

KIAMA

Local Environmental
Plan Review



Kiama Municipal Council

Community Panel Report June 2005



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A report on the findings and recommendations of the Community Panel appointed by Kiama Council to consider four key questions on key strategic local environmental planning issues facing the Municipality of Kiama in the next ten years.

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PREAMBLE

Kiama Council appointed a Steering Committee to prepare a set of questions for the community and to instruct a firm of independent consultants with expertise in matters of deliberative democracy to facilitate the addressing of those questions by representatives of the community.

These consultants asked an interstate market survey company to randomly select a panel of sixteen residents from the Municipality that was representative of the population. The selection criteria ensured that men and women from a range of age groups were selected. The criteria also ensured equal representation from rural and the urban Kiama and the townships of Gerringong, Gerroa and Jamberoo.

Through this process 584 people were contacted. Many of those contacted were unable to devote the required five days to the deliberative process. The list of willing participants was shortened to twenty: sixteen panellists and four reserves.

We are that volunteer Community Panel of sixteen adults. We have carefully questioned the consultants engaged by the Committee and are satisfied that we truly were randomly selected and are therefore reasonably representative of the community.

These proceedings occupied five full days. They began with a three and a half day briefing which included field visits and interviews with several farmers, land developers, representatives of various community groups and a vineyard operator.

This was followed by many instructive presentations by experts in matters ranging from biodiversity to demographics and town planning, from dairying to climate change, and from soil quality to wetlands conservation. We also received presentations from property developers and other representatives of several community groups. Interspersed with the presentations were question and discussion sessions between groups of experts and the Panel.

Equipped with this proper and balanced briefing we then deliberated for one and a half days to carefully and responsibly consider the four questions put to us by the Steering Committee concerning the new Local Environment Plan.

First we reached certain general conclusions about the main issues. On the basis of these conclusions, we dealt with each of the four questions in detail. Our conclusions and recommendations are based on panel discussions only, there has been no influence by outside community and there has been an embargo on the Panel discussing the issues with other members of the community.

The Panel was in complete agreement when we came to make our general conclusions and recommendations. This unanimity from a group of informed, reasonable and randomly selected residents legitimises our conclusions and recommendations.

Therefore we earnestly commend our advice to the Council and all other residents. We sincerely believe that this advice is in the best long term interests of not only Kiama residents but also that of our neighbours in the greater metropolitan regions of Sydney and Wollongong.

RESPONSES TO THE QUESTIONS

Question 1

How might the LEP protect the agricultural and scenic landscape, and also support a diverse, changing and viable economy and community?

Response

Experts addressing the Panel gave consistent advice on the retention of rural land and the importance of resisting any further residential encroachment onto this land. They explained the position of the dairy industry in relation to its deregulation, the drought, the advantages of the good soils and climate of the Illawarra, and our close proximity to Sydney.

The Panel was convinced by these arguments and believes that all agricultural and rural land should be protected for future generations, and that probable climate change and increased energy and transport costs are likely to make local agricultural production increasingly important in relation to food and fibre production for the Sydney region.

The Panel believes that agricultural land should also be protected for its cultural values, because of its importance for tourism, and the stated values of the people in the Illawarra. A few members of the Panel had concerns about formal heritage listing and considered that more study of its possible negative effects on farmers is needed.

The Community Panel is concerned that as many productive farms as possible be retained in the industry. With prices for rural land increasingly based on residential prices, it is considered unlikely that once farmers sell this land would ever return to agricultural use. The community benefits by the continuing agricultural use of this land as part of our visual, social and economic environment, and the Panel believes that the community should therefore be willing to help dairy farmers to stay in the industry.

The Community Panel is therefore unanimous that agricultural and scenic rural land, that is all land currently zoned rural 1(a), should be recognised as an important and limited resource that must be protected against any further erosion by urban expansion. To emphasise the importance of this land the Panel proposes that all agricultural and scenic land currently zoned Rural 1(a) should be renamed the Rural 1(a) (Significant Agriculture and Scenic) zone.

The LEP is not considered the appropriate place to provide subsidies but the Panel recommends that Council should consider a 90% rate reduction to Registered Dairy Farmers.

The Panel has a strong conviction that the 40 hectare minimum size lot in the Rural 1(a) zone should be retained. However, the LEP should include a new incentive to encourage the amalgamation and consolidation of rural lots into larger rural holdings. While the Panel is very sympathetic to the current financial situation of many farmers it believes the current situation regarding concessional allotments should be maintained. However some flexibility should be considered as an incentive to encourage the amalgamation of productive rural lands for the purpose of sustainable agriculture. For example, the kind of flexibility that would achieve the desired objectives is where a working farm adjoins a smaller rural allotment of less than 40 ha, without a residential entitlement. It might be beneficial to agriculture to redefine the boundary to create one larger rural allotment, leaving a residual lot of approximately one acre with a residential entitlement.

The Panel is against any LEP provision that would allow any fragmentation of rural land. However in order to achieve the outcome of larger productive rural lots certain innovative incentives might be effective.

After deliberation, the Panel expressed a strong desire to assist local farmers to continue farming, however the precise ways in which farming could be assisted are difficult to define. The Panel is of the opinion that this serious matter should be the subject of further detailed study by a committee consisting of appropriate consultants, farmers, Council officers and a few members of the Panel.

The Panel is of the firm opinion that more than one house, either for family members, rented to employees or leased to others, is acceptable on 40 hectare lots, and the LEP should permit this as long as there is no subdivision..

A number of alternative agricultural options were outlined to the Panel, such as vineyards, horticulture, cut flowers, goats / alpacas / deer, berries, game birds, nurseries and trees, and a number of others. If any of these uses proves to be financially and agriculturally feasible, the Panel considered it could complement the dairy industry and help support a more diverse, changing and viable economy, as long as its visual and environmental impact on the land and landscape were kept minimal.

There are also other potential developments that the Panel believes could be acceptable on 40 hectare rural lots as long as they do not alienate prime agricultural land and their impact is minimal. These ranged from farm stay within existing farm complexes, farm gate retailing, buildings for the manufacture of produce such as cheese and honey, rural tourism and eco-cabins, small self sufficient cluster housing, or a combination of the above.

The Community Panel believes that some of these options could well be desirable uses and should be considered if they are sympathetically designed and sited, if they are completely sustainable in the water / energy / waste disposal sense, if major road and siteworks or overhead power lines were not required and if subdivision is not involved. To this end it is considered that a Development Control Plan should be prepared for 'Rural Buildings'

However the current wording in the LEP for Permissible Uses is considered a constraint on non standard types of development like the above; if it is not in the list of permissible uses with consent, then it cannot legally be permitted however desirable. As no one can be sure what desirable types of developments might be suggested in the future, the Panel therefore proposes that the wording of the 'Objectives' for this zone be carefully reconsidered and redrafted and that the Permissible Uses should simply be defined as 'All development consistent with the Objectives of this zone' and that any development applications should then be subject to the provisions of the proposed 'Rural Buildings' DCP.

The Panel considered that the idea of Transferable Development Credits is so complex with so many anomalies, that further investigation is needed before its adoption could be considered.

Question 2

How should the town centres and surrounding residential neighbourhoods be developed to create vibrant town centres with increased business and employment opportunities, and living areas that have high amenity, accessibility and a sense of place that reflects the coastal charm and the character of the place?

Response

The Panel is not opposed to four storey development along Terralong Street in Kiama, based on ground floor retail, first floor offices or residential, and the upper floors residential accommodation, provided there is a high level of development control. The Panel does not consider that residential flats above the shops should be restricted to tourists and believes the mix and type of development should be left to the market to decide.

The Panel agreed with the proposed location and functions of the Multi Function Town Hall. However they are of the opinion that the specific architectural style of new developments, either traditional or modern, should not be mandatory.

The Community Panel is in broad agreement with the eventual in-principle redevelopment of Meares Place, the supermarket development on the Weston site behind Terralong Street, and the area between Manning Street and the Showground, but did not think they understood this in sufficient detail to offer specific suggestions.

It is considered that self-contained holiday houses or flats should be treated the same as any other residential development apart for some modest signage.

Special consideration should be given to providing recreation facilities and sporting fields for young people, and also a need for well sited public toilets in Gerroa.

The Community Panel believes that the Kiama Town Centre is suffering from too many discordant commercial signs and that stricter signage controls, including the abolition of above awning signs, should be introduced to give the centre a more attractive character.

The Panel also considers that specific place-based Development Control Plans should be prepared for Kiama, Gerringong and Jamberoo to try and ensure that the character of these communities is retained.

Question 3

What level of population growth is appropriate for Kiama over the next ten years and how can it be housed?

Response

The Community Panel is concerned to stop urban sprawl into rural land and believes that the desirable level of population growth for Kiama is that which can be accommodated within the land already zoned residential. Future growth for the whole Kiama LGA is estimated to be lower than the maximum IRIS and DIPNR estimates, and is not expected to exceed the conservative IRIS estimate of 100 to 150 dwellings per annum.

Council's aim should be to accommodate this growth as much as possible by infill development to increase the density of the existing built-up areas. The LEP provisions should be written to encourage dual occupancies, medium density infill housing and affordable rental housing. The Panel recognises that the provision of affordable rental housing is difficult but that a number of recent Council precedents show that it is possible. It is considered important that more young people are able to afford to live in Kiama.

New houses and medium density courtyard housing should be permitted on land already zoned for residential development; this would include the existing Elambra Estate at Gerringong (250 people), Cedar Grove in Kiama (150 people) and the already zoned land in Drualla Road, Jamberoo (125 people).

If future expansion cannot be accommodated between infill housing (60%) and new housing on vacant, already zoned residential land (40%), then the Panel recommends that the land along the freeway known as South-West Kiama (between Saddleback Mountain Road & Weir Street up as far as the stone wall) should be considered an Investigation Area for possible future residential rezoning. It is estimated this could provide for at least another 650 people.

Consideration should be given to permitting development on this area to a higher density, at the very least making all lots mandated dual occupancy with regulations to ensure that all lots eventually have two houses. This land is considered the best option for expansion as it has good access, has distant views and is below the ridge line and visually part of Kiama.

The proximity of the Boral / SRA quarry land to the Bombo Railway Station makes it a desirable site for future medium density housing, or a combination of housing and light industrial uses. The extension of the Spring Creek estate should happen at the same time as the quarry is developed. The Panel believes this quarry land should also be made an Investigation Area for future residential zoning. It is uncertain when quarry operations will cease and this land become available, so whichever is the first available (Bombo quarry or SW Kiama) should be rezoned at that time if it is needed.

The Community Panel proposes that fixed boundaries be drawn around the existing zoned urban areas of Gerringong, Gerroa and Jamberoo with no future expansion envisaged except for infill development to increase their densities. The Panel thinks that fixing the boundaries would reduce uncertainty in those communities, allow a green buffer to be maintained between the towns and the surrounding farms, and maintain rural views from all parts of these towns. These places are small and special in their surrounding landscapes, they are without effective public transport to the rest of the Illawarra region and should not be allowed to spread further into the surrounding rural lands.

The Panel thinks that no further residential development should be permitted in Gerringong in either the area known as Elambra West or the earlier proposed Release Area 13 to the west of the Crooked River Road between the existing Elambra Estate and Gerroa. The Panel understands that the golf club on the eastern side of this road cannot be developed and considers that all the remaining land on the eastern side of Fern Street and the Crooked River Road should remain as scenic 7(d) rural zoning.

The Panel believes that Gerringong and Gerroa should always remain separate communities and that Council should have the clear objective of preserving the views to the west from this ridge road for all time.

The Community Panel is equally concerned that the area known as West Kiama, should never be developed because of the detrimental effect this would have on the unique Illawarra landscape looking toward the escarpment and the upper Jamberoo Valley. Already the Kiama urban edge is visible when approaching Kiama from Jamberoo and the Panel believes that it should stop there and go no further.

The Panel is opposed to any isolated 'greenfield' development further to the west of this area towards Jamberoo as this would inevitably result in Kiama and Jamberoo being joined by urban sprawl.

The Panel is also of the view that the proposed Wyalla Road site in Jamberoo should not be rezoned residential except for a single sided row of houses facing the rural land across an access road. The bulk of this land provides a valuable buffer between the town and rural activities and the Panel believes (except for the above) that it should not be used for residential development. The proposed nursing home in Jamberoo (75 people) is considered acceptable provided it is sensitively sited and designed.

Question 4

What are the appropriate LEP mechanisms to protect ecologically important natural systems and biodiversity in the Kiama Municipality and what opportunities exist to enhance degraded systems through the LEP process?

Response

The Panel endorses the provisions of the existing LEP relating to Environmental Protection.

The Panel is of the opinion that since the last LEP was written, both expert knowledge and community understanding of functioning and natural systems has increased.

Furthermore there is now a much wider community appreciation of the importance of biodiversity preservation and the role of a healthy natural environment in supporting our very existence.

Therefore the Panel recommends:

1. That there be no further encroachment into any environmentally sensitive areas which are now not already zoned Rural, Residential, Business, Industrial, School or Recreation.
2. That all Environmental Protection zones should be re-titled High Conservation zones and that strengthened provisions and safeguards be applied to this new zoning. Part of this new zoning could include a High Conservation Buffer zone which in some cases might overlap existing zonings. There may be incentives to encourage restoration of native forests in unusable parts of private rural lots in these new buffer zones.
3. That where new areas of sensitivity or degradation have now been identified such as degraded coastal wetlands, riparian corridors, water catchment areas, flood prone areas or rain forest, every effort be made to incorporate these into the new High Conservation Zoning.
4. That Council seek advice from a small bi-partisan committee made up of expert consultants and informed farmers to give effect to these recommendations

The Panel suggests that there may be ways to increase community awareness and support for the value of the High Conservation Zoning and these could include for example boardwalks through wetlands.

The Panel is aware that these new initiatives bring new burdens of Council expense and suggests new mechanisms be considered to motivate community / land owner involvement. These measures might include: providing Community advice, rate rebate for voluntary conservation work, tree planting promotions such as more free trees and advice.

Finally, the Panel suggests that Council investigate the issue of wild life corridors where necessary to join isolated pockets of animal habitats. It might be possible to build wild life tunnels and bridges over roads to join these habitats.

FACTS AND ISSUES WHICH LED TO OUR RECOMMENDATIONS

Soil Quality and Water Supply

The soil of most of the rural region is of an unusually rich, volcanic laterite quality found in less than five percent of this State.

There is an abundance of water supplied by rainfall and run off from the high plateau above Jamberoo and Foxground. Climate change forecasts indicate that soon much of the State will probably become hotter and drier. Effects may be felt even in the life of this LEP. However Kiama's water abundance should continue almost undiminished.

Proximity to Markets

Kiama's proximity to Sydney consumers may well become of vital importance if the price of fuel continues to rise.

Scenic Environment and Biodiversity

The rolling green hills, rain-forested escarpment, wetlands, headlands and beaches are of irreplaceable value for tourism, education and local residents. The temperate rainforest is one of the largest remnants left in NSW. Even though some residents invest countless volunteer hours in restoration, many species are threatened by human encroachment, new species of weed infestation of drought.

The scenic quality of the middle landscape is due to intensive work by dairy farmers. If the land is not maintained, rather than revert to rainforest, it will rapidly become overgrown with introduced varieties of weeds. There is evidence that this is already happening.

Animal habitats are becoming isolated and threatened by feral domestic pets and foxes. There is a need to provide either natural or built habitat corridors to promote survival of native animals.

Community participation in the rehabilitation of riparian corridors (weeding creek banks) should be encouraged. Possible activities might include school excursions, local groups, town resident action groups.

Some members of the Panel were in favour of allowing farmers to rent small vegetable plots to town people on unused rural land.

Dairy Farming

Deregulation and globalisation is causing financial stress. A number of dairy farmers have ceased to operate in recent years and the remaining farms are being squeezed between rising costs and falling prices. Their survival depends on increasing herd size which in turn stretches the already burdened and limited workforce. We are satisfied that even the most energetic and innovative farmers who we interviewed are working unreasonably hard for fairly ordinary returns. Less fortunate farmers are unable to replace worn capital equipment or upgrade their dairies to deal with the larger herds which might help them survive.

Most farmers seem determined to continue on until circumstances improve. Some who have ceased operations would like to start farming again if the price for milk increases above about 36 cents per litre.

There are other complexities which add to farmer stress. For example there is the predicament of aging farmers. Because of their farm asset they are ineligible for a pension. So they are forced to continue operating. To do this they need the support of family or workers. However under the rules of the present LEP, they are unable to accommodate them in houses on their farms. This places an unnecessary rent expense on a strained farm income.

Opportunity for Diverse New Rural Activities

While dairy farming should continue to be the principal rural activity for the area, there are many opportunities for new rural activities.

These new rural activities can lead to farm gate produce marketing.

The Agriculture and Residential Interface

Where residential areas adjoin farmland, trivial objections from residents can cause significant time and expense burdens which further erode farm viability. For example, under the present environmental rules, residents have the right to object if a farmer's tractor is too noisy or there is cow dung on the road. These rights should be re-addressed to ensure that the farmers are not being disadvantaged by unreasonable or inappropriate complaints from other residents.

There was some inconclusive discussion on a concept of rural buffer zones which would be designated between farm land and residential land. These zones could be areas of overlap at the rural/residential interface. The zone could provide a transition where the rights of residents and farmers were treated more flexibly.

Affordable Housing

There was considerable concern amongst Panel members about the lack of affordable housing. The combination of price, house size and inflation, has made it difficult for many people, especially the young, to find reasonably sized, affordable housing.

To build vibrant town centres and re-build a vigorous rural economy we must retain our young people. The young need low cost rental accommodation in the towns and the opportunity for multiple dwellings on a single rural title.

Numbers of New Dwellings Needed

Taking into account the demographic and population advice we have received, our own assessment of the number of vacant properties presently available and under construction and the consequences of the ageing of the local population we have concluded that the likely number of dwellings that will be needed in the next ten years is between 100 and 150 houses, flats and apartments in the whole municipality each year.

The Panel then studied maps of the towns and areas already zoned residential to see where these might be located. We concluded that there need be no further expansion of the towns beyond their existing boundaries.

Setting a firm boundary to the towns was seen as a positive measure for the following reasons:

1. After listening to the advice of several planning experts and one developer, the Panel formed the belief that more compact and 'walkable' towns would become more vibrant and vigorous and produce favourable commercial and tourist outcomes.
2. Limiting town size would preserve rural land from creeping sprawl.
3. Adopting a firm policy on the issue of town size and borders would eliminate the uncertainty in which property speculation thrives and thus reduce the possibility of undue pressure being placed upon Council by property developers.

Clearly and permanently defined town boundaries which limited town size was one of the key conclusions of the Panel.

Conclusions for the Rural Agricultural Land

Considering the effects of drought on other regions and the increasing cost of fuel, the Panel formed the opinion that the essential reasons why the rural land around Kiama should be preserved, maintained, enhanced and worked were:

1. Unusually favourable combination of soil quality and water abundance,
2. Irreplaceable strategic location next to major markets
3. Possible medium term benefit safeguarding the area as a major food growing region
4. High scenic quality of value to locals and tourists
5. Home to considerable biodiversity of native flora and fauna
6. Active farming is the only presently practical means for maintaining the landscape and preventing weed infestations

For these reason the Panel concluded that everything within the power of the Council and the residents should be done to defend the land from fragmentation, suburban sprawl and other residential encroachment.

SIGNATURES

By these signatures we confirm our participation in these deliberative democratic proceedings and our full support of these recommendations.

Signed by all members of the Community Panel