

Kiama Town Centre Planning Proposal to Amend Kiama LEP 2011

November 2022



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

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Planning Proposal for amendments to the Kiama LEP 2011

1.0 Statement of the objectives

The objective of the Planning Proposal (PP) is to amend the *Kiama Local Environmental Plan (LEP) 2011* to:

1. Increase the maximum permissible building height:
 - a. From 3 storeys to four storeys along the southern side of Terralong Street, between Thomson Street and Collins Street,
 - b. From 3 storeys to four storeys for parts of Kiama Centrepont Shopping Mall, and
 - c. From 3 storeys to four, five and six storeys for parts of the Akuna Street strategic site
2. Decrease the maximum permissible building height for part of the Akuna Street Strategic sites to 8.5 metres to facilitate public open space.
3. Increase maximum floor space ratio to specific sites.
4. Map the areas of the Kiama Town Centre required to have an active street frontage.
5. Amend Clause 6.8 relating to active street frontage development standards, and
6. Rezone 72 Manning Street from RE1 Public Recreation to B2 Local Centre/E1 Local Centre to correct mapping error.

2.0 Explanation of provisions

The Local Strategic Planning Statement (Kiama LSPS) is a 20-year planning vision, for the Kiama LGA. It sets out land use, transport and sustainability objectives in alignment with the directions set out by the Illawarra-Shoalhaven Regional Plan. The document also outlines planning priorities and actions that inform the comprehensive reviews of Kiama LEP 2011 and Kiama DCP 2020.

At the Ordinary meeting held on 17 September 2019, Council endorsed the Kiama Town Centre Study (KTCS) as a guiding document for future strategic planning and plan making functions. The Study included 47 recommended actions, which were prioritised to include the LEP Heritage Review and the DCP Review for the Kiama Town Centre.

At the October 2022 Council meeting, Council resolved to make the following changes;

22/001OC Resolved that Council:

1. *Adopt and publish on the Council's website the enclosed Topic 12.7 – Kiama Town Centre of the Kiama Development Control Plan 2020 (DCP), as attached to this report.*
2. *Prepare a Planning Proposal to Sheet HOB_012 of the Kiama Local Environmental Plan 2011 to increase the maximum height of buildings permitted:*
 - a. *Along the southern side of Terralong Street, between Thomson Street and Collins Street, to 14m, (as shown on Figure 15 of the attached Kiama Development Control Plan).*
 - b. *Parts of Kiama Centrepont Shopping Mall, to 14m, (as shown on Figure 41 of the attached Kiama Development Control Plan).*
 - c. *Parts of the Akuna Street strategic site, to 14m, 17m and 21m (as shown on Figure 29 of the attached Kiama Development Control Plan).*
3. *Prepare a Planning Proposal to Sheet FSR_012 of the Kiama Local Environmental Plan 2011 to increase the maximum floor space ratio permitted:*

- a. *Along the southern side of Terralong Street, between Thomson Street and Collins Street, to 2:1, (as shown on Figure 15 of the attached Kiama Development Control Plan).*
- b. *Parts of Kiama Centrepont Shopping Mall, to 2:1, (as shown on Figure 41 of the attached Kiama Development Control Plan).*
- c. *Parts of the Akuna Street strategic site, to 2:1, 2.5:1 and 3:1 (as shown on Figure 29 of the attached Kiama Development Control Plan).*
4. *Prepare a Planning Proposal to amend clause 6.8 of the Kiama Local Environmental Plan 2011 to outline that the active street frontage development standards, within the Kiama Town Centre, only apply to the areas marked as 'primary active frontages' in Figure 11 of the attached Kiama Development Control Plan.*
5. *Prepare a Planning Proposal to amend clause 6.8 of the Kiama Local Environmental Plan 2011 to rezone Lot 154 DP 751279, 72 Manning Street (i.e. Silica Restaurant) from RE1 Public Recreation to B2 Local Centre and apply a 11m maximum building height and a floor space ratio of 1.5:1.*

This Planning Proposal has been prepared in order to fulfil the above resolution. Accordingly, this Planning Proposal proposes the following amendments, to the *Kiama Local Environmental Plan 2011*:

1. Amend Height of Building map sheet HOB_012 in the following fashion:
 - a. Increase the maximum building height along the southern side of Terralong Street, between Thomson Street and Collins Street, to 14 metres,
 - b. Increase the maximum building height for parts of the Kiama Centrepont Shopping Mall to 14 metres,
 - c. Increase the maximum building height for parts of the Akuna Street strategic site to 14 metres, 17 metres and 21 metres,
 - d. Decrease the maximum building height for parts of the Akuna Street strategic site to 8.5 metres to facilitate public open space, and
 - e. Apply a maximum building height of 11 metres to Lot 154 DP 751279, 72 Manning Street
2. Amend Floor Space Ratio map sheet FSR_012 in the following fashion:
 - a. Increase the maximum floor space ratio along the southern side of Terralong Street, between Thomson Street and Collins Street, to 2:1,
 - b. Increase the maximum floor space ratio for parts of the Kiama Centrepont Shopping Mall to 2:1,
 - c. Increase the maximum floor space ratio for parts of the Akuna Street strategic site to 2:1, 2.5:1 and 3:1, and
 - d. Apply a maximum floor space ratio of 1.5:1 to Lot 154 DP 751279, 72 Manning Street
3. Adopt Active Street Frontage map sheet ASF_012 to map *primary street frontages* on specific sites
4. Amend clause 6.8 to outline that the active street frontage development standards only apply to the areas marked as *primary active frontages* within the Kiama Town Centre, and
5. Amend Land Zoning map sheet LZN_012 to rezone Lot 154 DP 751279, 72 Manning Street (i.e. Silica Restaurant) from RE1 Public Recreation to B2 Local Centre/E1 Local Centre. This site is not community land and the proposed changes are to correct a mapping error.

Figures

It is to be noted that the Council Resolution references incorrect figures from Chapter 12 of the Kiama DCP 2020 in parts 2a, 2b, 3a and 3c. It is clear from the resolution that the intent is for the maximum building height to be increased on these sites to 14m, as per figure 18 of Topic 12.7 Kiama DCP 2020. These corrections have been made below.

Building height and floor space ratios

The resolution seeks to increase maximum building height to 14m on some sites, 21m on parts of the Akuna Street site, and to increase floor space ratios as per figure 18. However, it is likely that the floor space ratios and potentially maximum building heights may slightly alter throughout the exhibition of the planning proposal. This is to ensure consistency and compliance with floor to ceiling heights in the *NSW Apartment Design Guide (ADG)*. The intent is that these properties will permit 4 storey building heights, however slight adjustments may be required to these planning constraints to ensure that these types of developments are possible within the planning constraints.

As a result, the following provisions have been slightly modified. As stated above, throughout the exhibition process some amendments may be required to achieve compliance and consistency with the ADG, whilst still achieving the outcomes of the intent of Councils Resolution.

LEP Mapping amendments

The attached amended LEP maps reflect the maximum building heights and floor space ratios outlined in Council's Resolution. As outlined above, the LEP map amendments are subject to change following the exhibition period.

3.0 Justification of strategic and site-specific merit

3.1 Proposal's demonstrated need for the planning proposal

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

Yes, the PP is the direct result of the *Kiama Local Strategic Planning Statement 2020* (LSPS).

The Kiama Local Strategic Planning Statement (LSPS) 2020 contains the following action under Theme 1- Manage Sustainable Growth:

Facilitate higher density development as recommended by the Kiama Town Centre Study through the review and amendment of Development Controls within the study area.

The Kiama Town Centre Study was conducted to achieve this Planning Priority.

The amendments to the Height of Building maps, Floor Space Ratio maps, Active Street Frontages maps and Land Rezoning within the Kiama LEP 2011 are a direct result of the Kiama Town Centre Study prepared by Studio GL.

Increased maximum height of building:

The PP seeks to increase the maximum building height of specific sites, and by association the maximum permissible floor space ratios, throughout the Kiama Town Centre on sheet HOB_012 of KLEP 2011.

The increase building heights are mapped in Figure 1 below.

Increased building heights and gross floor areas will allow for developments to occur throughout the town centre that provide additional commercial and retail space. This will attract more businesses and job creation which provides economic benefits and contributes to a vibrant community.

The relevant Height of Building Map in the Kiama Local Environmental Plan 2011 will be amended as per Appendix 2 to show increased maximum building heights applied to specific sites in the Kiama Town Centre.

Height of Building sheet HOB_012 in the KLEP 2011 will be amended for the following;

1. Along the southern side of Terralong Street, between Thomson Street and Collins Street, *to 14m or to allow 4 storeys*, (as shown on Figure 1 in this report).
2. Parts of Kiama Centrepont Shopping Mall, *to 14m or to allow 4 storeys*, (as shown on Figure 1 in this report).
3. Parts of the Akuna Street strategic site, *to 14m or to allow 4 storeys; 17m or to allow 5 storeys and 21m or to allow 6 storeys* as outlined. (as shown on Figure 2 in this report).
4. Lot 154 DP 751279, 72 Manning Street, Kiama (i.e. Silica Restaurant) to 11m.

It is noted that the current Height of Building LEP map in Appendix 2 shows no changes to the area between R and P (allocated public open space in the Akuna Street strategic site). It is intended that the overall height of this area will be reduced from 11m to 8.5m to facilitate the private open space.

Increased floor space ratios:

In order to facilitate the higher densities, as envisioned by the Kiama LSPS 20220, amendments also need to be made to the maximum permissible floor space ratios. Floor Space Ratio sheet FSR_012 in the KLEP 2011 will be amended for the following;

1. Along the southern side of Terralong Street, between Thomson Street and Collins Street, *to 2:1 or as appropriate*, (as shown as 4 Storey on Figure 1 below).
2. Parts of Kiama Centrepont Shopping Mall, *to 2:1 or as appropriate*, (as shown as 4 Storey on Figure 1 below).
3. Parts of the Akuna Street strategic site, *to 2:1, 2.5:1 and 3:1, or as appropriate* (as shown 4 Storey, 5 Storey and 6 Storey respective on Figure 2 below).
4. Lot 154 DP 751279, 72 Manning Street, Kiama (i.e. Silica Restaurant) to 1.5:1.

Council endorsed to adopt these changes and prepare a Planning Proposal for Kiama Town Centre.

Figure 1 and figure 2 below can also be referred to in the attached Topic 12.7 of Kiama DCP 2020 as *figure 18* and *figure 29*. The relevant Height of Building Map in the Kiama Local Environmental Plan 2011 will be amended as per Appendix 2.

The relevant Floor Space Ratio Map in the Kiama Local Environmental Plan 2011 as per Appendix 3 will be amended to show increased floor space ratios to specific sites in the Kiama Town Centre.

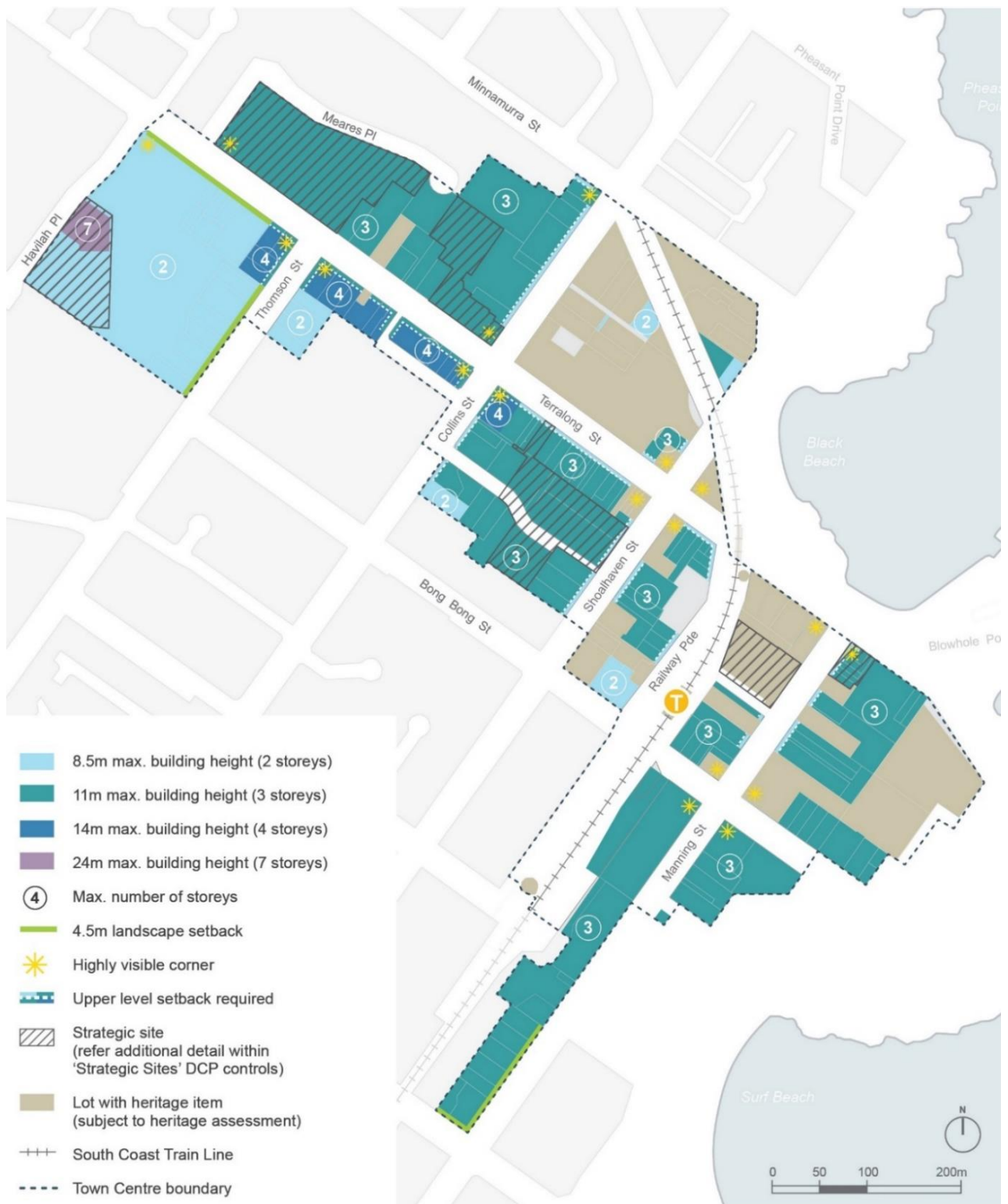
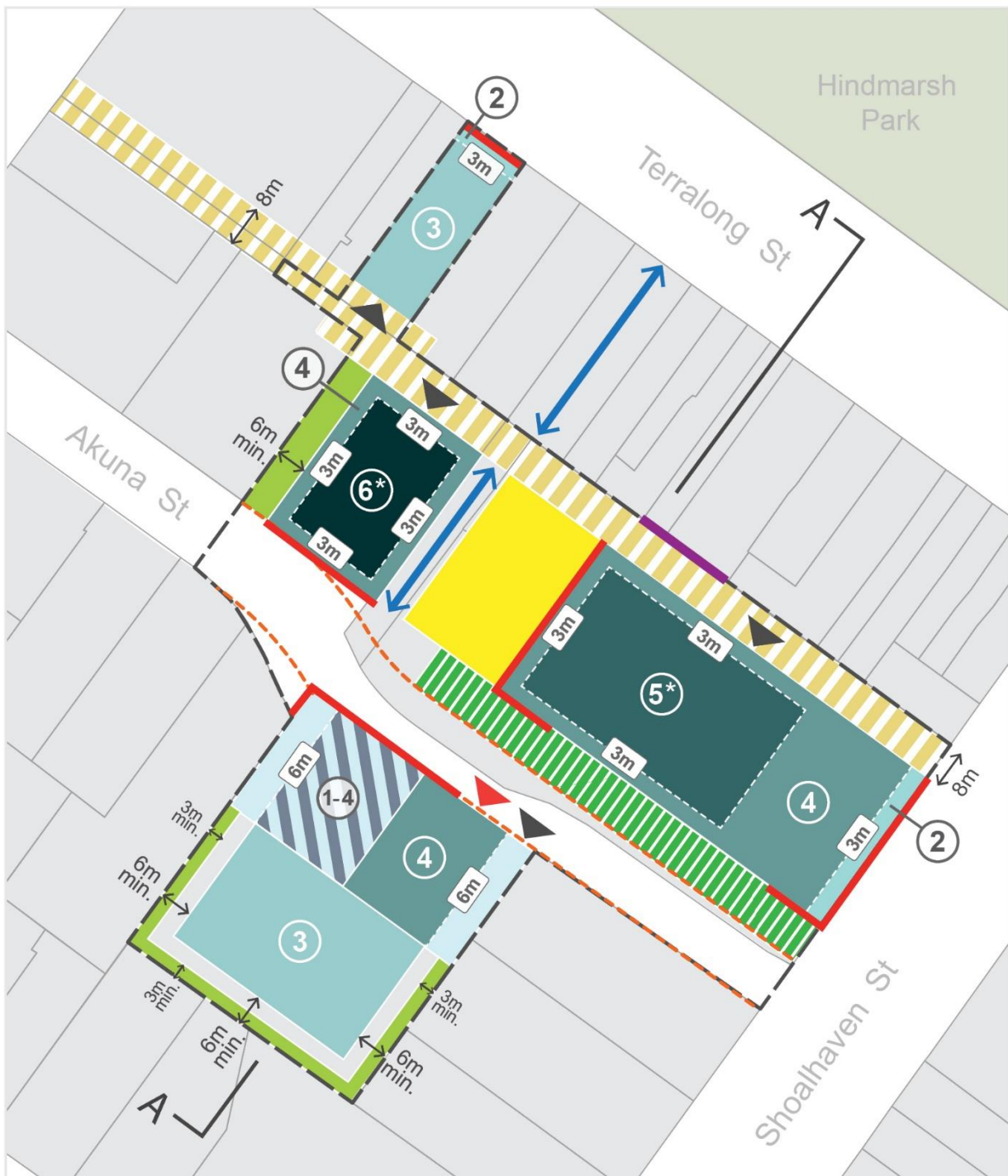


Figure 1: Built Form Envelopes Development Control Plan (Figure 18 in Chapter 12 KDCP 2020)



- | | | |
|-------------------------------|---|--|
| 1 storey max. building height | Building height and setback subject to consideration of view sharing | Desired pedestrian link |
| 2 storey max. building height | Maximum number of storeys | Desired new access laneway |
| 3 storey max. building height | Building heights above 4 storeys subject to consideration of view sharing | Suggested road realignment |
| 4 storey max. building height | Primary active frontage | Preferred location of vehicle access |
| 5 storey max. building height | Future public open space/ plaza | Preferred location of loading access |
| 6 storey max. building height | Potential zone for tree retention | Impact on heritage wall to be considered |
| Upper level setback required | Deep soil zone | Section A |
| | | Site boundary |

Figure 2: Site Specific Development Control Plan – Akuna Street (Figure 29 in Chapter 12 KDCP 2020)

Active Street Frontages

The PP seeks to amend the active street frontages map to identify specific sites as active street frontages throughout the Kiama Town Centre on sheet ASF_012 of KLEP 2011.

The Active Street Frontages map in the Kiama Local Environmental Plan 2011 as per Appendix 4 will be amended to map primary street frontages.

Active street frontages will assist with improving the amenity of the public domain by encouraging pedestrian activity. Successful public spaces may contribute to economic benefits for businesses and social benefits through the provision of a forum for social interactions.

The proposal seeks to amend Clause 6.8 '*Active Street Frontages*' of the Kiama LEP 2011 to outline that active street frontage development standards, within the Kiama Town Centre, only apply to the areas marked as 'primary active frontages' in Figure 3 above.

Council endorsed to adopt these changes and prepare a Planning Proposal for Kiama Town Centre.

Figure 3 below identifies the sites that have primary (active) street frontages throughout the Kiama Town Centre. This figure is referred to as *figure 11* in Topic 12.7 of Kiama DCP 2020.

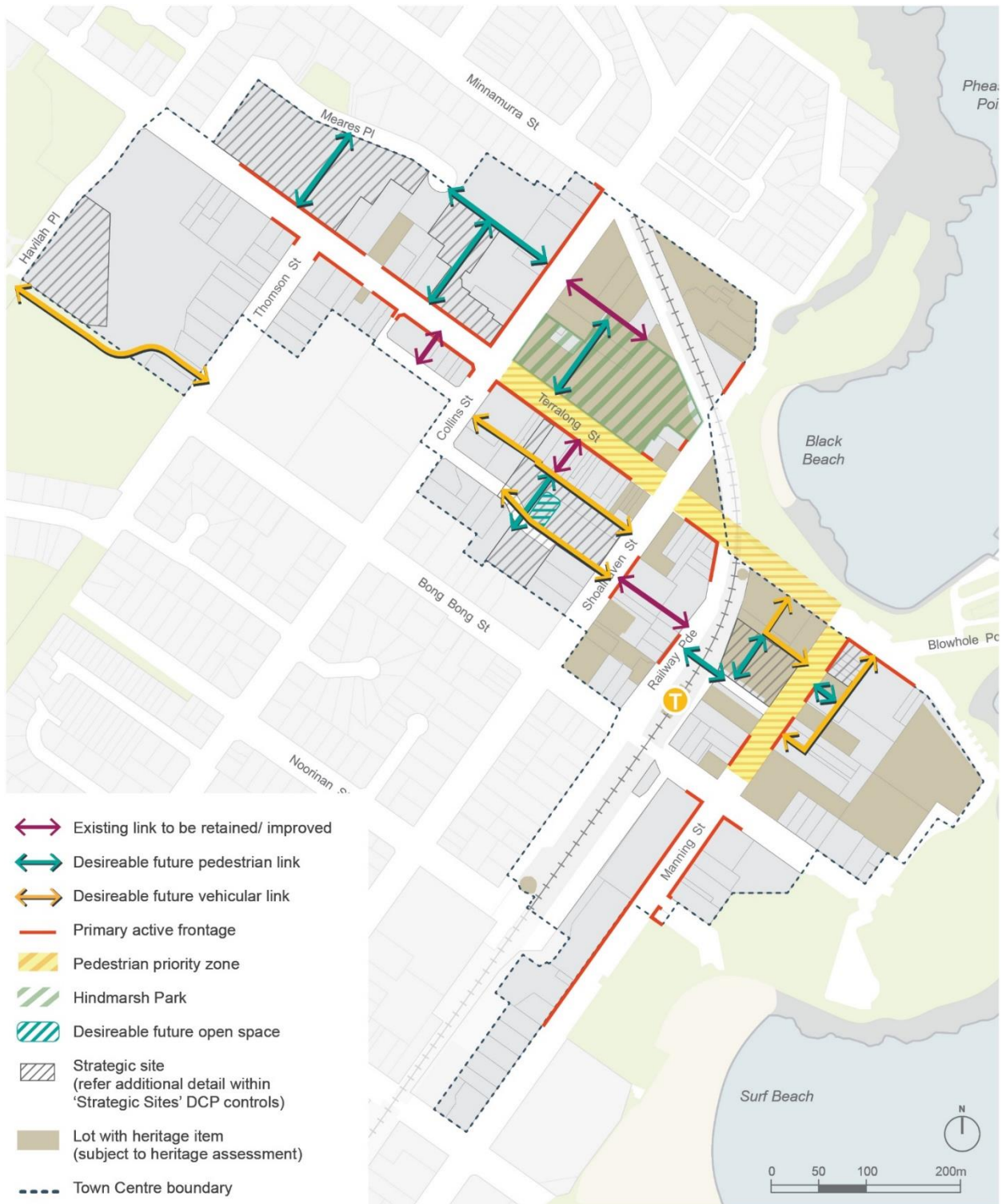


Figure 3: Active (Primary) Street Frontages (Figure 11 in Topic 12.7 Kiama DCP 2020)

Land Rezoning – Lot 154 DP 751279 SILICA LOT – land zone map

The proposal seeks to rezone Lot 154 DP 751279, 72 Manning Street, Kiama (i.e. Silica Restaurant) from RE1 to E1 Local Centre Zone.

This change will amend the permitted uses on the site.

Under the E1 Local centre zone the following permitted uses apply:

Permitted with consent

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Group homes; Hostels; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

The existing use (Silica Restaurant) is permitted on the site under the new land zoning.

The LEP map sheet LZN_012 will be amended as per below. Please refer to Appendix 5 for the Amended LEP land zone map for this site.



Figure 4: Amended LEP Land Zone Map - E1 Land Zone

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

The PP is the only means of amending Height of Building map, Floor Space Ration map, Active Street Frontages map, Land Zone map and Clause 6.8 of the Kiama LEP 2011.

3.2 Proposal's relationship to the strategic planning framework

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

The PP is consistent with the applicable regional plan, being the Illawarra Shoalhaven Regional Plan 2041.

Illawarra Shoalhaven Regional Plan 2041

It is noted that the Regional Plan does not contain any specific actions for the Kiama Town Centre.

It is considered that the proposed amendments to the Kiama LEP 2011 give effect to the objectives of the Regional Plan, in particular with *Objective 18: Provide housing supply in the right locations*.

Strategy 18.2 outlines that strategic plans and local plans should consider opportunities to;

- i. *identify policies and processes that could be reviewed to improve certainty and streamline development processes.*
- ii. *Promote Urban design outcomes to support healthy and vibrant communities.*

Therefore, it is considered that the PP is not inconsistent with the Plan.

Kiama Local Strategic Planning Statement (LSPS) 2020

The Kiama Local Strategic Planning Statement (LSPS) 2020 contains the following action:

- i. *Facilitate higher density development as recommended by the Kiama Town Centre Study through the review and amendment of Development Controls within the study area.*

Through the Kiama LSPS 2020 consultation process, the community expressed the importance of the need to control and manage development to ensure that Kiama does not lose its distinctive character and encouraging local job creation.

Studio GL conducted the Kiama Town Centre Study and informed recommendations for potential increases to maximum building heights and floor space ratio to specific sites in the Town Centre.

Increases maximum building heights and floor space ratios allows the opportunity to facilitate higher density development along with providing the straightening of roads, pedestrian linkages and the provision of public open space.

The proposal seeks amendments that will provide the opportunity for additional commercial and retail space throughout the town centre. This will attract businesses and will have positive economic benefits, local job creation and contribute to a viable community.

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

Yes, refer to section 3.1.1.

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

N/A

3.2.4 Is the planning proposal consistent with applicable SEPPs?

The PP is consistent with the applicable SEPP (Resilience and Hazards) 2021 as per below.

SEPP's compliance checklist:

State Environmental Planning Policy (SEPP)	Comment
1. SEPP (Biodiversity and Conservation 2021)	The SEPP does not apply to the PP.
2. SEPP Building Sustainability Index: BASIX) 2004	The SEPP does not apply to the PP.

3. SEPP (Exempt and Complying Development Codes) 2008	The SEPP does not apply to the PP.
4. SEPP (Housing) 2021	<p>SEPP (Housing) 2021 does not apply to Planning Proposals that seek to amend a Local Environmental Plan. However, given that residential development is permissible on the sites the implications of the SEPP have been addressed.</p> <p>Increasing height and floor space ratio on some sites throughout the Kiama Town Centre will enable the provision of diverse housing types within shop top housing/ mixed-use developments.</p> <p>Therefore the PP is consistent with the intent of this SEPP.</p>
5. SEPP (Industry and Employment) 2021	The SEPP does not apply to the PP.
6. SEPP No 65 – Design Quality of Residential Apartment Development	SEPP No 65 does not apply to Planning Proposals that seek to amend a Local Environment Plan, however as residential development is permissible on these sites the SEPP has been addressed. This PP will not alter the requirements of this SEPP. The PP is considered consistent with this SEPP.
7. SEPP (Planning Systems) 2021	The SEPP does not apply to the PP.
8. SEPP (Precincts – Central River City) 2021	The SEPP does not apply to the PP.
9. SEPP (Precincts – Eastern Harbour City) 2001	The SEPP does not apply to the PP.
10. SEPP (Precincts – Regional) 2021	The SEPP does not apply to the PP.
11. SEPP (Precincts – Western Parkland City) 2021	The SEPP does not apply to the PP.
12. SEPP (Primary Production) 2021	The SEPP does not apply to the PP.
13. SEPP (Resilience and Hazards) 2021	<p>The majority of the areas including in this proposal are either mapped as Coastal Use or Coastal Environmental Areas by Chapter 2 – Coastal Management of this SEPP.</p> <p>Refer to Appendix 6 for the Coastal Use Area Map overlay and Appendix 7 for the Coast Environment Area Map overlay.</p> <p>It is noted that the SEPP itself does not apply to Planning Proposals.</p> <p>Despite this, the proposal will not alter the requirement for future development to comply with Chapter 2 of the SEPP.</p>

14. SEPP (Resource and Energy) 2021	The SEPP does not apply to the PP.
15. SEPP (Sustainable Buildings) 2022	The SEPP does not apply to the PP.
16. SEPP (Transport and Infrastructure) 2021	The SEPP does not apply to the PP.

3.2.5 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

Council finds the proposal consistent with all applicable Section 9.1 Ministerial Directions, specifically Direction 1.1 Implementation of Regional Plans, Direction 3.2 Heritage Conservation, Direction 4.2 Coastal Management, Direction 5.1 Integrating Land Use and Transportation and 7.1 Business and Industrial Zones.

Direction 1.10 Implementation of Regional Plans

This Direction applies if a Regional Plan has been released by the Minister for Planning applies to the site as the PP meets the following Clause 3 requirements:

This direction applies when a relevant planning authority prepares a planning proposal.

Implementation of Regional Plans Directions	
Direction Requirement	Assessment
1) <i>Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.</i>	The PP is consistent with the overall intent of the Illawarra Shoalhaven Regional Plan 2041, in particular objective 18.

The PP is consistent with this direction

Direction 3.2 Heritage Conservation

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This Direction applies when a relevant planning authority prepares a planning proposal.

Heritage Conservation Direction Assessment	
Direction Requirement	Assessment
1) <i>A planning proposal must contain provisions that facilitate the conservation of:</i>	
a) <i>items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i>	<p>The PP does apply to some sites that are either listed as heritage or a heritage conservation area.</p> <p>Developments that are required to comply with the Kiama Town Centre Development Control Plan must also have regard to Chapter 4 – Heritage and Cultural Conservation and Clause 5.10 of Kiama LEP 2011 if they are a heritage item, or in close proximity to and/or within a heritage conservation area.</p>

Heritage Conservation Direction Assessment	
Direction Requirement	Assessment
b) <i>Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i>	<p>The preliminary justification report prepared by Studio GL does not address Aboriginal cultural heritage values. None of the sites that have proposed LEP amendments as part of this PP are known for having Aboriginal objects or being Aboriginal places.</p> <p>This Planning Proposal does not seek to remove the existing provisions of the Kiama LEP 2011, which facilitate the protection of Aboriginal objects or Aboriginal places protected under the <i>National Parks and Wildlife Act 1974</i>.</p>
c) <i>Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i>	<p>The justification report prepared by Studio GL does not address Aboriginal cultural heritage values. None of sites affected by the proposed LEP amendments are known as Aboriginal areas, objects places or landscapes.</p> <p>Council is unaware of any Aboriginal heritage survey, prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority submitted to any relevant planning authority.</p>

The PP is consistent with this direction.

Direction 4.2 – Coastal Management

The objective of this Direction is to protect and manage coastal areas of NSW.

This Direction applies when a relevant planning authority prepares a planning proposal that applies to land within the coastal zone, as defined under the *Coastal Management Act 2016*.

Coastal Management Direction Assessment	
Direction Requirement	Assessment
<p>1) <i>A planning proposal must include provisions that give effect to and are consistent with:</i></p> <p>a) <i>the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;</i></p> <p>b) <i>the NSW Coastal Management Manual and associated Toolkit;</i></p> <p>c) <i>NSW Coastal Design Guidelines 2003; and</i></p>	<p>Some of the sites in the Kiama are located within the coastal zone.</p> <p>This Planning Proposal does not seek to remove the existing provisions of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> which ensures consistency with the <i>Coastal Management Act 2016</i>.</p>

<p>d) <i>any relevant CMP that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.</i></p>	
<p>2) <i>A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:</i></p> <p>a) <i>within a coastal vulnerability area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021; or</i></p> <p>b) <i>that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:</i></p> <ol style="list-style-type: none"> 1. <i>by or on behalf of the relevant planning authority and the planning proposal authority, or</i> 2. <i>by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.</i> 	<p>The PP seeks to rezone one site - Lot 154 DP 751279, 72 Manning Street, Kiama (i.e. Silica Restaurant) from RE1 Public Recreation to E1 Local Centre.</p> <p>This site is within the Coastal Zone. The site is not located within a coastal vulnerability area identified by Chapter 2. Council have prepared a Stage 2 Coastal Management Program. The site is not identified as being affected by a current or future coastal hazard based on this study.</p> <p>The site is located close to a future Coastal Inundation hazard area. The Coastal Inundation Extent is shown to the year 2120. Although the Silica Lot is nearby, it is still outside of the hazard zone.</p> <p>The rezoning of this site is for the purpose of correct anomalies with the site being incorrectly zoned as RE1.</p> <p>The site contains an existing 2 storey development with a loft area and pitched roof. The site is used for commercial purposes and has been built out to all boundaries and is surrounded by large trees and tree canopies.</p> <p>The site is not affected by current or future coastal hazard, however, it is not considered that this rezoning would enable increased development or more intensive land use than what is currently occurring on the site.</p> <p>Please refer to Councils website for more information on the Coastal Management Program and Maps. The PP is consistent with Direction 4.2 Coastal Management</p>
<p>3) <i>A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by Chapter 2 - State Environmental Planning Policy (Resilience and Hazards) 2021.</i></p>	<p>This clause not applicable as the sites do not fall within coastal wetlands or littoral rainforests</p>
<p>4) <i>A planning proposal for a local environmental plan may propose to</i></p>	<p>The planning proposal does not seek to amend any of the Coastal maps and does not seek to</p>

<p><i>amend the following maps, including increasing or decreasing the land within these maps, under chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021:</i></p> <ul style="list-style-type: none"> <i>a) Coastal wetlands and littoral rainforests area map;</i> <i>b) Coastal vulnerability area map;</i> <i>c) Coastal environment area map; and</i> <i>d) Coastal use area map.</i> 	<p>increase or decrease any land within these maps.</p>
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The PP is consistent with this direction

Direction 5.1 – Integrating Land Use and Transport

This direction applies when a relevant planning authority prepares a planning proposal.

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives;

Integrating Land Use and Transport Direction Assessment	
Direction Requirement	Assessment
<p>1) <i>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</i></p> <ul style="list-style-type: none"> <i>a. Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i> <i>b. The Right Place for Business and Services – Planning Policy (DUAP 2001).</i> 	<p>The PP seeks to increase building heights and floor space ratios on some sites throughout the Kiama Town Centre, including the Akuna Street strategic site. The PP also seeks to include active street frontages throughout the town centre.</p> <p>These amendments will allow for larger developments in the area that provide additional commercial and retail space and mixed-use developments. This will contribute to attracting more businesses into the area, local job creation and provides economic and social benefits to the town.</p> <p>These provisions will not impact on transport choice and within business zone land will not impact on permitted uses and the types of business that can be established within the Kiama Town Centre.</p> <p>The PP will provide more opportunities for businesses and positively impact on the local economy.</p>

The PP is consistent with this direction

Direction 6.1 – Residential Zone

The objective of this Direction is to encourage a variety and choice of housing types, ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.

This Direction applies when a relevant planning authority prepares a planning proposal on land within an existing or propose residential zone, or any other zone in which significant residential development is permitted or proposed to be permitted.

Coastal Management Direction Assessment	
Direction Requirement	Assessment
<p>1) <i>A planning proposal must include provisions that encourage the provision of housing that will:</i></p> <ul style="list-style-type: none"> a) <i>broaden the choice of building types and locations available in the housing market, and</i> b) <i>make more efficient use of existing infrastructure and services, and</i> c) <i>reduce the consumption of land for housing and associated urban development on the urban fringe, and</i> d) <i>be of good design.</i> 	<p>By increasing the height and FSR on specific sites Council are broadening the choice of building types i.e shop top housing / mixed-use developments. The sites are located within the Kiama Town Centre, therefore any residential housing permissible on the site would be facilitated within locations where there is existing infrastructure and services.</p> <p>The Akuna Street strategic site will improve public infrastructure nearby as part of any development application i.e road alignment, improved footpaths and connectivity and provision of public open space.</p> <p>The PP amendments will not lead to urban expansion. Council have adopted a DCP specific to Kiama Town Centre to guide good design.</p>
<p>2) <i>A planning proposal must, in relation to land to which this direction applies:</i></p> <ul style="list-style-type: none"> a) <i>contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i> b) <i>not contain provisions which will reduce the permissible residential density of land.</i> 	<p>Clause 6.12 of the Kiama Local Environmental Plan 2011 relates to Essential Services. This clause requires that all essential services for the proposed development are available or that adequate arrangements have been made to make them available when required, prior to development consent being granted.</p> <p>This PP will not change the requirements of this clause.</p>

The PP is consistent with this direction.

Direction 7.1 – Business and Industrial Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone.

The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified centres.

Business and Industrial Zones Direction Assessment	
Direction Requirement	Assessment
<p>1) <i>A planning proposal must:</i></p>	<p>The PP applies to sites throughout the Kiama Town Centre that are Business Zoned and therefore this Direction applies.</p>

<p>a) <i>give effect to the objectives of this direction,</i></p> <p>b) <i>retain the areas and locations of existing business and industrial zones,</i></p> <p>c) <i>not reduce the total potential floor space area for employment uses and related public services in business zones,</i></p> <p>d) <i>not reduce the total potential floor space area for industrial uses in industrial zones, and</i></p> <p>e) <i>ensure that proposed new employment areas are in accordance with a strategy that is approved by the Planning Secretary.</i></p>	<p>The PP seeks to increase building heights and floor space ratios on some sites throughout the Kiama Town Centre, including the Akuna Street strategic site. The PP also seeks to include active street frontages throughout the town centre.</p> <p>These amendments will allow for larger developments in the area that provide additional commercial and retail space and mixed-use developments. This will contribute to attracting more businesses into the area, local job creation and provides economic and social benefits to the town.</p> <p>The amendments will retain areas and locations of existing businesses and provide opportunities for more businesses.</p> <p>The sites will comply with floor to ceiling heights in the <i>NSW Apartment Design Guide (ADG)</i> that allows for mixed use developments with commercial and retail space.</p> <p>The PP retains the areas and locations of existing business zones and does not reduce the potential FSR area for employment uses and related public services in business zones. The PP does not propose a new employment area.</p>
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The PP is consistent with this direction.

3.3 Proposal's environmental, social and economic impact

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

Due to the nature of the PP it is considered unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposed changes.

None of the sites to which this Proposal applies contain any know critical habitat or threatened species, populations or ecological communities, or their habitats.

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

Due to the nature of the PP it is considered unlikely that any environmental effects will occur as a result of the proposed changes.

None of the sites to which this Proposal applies contain any known significant environmental areas, resources or hazards.

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

The PP is considered to have positive social and economic effects for the community. The PP seeks to amend maximum building heights, floor space ratios and active street frontages in the Kiama LEP 2011 on specific sites throughout the Kiama Town Centre.

Increasing density provides the opportunity for bigger developments with a mixture of commercial and retail space. This will have positive economic effects by attracting more businesses to the

area and contributing to local job creation. Making the community more viable, encouraging active street frontages, improving connectivity and providing additional public open space will also contribute to positive social effects for the community.

For example, the Akuna Street strategic site will provide road alignment, pedestrian pathway upgrades, provision of public open space and greater connectivity. The Civic precinct site will also provide additional commercial and retail space with opportunities for community facilities such as a library and museum to be located in the development.

Kiama has a strong existing cultural heritage and tourism function that will continue to support development and performance. Kiama's local economy has a strong reliance on tourism, therefore providing further opportunities for businesses and local job creation will provide positive economic effects that do not rely on tourism.

3.4 Proposal's infrastructure (Local, State and Commonwealth) requirements

3.4.1 Is there adequate public infrastructure for the planning proposal?

The proposal seeks to increase maximum building heights and floor space ratios to some sites within the Kiama Town Centre. Key strategic sites such as Akuna Street have large development potential. Therefore, additional public infrastructure and upgrades to infrastructure will be required as part of some developments.

The population projections have been published. Sydney Water is aware of the growth that is required in the Kiama LGA. Therefore, Sydney Water's existing infrastructure systems will be upgraded to facilitate this growth.

Council is currently preparing an Open Space & Recreation Strategy to ensure it provides sufficient and appropriate open space and recreation facilities for the projected population.

The recently adopted Kiama Community Strategic Plan 2022-2032 outlines the need to develop Asset Management Plans for footpaths and cycleways within the Town Centre.

3.5 State and Commonwealth Interests

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

Pre Gateway consultation

The proposal is minor in nature and as such, no State or Commonwealth authorities have been consulted as part of the preparation of this Planning Proposal.

Post Gateway consultation

Following the receipt of any Gateway Determination, Council proposes to seek the views of the following state and federal public authorities and government agencies:

- Sydney Water
- Endeavour Energy

4.0 Maps

The PP seeks to amend the following LEP Maps to be amended:

- Height of Building map
 - Sheet HOB_012
- Floor Space Ratio map
 - Sheet FSR_012
- Active Street Frontages map
 - Sheet ASF_012
- Land Zone map
 - Sheet LZM_012

LEP Height of Building Map Amendments

The maximum building height will be amended on specific sites on LEP map Sheet HOB_012 will be amended as per below. Refer to Appendix 2 for the amended LEP map.

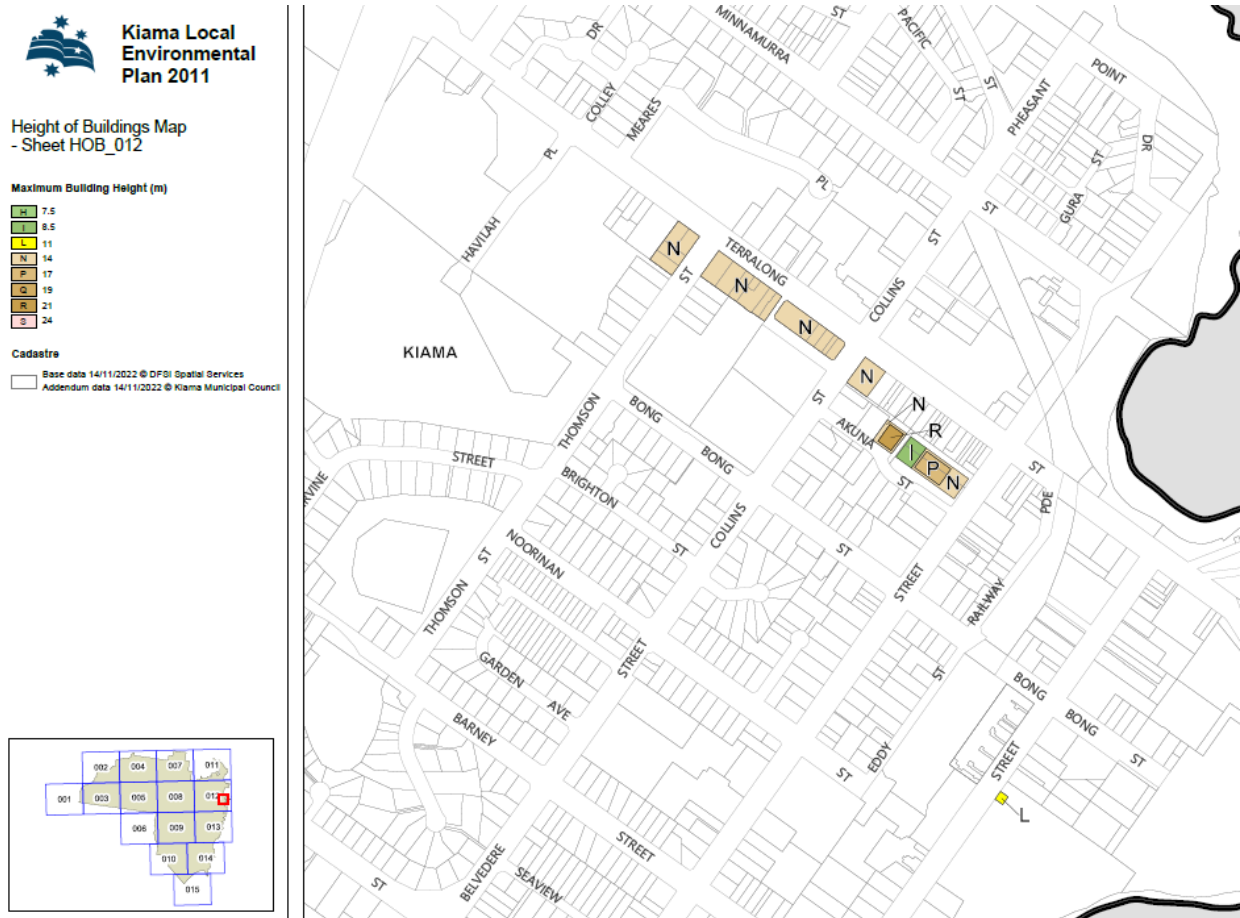


Figure 5: LEP Height of Building Map Amendments

LEP Floor Space Ratio Map Amendments

The floor space ratios will be amended on specific sites on LEP map Sheet FSR_012 will be amended as per below. Refer to Appendix 3 for the amended LEP map.

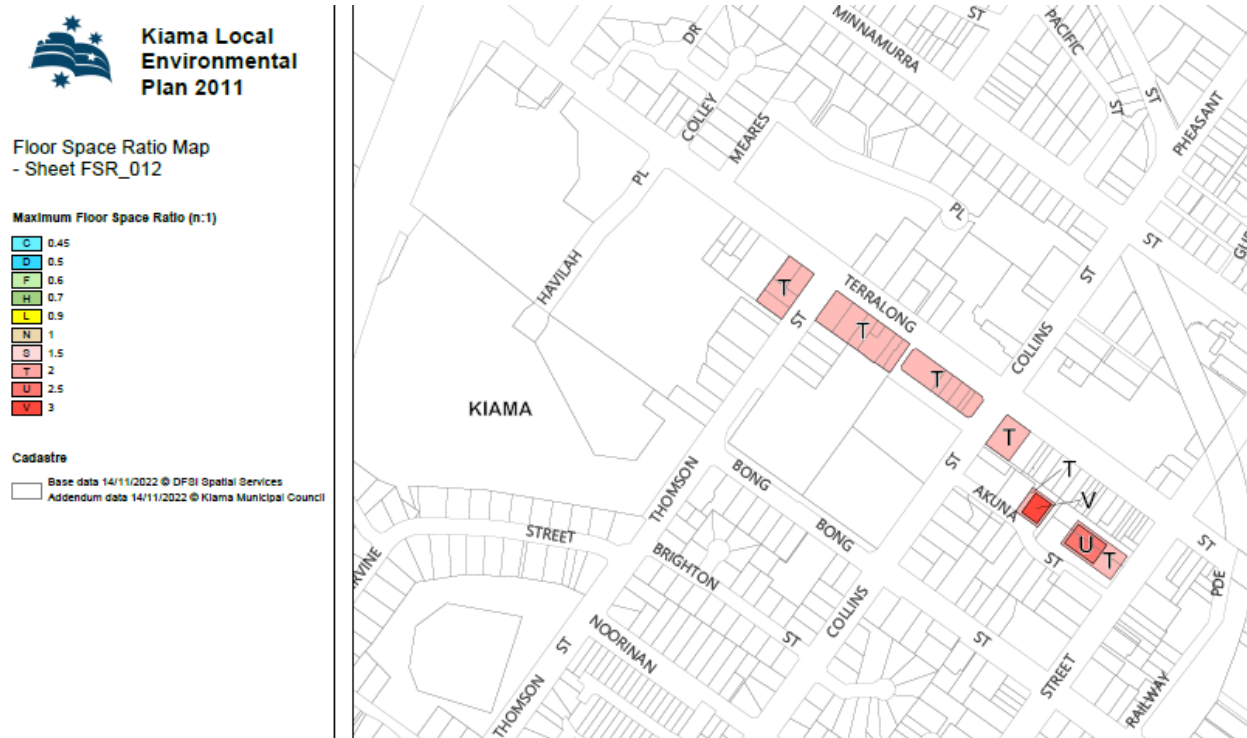


Figure 6: LEP Floor Space Ratio Map Amendments

The active street frontages will be amended on specific sites on LEP map Sheet ASF_012 will be amended as per below. Refer to Appendix 4 for the amended LEP map.



Council will undertake community consultation in accordance with the Kiama Community Participation Plan (CPP) 2019, including publicly exhibiting the Proposal for a period of 28 days and include:

- Electronic copy on Council's website,
- Notification letters to affected/neighbouring land owners and relevant community precinct groups,
- Notification letters to relevant State agencies and other authorities/agencies nominated by the DPIE.

The timeframe for the Planning Proposal is that, from date of Gateway determination to date of submission to the Department of Planning, Industry & Environment (DPIE), to finalise the LEP is a period of 9 months.

	Timeframe	Possible dates
Submit to DPIE seeking a Gateway Determination		November 2022
Receive Gateway Determination	4 weeks from submission date	December 2022
Preparation of any outstanding studies (if required)	N/A	N/A
Consult with State/Commonwealth agencies	4 weeks from completing review of any outstanding studies	January 2023
Exhibition of PP and technical studies (assuming no requirement to resubmit to DPIE)	4 weeks from completing review of any outstanding studies	February/March 2023
Date of Public Hearing (if required)	N/A	
Review of Public Submissions and preparation of report to Council	4 weeks from end of exhibition period	April 2023
Report to Council for final endorsement	First available Council meeting after completion of review of submissions (allow 8 weeks)	May 2023
Seek Parliamentary Counsel Office's (PCO) opinion.	2 weeks from date of Council meeting minutes being published	June 2023
Submit maps to DPIE for review	2 weeks from date of Council meeting minutes being published	June 2023
Submit to DPIE to publish LEP amendment	4-6 weeks from date PCO's opinion requested	July 2023
Anticipated publication date of LEP amendment	2 weeks from date of submission to DPIE	July 2023

7.0 Appendix 1: Section 9.1 Ministerial Directions – Compliance Checklist

Ministerial Direction	Comment
1. Planning Systems	
1.1 Implementation of Regional Plans	The PP is consistent with the Illawarra-Shoalhaven Regional Plan (see Section 4.3 of this report). The PP is consistent with Direction 5.10 – Implementation of Regional Plans.
1.2 Development of Aboriginal Land Council Land	The identified sites are not identified on the Land Application map of <i>State Environmental Planning Policy (Aboriginal Land) 2019</i> .
1.3 Approval and Referral Requirements	The direction does not apply to the PP.
1.4 Site Specific Provisions	The direction does not apply to the PP.
1. Planning Systems – Place-based	
1.5 Parramatta Road Corridor Urban Transformation Strategy	This direction does not apply to the Kiama LGA.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation	This direction does not apply to the Kiama LGA.
1.7 Implementation of Greater Parramatta Interim Land Use and Infrastructure Implementation	This direction does not apply to the Kiama LGA.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation	This direction does not apply to the Kiama LGA.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	This direction does not apply to the Kiama LGA.
1.10 Implementation of the Western Sydney Aerotropolis Plan	This direction does not apply to the Kiama LGA.
1.11 Implementation of Bayside West Precincts 2036 Plan	This direction does not apply to the Kiama LGA.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	This direction does not apply to the Kiama LGA.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	This direction does not apply to the Kiama LGA.
1.14 Implementation of Greater Macarthur 2040	This direction does not apply to the Kiama LGA.

1.15 Implementation of the Pymont Peninsula Place Strategy	This direction does not apply to the Kiama LGA.
1.16 North West Rail Link Corridor Strategy	This direction does not apply to the Kiama LGA.
1.17 Implementation of the Bays West Place Strategy	This direction does not apply to the Kiama LGA.
2. Design and Place	
3. Biodiversity and Conservation	
3.1 Conservation zones	The direction does not apply to the PP.
3.2 Heritage Conservation	<p>There are sites within the Kiama Town Centre that are either heritage items or within heritage conservation areas, therefore this Direction applies.</p> <p>The PP will not alter the existing provisions of the Kiama LEP 2011 and Kiama DCP 2020 which give effect to heritage conservation.</p> <p>The PP is consistent with Direction 3.2 – Heritage Conservation.</p>
3.3 Sydney Drinking Water Catchments	The direction does not apply to the PP.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	The direction does not apply to the PP.
3.5 Recreation Vehicle Areas	The direction does not apply to the PP.
3.6 Strategic Conservation Planning	The direction does not apply to the PP.
4. Resilience and Hazards	
4.1 Flooding	The direction does not apply to the PP.
4.2 Coastal Management	<p>The PP applies to land within the Coastal Zone. Some of the sites within the Kiama Town Centre are located within the coastal zone.</p> <p>This Planning Proposal does not seek to remove the existing provisions of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> which ensures consistency with the <i>Coastal Management Act 2016</i>.</p> <p>The PP seeks to rezone Lot 154 DP 751279, 72 Manning Street, Kiama (i.e. Silica Restaurant) from RE1 to E1 Local Centre Zone. This site is within the Coastal Zone Area.</p> <p>The purpose of the rezoning is to correct anomalies with the site being incorrectly zoned</p>

	<p>as RE1. The site contains an existing 2 storey development with a loft area and pitched roof. The site is used for commercial purposes.</p> <p>The site is not identified as being affected by a current or future coastal hazard based on this study. The site is located outside of the Coastal Inundation hazard area that has been shown for up to the year 2120.</p> <p>Please refer to Councils website for more information on the Coastal Management Program and Maps.</p> <p>The site is not affected by current or future coastal hazard, however, it is not considered that this rezoning would enable increased development or more intensive land use than what is currently occurring on the site.</p> <p>The PP does not seek to amend any of the Coastal maps and does not seek to increase or decrease any land within these maps.</p> <p>The PP is consistent with Direction 4.2 Coastal Management</p>
4.3 Planning for Bushfire Protection	The direction does not apply to the PP.
4.4 Remediation of Contaminated Land	The direction does not apply to the PP.
4.5 Acid Sulfate Soils	The direction does not apply to the PP.
4.6 Mine Subsidence and Unstable Land	The direction does not apply to the PP.
5. Transport and Infrastructure	
5.1 Integrating Land Use and Transport	<p>The PP seeks to increase building heights and floor space ratios on some sites throughout the Kiama Town Centre, including the Akuna Street strategic site. The PP also seeks to include active street frontages throughout the town centre.</p> <p>These amendments will allow for larger developments in the area that provide additional commercial and retail space and mixed-use developments. This will contribute to attracting more businesses into the area, local job creation and provides economic and social benefits to the town.</p> <p>These provisions will not impact on transport choice and within business zone land will not impact on permitted uses and the types of business that can be established within the Kiama Town Centre. The PP will provide more opportunities for businesses and positively impact on the local economy.</p>

	The PP is consistent with Direction 5.1 Integrating Land Use and Transport.
5.2 Reserving Land for Public Purposes	This direction does not apply to the PP.
5.3 Developing Near Regulated Airports and Defence Airfields	The direction does not apply to the PP.
5.4 Shooting Ranges	The direction does not apply to the PP.
6. Housing	
6.1 Residential Zones	<p>By increasing the height and FSR on specific sites Council are broadening the choice of building types i.e shop top housing / mixed-use developments. The sites are located within the Kiama Town Centre, therefore any residential housing permissible on the site would be facilitated within locations where there is existing infrastructure and services.</p> <p>The Akuna Street strategic site will improve public infrastructure nearby as part of any development application i.e road alignment, improved footpaths and connectivity and provision of public open space.</p> <p>The PP amendments will not lead to urban expansion. Council have adopted a DCP specific to Kiama Town Centre to guide good design.</p> <p>Clause 6.12 of the Kiama Local Environmental Plan 2011 relates to Essential Services. This clause requires that all essential services for the proposed development are available or that adequate arrangements have been made to make them available when required, prior to development consent being granted.</p> <p>This PP will not change the requirements of this clause.</p> <p>The PP is consistent with Direction 6.1 Residential Zones.</p>
6.2 Caravan Parks and Manufactured Home Estates	The direction does not apply to the PP.
7. Industry and Employment	
7.1 Business and Industrial Zones	<p>The PP applies to sites throughout the Kiama Town Centre that are Business Zoned and therefore this Direction applies.</p> <p>The PP seeks to increase building heights and floor space ratios on some sites throughout the Kiama Town Centre, including the Akuna Street strategic site. The PP also seeks to include active street frontages throughout the town centre.</p>

	<p>These amendments will allow for larger developments in the area that provide additional commercial and retail space and mixed-use developments. This will contribute to attracting more businesses into the area, local job creation and provides economic and social benefits to the town. The amendments will retain areas and locations of existing businesses and provide opportunities for more businesses.</p> <p>The sites will comply with floor to ceiling heights in the <i>NSW Apartment Design Guide (ADG)</i> that allows for mixed use developments with commercial and retail space.</p> <p>The PP retains the areas and locations of existing business zones and does not reduce the potential FSR area for employment uses and related public services in business zones. The PP does not propose a new employment area.</p> <p>The PP is consistent with Direction 7.1 Business and Industrial Zones.</p>
7.2 Reduction in non-hosted short-term rental accommodation period	The direction does not apply to the PP.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	The direction does not apply to the PP.
8. Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	The direction does not apply to the PP.
9. Primary Production	
9.1 Rural Zones	The direction does not apply to the PP.
9.2 Rural Lands	The direction does not apply to the PP.
9.3 Oyster Aquaculture	The direction does not apply to the PP.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	The direction does not apply to the PP.

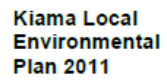
8.0 Appendix 2: LEP Height of Building Map amendments (sheet HOB_012)



9.0 Appendix 3: LEP Floor Space Ratio Map amendments (sheet FSR_012)



10.0 Appendix 4 – ASF Active Street Frontages Map amendments (sheet ASF_012)



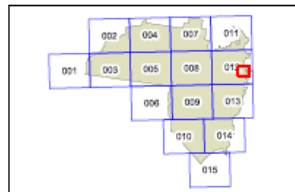
Active Street Frontages Map
- Sheet ASF_012

Active Street Frontage

— Active Street Frontage

Cadastre

Base data 14/11/2022 © DFBI Spatial Services
Addendum data 14/11/2022 © Klama Municipal Council



Scale: 1:5,000 @ A3

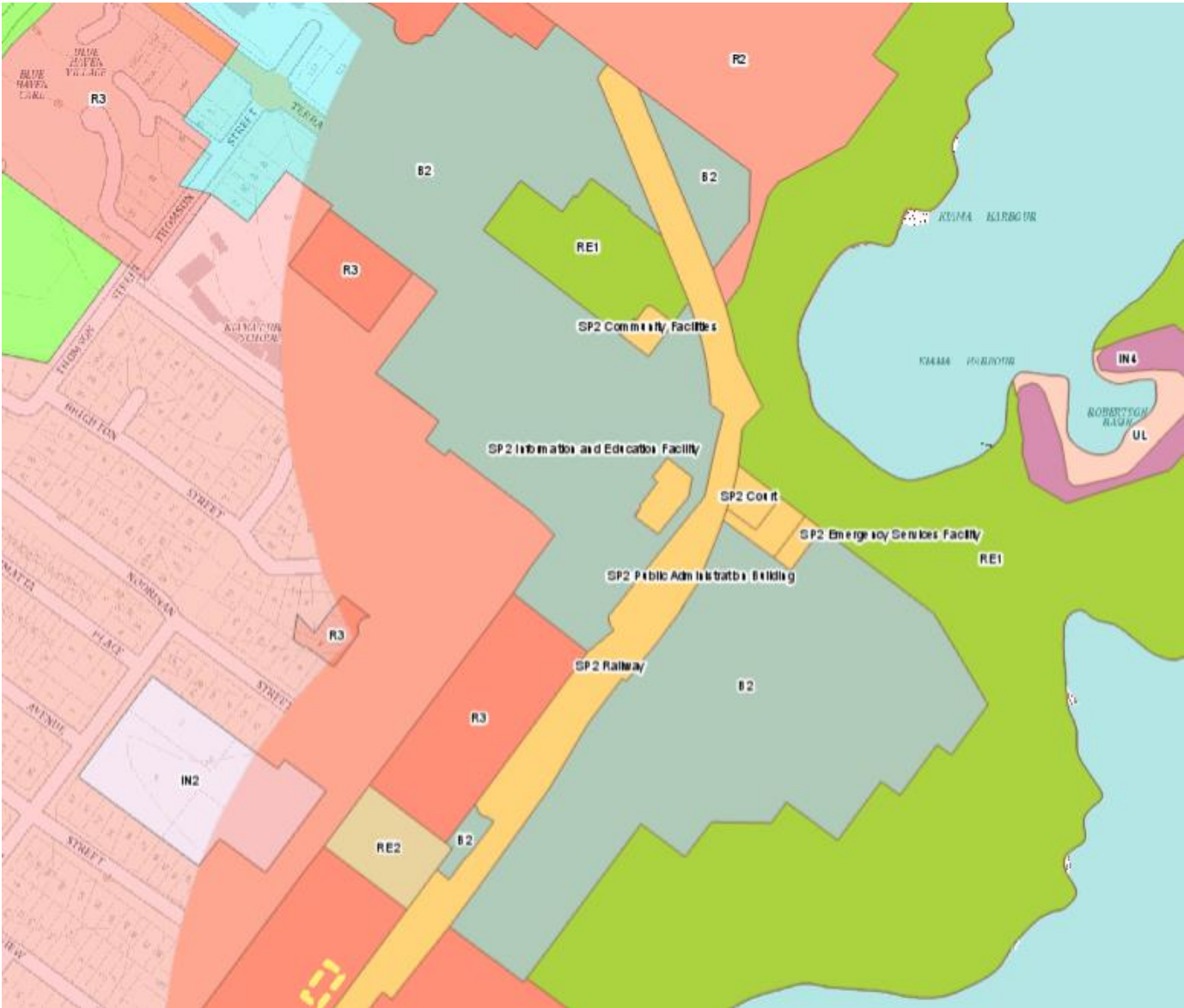
Map identification number:
4420_CCM_ASF_012_020_20221114



11.0 Appendix 5 – LZN Land Zone Map amendments (sheet LZN_012)



12.0 Appendix 6: Coastal Use Area Map



13.0 Appendix 7: Coastal Environment Area Map



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KIAMA MUNICIPAL COUNCIL
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