indicates that the existing sewerage system has capacity to service the subdivision.

A copy of Sydney Water's feasibility advice letter is attached at Appendix L.

(c) Endeavour Energy

Endeavour Energy has been consulted in relation to the provision of electricity services to the proposed allotments and has offered connection to the existing reticulated electricity network, subject to the preparation of an electrical design by a Level 3 Accredited Services Provider (ASP).

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An electricity supply report and electrical design, including underground reticulation to each of the thirteen (13) residential allotments and the provision of street lighting, has been prepared in relation to the Planning Proposal. The electricity supply report indicates that there is spare capacity at two nearby padmount substations sufficient to supply the proposed subdivision.

A copy of the Endeavour Energy advice and the electricity supply report and design are attached at Appendices M and N.

4.5 State and Commonwealth Interests

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

At this stage, the Gateway determination has not been issued by the Minister and the relevant State and Commonwealth public authorities and government agencies to be consulted have not yet been confirmed.

The Scoping Proposal, prepared as a prelude to the current Planning Proposal, was referred by Kiama Council to the following State agencies for review and comment:-

- Transport for NSW
- Rural Fire Service
- Heritage NSW
- Sydney Water
- NSW Environment Protection Authority
- Endeavour Energy
- Department of Climate Change, Energy, the Environment and Water
- State Emergency Service

Comments in response to the Scoping Proposal received from the State agencies are summarised in the Table below.

Agency	Comments	Consideration
Transport for NSW	▪ No transport concerns. ▪ No significant impact on State roads. ▪ Any transport impact assessment to reference <i>Guide to Transport Impact Assessment</i>. ▪ No current plans for road infrastructure upgrades along the M1 at Bland Street connections.	Noted

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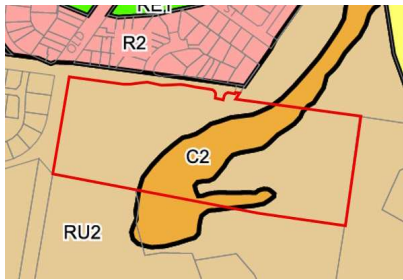
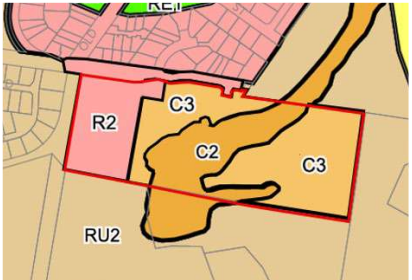
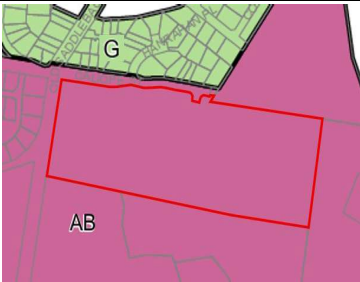
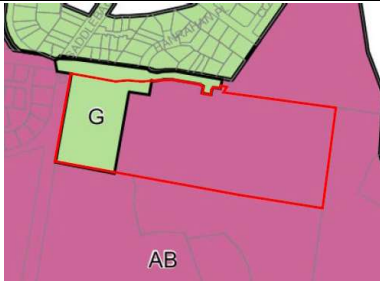
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Agency	Comments	Consideration
Rural Fire Service	- Strategic Bush Fire Study required addressing Chapter 4 of <i>Planning for Bush Fire Protection</i> (2019). - Southern hazard to be considered regenerating rainforest rather than grassland.	Refer to bushfire assessment & section 4.3.2(a)
Heritage NSW	- Aboriginal Cultural Heritage Assessment Report required. - No impacts on State Heritage Register items or historical archaeology. - Assessment of the likelihood of historical archaeological 'relics' at the site is to be undertaken.	Refer to ACHA report & HIA & sections 4.3.3(a) & (b)
Sydney Water	No comment received.	Consulted separately - see 4.4.1(b)
NSW EPA	PSI assessment and report to be prepared.	Refer to PSI report & section 4.3.2(b)
Endeavour Energy	No comment received.	Consulted separately - see 4.4.1(c)
DCCEEW	- Demonstrate steps taken to avoid or minimise impacts on biodiversity and high environmental value land. - Identify ownership and management arrangements for residue land. - Include quadrants as part of on-ground assessments. - Consider appropriate buffers to adjacent threatened ecological communities. - Consider applying Stage 1 of BAM 2020 to ecological assessments. - Consider all potential clearing in determining whether the Biodiversity Offsets Scheme triggered at DA stage. - Include entire lot in Planning Proposal. - Consider whether C2 more appropriate than RU2 for the vegetated land east of the current C2 zone, and for the areas of Illawarra Subtropical Rainforest and Illawarra Zieria. - Consider measures to protect C2 zoned lands (eg conservation agreement or VMP).	Refer flora and fauna assessment & VMP & section 4.3.1
SES	- Undertake flood impact and risk assessment. - Consider flood impacts on access roads in the broader road network. - Seek advice from DCCEEW in relation to the proposal's impact on flood behaviour.	Refer to WCMS & section 4.3.2(c)

The issues raised by State agencies in response to the Scoping Proposal have been reviewed and addressed in subsequent studies and updates which have informed the current Planning Proposal.

5.0 MAPS

The Planning Proposal seeks to make amendments to the following maps accompanying KLEP 2011 as indicated in the table below:-

Map Ref.	Existing	Proposed
LZN_012		
LSZ_012		
HOB_012		
FSR_012		

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Map Ref.	Existing	Proposed
BIO_012		

Copies of the proposed map amendments are attached at Appendix B.

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6.0 COMMUNITY CONSULTATION

The Gateway determination will specify the duration and extent of public exhibition required for the Planning Proposal. The DPHI's *Local Environmental Plan Making Guideline* (the Guide) suggests that notification of the Planning Proposal at public exhibition stage should occur:-

- on Kiama Council's website;
- on the NSW Planning Portal; and
- in writing to affected and adjoining landowners (unless this is impractical).

The Guide recommends differing lengths of public exhibition periods depending on whether the Planning Proposal is categorised as 'basic', 'standard', 'complex' or 'principal'. A 'standard' planning proposal includes one which "*is consistent with an endorsed District/Regional Strategic Plan and/or LSPS*"². As outlined in this report, the Planning Proposal is consistent with the ISRP and KLSPS and would be considered a 'standard' planning proposal. A recommended public exhibition period of 20 working days applies to a 'standard' planning proposal.

² *Local Environmental Plan Making Guideline* (Dept Planning & Environment 2023) – page 14

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7.0 PROJECT TIMELINE

DPHI's Guide, at Table 2, outlines planning proposal assessment and finalisation benchmark timeframes, measured in working days. For a 'standard' planning proposal, the benchmark timeframes are:-

Stage	Tasks	Days*
Stage 1 – Pre-lodgement	- Proponent submits scoping proposal - Council refers scoping proposal to authorities and government agencies for comment - Pre-lodgement meeting between Council and proponent. - Council's initial assessment and advice.	50
Stage 2 – Planning Proposal	- Planning Proposal and technical studies lodged. - Council undertakes planning assessment. - Planning Proposal reported to council for formal consideration.	95
Stage 3 – Gateway determination	- Planning Proposal submitted to DPHI for review. - DPHI assessment and recommendation on whether Planning Proposal should proceed. - DPHI issues Gateway determination.	25
Stage 4 – Post-Gateway	- Council reviews and actions Gateway determination. - If required – additional studies, review by authorities and government agencies. - If required – Planning Proposal updated and referred back to DPHI. - If required – DPHI review and confirmation Gateway conditions met.	50
Stage 5 – Public Exhibition & Assessment	- Public exhibition in accordance with Gateway determination. - Review of submission and consideration of issues raised. - If required – changes made to Planning Proposal. - Planning Proposal reported to council for formal consideration.	95
Stage 6 – Finalisation	- Planning Proposal referred to DPHI for finalisation. - DPHI reviews Planning Proposal and prepares finalisation report. - Legal drafting of amending LEP and finalisation of mapping amendments. - Amending LEP made and notification issued.	55
Total Days* (excluding Stage 1)		320

* working days

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Applying the above benchmark timeframes to the current Planning Proposal, the following project timeline has been determined:-

Stage 1 – Pre-lodgement	Completed
Stage 2 – Planning Proposal	November 2025 – March 2026
Stage 3 – Gateway determination	March – April 2026
Stage 4 – Post-Gateway	April – June 2026
Stage 5 – Public Exhibition & Assessment	June – November 2026
Stage 6 – Finalisation	November 2026 – January 2027

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8.0 CONCLUSION

The Planning Proposal seeks to amend KLEP 2011 to rezone the western portion of the subject site from RU2 Rural Landscape to a mix of R2 Low Density Residential, C2 Environmental Conservation, and C3 Environmental Management; and to rezone the eastern portion of the subject site from RU2 Rural Landscape to C3 Environmental Management. It is intended that the R2-zoned portion of the site be subdivided into 13 residential allotments varying in size from 600m² to 940m², with the residue allotment to be provided with a building envelope and to be privately managed in accordance with a Vegetation Management Plan to restore the biodiversity values of the subject site and to protect the population of Illawarra Zieria and the area of Illawarra Subtropical Rainforest.

The opportunities and constraints of the subject site have been explored and detailed investigation of the ecological and bushfire constraints has been undertaken. These investigations have informed and guided the design of the residential subdivision component of the proposal, which in turn has defined the extent of the subject site which is to be rezoned to R2 and determined an appropriate zoning and land management regime for the balance of the site.

Assessments of the proposal undertaken to date, indicate that there is not likely to be any detrimental impacts in terms of Aboriginal archaeology, European heritage, site contamination, or water quality, and that the likely environmental, social and economic impacts will be positive.

This Planning Proposal report has reviewed the proposal in light of the State and local strategic planning framework and has determined that the proposal is consistent with the ISRP 2015, relevant SEPPs and s9.1 Directions, and Council's adopted Local Strategic Planning Statement and Local Housing Strategy.

The Planning Proposal is recommended to Council for referral to the Department of Planning, Industry and Environment for Gateway Determination.



Glenn Debnam BTP (UNSW) RPIA

**Town Planner
Director**

12th December 2025

Site Photographs



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Photo 1 – Dry stone wall along the southern boundary with rural lands adjoining to the south.



Photo 2 – Typical dilapidated section of dry stone wall recommended for restoration through removal of vegetation and reconstruction using traditional materials and techniques.



Photo 3 – View from Old Saddleback Road looking north-east across the land proposed to be zoned R2 Low Density Residential.



Photo 4 – View from Old Saddleback Road looking south-east across the proposed R2 land. The tree line in the middle of the photograph is the vegetation within the existing C2 Environmental Conservation zone.



Photo 5 – Looking northward along Old Saddleback Road, at the western boundary of the subject site. Note the kerb and gutter along the western side of the road and unformed shoulder and verge on the eastern side.

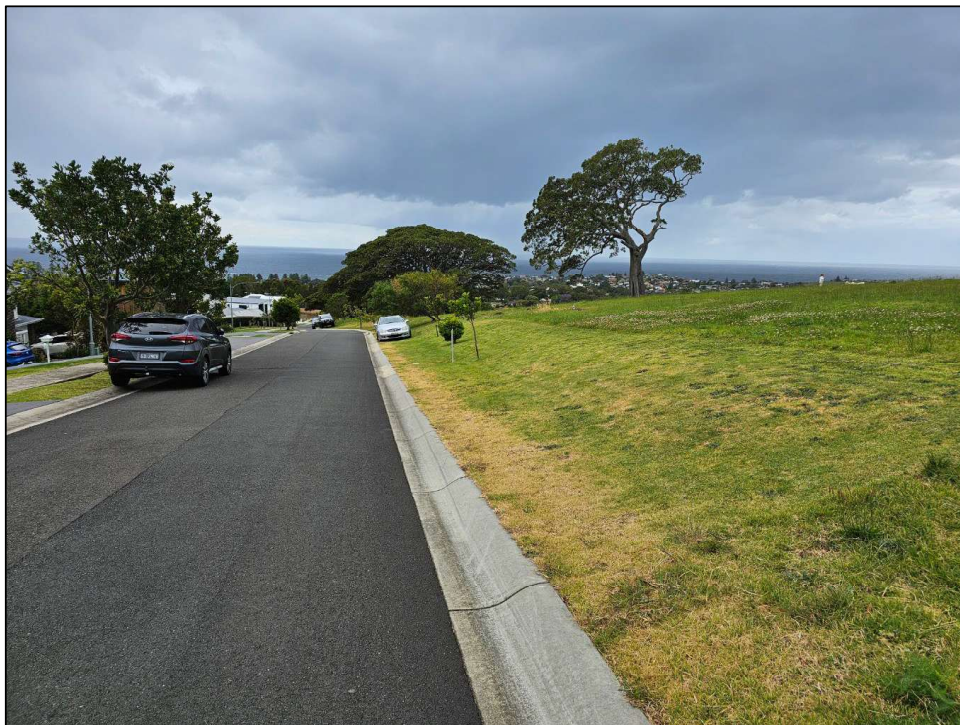


Photo 6 – View looking eastward down Caliope Street at the northern boundary of the subject site, noting the fully constructed road complete with kerb and gutter to the southern side.

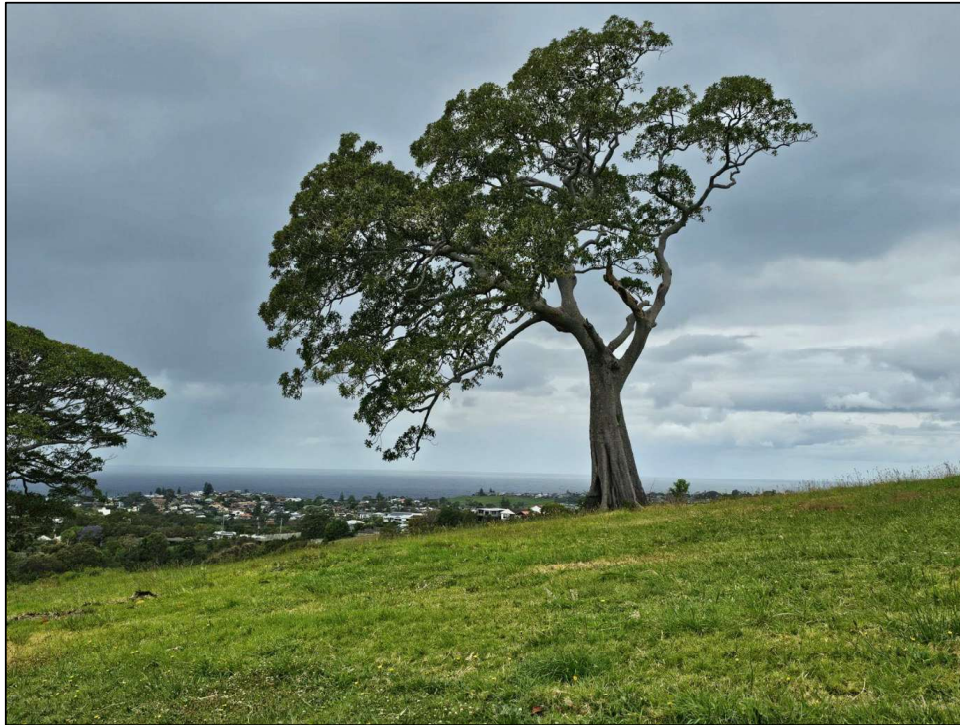


Photo 7 – Tall Moreton Bay Fig (*Ficus macrophylla*) located to the east of the proposed R2 zone and perimeter road.



Photo 8 – The second Moreton Bay Fig (*Ficus macrophylla*) located to the north-east of the proposed R2 land and perimeter road.



Photo 9 – The remains of former shed structures beneath the Moreton Bay Fig. The structures use old and modern building materials and would require significant works and replacement of original fabric to restore them.

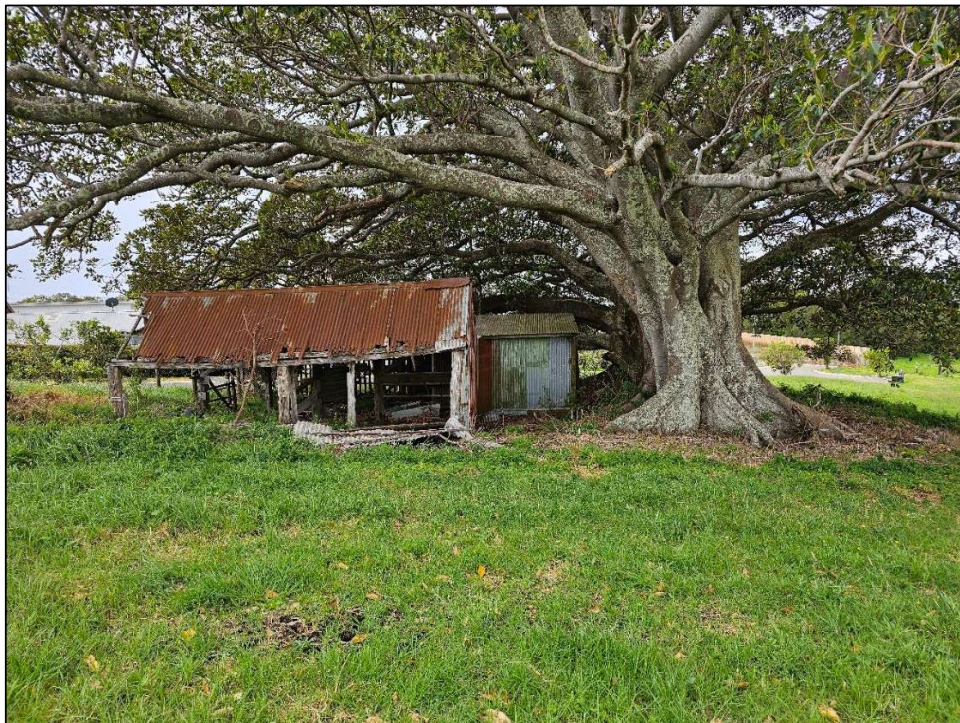


Photo 10 – The former shed structures viewed from a different angle showing the extent of encroachment within the root zone of the Moreton Bay Fig.



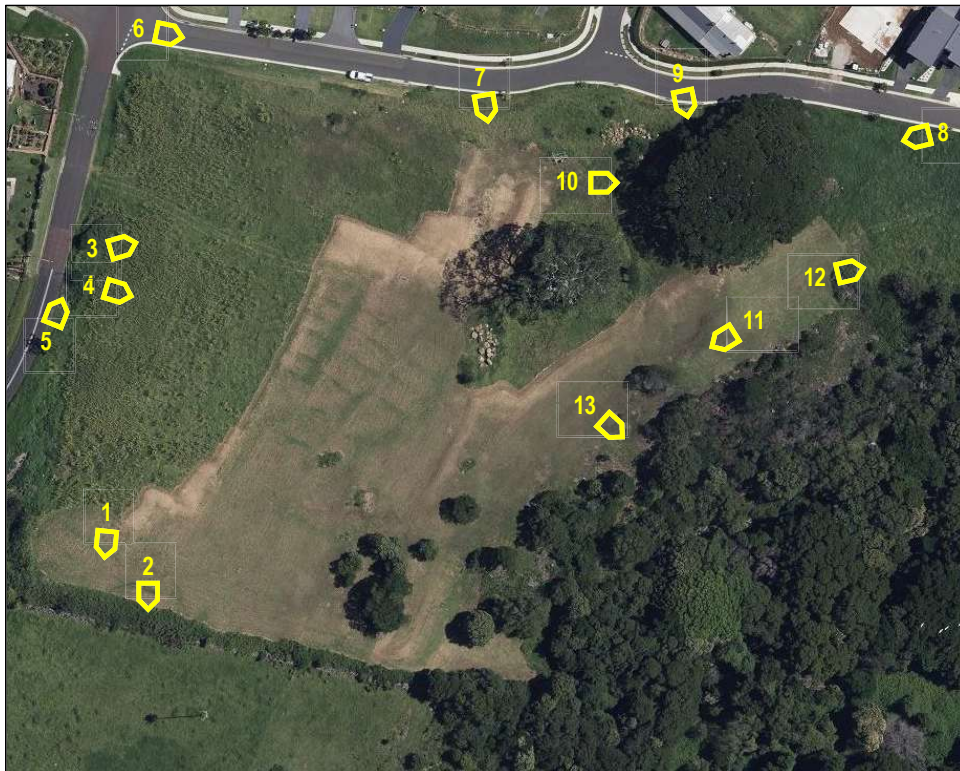
Photo 11 – View looking to the south-west along the interface of the Illawarra Subtropical Rainforest and the cleared grassland.



Photo 12 – View looking to the east along the edge of the Illawarra Subtropical Rainforest. The northern boundary of the site is denoted by the post-and-wire fencing to the left.



Photo 13 – Individuals of Illawarra Zieria (*Zieria granulata*) forming part of a population of 379 growing along the edge of the Illawarra Subtropical Rainforest.



Location of Photographs

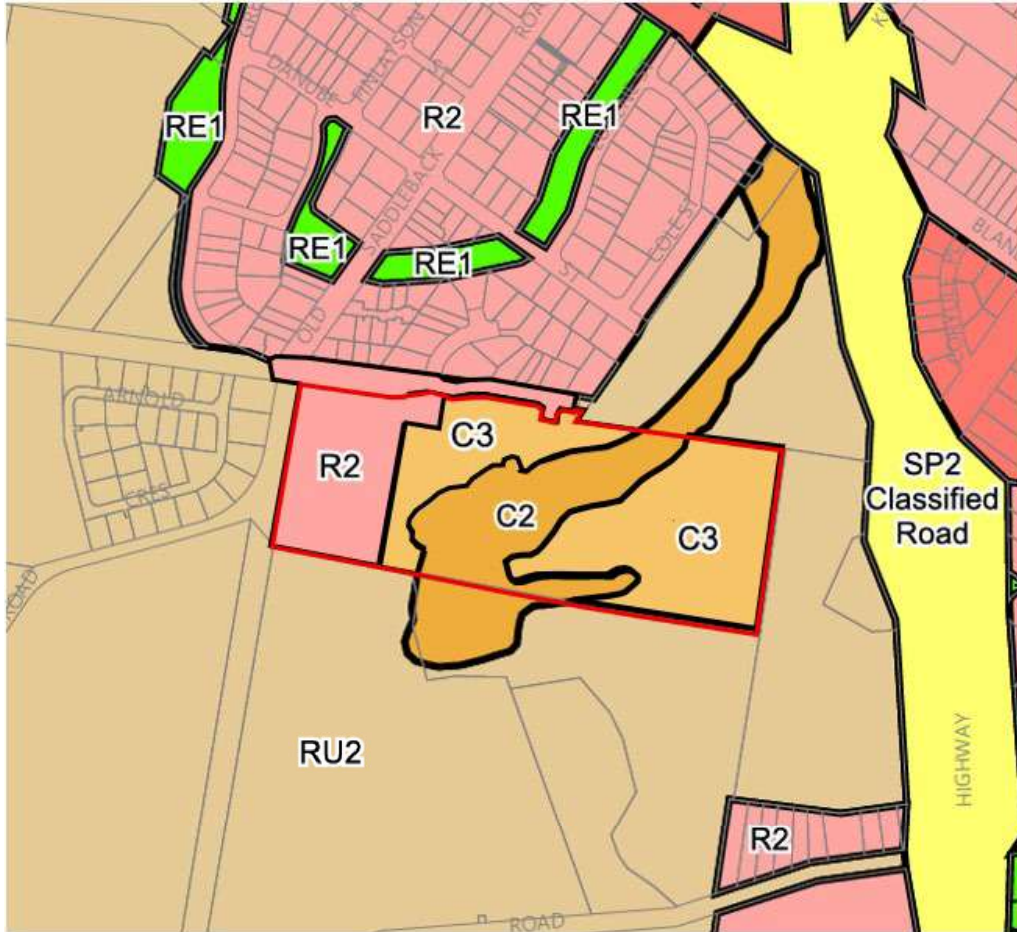
Proposed Kiama LEP Maps

APPENDIX

B

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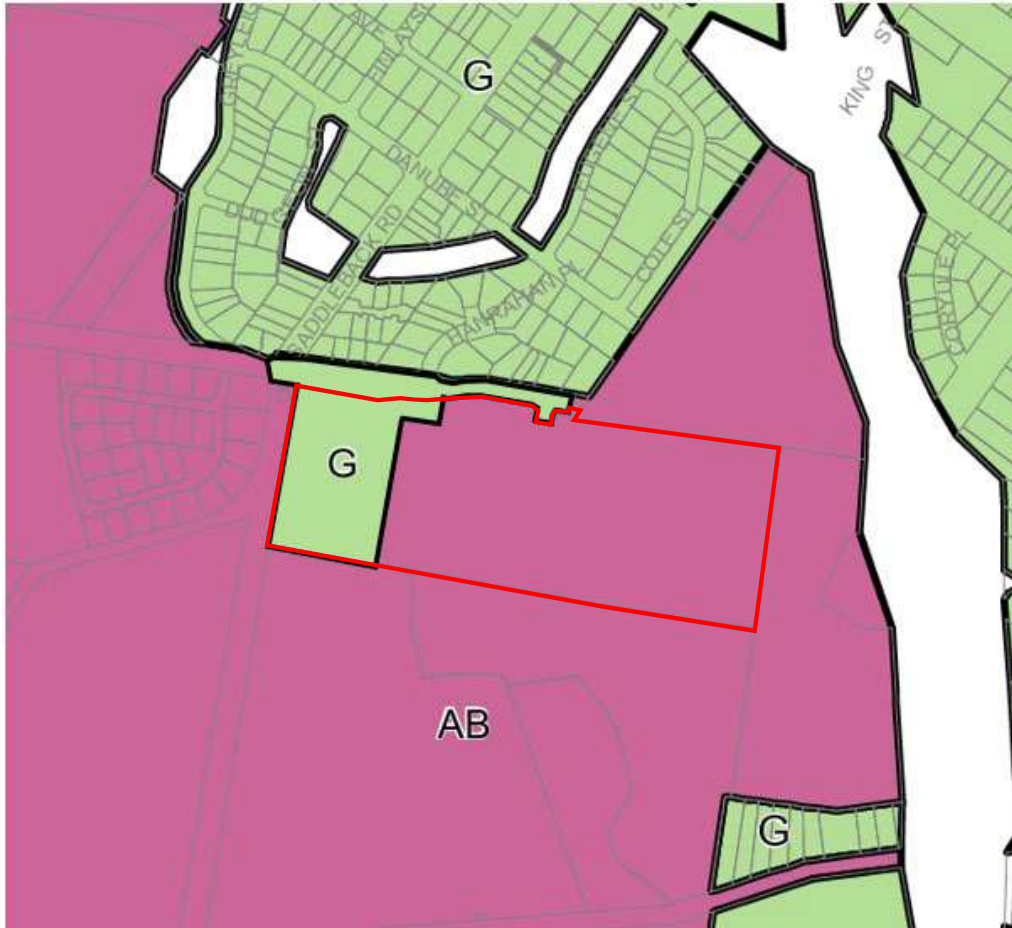
PLANNING PROPOSAL

Amendment to Land Zoning Map Kiama Local Environmental Plan 2011

Lot 672 DP 1308222 No.2 Caliope Street, Kiama

Plannex Environmental Planning

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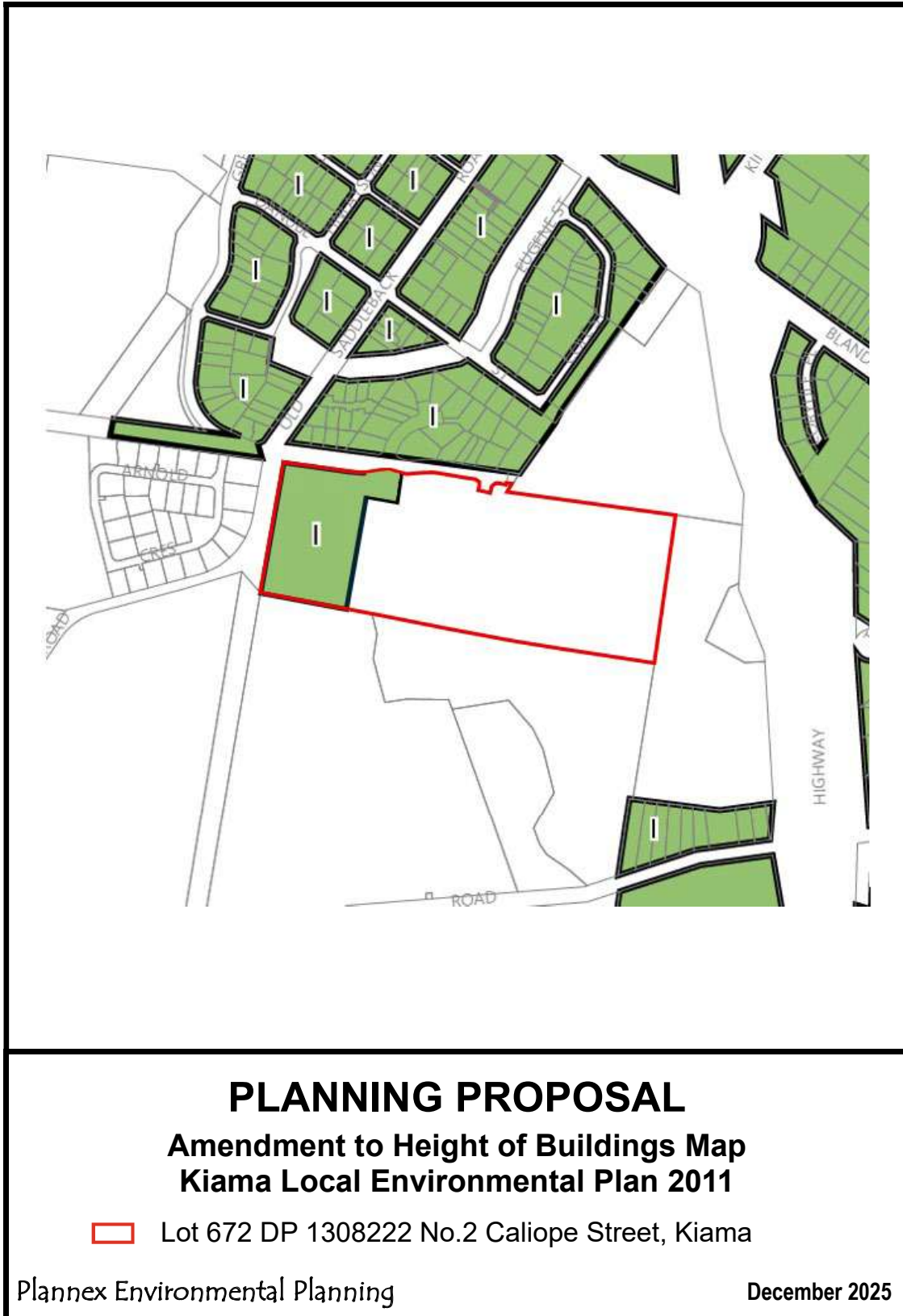
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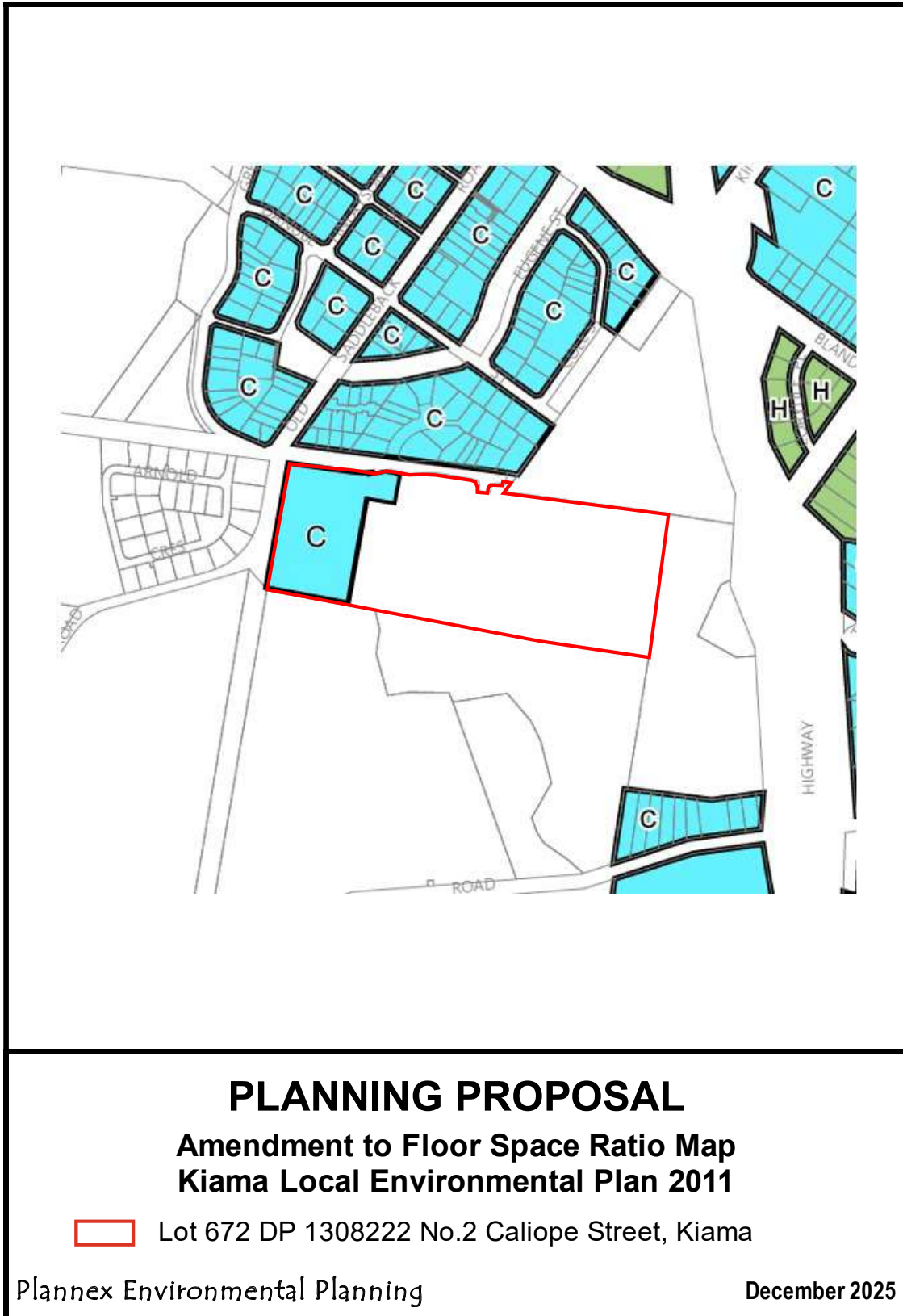
Amendment to Lot Size Map Kiama Local Environmental Plan 2011

 Lot 672 DP 1308222 No.2 Caliope Street, Kiama

Plannex Environmental Planning

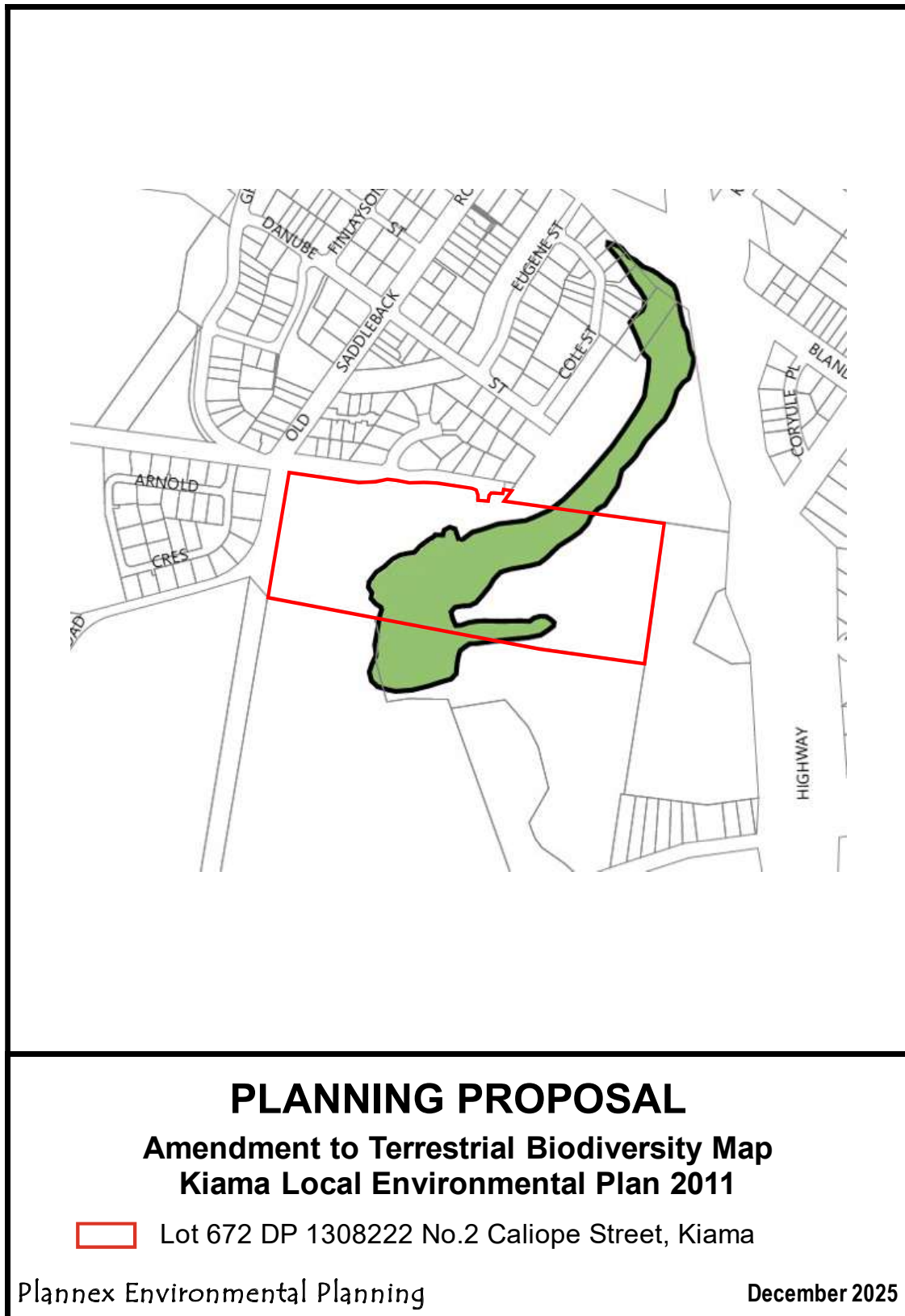
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**State Environmental
Planning Policies**



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State Environmental Planning Policies

State Environmental Planning Policy (SEPP)	Consistency of Planning Proposal
SEPP (Exempt & Complying Development Codes) 2008	Not applicable to this development proposal.
SEPP (Planning Systems) 2021	Not applicable to this development proposal.
SEPP (Housing) 2021	Not applicable to this development proposal.
SEPP (Biodiversity & Conservation) 2021	Not applicable. The Kiama LGA is not listed in schedule 2 of the SEPP and therefore the koala habitat provisions of Chapters 3 and 4 do not apply. The subject site is not within that part of the Kiama LGA located in the Sydney Drinking Water Catchment and therefore Chapter 6 of the SEPP does not apply. The Kiama LGA is not affected by the provisions of Chapters 2, 5 or 13 of the SEPP.
SEPP (Resilience & Hazards) 2021	Consistent – The site is not located on land affected by the coastal management provisions of Chapter 2 of the SEPP. In relation to the land remediation provisions of Chapter 4, it is proposed to develop the site for residential purposes and a preliminary site investigation for potential contamination has been undertaken and determined that the site is suitable for the proposed use.
SEPP (Transport & Infrastructure) 2021	Consistent – Section 2.138 of the SEPP allows the construction of a “stormwater management system” with consent by any person on any land. Therefore, the proposed OSD/water quality facility to be installed on the C3-zoned portion of the site is permitted with consent. No other provisions of the SEPP are relevant to the development proposal.
SEPP (Industry & Employment) 2021	Not applicable to this development proposal.
SEPP (Resources & Energy) 2021	Not applicable to this development proposal.

State Environmental Planning Policy (SEPP)	Consistency of Planning Proposal
SEPP (Primary Production) 2021	Not applicable to this development proposal.
SEPP (Precincts – Eastern Harbour City) 2021	N/A – Does not apply to Kiama LGA
SEPP (Precincts – Central River City) 2021	N/A – Does not apply to Kiama LGA
SEPP (Precincts – Western Parkland City) 2021	N/A – Does not apply to Kiama LGA
SEPP (Precincts – Regional) 2021	N/A – Does not apply to a site within the Kiama LGA
SEPP (Sustainable Buildings) 2022	Not applicable to this development proposal.

s9.1 Directions

APPENDIX

D

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Section 9.1 Ministerial Directions

Section 9.1 Direction Title		Consistency of Planning Proposal
Focus area 1: Planning Systems		
1.1 Implementation of Regional Plans		Consistent – The Planning Proposal is consistent with the Illawarra-Shoalhaven Regional Plan 2041
1.2 Development of Aboriginal Land Council land		N/A – The Planning Proposal does not apply to land to which Chapter 3 of State Environmental Planning Policy (Planning Systems) 2021 applies.
1.3 Approval and Referral Requirements		Consistent – No concurrence, consultation or referral provisions are proposed by the Planning Proposal, and no development is identified by the Planning Proposal as designated development.
1.4 Site Specific Provisions		N/A – The Planning Proposal is not being made specifically to allow a particular type of development to be undertaken on the subject site.
1.4A Exclusion of Development Standards from Variation		N/A – The Planning Proposal is not seeking to introduce or alter an existing exclusion to clause 4.6 of Kiama LEP 2011.
Focus area 1: Planning Systems – Place-based		
1.5 Parramatta Road Corridor Urban Transformation Strategy		N/A – Does not apply to Kiama LGA
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan		N/A – Does not apply to Kiama LGA
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan		N/A – Does not apply to Kiama LGA

Section 9.1 Direction Title	Consistency of Planning Proposal
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A – Does not apply to Kiama LGA
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A – Does not apply to Kiama LGA
1.10 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N/A – Does not apply to Kiama LGA
1.11 Implementation of Bayside West Precincts 2036 Plan	N/A – Does not apply to Kiama LGA
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	N/A – Does not apply to Kiama LGA
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	N/A – Does not apply to Kiama LGA
1.14 Implementation of Greater Macarthur 2040	N/A – Does not apply to Kiama LGA
1.15 Implementation of the Pymont Peninsula Place Strategy	N/A – Does not apply to Kiama LGA
1.16 North West Rail Link Corridor Strategy	N/A – Does not apply to Kiama LGA
1.17 Implementation of the Bays West Place Strategy	N/A – Does not apply to Kiama LGA

Section 9.1 Direction Title		Consistency of Planning Proposal
1.18 Implementation of the Macquarie Park Innovation Precinct		N/A – Does not apply to Kiama LGA
1.19 Implementation of the Westmead Place Strategy		N/A – Does not apply to Kiama LGA
1.20 Implementation of the Camellia-Rosehill Place Strategy		N/A – Does not apply to Kiama LGA
1.21 Implementation of South West Growth Area Structure Plan		N/A – Does not apply to Kiama LGA
1.22 Implementation of the Cherrybrook Station Place Strategy		N/A – Does not apply to Kiama LGA
Focus area 2: Design and Place		(Note: Currently no 'Design and Place' Directions)
Focus area 3: Biodiversity and Conservation		
3.1 Conservation Zones		Consistent – The Planning Proposal seeks to include provisions that facilitate the protection of the Illawarra Subtropical Rainforest and Illawarra Zieria located on the subject site by extending the C2 zone and terrestrial biodiversity land. In addition, areas of the site will be rezoned from RU2 to C3 to promote protection of the edge areas of the vegetation.
3.2 Heritage Conservation		Consistent – The Planning Proposal is supported by an Aboriginal Cultural Heritage Assessment (ACHA) and a Heritage Impact Statement (HIS). The ACHA did not identify any items of Aboriginal heritage significance on the site. The HIS acknowledged the dry stone wall as having historic significance and made recommendations aimed at repairing and restoring the wall to enable it to be appreciated and interpreted in context.
3.3 Sydney Drinking Water Catchments		N/A – The subject site is not located within the Sydney Drinking Water Catchment.

Section 9.1 Direction Title	Consistency of Planning Proposal
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N/A – Does not apply to Kiama LGA
3.5 Recreation Vehicle Areas	Consistent
3.6 Strategic Conservation Planning	N/A – The subject site is not identified as ‘avoided land’ or a ‘strategic conservation area’ under State Environmental Planning Policy (Biodiversity & Conservation) 2021.
3.7 Public Bushland	N/A – Does not apply to Kiama LGA
3.8 Willandra Lakes Region	N/A – Does not apply to Kiama LGA
3.9 Sydney Harbour Foreshores and Waterways Area	N/A – Does not apply to Kiama LGA
3.10 Water Catchment Protection	N/A – The subject site is not located within a “regulated catchment” as defined by State Environmental Planning Policy (Biodiversity & Conservation) 2021.
Focus area 4: Resilience and Hazards	
4.1 Flooding	Consistent – A small section of land, in the south-eastern corner of the subject site, is flood prone. It is proposed to rezone this land from RU2 to C3 which does not permit a higher level of development than is currently permitted, but which will provide a higher level of protection for that land.
4.2 Coastal Management	N/A – The site is not located on land within the “coastal zone” as defined by the Coastal Management Act 2016 and identified by Chapter 2 State Environmental Planning Policy (Resilience & Hazards) 2021.

Section 9.1 Direction Title	Consistency of Planning Proposal
4.3 Planning for Bushfire Protection	Consistent – The site is mapped as containing bushfire prone land and the Planning Proposal has been accompanied by a strategic bushfire assessment which demonstrates that the proposal can comply with the requirements of Planning for Bushfire Protection 2019 and that adequate Asset Protection Zones can be accommodated without impacting existing significant vegetation.
4.4 Remediation of Contaminated Land	Consistent – The Planning Proposal will enable the change of use of part of the site for residential purposes. A preliminary site investigation for potential contamination has been undertaken and has determined that the site is suitable for the proposed residential use.
4.5 Acid Sulfate Soils	N/A – The site is not shown on the Acid Sulfate Soils Planning Maps as having a probability of containing acid sulfate soils.
4.8 Mine Subsidence and Unstable Land	N/A – The site is not within a mine subsidence area or located on potentially unstable land.
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Consistent
5.2 Reserving Land for Public Purposes	Consistent – The Planning Proposal does not affect or require land to be reserved for public purposes.
5.3 Development Near Regulated Airports and Defence Airfields	N/A
5.4 Shooting Ranges	N/A
5.5 High pressure dangerous goods pipelines	N/A – The site is not within the “application area” of the Eastern Gas Pipeline.

Section 9.1 Direction Title	Consistency of Planning Proposal
Focus area 6: Housing	
6.1 Residential Zones	Consistent – The Planning Proposal will enable the provision of that will increase housing choice, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing and associated development on the urban fringe, and be of good design. The land will not be available for housing until adequate servicing and infrastructure have been provided.
6.2 Caravan Parks and Manufactured Home Estates	N/A – Does not apply to the development proposal.
Focus area 7: Industry and Employment	
7.1 Employment Zones	N/A – The Planning Proposal does not apply to an “employment zone”.
7.2 Reduction in non-hosted short-term rental accommodation period	N/A – Does not apply to Kiama LGA
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	N/A – Does not apply to Kiama LGA
Focus area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	N/A

Section 9.1 Direction Title	Consistency of Planning Proposal
Focus area 9: Primary Production	
9.1 Rural Zones	Inconsistent – The Planning Proposal seeks to rezone land currently zoned RU2 to a combination of R2, C2 and C3, and will increase the permissible density of the land by allowing residential subdivision in an area currently subject to a 40ha minimum lot size. A Planning Proposal can be inconsistent with this Direction where it is:- (a) justified by a strategy approved by the Planning Secretary which: i. gives consideration to the objectives of this direction, and ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or (c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or (d) is of minor significance. The subject site is identified in the Kiama Local Housing Strategy (2025) as a site with potential as a greenfield housing opportunity. The Local Housing Strategy notes that only the western portion of the subject site may be suitable for residential development, with the remainder of the site containing environmentally sensitive land that is not suitable for housing and which should be preserved for conservation. The Planning Proposal only seeks to rezone the western portion of the site (totalling 1.17ha) for residential purposes, with the 4.53ha balance of the site to be rezoned for environmental conservation and protection.

Section 9.1 Direction Title	Consistency of Planning Proposal
9.2 Rural Lands	Inconsistent– The Planning Proposal affects land within an existing RU2 zone and the Direction requires the Planning Proposal to:- (a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement (b) consider the significance of agriculture and primary production to the State and rural communities (c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources (d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions (e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities (f) support farmers in exercising their right to farm (g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use (h) consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land (i) consider the social, economic and environmental interests of the community. In addition, where a planning proposal changes the existing minimum lot size within a rural or conservation zone, it must be demonstrated that it:- (a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses (b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains (c) where it is for rural residential purposes: i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres ii. is necessary taking account of existing and future demand and supply of rural residential land. The Planning Proposal seeks to rezone part of the subject site from RU2 to R2 and to reduce the minimum allotment size from 40ha to 450m² and 4.5ha to allow the land to be subdivided for residential purposes.

Section 9.1 Direction Title	Consistency of Planning Proposal
	A Planning Proposal can be inconsistent with this Direction where it is:- (a) justified by a strategy approved by the Planning Secretary and is in force which: i. gives consideration to the objectives of this direction, and ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or (b) is of minor significance. The subject site is identified in the Kiama Local Housing Strategy (2025) as a site with potential as a greenfield housing opportunity. The Local Housing Strategy notes that only the western portion of the subject site may be suitable for residential development, with the remainder of the site containing environmentally sensitive land that is not suitable for housing, and which should be preserved for conservation. The Planning Proposal only seeks to rezone the western portion of the site for residential purposes, with the balance of the site to be contained in a single allotment and rezoned and managed for environmental conservation and protection.
9.3 Oyster Aquaculture	N/A
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	N/A – Does not apply to Kiama LGA

Flora & Fauna Impact Assessment



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**Vegetation Management
Plan**



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Enclosure 2

**Strategic Bush Fire
Assessment**



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Enclosure 2

**Preliminary Site
Investigation**



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Enclosure 2

Water Cycle Management Study



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Enclosure 2

**Aboriginal Cultural Heritage
Assessment**



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Statement of Heritage
Impact



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Enclosure 2

Sydney Water Advice



Item 15.5

Enclosure 2



Case number 225132

August 27, 2025

DSM Generation Pty Ltd
c/ - SIMPLY WATER AND SEWER PTY LTD

Feasibility Letter

Developer: DSM Generation Pty Ltd
Your WSC's reference: 218755
Development: Lot 672 DP1308222 2 CALIOPE ST, Kiama
Development description:

**Proposed subdivision of land to create 14 residential lots & 1 residue lot.
4 of these lots will have single residences on each and the remaining 10 lots are proposed to be possible dual occupancy lots. The residue lot is proposed to have one residence.**

Your application date: July 17, 2025

Dear Applicant

Thank you for your enquiry about the water-related servicing requirements for your proposed development.

This feasibility letter (letter) is a guide only. It provides general information about how your proposed development may be serviced. We have not allocated any system capacity, and where there is system capacity as at today, it may have been fully utilised by the time you obtain development consent. The requirements applied to any approved development proposal may differ in the future since the issuing of this letter.

SYDNEY WATER CORPORATION

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Case No: 225132

Sydney Water has assessed your application and provides the following advice.

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Servicing requirements for your development

Water

Each lot in your subdivision must have a frontage to a drinking water main that is the right size and can be used for connection.

- The proposed development sits within Kiama Water Supply Zone (WSZ).
- There are no existing water services within the proposed development site.
- The adjacent watermain to the proposed development site is a DN100 along Caliope St, which is part of Kiama West Remainder Pressure zone (refer Figure 2).
- Initial assessment indicates that, system has capacity to service the proposed development.
- The land level within the proposed development varies within 98mAD to 116mAD. Therefore, to meet the minimum service level requirement, it is recommended to connect the proposed development to Kiama West (Kiama West FSL 174mAD, Kiama FSL 89mAD).
- A detailed estimation to drinking water demand should be provided during the S73 application process. Detailed land level information would also need to be submitted to SW for review.
- All work must comply with WSA code.

SYDNEY WATER CORPORATION

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Case No: 225132

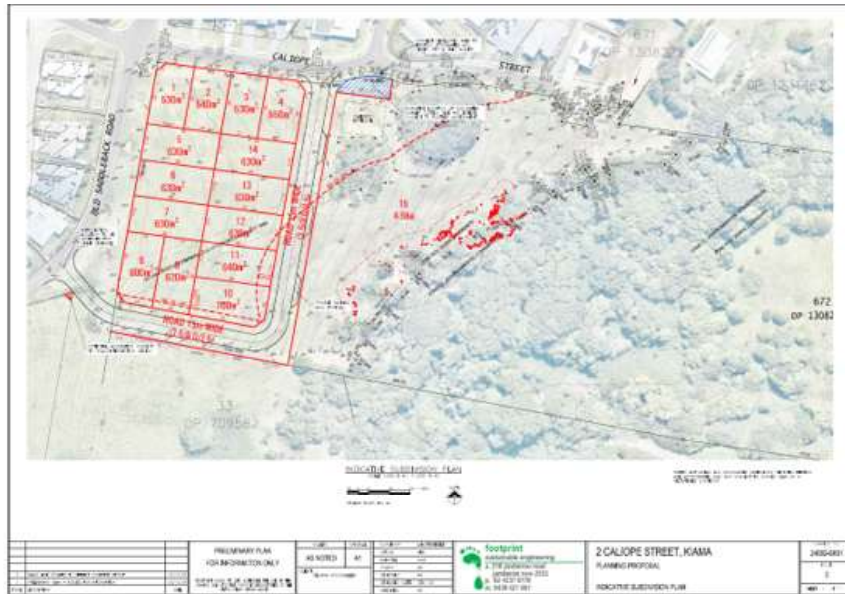


Figure 1 Location Map of the Proposed Development |

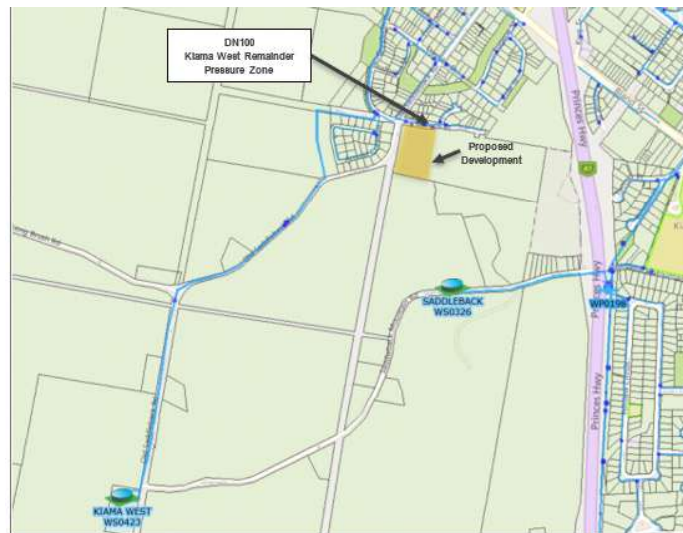


Figure 2 Proposed Development and surrounding water mains

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SYDNEY WATER CORPORATION

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Case No: 225132

Sewer

Each lot in your subdivision must have a sewer main that is the right size and can be used for connection. That sewer must also have a connection point within each lot's boundaries.

The proposed development sits within Kiama SCAMP.

- There are no existing wastewater services within the proposed development site.
- A DN150 sewer exists at northeast corner of the development which crosses Caliope Street. The contour also falling towards northeast of development. Therefore, potentially this development can be connected to existing DN150 sewer at Caliope Street junction (refer Figure 3).
- Initial assessment indicates that, existing DN150 sewer and system has capacity to service the proposed development.
- A detailed estimation to wastewater demand should be provided during the S73 application process.
- All work must comply with WSAA code.

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Enclosure 2



Figure 3 Proposed Development and surrounding sewer mains

Infrastructure contributions

You will need to pay an infrastructure contribution towards the cost of each Sydney Water system that will serve your development.

The infrastructure contributions are calculated in accordance with the Development Servicing Plans registered with the Independent Pricing and Regulatory Tribunal (IPART) under the *Independent Pricing and Regulatory Tribunal Act*.

An estimate of your infrastructure contributions is shown in the table below. These amounts have the NSW Government-directed cap applied for the current financial year. **These amounts are subject to the NSW Government transition pathway and other factors and will change** – see Section 6.1 Price Changes for full details.

No payments can be accepted for these estimates. Should you obtain Development Approval for this proposal and apply for a Section 73 Certificate in the future, then we'll advise you of the applicable charges to your Development.

Development Servicing Plan (DSP)	Basis of Calculation	Charge (\$) for Applicable Period (8/27/25-6/30/26)
Illawarra Drinking Water	Residential Development Density 0 - 29 lots/dwellings per ha band 14 lots/dwellings @ \$0 = \$0 less Credit of \$0.0 for previous use	\$0.00
Southern Illawarra Wastewater	Residential Development Density 0 - 29 lots/dwellings per ha band 14 lots/dwellings @ \$7126.73 = \$99774.22 less Credit of \$0.0 for previous use	\$99,774.22
DEVELOPER CHARGES TOTAL:		\$99,774.22

Price changes

The infrastructure contribution you must pay may also change due to:

1. Changes to the Consumer Price Index (CPI). Our prices increase by CPI each financial year. CPI is the weighted average of the capital cities CPI for the 12 months to the end of the previous March.
2. The NSW Government-directed transition pathway for infrastructure contributions for drinking water and wastewater infrastructure:

Financial Year payment is made	Percentage of infrastructure contribution payable
1 July 2023 to 30 June 2024	Infrastructure contribution capped at 0% of the full price
1 July 2024 to 30 June 2025	Infrastructure contribution capped at 25% of the full price
1 July 2025 to 30 June 2026	Infrastructure contribution capped at 50% of the full price
1 July 2026 onwards	Full price payable

3. Any updates to our Development Servicing Plans (including prices). Our Development Servicing Plans must be updated every five years. The next updates will be introduced by 31 December 2028.

Your infrastructure contributions become payable once your WSC has submitted all Project Completion Packages under each Developer Works Deed to us confirming that the works required under the Notice are complete.

What You Must Do To Get A Section 73 Certificate In The Future

If you obtain development consent for a subdivision from your consent authority (this is usually your local council), they will require you to apply to us for a Section 73 (s73) Certificate. You will need to submit a new application (and pay another application fee) to us for that Certificate by using your current or another Water Servicing Coordinator (WSC).

You will find a list of WSCs on our website. The WSC will be your point of contact with us. They can answer most questions that you might have about the s73 process and developer charges and can give you a quote or information about costs for services and works (including our costs).

You can also find out about this process by visiting the [Plumbing, building & developing](#) page on Sydney Water's website.

Developments where Sydney Water does not have capacity or future servicing plans

For areas not listed on the NSW Government's program, Council strategic plans or on Sydney Water's **Growth Servicing Plan** (available on our website), there may not be capacity or plans to extend or amplify our systems. This may be the case where the area has not been rezoned for urban development or subject to assessment through a planning proposal or State Significant Development Application.

SYDNEY WATER CORPORATION

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Case No: 225132

In these circumstances, to progress servicing of your site, the developer would need to carry out an investigation to assess the servicing options to connect to Sydney Water's network. Completion of this work would ultimately deliver a preferred servicing report for the entire development area.

If you choose to proceed with Sydney Water as the water related service provider for your development, we may work with you and your service providers under an appropriate agreement to complete the following steps to our requirements:

- Planning including hydraulic modelling
- Concept design
- Delivery (detailed design and construction)
- Handover of assets to Sydney Water including compliance testing

No warranties or assurances can be given about the suitability of this feasibility letter or any of its provisions for any specific transaction. This feasibility letter does not constitute an approval from us and to the extent that it is able, we limit its liability to the reissue of this letter or the return of your application fee. You should rely on your own independent professional advice.

END OF LETTER

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Enclosure 2

Endeavour Energy Advice

APPENDIX

M

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Enclosure 2



Endeavour Energy
ABN 11 247 365 823
T 133 718
Level 40-42, 8 Parramatta Square
10 Darcy Street
Parramatta NSW 2150
PO Box 811, Seven Hills NSW 1730

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Connection Offer (Fast-Track)

17 September 2025

Endeavour Energy Ref: NRS4253

Customer Ref:

Paul Hamilton

AKH Design Services

4 Barbata Grove

South Nowra NSW 2541

Enclosure 2

NRS4253 – LOT 672, DP 1308222, Subdivision Application: 2 CALIOPE STREET, KIAMA

Thank you for your application for Endeavour Energy to provide connection services in respect of the proposed development at the above location ("**Proposed Development**"). Your application for connection services in respect of the Proposed Development ("**Connection Application**") has been registered under the above reference number. Please quote this reference number on all future correspondence relating to the Connection Application.

Endeavour Energy has assessed your application and we have determined that your application can be **fast-tracked** to construction. This connection offer is made in accordance with the terms and conditions of Endeavour Energy's Model Standing Offer for a Standard Connection Service ("**Connection Offer**"). A copy of Endeavour Energy's Model Standing Offer for a Standard Connection Service is available on our website at <https://www.endeavourenergy.com.au/connections/connection-contracts-and-fees>.

Please note that for the purpose of this fast-tracked offer the Proposed Method of Supply and Design Brief, as referred to within the Model Standing Offer, are not required. This Offer is valid for three (3) months from the date of issue.

To proceed, you will need obtain the services of a Level 3 Accredited Service Provider (ASP) to prepare an electrical design, and a Level 1 ASP for the electrical construction. A list of the Accredited Service Providers is available at the Energy NSW website: <https://energysaver.nsw.gov.au/households/you-and-energy-providers/installing-or-altering-your-electricity-service>



endeavourenergy.com.au

Design certification prerequisites

To ensure that we have a suitable design before construction, we require you and your Level 3 ASP to provide the following to us:

- A design package from your Level 3 ASP, complying with our relevant standards and Design Scope requirements as specified in **Attachment 1**, including:
 - Design drawing (DWG and PDF)*
 - Summary Environmental Report (SER)*
 - Design Safety Report
 - GIS validation
 - Asset Valuation Sheet
 - Site Inspection Photos
 - Completed FPJ4101 'Design certification checklist for ASP L3'
- Completed Technical Asset Loader (TAL) for any new assets to be created. TAL with new asset numbers will be provided by EE upon submission of completed Technical Asset Shell (TAS) by Level 3 ASP
- Land Interests, as specified in our [Land Interest Guidelines](#), where assets are located on private property
- Public Lighting Design Brief (PLDB) signed by the Public Lighting customer
- Lighting design complying with the PLDB and relevant Australian standards signed by an eligible lighting designer
- Notification of Change in Charges (NOCC) signed by the relevant Council and developer (where TC5 charges are applicable)
- Evidence of telecommunication assets relocation for communications assets
- Return of assets by completing Endeavour Energy forms FPJ4252 & FPJ4253 (where relevant)
- Engineering documents/reports such as calculations, profile, risk assessment, earthing design report, etc confirming compliance with applicable standards

***Note: It is not necessary to wait for the full 40-day council notification period to conclude before submitting your design package. Once all stakeholders have been notified, you can proceed with submitting the package. Please ensure that the completed SER includes the "indicative commencement date" and design drawing includes the "supply required date", both of which should be set for 40 days after the notification date. Additionally, please include the notification letters as part of the submission package.**

Payment of design related ancillary network services

Ancillary Network Services (ANS) are the main connection services we provide to customers for which ANS fees are payable. ANS include our interactions with ASPs to ensure that the contestable network services they provide, meet the design and technical requirements to be connected to and form part of our network.

The design related ANS fees payable for this project totals **\$3846.45 (including GST)**. We will send you (or your nominated responsible party) a separate email that will detail these fees with instructions of how to make this payment via our Connections Portal. Payment of Design related ANS fees must be made before we can accept your L3 ASP design submission and commence design checking.

Please note that further ANS fees will also apply for the construction and connection phase of the project. These fees will be conveyed to you after the receipt of a signed Letter of Intent indicating that you will proceed with the construction phase of the project. We may also amend or charge you further ANS fees if your application details or project scope changes.

Accepting this Connection Offer

To accept this Connection Offer, please:

- a) appoint a Level 3 Accredited Service Provider (ASP);
- b) confirm your appointed Level 3 ASP contact details in the attached Notice of Advice form; and
- c) complete and sign the Notice of Advice form yourself and return it to Endeavour Energy.

If you accept this Connection Offer, a connection contract will be formed between Endeavour Energy and the retail customer or real estate developer who requires the connection services for the Proposed Development ("**Developer**") on and from the date that Endeavour Energy receives the completed Notice of Advice form. The connection contract will be on the terms and conditions of this Connection Offer and the Model Standing Offer for a Standard Connection Service.

If you accept this Connection Offer and you are not the Developer, you will be accepting this Connection Offer as the Developer's authorised agent.

Next steps

Your next step after accepting this Connection Offer is to engage your Level 3 ASP to prepare and provide an electrical design package to Endeavour Energy, complying with our relevant standards and Design Scope requirements as specified in **Attachment 1**. Under the Model Standing Offer for a Standard Connection Service, this activity is "Customer Funded Contestable Work", and you will need to pay for it.

Please note under the National Electricity Rules (NER) the Connection Customer may choose to enter into a negotiated connection contract. A negotiation framework describing this process is available on our website at <https://www.endeavourenergy.com.au/your-energy/our-services/your-right-to-negotiate>.

Should you have any enquiries regarding your application please contact the undersigned, who has been appointed as Endeavour Energy's representative for the purposes of this Connection Offer.

Yours faithfully,

Venu Krishna

Venu Krishna

Customer Network Engineer

Ph: 0438 094 445

Email: CWTech@endeavourenergy.com.au

Enclosed:

1. Design Scope
2. Notice of Advice – to be completed and returned to cwadmin@endeavourenergy.com.au when you have engaged your L3 ASP

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Enclosure 2



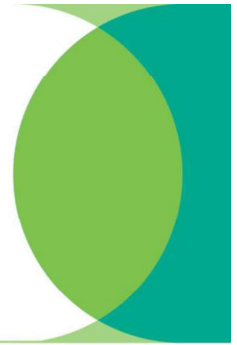
Design Scope

(Based on desktop assessment)

17 September 2025

Endeavour Energy Reference: NRS4253

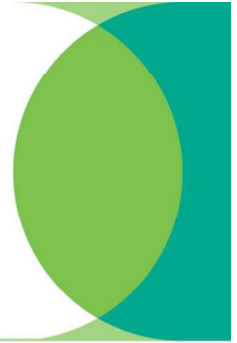
Level 3 ASP Design Project Scope:	Application is for fourteen (14) Lot subdivision of Lot 672 DP1308222 (2) Caliope Street Kiama. <u>Method of Supply Option – By Level 3 ASP</u> It would be proposed to add the 13 new lots to the existing low voltage circuit from pad sub 32675 at Seaview Village Arnold Crescent. We can see that there is sufficient spare capacity (176kVA) in pad substation 32675 to supply the required 13 lots (84.5kVA) load. The final substation load would be $192.5\text{kVA}/284\text{kVA} = 68\%$ loaded at its 90% utilization capacity. Above proposal is acceptable based on following conditions: 1. Trench and lay ducts as per MDI0028 2. Install Low Voltage cable, 4C 240mm² Al XLPE cable as required with new LV Pillars to supply the proposed lots. 3. Install Streetlights in accordance with AS1158, LDI0001, LCI0001 and public lighting design brief from local council. 4. Voltage drop needs to comply with MDI0030. 5. Design submission to comply with MCI0006 & MDI0028.
Endeavour Energy Funded Scope:	Nil



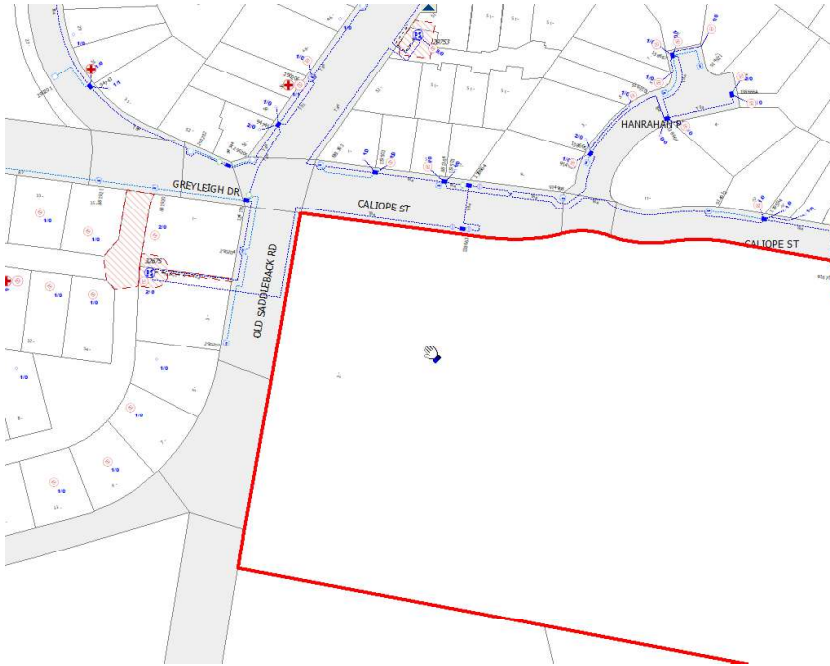
Please note: Supply options suggested in this letter are based on a desktop assessment. It is the Level 3 ASP's responsibility to validate the provided option with site constraints and assess its constructability. Details provided in this letter do not constitute a final method of supply and should not be taken as binding design conditions. Based on site conditions, the Level 3 ASP can negotiate/propose alternate cost-effective compliant options.

HV CIRCUIT

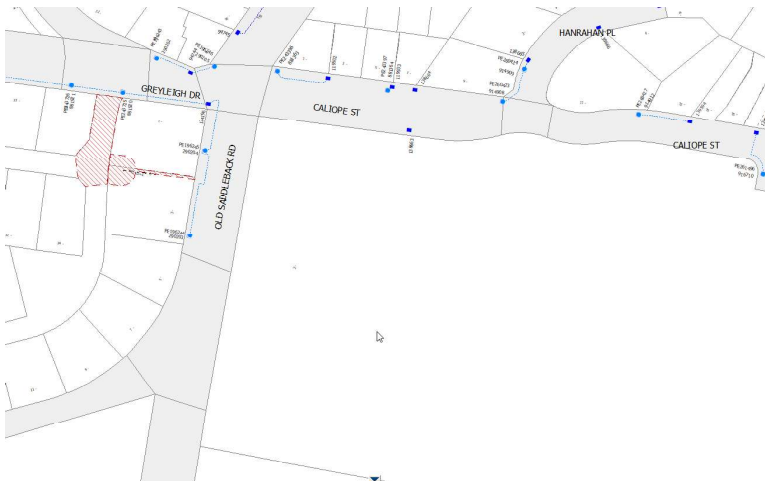




LV CIRCUIT



SL CIRCUIT



endeavourenergy.com.au



DUCT LAYOUT



AKH Design Services
Paul Hamilton
4 Barbata Grove
South Nowra NSW 2541

Item 15.5

Enclosure 2

Notice of Advice

Endeavour Energy Ref: NRS4253

Endeavour Energy
PO Box 811
Seven Hills NSW 1730
cwadmin@endeavourenergy.com.au

Attention: Customer Connections Administrator

APPOINTMENT OF ACCREDITED DESIGNER FOR THE PROPOSED DEVELOPMENT AT: LOT 672, DP 1308222, 2 CALIOPE STREET, KIAMA ("PROPOSED DEVELOPMENT")
Please complete and return this letter when a Level 3 ASP has been appointed

I refer to Endeavour Energy's offer to provide standard connection services in respect of the Proposed Development ("**Connection Offer**").

This letter confirms that:

- a) the retail customer or real estate developer for the Proposed Development ("**Developer**") owns, or is developing, the land on which the Proposed Development is to be located;
- b) the Developer intends to supply the Proposed Development in accordance with Endeavour Energy's requirements;
- c) the Developer has appointed the Level 3 Accredited Service Provider ("**Level 3 ASP**") described below for the purposes of the Proposed Development; and
- d) the Developer agrees to acquire standard connection services from Endeavour Energy in respect of the Proposed Development on the terms and conditions set out in the Connection Offer.

Confirmation of Key Contacts:

(1) Applicant	
Company/Name:	AKH Design Services Paul Hamilton
Address:	4 Barbata Grove South Nowra NSW 2541
Email:	paul@akhdesign.com.au
Phone:	0412423520
(2) Developer	

Company/Name:	Sydney Link Silvana Moussallem
Address:	3/55-59 Norman Street Peakhurst NSW 2210
Email:	silvana@sydlink.com.au
Phone:	0402090468

(3) L3 ASP (if you did not nominate a Level 3 ASP in your initial application, please do so below)

Company/Name:	AKH Design Services Paul Hamilton
Address:	4 Barbata Grove South Nowra NSW 2541
Email:	paul@akhdesign.com.au
Phone:	0412423520

Please ensure all fields above are completed.

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Notice of Advice Execution and Acceptance of Connection Offer:

By signing this Notice of Advice, I accept the Connection Offer made by Endeavour Energy in respect of the Proposed Development, including the terms and conditions of Endeavour Energy's Model Standing Offer for a Standard Connection Service.

Where I am accepting the Connection Offer on behalf of the Developer, I declare that:

- a) I have the authority to execute this Notice of Advice and accept the Connection Offer on their behalf; and
- b) I am not aware of any fact or circumstance that might affect my authority to execute this Notice of Advice and accept the Connection Offer on their behalf.

Developer/ Developer's Authorised Agent:

Signature of Developer/Developer's Authorised Agent

Name of Developer/Developer's Authorised Agent

Date

Company Name

**Electricity Supply & Design
Report**



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Enclosure 2



Your Ref:
Our Ref: AKH24.053

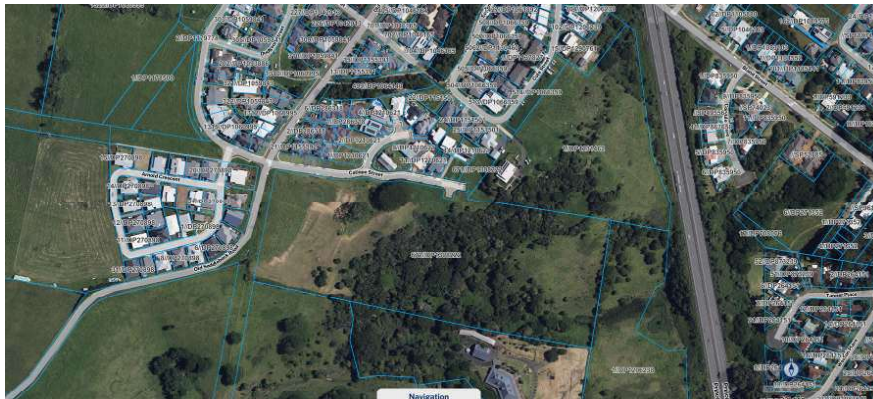
15 September 2025

Silvana Moussallem
Sydney Link
3 / 55 – 59 Norman Street,
Peakhurst
NSW 2210

Silvana,

**POWER REPORT FOR SUBDIVISION PLANNING PROPOSAL WORKS –
SUBDIVISION WORKS – LOT 672 DP1308222 (2) CALLIOPE STREET KIAMA**

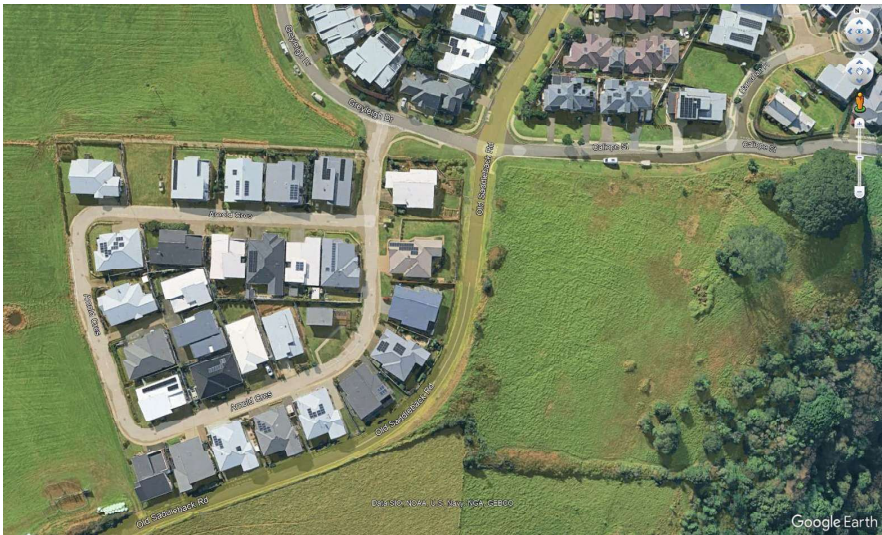
Please find enclosed AKH Design Services proposal for the L3 power report assessment for planning proposal for the proposed development on Lot 672 DP1308222 (2) Caliope Street Kiama.



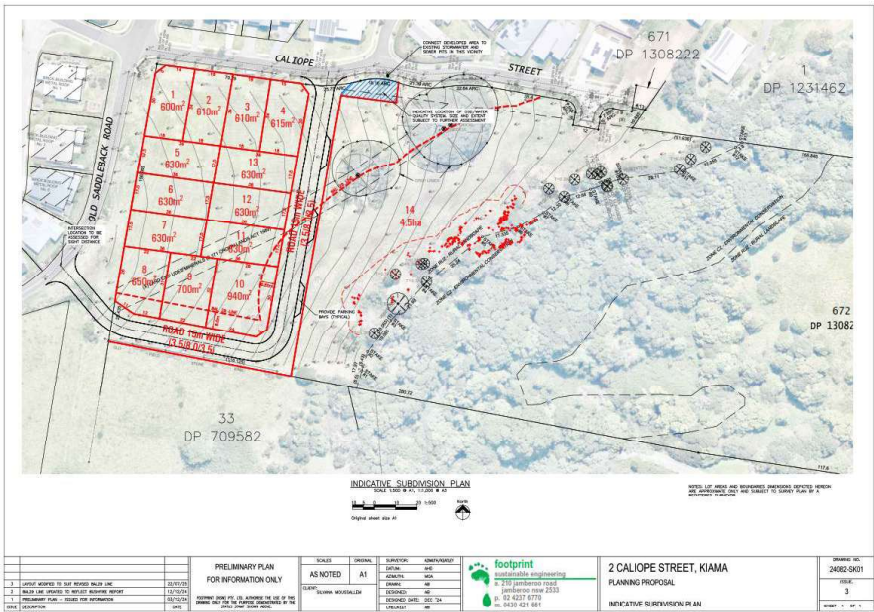
Aerial View

T : 02 44228004
M : 0412423520
E : paul@akhdesign.com.au

4 Barbata Grove
South Nowra, NSW 2541



Aerial View



Developers Plans

T : 02 44228004
M : 0412423520
E : paul@akhdesign.com.au

4 Barbata Grove
South Nowra, NSW 2541



Developers Plans

The development is a small urban subdivision of Lot 672 DP1308222 (2) Caliope Street Kiama. It is a 14 Lot Subdivision which is made up of

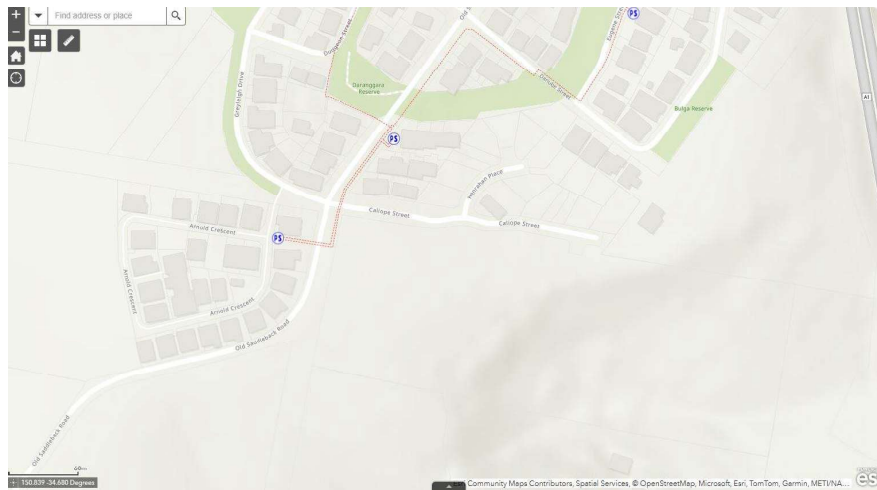
- 13 Residential lots (1-13)
- 1 Lot Unsupplied Residue (Lot 14)

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Existing network arrangement (distribution infrastructure)

The area has 3 phase HV 11kV and 3 phase Low Voltage underground reticulation in the surrounding road reserves.



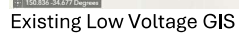
Existing High Voltage GIS

The existing high voltage 11kV network extends along Old Saddleback Road from an existing pad substation 29753 at 51 Old Saddleback Road to an existing pad substation 32675 at Seaview Village in Arnold Crescent.

The Feeder is an 11kV ring (meaning each substation can be supplied from two different directions in case of emergency). The cables are situated in the nature strip on the eastern side of Old Saddleback Road to the proposed new Lot 1 where they cross the Old Saddleback Road to pad sub 32675 in easements in Seaview Village.

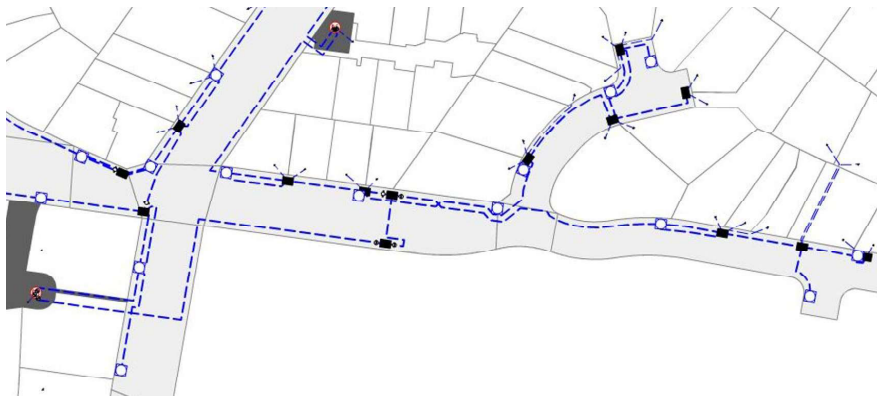
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Enclosure 2



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Applied Load for each new Lot.

Endeavour Energy requires a minimum load to be allowed for each residential lot in a subdivision. This is expressed as an After Diversity maximum Demand figure (ADMD)

The ADMD schedule to be used for new URD development areas is the following:

Table 1: New ADMD Schedule

Dwelling Type	Geographic Area	Density (Land Size)	ADMD (kVA)
Houses	Urban	Low (>350m ²)	6.5
		Medium (<350m ²)	5.0
	Rural Residential	Low	10
Apartments*	All	High	3.5

As this subdivision is to be urban Torrens with lots > 350 sq m the applicable load would be 6.5kVA ADMD per lot.

The 13 Lots would have a combined load of 84.5kVA

Available network capacity.

There are two pad mount substations with low voltage circuits supplying the area. Endeavour Energy require a 90% loading maximum on pad substations.

Pad substation 29753 is located at the front of No 51 Old Saddleback Road.



Pad Sub 29753 51 Old Saddleback Road

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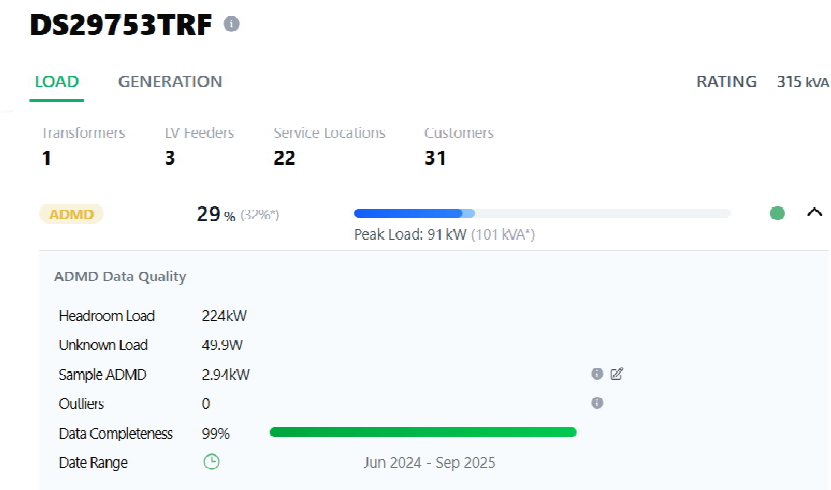
Pad Sub 29753 51 Old Saddleback Road

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Sub Load

The pad substation is 315kVA with 101kVA of load and 31 existing customer connection points (CCP). The existing customer assessed ADMD load would be 3.06kVA ADMD per customer connection point (CCP). The maximum allowable loading at 90% = 284kVA. There would be 183kVA spare capacity. The substation is 36% Loaded with 64% spare capacity at its 90% utilization capacity

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Pad substation 32675 is located at Seaview Village in Arnold Cr.



Pad substation 32675

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Pad substation 32675

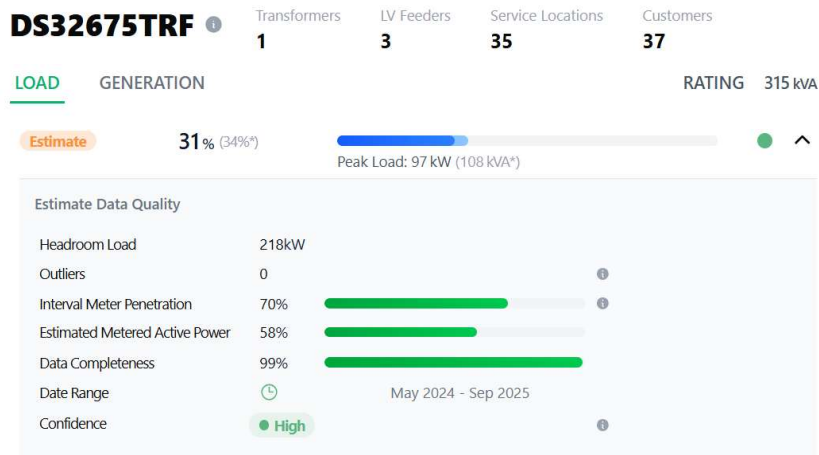
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The pad substation is 315kVA with 108kVA of load and 37 existing customer connection points (CCP). The customer ADMD would be 2.74kVA ADMD per CCP. Maximum allowable loading at 90% = 284kVA. There would be 176kVA spare capacity. The substation is 38% Loaded with 62% spare capacity at its 90% utilization capacity



Sub Load

It would be proposed to add the 13 new lots to the existing low voltage circuit from pad sub 32675 at Seaview Village Arnold Crescent.

We can see that there is sufficient spare capacity (176kVA) in pad substation 32675 to supply the required 13 lots (84.5kVA) load.

The final substation load would be 192.5kVA/284kVA = 68% loaded at its 90% utilization capacity.

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The maximum low voltage fuses in 315kVA pad substations are 315A, however the standard fuse sizes are 250A

Table 11: 22kV Padmount and indoor substation fuse selection chart

Transformer size KVA	Maximum LV fuse residential	Maximum LV fuse Commercial / Industrial	HV fuse rating	
			HRC	DOF **
300 - 315	315 Amp *	400 Amp *	20 Amp	20 Amp
500	315 Amp *	400 Amp *	25 Amp	N/A
1000	315 Amp *	400 Amp *	40 Amp	N/A
1500	N/A	LVCB or switch	CB only	N/A

These are required to be derated as per table 12 below

Table 12: Padmount and indoor substation fuse derating

Fuse nameplate rating (Amps)	Calculated de-rated current (Amps)	
	Padmount	UID/UCD Indoor
250	210	230
315	260	280
400	330	350

Adding 13 new customers to the existing low voltage circuit from pad sub 32675 at Seaview Village Arnold gives final low voltage feeder load of

- 7 Existing CCP @ 2.74kVA ADMD
- 13 New CCP @ 6.5kVA ADMD
- Total 104kVA

This equates to 144A per phase and would be acceptable on the existing 250A LV pad substation fuses derated to 210A

Reticulation for urban subdivisions

Section 3.3 of MDI0028 sets out Endeavour Energy requirements for urban reticulation.

3.3 Urban Areas

Reticulation for all new and redeveloped residential, commercial, industrial and town centre developments shall be underground. Where this new reticulation is located within a nominated development precinct plan and the surrounding network is proposed to be progressively undergrounded, all existing distribution overhead assets are to be removed. Where a padmount substation and underground cables are installed to upgrade the Network for a new development, all existing distribution overhead assets fronting the development must be removed.

As there are no relevant overhead assets to be removed the only requirement is that the works be reticulated underground. This is standard urban reticulation which is replicated in the existing surrounding streets of Old Saddleback Road, Caliope Street Hanrahan Place, Greyleigh Drive and Arnold Crescent.

We have completed a concept design for the works,

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Voltage Drop Compliance (Endeavour Energy Standards)

Voltage drop is a factor of applied Load, Cable Impedance and Circuit Length. Endeavour Energy sets maximum allowable voltage drop limits to the final CCP on any low voltage circuit

Table 1: New Voltage Drop Limits - Line to Neutral

Connection type	Dist Tx Locations > 5km *	Dist Tx Locations <= 5km *
Res/Industrial/Commercial	Nominal: 10V Backup: 15V	Nominal: 15V Backup: 20V

The zone substation for Kiama is located on the Princes Highway and Gipps Street Corner and is 3.8km HV RL from the existing supply transformer (Tx) site. The applicable VD allowance would be 15V for standard supply and 20V for Emergency Backup Supply

We have undertaken voltage drop calculations based on our concept design based on the 7 existing CCP and the 13 new CCP.

Normal Supply Maximum VD on the LV CCT = 5.4V

Emergency Supply Maximum VD on the LV emergency CCT = 7.5V

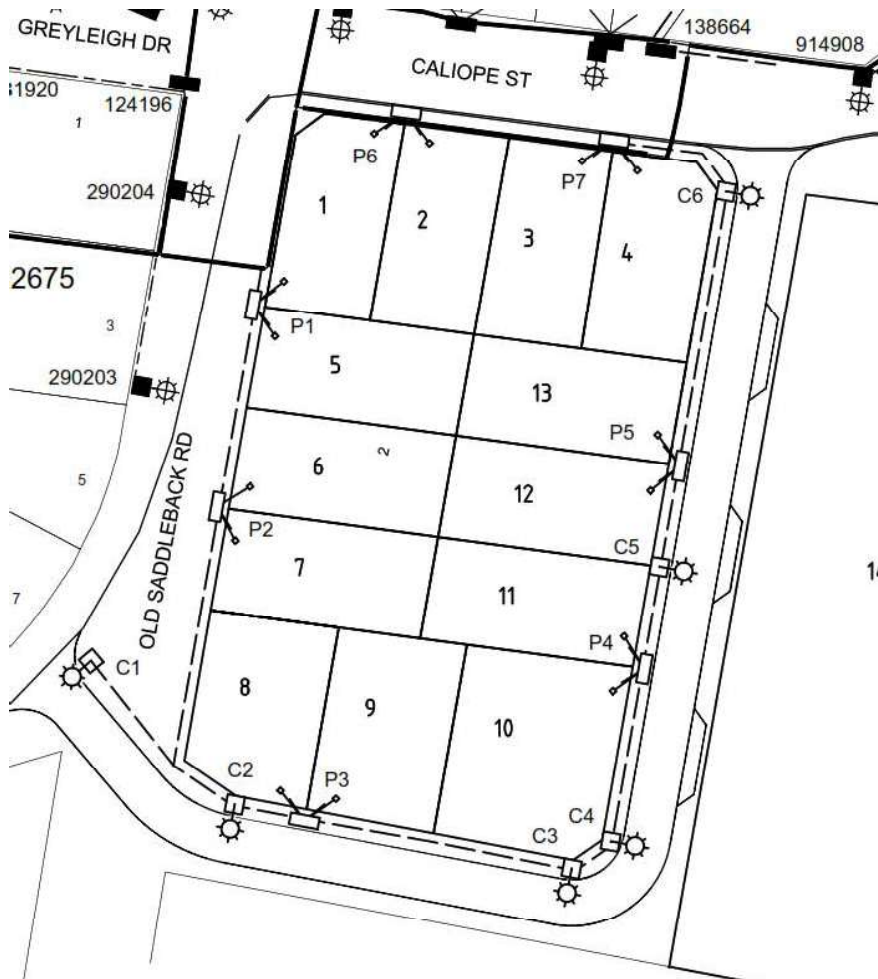
These are compliant with Endeavour Energy Standards

Public Lighting in accordance with AS1158

Endeavour Energy require lighting to be in accordance with AS1158 based on the requirements of a Public Lighting Design Brief (PLDB) issued by the relevant Council Authority. In this case this would be Kiama Municipal Council.

The lighting would be Endeavour Energy standard columns and outreaches with standard Endeavour Energy LED lantern currently 17W. The required lighting level for urban subdivision is PR5 under the current standard.

The concept design shows indicative lighting which would meet the required AS1158 lighting requirements for the roads

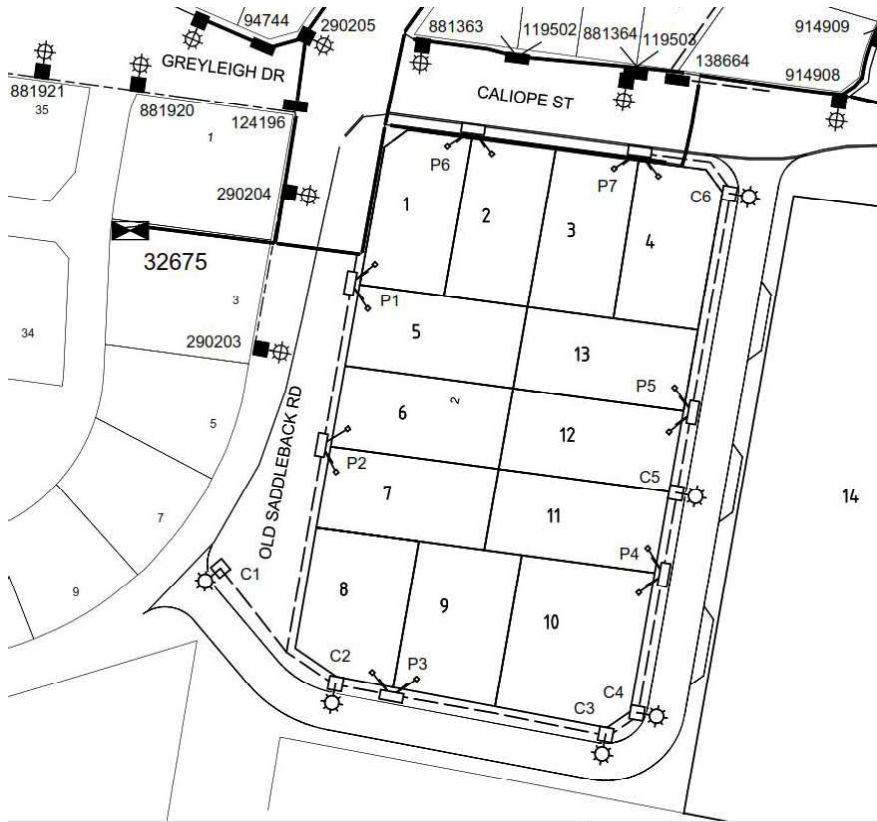


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Concept design

We have undertaken a concept design which shows indicative trenching, pillar and column locations for the works.



Extract of Concept Design

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Conclusion

The Electrical Design and Construction process is contestable in New South Wales, where Level 3 accreditation permits Accredited Companies L3 for Design and level 1 for Construction of electricity distribution network assets.

AKH Design Services are an [Accredited Service Provider \(ASP\)](#) (ASP3551) since the inception of the scheme in 1996. We have undertaken hundreds of small and large subdivisions as well as other projects in the Shoalhaven and Far South Coast areas.

We have always been able to supply subdivisions with power in accordance with the relevant authority requirements.

- There is sufficient spare capacity in two adjacent pad substations
- The Substation low voltage circuit fuses have sufficient spare capacity to supply the additional lots
- The reticulation will be underground and is compliant with Endeavour Energy Standards
- The voltage drop is compliant with Endeavour Energy Standards
- Public Lighting will be designed in accordance with AS1158 based on a PLDB issued by Kiama Municipal Council

The subdivision is a straightforward design, and we would not envisage any issues obtaining certification and subsequent connection approvals for this 13 lot subdivision.

We have made application to Endeavour Energy for the subdivision. This will see the issue of a Supply Offer from Endeavour Energy any requirements

Should you require any further information regarding these matters please do not hesitate to call.

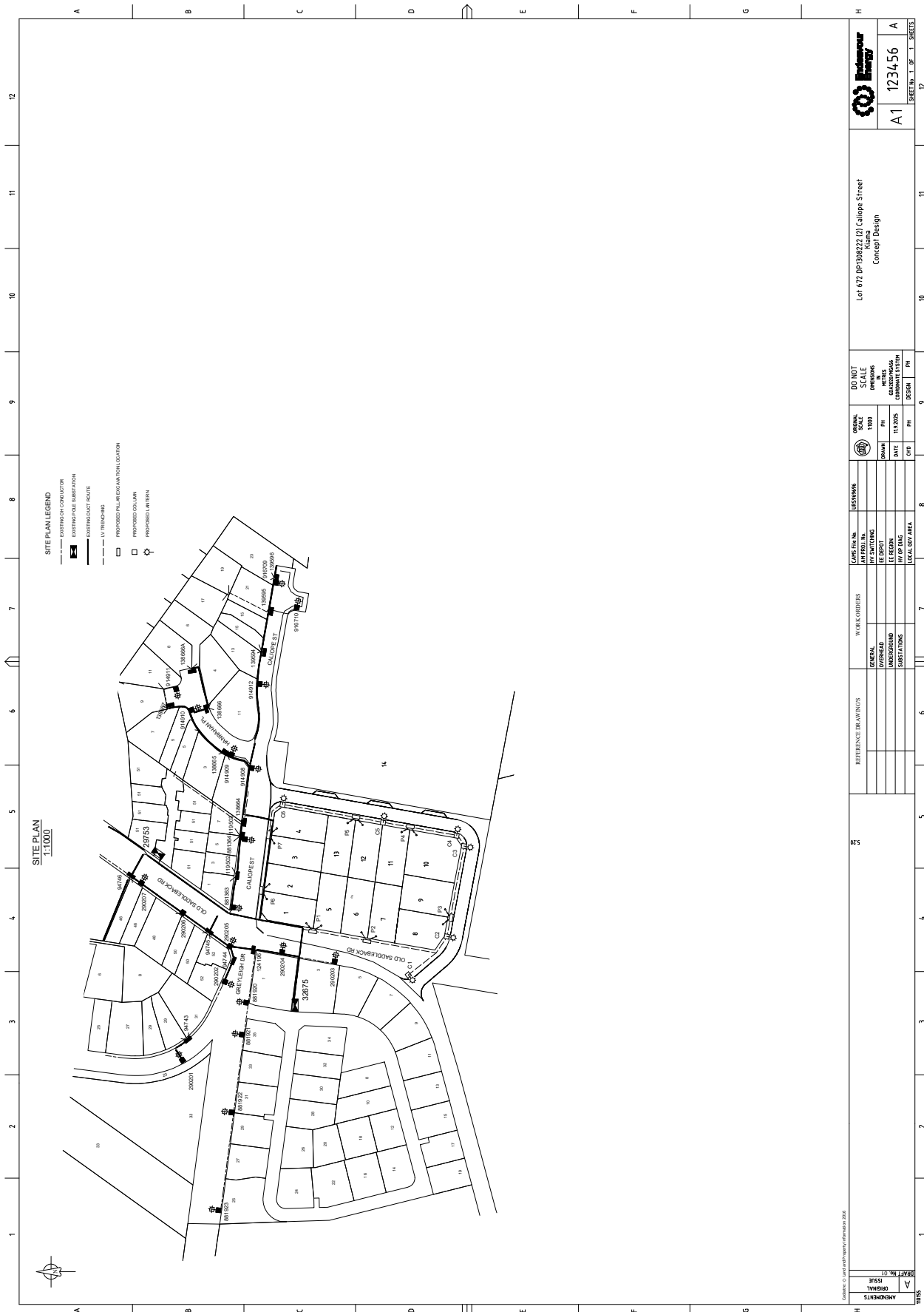
Yours Faithfully



Paul Hamilton

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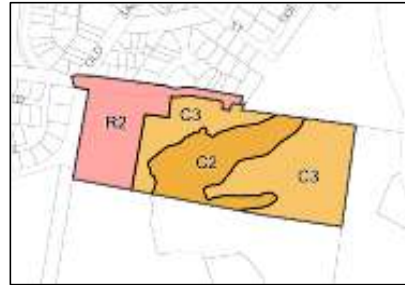
Public Exhibition Engagement Report

Planning Proposal: PP-2025-1821

2 Caliope Street, Kiama

Planning Proposal to rezone 2 Caliope Street, Kiama (PP-2025-1821)

This Planning Proposal seeks to amend the Kiama Local Environmental Plan (LEP) 2011 and to rezone 2 Caliope Street, (Lot 672 DP 1308222), Kiama for residential development and environmental conservation. The site is identified as an Urban Release Area for approximately 13 lots and environmental conservation.



This report summarises both the community and State Agency feedback received during the exhibition period.

Public exhibition period

1 May 2026 to 31 May 2026.

How community got involved



271
Website visitors



22
Adjoining landowner notifications



45
submissions received

What we heard

Some submissions raised concern in relation to traffic impacts, inappropriate housing density and building heights, flooding and stormwater, environmental and agricultural impacts. Other concerns included loss of rural vistas, poor interface with rural lands, the potential for land use conflict and lack of open space.

The comments received by State Agencies were satisfactory.

Outcome

There are no changes proposed as a result of the submissions.

The Floor Space Ratio (FSR) and building height are considered appropriate, with future development to be assessed under existing planning controls contained within the Kiama LEP 2011 and DCP 2020. The concerns relating to the protection and management of the Morten Bay Fig trees on the site will be further considered at DA stage. All issues raised by the state agencies have been satisfactorily resolved.

What's next

The Planning Proposal PP-2025-61 will be reported back to Council seeking endorsement for finalisation and to amend the Kiama Local Environmental Plan (LEP) 2011 accordingly.

All future development applications will then be assessed in accordance with the LEP and DCP.



Summary table of feedback received and staff responses – Individual submissions

Note: All submissions have been read and considered in full. This report provides a high-level summary of the key themes raised.

Feedback received	Response	Outcome
Traffic Impacts, Traffic Study and Child/ Pedestrian Safety Child and pedestrian safety were a key concern of many submissions. Concerns were raised regarding traffic impacts and access issues within the existing road network. A summary of concerns include: 1. Narrow road pavement width of Old Saddleback Road 2. Caliope Street is narrow and currently serves as a safe space for children to play 3. Additional driveway entrances onto Old Saddleback Road will lead to increased traffic congestion and risk 4. Old Saddleback Road is a tourist road and multiple driveway entrances will make it unsafe 5. Poor sight lines and increased traffic speed and congestion 6. The development will generate increased vehicle movements and demand for on-street parking. Many submissions argued that road upgrades and safety assessments should occur before any rezoning.	The majority of the traffic generated from the future development of the site will utilise the existing road pattern to gain access to the Princes Highway or will use the underpass to access the shops and services located within the township of Kiama. The application for subdivision will include details of the proposed subdivision layout which will be assessed and conditioned by Council's Subdivision Engineer. It is agreed that Old Saddleback Road is a narrow road pavement and a popular tourist route. Any future subdivision will be designed to minimise traffic impacts with a focus on safety. The development would include upgrading the frontage to Old Saddleback Road including curb, guttering and footpath. The Gateway Determination issued by the Department of Planning, Housing and Infrastructure (DPHI) did not require the PP to be referred to Transport for NSW as the traffic would predominantly impact local roads and intersections for which Council is the local roads authority. The pavement width of Old Saddleback Road reflects the level of usage and the proposed rezoning and subsequent additional 13 lots will not generate need for an immediate up-grade to this road.	No changes proposed. The Planning Proposal is supported for finalisation.
Landscape value and scenic qualities Concerns were raised about: • loss of views to the hills, ocean, green paddocks, and rural landscape.	It is acknowledged that the scenic qualities of Kiama are unique and important not just to the tourism industry but to many residents. The scale of the rezoning and location of the site adjoining urban area is however, considered to have an acceptable impact on the landscape value and scenic qualities of the area.	No changes proposed. The Planning Proposal is supported for finalisation.



Feedback received	Response	Outcome
- visual impacts on the scenic rural landscape and skyline impacts. - The views from the existing homes at Seaview Estate and on Caliope Street will be lost. Tourism is an important part of the local economy with visitors and tourists being drawn to the area for Kiama's iconic scenery which includes rolling green hills meeting the sea. The site is prominent from the surrounding areas and will place more housing over the green rolling hills.	The location of the site which is bordered to the west and north by existing urban areas is considered an appropriate location for additional urban development. The additional urban development is therefore not considered to be out of character with the area.	
Environmental impacts of urban development The impact of urban runoff, invasive weeds, domestic pets associated with urban development will have an adverse impact on the environmental values of the adjoining area and the remainder of the site that contains threatened species and significant trees.	The fringe impacts of urban development on environmentally sensitive land including stormwater runoff, weed infestation and negative impacts caused by domestic pets are well documented. The proposed increase in area zoned for environmental protection as well as the Vegetation Management Plan (VMP) over private ownership represents a potential improvement in the environmental management of the site. Subdivision restrictions on the keeping of domestic pets in urban areas has not had success and it is acknowledged that the individual actions of each property owner is important, not just for this site, but throughout the LGA, if broader positive environmental outcomes are to be realistically achieved. The PP proposes to rezone the majority of the site from rural to environmental, which will ensure long term environmental protection of the site (over 3ha of additional environmental zoning).	No changes proposed. The Planning Proposal is supported for finalisation.
Inappropriate urban density and scale The existing development to the west of the site, which has been developed as a community title subdivision known as the Seaview Estate Retirement village, has a height limitation of a single storey. Allowing for two storey houses on the site is unfair and inconsistent.	The community title subdivision (Seaview Estate) is located towards the knoll of the hill and the single storey limitation imposed through the subdivision is appropriate given the location of this development. This estate is located on Rural zoned land and dwellings would otherwise be a prohibited land use except for the developer having obtained a Site Compatibility Certificate under State Government legislation to develop dwellings on the site.	No changes proposed. The Planning Proposal is supported for finalisation.



Feedback received	Response	Outcome
The proposal does not reflect the existing setback at the upper end of Caliope Street. The proposed development will not address social housing problems. The proposal is out of character with the residential area and will increase overshadowing and loss of privacy. The proposal will adversely affect urban amenity. Urban development on this site, if necessary, should be limited to R5 Large Lots to help preserve the character of the area and reduce the visual impact of housing on this prominent site.	The site proposes about 13 residential lots so is not a site where social or affordable housing would be provided. The residential land immediately to the north of the site is zoned R2 Low Density Residential with the same development standards relating to allotment size, building height and land use as proposed for this site. It is therefore considered reasonable for this site to have the same planning controls to the land to the north.	
History of the site and cultural heritage of the area Many of the submissions refer to the need to consider the legacy left for future generations as well as the obligations of stewardship in relation to protecting and conserving the history of the site and area.	It is agreed that the history of the site is important, and that careful consideration must be given to the heritage of the site and surrounding lands. Whilst the dilapidated rural shed located on the site contributes to the history of the area it does not meet the criteria for listing under the NSW Heritage Guidelines (or Burra Charter guidelines). The Statement of Heritage Impact (SHI), prepared by the proponent, notes that the site has been historically used for farming practices but that the age of the remnant agricultural structure which sits below a large Morton Bay Fig on the site, is unknown. The SHI notes that some features of the shed reflect a time period of 1840-50's. The SHI however concludes that the historic fabric of the shed cannot be made safe or usable and that the more modern fabric has no heritage significance worth retaining, and therefore removal is considered appropriate. Although the site was originally part of the Garden Hill farmlands, the association with the farming use and homestead has been reduced through significant development around the site. It is acknowledged that the Garden Hill farmhouse has been significantly altered in both its form and setting to the point that it no longer holds historical significance. It is agreed with the	No changes proposed. The Planning Proposal is supported for finalisation.



Feedback received	Response	Outcome
	conclusion made in the HIS that the rural structure located on the site has also lost most of its heritage significance. The dry-stonewall along the southern boundary of the study area is considered to have heritage significance due to its likely association with Thomas Newing, its aesthetic characteristics, rarity and representativeness. The existing dry stonewall along the southern boundary of the site is considered to provide adequate visual delineation between the urban development and rural lands. The dry stone-walls within the Kiama LGA are listed as environmental heritage items and the proposal include the mapping and restoration of these dry stonewalls. A suitable setback to the dry stonewalls can be achieved using restrictive and positive S88B covenants at the time of subdivision. The existing planning controls and guidelines under both the Kiama LEP and Kiama DCP are considered adequate to address the scale and location of any new development along the edge of these dry stonewalls on the site. Should unanticipated archaeological material be encountered during site works, all work must cease, and an archaeologist contacted to assess the find. Further archaeological assessment may be required prior to the recommencement of works. Any historical relics must be reported to Heritage NSW under Part 6, Division 9, Section 146 of the Heritage Act	
Agricultural lands and land use buffer Some submissions raised concerns about the impacts on Agricultural land, scenic landscape and views. These included: • The need to protect agricultural land • The significant scenic contribution that our rural land makes to the unique character of the area.	It is noted that the management of the interface between rural and residential land is important to reduce the potential land use conflicts that can arise and to ensure that the future sustainable use of rural land is protected. The urban expansion proposed by this rezoning provides a clear delineation between urban uses and rural land that will help ensure that urban amenity is not unduly affected by future rural uses on the adjoining rural zoned land. The development assessment process is adequate to address the issues in relation to the possible	No changes proposed. The Planning Proposal is supported for finalisation.



Feedback received	Response	Outcome
- Concerns that no Agricultural assessment was provided. - The important contribution of our green rolling hills. Some submissions suggested that: - The RU2 rural land and rural landscape should be retained. - The land was referred to as providing a rural landscape, rural buffer, rural fringe, farming land, part of Kiama's "green belt". - rezoning the site would permanently erode Kiama's rural setting and urban boundary.	intensification of rural uses and the imposition of appropriate conditions of consent. The proposed rezoning will ensure that additional land with environmental values is appropriately zoned for environmental conservation and management. The proposed outcome will ensure a future environmental area existing between the existing and proposed urban areas and will provide a "green belt".	
Storm water and flooding Some submissions raised the following concerns: - Bridge improvements to provide flood free access to the urban area is already needed. - increased flooding issues, due to increased storm water runoff and additional pressure on inadequate flood free egress - increased storm water flow into the creek that flows to Surf Beach as well as drainage issues further downstream.	The concerns raised in relation to possible storm water runoff from this development entering the creek and increasing erosion to the creek bank and damage to the foot bridge will be addressed as part of the detailed engineering studies undertaken at the time of subdivision with preliminary studies showing adequate engineering works can be undertaken to address and ameliorate drainage and stormwater issues. At this time impacts on adjoining land, waterways, biodiversity, and the broader environment, will be assessed in accordance with the Kiama Development Control Plan (DCP) 2020, Biodiversity Conservation Act 2016 and State Environmental Planning Policy (Biodiversity and Conservation) 2021 and stormwater controls imposed as conditions of consent.	No changes proposed. The Planning Proposal is supported for finalisation.
No strategic merit Submissions raised concerns that the proposal is inconsistent with strategic planning frameworks, previous Council decisions, court outcomes and lacks sufficient planning justification.	2 Caliope Street is identified in the current Kiama Local Housing Strategy as a Tier 4 greenfield development site. It is considered to meet the strategies <i>Non-Negotiable Principles for Greenfield Development</i> including appropriate road and pedestrian transport connections, Sydney Water system capacity, heritage and environmental protections.	No changes proposed. The Planning Proposal is supported for finalisation.



Feedback received	Response	Outcome
	It is understood that the L&E Court case related to a development application and differs from the current proposal that has been pursued through the statutory process of rezoning which includes addressing planning issues and State Government policies. The process has included transparency and has been publicly exhibited in accordance with legislation. The proposed rezoning is consistent with Council's adopted Local Housing Strategy.	
Open space Open space should not be seen as future urban development without strategic planning principles regarding green corridors to protect the long-term ecological health of our environment. The eastern portion of the land situated below the Moreton Bay Fig trees would be an ideal opportunity for dedicated public open space. The surrounding residential streets are home to a number of children and the nearest public park is located at a distance that is neither safe nor practical for unaccompanied children to access on foot.	The proposal will increase the area of land zoned for environmental protection. The current rural zone over part of the site does not ensure the provision or protection of land for environmental conservation. The current land use of this rural land for grazing provides for a visual open space but does not provide on-going management or protection of environmental values of the entire site. The scale of this site does not warrant the provision of public open space. The land outside of the proposed R2 land will be appropriately zoned for environmental protection and management in private ownership.	No changes proposed. The Planning Proposal is supported for finalisation.
Infrastructure Capacity Concerns were raised in relation to adequate infrastructure and the adequacy of existing roads, waste water, schools, parking, services, utilities, and community facilities can support more development. Comments included the need for demonstrated infrastructure capacity prior to allowing growth.	The land is identified in the Kiama Local Housing Strategy 2025 as a greenfield development site that is suitable for future urban development. The relevant State government agencies have indicated that there is adequate infrastructure capacity for the proposed 13 lots. Infrastructure capacity will be further addressed through the assessment of the subdivision development application. At this time, Council will need to be satisfied that the site can be serviced and that any additional demand on services, utilities and infrastructure can be managed without unacceptable impacts on existing residents or their current levels of service.	No changes proposed. The Planning Proposal is supported for finalisation.
Local Character Impacts & urban sprawl	Submissions raising concerns about impacts on local character and the expansion of Kiama's urban boundary are acknowledged. The Kiama Local Housing Strategy was prepared to ensure urban	No changes proposed.



Feedback received	Response	Outcome
Submissions raised concerns that the proposal would negatively impact Kiama's rural/coastal identity, character and tourism. The proposal is inconsistent with the character of Caliope Street, Old Saddleback Road, and Kiama in general. The proposal will set a precedent for further outward growth into rural land and erode the green belt areas.	growth is managed and appropriate areas identified for urban development. This site has been identified as being suitable for a small amount of residential development. The future urban character of the area will be in keeping with the adjoining urban development as the development standards applicable to residential land under existing planning instruments will apply to this site. The rezoning will contribute to housing supply in the area and the dry stone-wall on the southern boundary of the property will form the delineation of urban growth.	The Planning Proposal is supported for finalisation.

Summary table of feedback received and staff responses – State Agencies

Feedback received	Response	Outcome
Sydney Water <u>Water and Wastewater Servicing</u> - Our preliminary assessment indicates that water and wastewater servicing should be available for future demands. - Amplifications, adjustments and/or minor extensions may be required for future development works. - Further servicing requirements will be provided in future detailed planning proposals and/or development applications.	Sydney Water has indicated that there is capacity to service the 13 residential lots. There are no outstanding issues with Sydney Water.	No changes proposed. The Planning Proposal is supported for finalisation.
NSW Department of Climate Change, Energy, Environment and Water (DCCEE) The DCCEE note that the site supports High Environmental Value (HEV) land as identified in the Illawarra Shoalhaven Regional Plan (ISRP) and Terrestrial Biodiversity as per the KLEP 2011. This reflects the threatened entities listed as endangered under the <i>Biodiversity Conservation Act 2016</i>, being <i>Illawarra Subtropical Rainforest in the Sydney Basin Bioregion</i>, containing records of <i>Zieria granulata</i> (Illawarra Zieria). The Department also note that the rezoning is required to have provisions that facilitate the protection and conservation of environmentally sensitive areas and must not reduce the conservation standards that apply to the land. It is noted that the proposed increase size of C2 zoned land to include threatened entities, together with proposed rezoning of portions from RU2 to C3, and subject to the Vegetation Management Plan (VMP) prepared by Lodge Environmental (dated 21 October 2025) is complementary to the objectives of the Local Planning Direction 3.1 - Conservation Zones. The DCCEE recommends that the VMP is made secure through a suitable legal instrument.	The proponent has provided adequate information and mapping to determine the extent of the environmentally sensitive lands and has prepared a detailed VMP to ensure the conservation and management of environmentally sensitive land on private property. A meeting was held with DCCEE prior to the lodgement of the Gateway application to discuss alternative opportunities to provide appropriate legal certainty to the works outlined in the VMP. The development consent process was considered to be the most appropriate process given that the site area was too small to trigger other forms of protection or control under State government legislation and existing State policies. Any approval for subdivision will consider the appropriate mechanism to ensure the VMP is implemented.	No changes proposed. The Planning Proposal is supported for finalisation.



Feedback received	Response	Outcome
NSW State Emergency Services The NSW State Emergency Service (NSW SES) is the agency responsible for dealing with floods, storms and tsunami in NSW. This role includes planning for, responding to and coordinating the initial recovery from floods. As such, the NSW SES has an interest in the public safety aspects of the development of flood prone land, particularly the potential for changes to land use to either exacerbate existing flood risk or create new flood risk for communities in NSW. We recommend flooding issues are considered in accordance with the requirements of NSW Government's Flood Prone Land Policy as set out in the Flood Risk Management Manual 2023 (the Manual) and supporting guidelines, including the Support for Emergency Management Planning and relevant planning circulars and directions under the Environmental Planning and Assessment Act, 1979, including 4.1 Flooding and PS 24-001. According to the Surf Beach Catchment Floodplain Risk Management Study and Plan (WMA Water, 2017) the part of the site proposed for residential rezoning (the western part of the site) is located outside the Flood Planning Area (FPA)2 and the Probable Maximum Flood (PMF) extent.3 with the flood-affected area generally being restricted to the south-eastern corner of the site, in proximity of the watercourse.4 The site slopes steeply down to this (south-eastern) area.5 with the western part of the site (proposed for residential rezoning) being elevated approximately 20 metres above this part of the site.6 7 In summary, it is recommended that flooding impacts on site access and egress, as well as the broader road network, are fully considered as part of the flood risk assessment. Any associated emergency management constraints such as limitations to emergency access or egress and the potential for isolation should be appropriately addressed. This is particularly important given that the road network providing access to the site may be affected by flooding from Willow Gully.8.	The comments made by the SES are noted. The existing flooding and drainage issues can be adequately addressed at the time of subdivision.	No changes proposed. The Planning Proposal is supported for finalisation.
Environmental Protection Authority Based on the information provided and the location of the site, the EPA does not have any comments on this proposal.	No comments are issued were raised by the EPA.	No changes proposed. The Planning Proposal is supported for finalisation.



Feedback received	Response	Outcome
NSW Rural Fire Service (RFS) The New South Wales Rural Fire Service (NSW RFS) has reviewed the proposal with regard to Section 4.4 of the directions issued in accordance with Section 9.1 of the Environmental Planning and Assessment Act 1979. The objectives of the direction are: - to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and - to encourage sound management of bush fire prone areas. The direction provides that a planning proposal must: - have regard to Planning for Bushfire Protection 2019, - introduce controls that avoid placing inappropriate developments in hazardous areas, and - ensure that bushfire hazard reduction is not prohibited within the APZ. With regard to these requirements, the NSW RFS is satisfied that the concept plans and recommendations of the bush fire report provided by Harris Environmental Consulting, REF: 7012BF, Version 3.1 dated: 27/10/2025 satisfy Ministerial Direction 4.4 Planning for Bushfire Protection. In regard to the bush fire report the NSW RFS concludes that a similar performance-based solution must be carried out by a suitably qualified bush fire consultant for compliance with Planning for Bush Fire Protection 2019 for any future development proposals.	The comments from NSW RFS are welcomed. All development applications will consider any bush fire constraints on the land and comply with Planning for Bushfire Protection 2019.	No changes proposed. The Planning Proposal is supported for finalisation.
Heritage NSW and Aboriginal Heritage Heritage NSW has reviewed the planning proposal and supporting documents and prepared the following advice. Aboriginal cultural heritage considerations under the National Parks and Wildlife Act 1974 Heritage NSW supports the conservation and protection of Aboriginal cultural heritage values. An Aboriginal cultural heritage assessment report (ACHAR) prepared by Apex Archaeology and dated October 2025 has been provided with	The recommendations of the NSW Heritage in relation to training for all workers on the site and unexpected finds will be included in any subsequent subdivision approval.	No changes proposed. The Planning Proposal is supported for finalisation.



Feedback received	Response	Outcome
this referral. Heritage NSW supports the ACHAR recommendations with the following amendments: 1. Aboriginal Cultural Heritage Induction and unexpected finds protocols Heritage NSW recommends that an Aboriginal Cultural Heritage Induction and Unexpected Finds Protocols for all workers. The Aboriginal Cultural Heritage Induction and Unexpected Finds Protocols should include not only visual examples but also clear descriptions of the physical characteristics of Aboriginal artefacts. Describing diagnostic features—such as bulbs of percussion, striking platforms, sharp or retouched edges, flake scars, and stone raw materials—will significantly assist workers in recognising potential Aboriginal objects in the field. Providing this information will improve workers' ability to identify cultural material accurately, support early reporting, and strengthen compliance with Aboriginal cultural heritage obligations. Including both images and descriptive features will therefore complement and enhance the effectiveness of the Unexpected Finds Protocols, reducing the risk of inadvertent harm to Aboriginal cultural heritage. We recommend that the ACHAR is updated. 2. Additional survey Heritage NSW recommends that if any works are required outside the surveyed area identified in the ACHAR, additional survey must be conducted prior to the commencement of those works. State heritage and historical archaeological considerations under the Heritage Act 1977 Heritage NSW supports the conservation and protection of Environment Heritage values. A Statement of Heritage report prepared by Apex Archaeology and dated September 2025 has been provided with this referral. <u>No identified impacts on State Heritage Register items</u> Based on the information provided, we have reviewed the planning proposal against our records and do not believe that there are any identified impacts on items listed on the State Heritage Register. <u>No identified impacts on historical archaeology</u>		



Feedback received	Response	Outcome
Based on the information provided, we have reviewed the planning proposal against our records and do not believe that there are any identified impacts on historical archaeology. Local heritage considerations under the Environmental Planning and Assessment Act 1979 <u>Potential impacts on local heritage item(s) and/or heritage Conservation Area(s)</u> We note that the planning proposal has the potential to impact on local heritage items and/or heritage conservation areas listed under Council's LEP, including: • Dry Stone Walls (LEP I64) As local heritage is protected under the Environmental Planning and Assessment Act 1979 and under Council Local Environmental Plans, Council is the consent authority. The assessment and consideration of impacts on local heritage items and/or heritage conservation areas rests with Council. We note that the Heritage Council of NSW, and Heritage NSW as its Delegate, do not have a role in the assessment or approval of impacts to local heritage, unless those impacts are to archaeological sites or relics, which require management under the Heritage Act 1977.		
Endeavour Energy The Planning Proposal is supported by Endeavour Energy as there is sufficient spare capacity to cater for the proposed 13 new lots from the existing facility at Seaview Village Arnold Crescent. The final substation load would be 192.5kVA/284kVA = 68% loaded at its 90% utilization capacity. In due course the applicant will need to complete the application for connection of load process with Endeavour Energy's Customer Network Solutions Branch.	The comments from Endeavour Energy are welcomed and standard conditions would be imposed on future Consent.	No changes proposed. The Planning Proposal is supported for finalisation.



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Planning Proposal	
PP Number:	PP-2025/1821
Name of Site:	2 Caliope Street, Kiama
Property:	Lot 672 DP 1308222, 2 Caliope Street Kiama
Description:	To rezone the site from RU2 Rural Landscape and C2 Environmental Conservation as follows: • Rezone the western part of the site to Zone R2 Low Density Residential with a minimum lot size of 450sqm, floor space ratio of 0.5:1 and 8.5m height limit. • Extend the existing C2 Environmental Conservation zoning to encompass a vegetated area of Illawarra Ziera. • Rezone the remainder of the site from RU2 Rural Landscape to C3 Environmental Management. • Increase the Terrestrial Biodiversity area to encompass the Illawarra Ziera.
Clause amendments:	Nil
Map amendments:	Sheet 12 – LZN, LSZ, HOB, FSR, BIO
Date Lodged:	5 November 2025
Date of Gateway:	24 March 2026
Recommendation:	The Planning Proposal should be supported for finalisation.

Assessment of Planning Proposal:

Note: This assessment report should be read in conjunction with the Council Report.

Note: This Planning Proposal has been assessed against the Ministerial Directions issued in 2024 which apply to Planning Proposal's lodged before 1 July 2026.

The PP has been assessed on the following criteria:

1. Strategic Merit.
2. Site-specific merit
3. Ministerial Directions
4. State Environmental Planning Policies



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1. STRATEGIC MERIT TEST

The strategic merit test poses three main criteria for assessing the strategic merit of a Planning Proposal. These criteria, and the assessment of the PP is provided below:

- i. Consistent with the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment.*

The PP has strategic merit as it is generally consistent with the Illawarra Shoalhaven Regional Plan 2041.

The Regional Plan recognises the need for the provision of housing supply in appropriate locations, building resilient communities and protecting important environmental assets, all of which are addressed throughout the PP.

Table 1 sets out the assessment against the Objectives of the Illawarra Shoalhaven Regional Plan 2041.

Table 1 Regional Plan Assessment

Local Strategies	Justification
Objective 11: Protect important environmental assets	The PP seeks to protect high environmental values by rezoning these areas of the site to C2 Environmental Conservation and C3 Environmental Management. The proposal retains significant native vegetation, threatened species habitat, waterways and areas of high environmental values.
Objective 12: Build resilient places and communities Objective 12.2: Reduce exposure to bushfire and natural hazards	The proposal considers flood risk, bushfire constraints, infrastructure servicing and emergency access. Supporting technical studies identify the need for Asset Protection Zones (APZs), emergency access and evacuation planning.
Objective 18: Provide housing supply in the right locations	The site is included in the Kiama LHS 2025 and is adjoining an existing local neighbourhood. The proposal seeks to provide a small number of low density dwellings in a strategically identified area.
Objective 22: Embrace and respect the region's local character	The PP proposes a small number of low density residential dwellings, while preserving the remainder of the site for environmental management which will also retain the natural vista.
Objective 23: Celebrate, conserve and reuse cultural heritage	The PP seeks to conserve, manage and celebrate the region's natural and cultural heritage. The PP incorporates measures to identify, protect and manage dry-stone walls through environmental zoning (C2 and C3) and subdivision design. The Kiama Development Control Plan includes controls to protect the heritage values of the site.



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ii. Consistent with a relevant local strategy that has been endorsed by the Department.

The PP has been assessed against the Kiama Local Strategic Planning Statement (LSPS), Local Housing Strategy and Community Strategic Plan. The planning proposal is consistent with relevant local strategic plans.

Table 2 sets out the assessment against the local planning strategies.

Table 2 Local Strategic Planning Assessment

Local Strategies	Justification
Kiama Local Strategic Planning Statement (LSPS) 2020 updated 2025	Although the site was not identified in the LSPS 2020, the site was strategically identified as part of the Local Housing Strategy 2025 and included in the minor update of the LSPS in 2025. The LSPS has key Themes and Planning Priorities to indicate the focus of future strategic planning in the LGA. <u>Theme 1 – Manage Sustainable Growth</u> The PP seeks to deliver low density housing on a small portion of the site which will assist with housing supply and demand (PP1). <u>Theme 3 – Protect Rural Landscapes</u> The PP seeks to retain the majority of the site for environmental conservation and management, which will retain the landscape. <u>Theme 4 – Mitigate and Adapt to Climate Change and Protect Our Environment</u> The proposed C2 Environmental Conservation and C3 Environmental Management zones are located to protect areas of medium and high environmental values (PP10). The PP seeks to avoid and minimise the impacts to biodiversity values, waterways, significant native vegetation and retaining threatened species habitat. <u>Theme 5 – Foster Vibrant and Accessible Places</u> The PP seeks to provide additional dwelling adjoining an existing neighborhood. The Kiama LEP 2011 and DCP 2020 include controls to manage the potential impacts on heritage items (PP14). The PP seeks to celebrate and protect local character by protecting areas of high environmental value and landscape features (PP15).
Local Housing Strategy 2025 (LHS)	<u>Consistent</u> - The Local Housing Strategy (2025) has been considered during the assessment of the PP. The site is identified as a Tier 4 greenfield development site. Action 20 of the Strategy outlines that Council will support PPs for greenfield sites which are identified by the Strategy and which comply with relevant Ministerial Directions, SEPPs and the non-negotiable principles for greenfield development so they can proceed to Gateway to enable community consultation. Table 3 provides the assessment against the non-negotiable principles for greenfield development which are all satisfied.



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Local Strategies	Justification
	The PP is consistent with the Local Housing Strategy 2025.
Community Strategic Plan 2025-2035 (CSP)	<u>Consistent</u> – the PP would facilitate housing that enables current and future residents to remain within the region, supporting social sustainability through an increased housing supply. The PP will protect the environmental values of the site. Links to the future adjoining precincts will further enhance accessibility and liveability across the area.

Local Housing Strategy – non-negotiable principles for greenfield development

The site is identified as a Tier 4 greenfield development site. Action 20 of the Strategy outlines that Council will support PPs for greenfield sites which are identified by the Strategy and which comply with relevant Ministerial Directions, SEPPs and the non-negotiable principles for greenfield development as listed below.

Table 3 sets out the assessment against the Local Housing Strategy non-negotiable principles.

Table 3 Non-Negotiable Principles for Greenfield Development Compliance

Principle	Met?	Comment
There are appropriate road, pedestrian and public transport networks and connections	Yes	The subject site is an identified growth area that has provided a plan demonstrating connectivity to the adjoining urban areas and transport networks.
Engagement with State Government to ensure state infrastructure and services can be planned and delivered for each urban expansion areas has occurred.	Yes	Engagement has occurred with State Agencies and additional engagement will occur during public exhibition.
The Sydney Water system has capacity to provide sewer and water connectivity to each urban expansion area.	Yes	The applicant has obtained a Sydney Water Feasibility Analysis confirming that there is capacity within the existing system to service this development.
Each urban expansion area is provided with mix of land use zones to ensure a diversity of housing typologies, employment lands, open space and natural areas.	In part	The size and location of this site limits opportunities for housing diversity, however single dwellings and dual occupancies will be permissible. Environmental conservation and management areas have been provided.
Employment lands are provided within each urban expansion to ensure local services are provided to new residents and to minimise traffic impacts and movement.	Not applicable	The size of this site does not warrant employment lands to be provided on site.
Financial liability to council is minimised – where land such as	Yes	The proposed subdivision will be undertaken entirely at the proponent's



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Principle	Met?	Comment
riparian corridors and stormwater management lands and infrastructure are proposed to be dedicated to Council, these are dedicated free of cost following rehabilitation and/or construction works, with a maintenance period and with in-perpetuity funding.		expense. All costs associated with the proposed subdivision, including utility infrastructure extension and provision, stormwater drainage works, and road works, will be borne by the proponent with no costs implications for State agencies or Council. The residual environmental land will be retained and managed in private ownership.
Each urban expansion area is provided with useable public open space which meets both quantum and quality standards.	Not Applicable	The proposed dwelling yield of this site does not warrant the provision of public open space being provided on site.
Heritage Items and values are identified and preserved.	Yes	The existing heritage-listed dry-stone walls will be retained and, where required, be carefully restored using original techniques and materials.
Areas of high environmental significance are appropriately retained and managed within urban expansion areas	Yes	The current C2 zoned land has been reviewed and is proposed to be expanded. The adjoining land will be rezoned to C3 to ensure the adjoining environmental land is preserved. A Vegetation Management Plan (VMP) has been prepared to guide the future maintenance.
The provision of social and affordable housing has been adequately considered	Not applicable	The proposed dwelling yield of this site does not warrant the provision of social or affordable housing.

iii. Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

The PP is responding to the current national housing supply crisis. The PP proposes to increase housing supply in proximity to local services.

In summary, the Strategic Merit test has been fully satisfied for this PP.

2. SITE-SPECIFIC MERIT TEST

The Planning Proposal must demonstrate that it has site-specific merit. In order to establish site-specific merit, the PP must meet the following criteria:

i. The natural environment (including known significant environmental values, resources or hazards).

The PP proposes R2 zoning and development in the western portion of the subject site that is located appropriately in consideration to environmental values and hazards. Advice has been sought from the RFS, NSW EPA, DCCEEV, and SES regarding site-specific concerns relating to the natural environment and its relationship with the PP.



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The RFS stated that a Strategic Bush Fire Study is required to address Chapter 4 of Planning for Bush Fire Protection (2019). This study was completed by Harris Environmental Consulting and found that the bushfire hazard risk for the subject site is “fairly low”, as there is little bushfire risk outside the subject site that poses a threat. The primary bushfire threat for the development is the conservation zoned rainforest within the subject site.

The NSW EPA requested a Preliminary Site Investigation (PSI) be prepared to determine whether the historic use of the land for agricultural purposes has resulted in any contaminated land that would pose an unacceptable risk to human health or the environment, and to document whether further investigation is required. The PSI was conducted by Environment & Natural Resource Solutions and identified four (4) preliminary Areas of Environmental Concern. Laboratory testing has been conducted on the soil samples obtained from these four areas, and based on the results, the identified preliminary Areas of Environmental Concern can be removed from the conceptual site model, and the site may be assessed as suitable for the proposed residential development in accordance with State Environmental Planning Policy (Resilience & Hazards) 2021.

The DCCEEW suggests a number of considerations, mainly aimed at demonstrating that steps have been taken to avoid or minimize impacts on biodiversity and high environmental value land through the provision of a flora and fauna assessment and a Vegetation Management Plan. A Flora and Fauna Assessment has been undertaken by Lodge Environmental, concluding that no threatened flora or fauna were recorded within the subject site that will be significantly impacted by the proposed rezoning and subsequent development. However, careful avoidance and mitigation measures should be implemented to ensure impacts to the Illawarra *Zieria granulata* population will be minimised.

Lodge Environmental prepared a Vegetation Management Plan (VMP) aimed at guiding the restoration of the vegetation within the site to enhance natural values and assist in the establishment of a resilient ecosystem. This will be implemented in conjunction with the Flora and Fauna Assessment and Strategic Bush Fire Study.

The SES suggests that a flood impact and risk assessment be conducted, and consideration be given to flood impacts on access roads in the broader road network. A Water Cycle Management Study has been undertaken to demonstrate compliance with the Kiama Water Sensitive Urban Design Policy, and to ensure that WSUD principles are incorporated into the proposal and protect the downstream environment.

The PP states that no residential zoning or development will be located within flood prone land or bushfire prone land. A small section of land, in the south-eastern corner of the subject site, is flood prone. It is proposed to rezone this land from RU2 to C3 which does not permit a higher level of development that is currently permitted, but which will provide a higher level of protection for that land. A Category 3 watercourse traverses the south-eastern corner of the subject site and the area to be rezoned R2 is a minimum of 87m away, exceeding the 10m distance which triggers clause 6.5 of the KLEP 2011.

From the information provided above, site-specific merit relating to the natural environment is demonstrated, and all known environmental values, resources and hazards are identified and appropriately avoided, mitigated or minimised.

- ii. ***The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to the proposal.***



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The site is adjacent to existing residential development along Old Saddleback Road and Caliope Street. Appropriate buffers, by way of perimeter roads, will ensure future residential development does not impact adjacent agricultural lands.

The subject site is in close proximity to the 25 Cole Street Kiama strategically identified greenfield land, further demonstrating site-specific and strategic merit and contributing to Council's housing supply targets.

iii. The services and infrastructure that are or will be available to meet the demands arising from the Planning Proposal and any proposed financial arrangements for infrastructure provision.

Initial enquiries of service agencies indicates that there is capacity available within the existing reticulated water supply and sewerage systems to cater for the additional lots, and that there is capacity in the local electricity supply network.

The PP would enable future subdivision of the site (subject to DA approval) and this would include the construction of a new perimeter road around the proposed residential lots, between Old Saddleback Road and Caliope Street. Road widening works will also be required along Old Saddleback Road from Caliope Street to the intersection with the new perimeter road. This will also involve road shoulder, footpath, kerb and gutter construction.

There are no proposed financial arrangements for infrastructure required, and no other infrastructure demand generated by this proposed development. Section 7.12 Contributions will be levied on future Development Applications.

3. MINISTERIAL DIRECTIONS

A PP needs to be consistent with all relevant Ministerial Directions issued under s9.1 of the *Environmental Planning and Assessment Act 1979*.

Note: This PP has been assessed against the s9.1 Ministerial Directions issued in 2024 as it was lodged before 1 July 2026.

The assessment of the PP against each Ministerial Directions is provided at Table 4:

Table 4 Ministerial Directions Compliance Checklist

Ministerial Direction	Comment
1. Planning Systems	
1.1 Implementation of Regional Plans	Consistent - The PP is consistent with the Illawarra-Shoalhaven Regional Plan 2041 and therefore consistent with Direction 1.1.
1.2 Development of Aboriginal Land Council Land	N/A - The PP does not apply to land which Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 applies.
1.3 Approval and Referral Requirements	Consistent – No concurrence, consultation or referral provisions are proposed by the PP, and no development is identified by the PP as designated development.
1.4 Site Specific Provisions	N/A - The PP is not being made specifically to allow a particular type of development to be undertaken on the site.
Planning Systems – Place-based	



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1.5 to 1.22	N/A - These directions do not apply to the Kiama LGA.
2. Design and Place	
There are currently no Directions in this Focus Area.	
3. Biodiversity and Conservation	
3.1 Conservation zones	Consistent – The PP contains provisions aimed at protecting and conserving environmentally sensitive areas. The PP is accompanied by a Flora and Fauna Impact Assessment, a Water cycle Management Plan, and a Vegetation Management Plan. The subject site contains a number of ecological constraints, including a Threatened Ecological Community (Lowland Subtropical Rainforest), two habitat bearing fig trees, and a population of Illawarra Zieria. The Lowland Subtropical Rainforest vegetation is zoned C2 Environmental Conservation and is mapped as 'biodiversity land'. These controls are not proposed to be changed by the proposed rezoning. The PP seeks to include provisions that facilitate the protection of the Illawarra Subtropical Rainforest and Illawarra Zieria located on the subject site by extending the C2 zone and terrestrial biodiversity land. In addition, areas of the site will be rezoned from RU2 to C3 to promote protection of the edge areas of the vegetation.
3.2 Heritage Conservation	Consistent - The PP is supported by an Aboriginal Cultural Heritage Assessment (ACHA) and a Heritage Impact Statement (HIS). The ACHA did not identify any items of Aboriginal heritage significance on the site. The HIS acknowledged the dry-stone wall has historic significance and made recommendations aimed at repairing and restoring the wall to enable it to be appreciated and interpreted in context. Additional heritage assessment of the dilapidated rural structure under the cluster of fig trees and the nearby farmhouse formerly known Garden Hill Farmhouse was assessed. The heritage assessment concluded that the rural structure is beyond repair and that only a small part of the structure is original. The removal of the structure is therefore considered to be appropriate. It is acknowledged that the historic rural landscape will be lost but that the significance of the rural structure has already been significantly reduced by the urban development surrounding the former farmhouse. The significant trees on the site are to be contained within land to be zoned for environmental protection.
3.3 Sydney Drinking Water Catchments	N/A - The subject site is not located within the Sydney Drinking Water Catchment.



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3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N/A - This Direction does not apply to the Kiama LGA.
3.5 Recreation Vehicle Areas	Consistent – No recreational vehicle areas are being proposed in this PP.
3.6 Strategic Conservation Planning	N/A - The subject site is not identified as 'avoided land' or a 'strategic conservation area' under the SEPP (Biodiversity and Conservation) 2021.
3.7 Public Bushland	N/A - This Direction does not apply to the Kiama LGA.
3.8 Willandra Lakes Region	N/A - This Direction does not apply to the Kiama LGA.
3.9 Sydney Harbour Foreshores and Waterways Area	N/A - This Direction does not apply to the Kiama LGA.
3.10 Water Catchment Protection	N/A - The subject site is not located within a "regulated catchment" as defined by SEPP (Biodiversity & Conservation) 2021.
4. Resilience and Hazards	
4.1 Flooding	Consistent – The PP is accompanied by a Water Cycle Management Study, and no development will occur on flood prone land. A small section of land, in the south-eastern corner of the subject site, is flood prone. It is proposed to rezone this land from RU2 to C3 which does not permit a higher level of development than is currently permitted, but which will provide a higher level of protection for that land. A Category 3 watercourse traverses the south-eastern corner of the subject site and the area to be rezoned R2 is a minimum of 87m away, exceeding the 10m distance which triggers clause 6.5 of the KLEP 2011.
4.2 Coastal Management	N/A - The subject site is not located within a Coastal Zone and therefore the direction does not apply to the PP.
4.3 Planning for Bushfire Protection	Consistent – The subject site is mapped as containing bushfire prone land and the PP is accompanied by a Strategic Bushfire Assessment prepared by Harris Environmental Consulting which has been prepared in accordance with the provisions of Planning for Bushfire Protection 2019 (PBP). The PP recommends APZs appropriate to future residential development which can be accommodated without impacting existing significant vegetation. The PP provides provision for public access roads, reticulated water supplies for firefighting and utility installations. The hazard areas affecting the site are assessed as fairly low risk, as there is little bushfire risk outside the subject site that poses a threat.

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	The primary access to the site via the existing public access roads is to the north and west through the existing urban and rural landscape and away from the primary bushfire threat to the south and east.
4.4 Remediation of Contaminated Land	Consistent - The PP is accompanied by a Preliminary Site Investigation (PSI) prepared by Environment & Natural Resource Solutions, which found that the site poses no risk to human health or the environment. Part of the site is contaminated due to the historical agricultural use. The PP (and PSI Report) identifies preliminary Areas of Environmental Concern which can be removed from the subject site allowing it to be assessed as suitable for the proposed residential development in accordance with SEPP (Resilience & Hazards) 2021. It is considered that the PP demonstrates that the site can be made suitable for the proposed rezoning to residential land.
4.5 Acid Sulfate Soils	N/A - The subject site is not shown on the Acid Sulfate Soils Planning Maps as having a probability of containing acid sulfate soils.
4.6 Mine Subsidence and Unstable Land	N/A - This direction does not apply to the PP.
5. Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Consistent – The PP proposes an access road that utilizes both Old Saddleback Road and Caliope Street providing connectivity to the adjoining urban area.
5.2 Reserving Land for Public Purposes	Consistent – The PP does not affect or require land to be reserved for public purposes. This PP will not create, alter or reduce existing zonings or reservations of land for public purposes.
5.3 Developing Near Regulated Airports and Defense Airfields	N/A - The direction does not apply to the PP.
5.4 Shooting Ranges	N/A - The direction does not apply to the PP.
5.5 High pressure dangerous goods pipelines	N/A - The site is not within the “application area” of the Eastern Gas Pipeline.
6. Housing	
6.1 Residential Zones	Consistent - The PP applies to an identified new Greenfield site for the rezoning of rural land to residential land. The subject site will be rezoned to R2 Low Density Residential and vary in lot sizes, with a minimum lot size of 450sqm. The PP will enable the provision of residential land that will increase housing choice, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing and associated development on the urban fringe, and be of good design.

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	The land will not be available for housing until adequate servicing and infrastructure have been provided.
6.2 Caravan Parks and Manufactured Home Estates	N/A - The direction does not apply to the PP.
7. Industry and Employment	
7.1 Business and Industrial Zones	N/A - The direction does not apply to the PP.
7.2 Reduction in non-hosted short-term rental accommodation period	N/A - The direction does not apply to the PP.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	N/A - The direction does not apply to the PP.
8. Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	N/A - The direction does not apply to the PP.
9. Primary Production	
9.1 Rural Zones	The objective of this Direction is to protect the agricultural production of rural land. The site is zoned RU2 and C2 and is included in Kiama's Local Housing Strategy 2025 as a greenfield expansion area. The Strategy notes that only the western portion of the subject site may be suitable for residential development, with the remainder of the site containing environmentally sensitive land that is not suitable for housing, and which should be preserved for conservation. The PP seeks to rezone only the western portion of the site (1.17 ha) that is currently cleared to create 13 new residential lots. The remainder of the site is proposed to form a residue lot and to be zoned C2 and C3 (4.5 ha) for environmental conservation and protection. A Vegetation Management Plan has been prepared by DSM Generation Pty Ltd to manage the  residue lot. The PP will increase the permissible density of the land by allowing residential subdivision in an area currently subject to

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	a 40ha minimum lot size. The site does not have any existing agricultural land uses that would be impacted on by rezoning this portion of land. The site adjoins residential development and existing infrastructure. An existing road provides access to the proposed residential area. The environmentally sensitive area contains the population of <i>Illawarra Zieria granulata</i>. The terrestrial biodiversity mapping overlay will also be extended across this area, to ensure protection of scenic rural landscapes and conserve areas of environmental significance. The land is not used or suitable for agricultural land and therefore rezoning the western portion will not impact on the objectives of this Direction. Therefore, the PP is justifiably inconsistent with this Direction because the provisions that are inconsistent are of minor significance and because the site has been identified in a Strategy (the LHS) which has been endorsed by the Secretary.
9.2 Rural Lands	The subject site is identified in the Kiama Local Housing Strategy (2025) as a site with potential as a greenfield residential development opportunity. The PP seeks to rezone part of the subject site from RU2 to R2 and to reduce the minimum allotment size from 40ha to 450m² and 4.5ha to allow the land to be subdivided for residential purposes. The PP seeks to rezone 1.17ha of land to residential to create 13 residential lots. The remainder of the site will form 1 residue lot zoned both C2 and C3 that will be managed by a Vegetation Management Plan. The VMP aims to protect and conserve the environmentally sensitive area. The PP avoids the potential for land fragmentation by situating the residential zoning at the western end of the subject site. The site adjoins existing residential development and infrastructure. The site is not currently used for agricultural purposes and therefore rezoning the western portion of land would not have adverse impacts on the agricultural production values of the land. Therefore, the PP is justifiably inconsistent with this Direction because the provisions that are inconsistent are of minor significance and because the site has been identified in a Strategy (the LHS) which has been endorsed by the Secretary.
9.3 Oyster Aquaculture	N/A - The direction does not apply to the PP.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	N/A - The direction does not apply to the Kiama LGA

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4. STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

The PP must demonstrate consistency with all relevant SEPPs.

Table 5 sets out the assessment against the relevant SEPPs. In summary, the PP is consistent with all relevant SEPPs.

Table 5 State Environmental Planning Policies (SEPPs) Assessment

SEPP	Comment
SEPP (Housing) 2021	The PP supports the delivery of housing diversity and density through additional residential land with planning controls consistent with adjoining residential zoned land. The PP is considered consistent with the SEPP.
SEPP (Resilience and Hazards) 2021	Consistent - A preliminary site investigation for potential contamination has been undertaken. The study assessed the Western portion of the site as suitable for proposed residential development in accordance with the SEPP. The PP is considered consistent with the SEPP.
SEPP (Transport and Infrastructure) 2021	Section 2.138 of the SEPP allows the construction of a "stormwater management system" with consent by any person on any land. The PP proposes to install an OSD on the C3 zoned part of the site in the residual lot, which is permissible with consent. The PP is considered consistent with the SEPP.
SEPP (Biodiversity and Conservation) 2021	Kiama LGA is not a Koala Management area. The site has high ecological values in the C2 zoned area. The residue lot will be zoned C2 and C3 to protect the environmentally sensitive area. The PP seeks to protect the population of Illawarra <i>Zieria granulata</i> by extending the C2 zoning and Terrestrial Biodiversity mapping overlay over that portion of land to avoid any development or land clearing within this area. A Vegetation Management Plan has been prepared for the residue lot. The proposed residential area is not located within the environmental sensitive area and will not have adverse impacts on biodiversity and conservation. Therefore, the PP is considered consistent with the SEPP.



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Outcome of assessment:

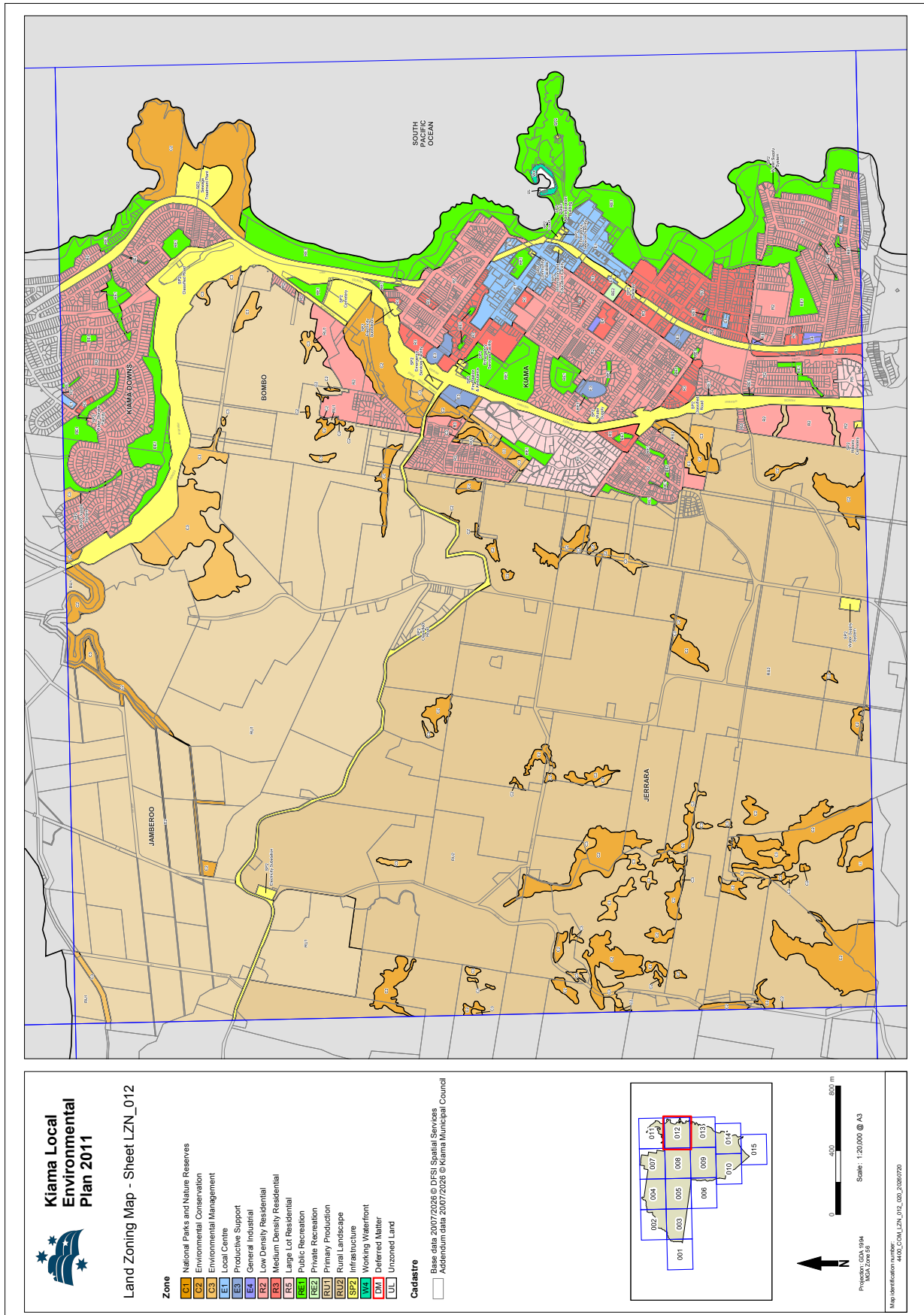
The Planning Proposal should be supported for finalisation.

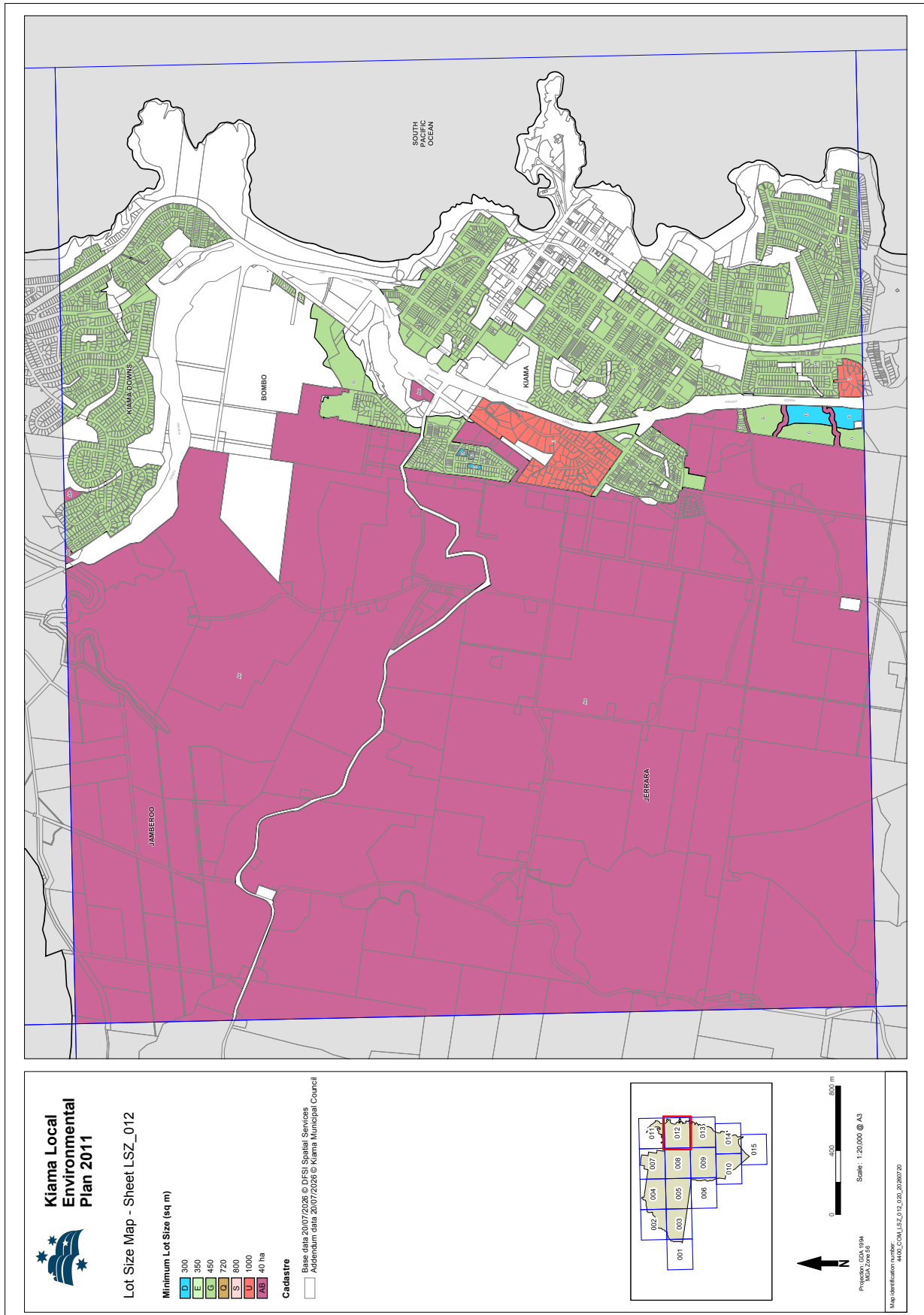
Reasons for recommending the Planning Proposal be supported	
1)	The Planning Proposal has been prepared in accordance with the <i>Environmental Planning and Assessment Act, 1979</i> and the LEP Making Guideline (2026).
2)	The Planning Proposal has demonstrated strategic merit.
3)	The Planning Proposal has demonstrated site specific merit.
4)	The Planning Proposal has satisfied all relevant Ministerial Directions.
5)	The Planning Proposal has satisfied all relevant SEPPs.
6)	The Planning Proposal is consistent with relevant local strategies that have been endorsed by the Minister including the Local Strategic Planning Statement, Local Housing Strategy and Community Strategic Plan.
7)	The Planning Proposal is consistent with the aims, objectives, and provisions of relevant Council policies including the Vegetation Study and Draft Employment Lands Strategy.
8)	The Planning Proposal is consistent with the Planning Agreement that applies to the Land.
9)	The site is suitable for the proposed planning controls.
10)	All submissions received during the public exhibition period have been considered and issues and concerns raised have been considered in the assessment.

Assessment completed by: Sharon Cooper
Strategic Planner
10 July 2026

Assessment reviewed by: Melissa Ballinger
Strategic Planning Coordinator
24 July 2026

Assessment approved by: Cheryl Lappin
Manager Planning and Development
31 July 2026





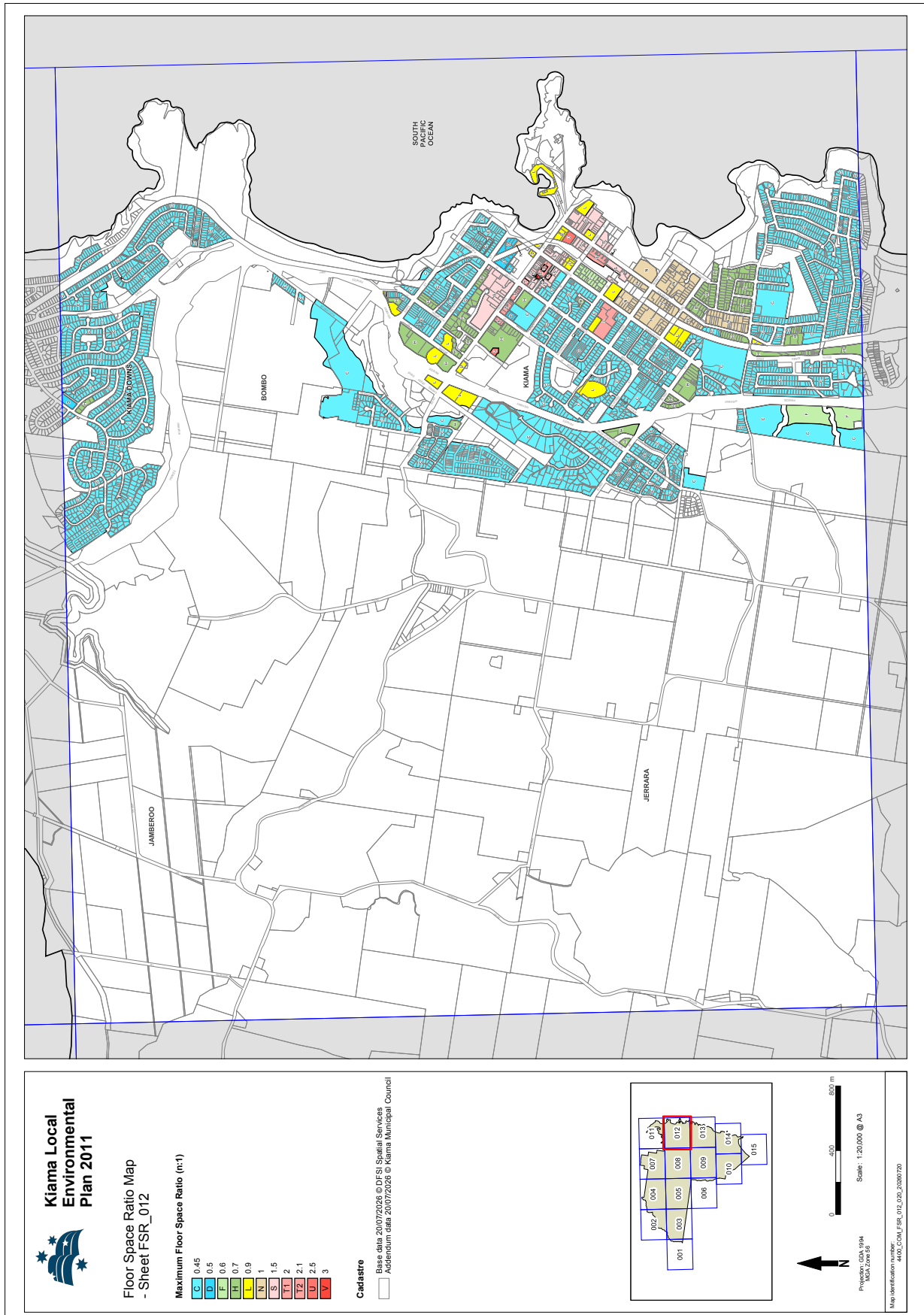
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Enclosure 7



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Enclosure 8



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Enclosure 9