Please consider this submission to the Council Boundary Review of Kiama.

The Gerroa Environment Protection Society (GEPS) was formed 27 years ago and has actively worked to protect the environment of Kiama Municipality since that time. They have been represented on Kiama’s Environment, Biodiversity Riparian Corridors, LEP and Crooked River Estuary Management Committees and have advocated for the local environment across a number of forums.

GEPS contribution to this review will focus on environmental matters. It will focus on the review criteria:

- The community interest and geographic cohesion;
- Effective representation of opinions in a diverse community and
- The existing historical and traditional values and the impact of change on them.

Before addressing these criteria we would like to support the many representations made to the delegate relating to the high level of community services provided by Kiama Council and the financial responsibility of Council.

For the past twenty five years Kiama Council has run low levels of rate payer funded debt. Self-funding loans enabled investments in caravan parks, land development programs and retirement complexes to build assets and provide services at minimal cost to the local community.

We believe that Kiama Council has excelled in its service to the community. As a local environmental group we have interacted with council on a large number of issues and have always had our voice heard.
Criteria: The community interest and geographic cohesion.

Kiama Municipality is geographically cohesive and physically different from Council areas to its north and south. Volcanism has defined Kiama’s landscapes, soils and vegetation and generated its unique topography, geology, agriculture and biodiversity. These physical characteristics are linked to Kiama’s cultural history, community well-being and economic future.

**Topographically distinct:** The Illawarra escarpment changes direction at Kiama veering east/west. At Barren Grounds the easterly spur of Mount Noorinan (red dot on map below) abuts volcanic Saddleback Mountain (yellow dot on map) and three volcanic ridges cut into the landscape towards the coast: The Mt Pleasant Ridge continues west/east to the coastal edge (pink on map); Curries Mountain Ridge separates Foxground from Rose Valley and continues southeast towards Gerringong (green on map); and Saddleback Road Ridge veers northeast towards Kiama township (blue on map). These landforms separate the catchments of Minnamurra and Crooked Rivers and Broughton Creek. They create a scenic series of high ridges, hills and valleys running to the coastal edges. Kiama’s landforms are scenically different from those in the Shoalhaven, which are characterized by the sandstone escarpment and deep parallel flat coastal plains and lakes.
Geologically distinct: Much of the Kiama landscape was created by a number of volcanic events. Saddleback Mountain is a large collapsed volcanic vent that dominates the landscape. It is the source of the late Permian Gerringong volcanics.

The distinct black volcanic coastal latite, which was probably a product of off coast lava flows, distinguishes the Kiama coast from the sedimentary geology of the coasts to the south. The interplay of white sandy beaches, unusual black coastlines and lava tubes, which produced Kiama’s two blowholes, characterise this coast making it scenically attractive and distinctive.

These volcanic episodes also produced the deep red volcanic basalt that defines the soils covering most of the municipality. Volcanic landscapes and soils define the geological character of Kiama Municipality.

Kiama’s volcanic rocks gave the coast its distinctive black colour and produced the lava tubes, which interact with waves to produce the famous blowholes – picture from Little Blowhole
Agriculturally distinct: The rich volcanic krasnozem soils that occur across the municipality are economically important.

A report in the Australian Journal of Soil and Water Conservation said. *Krasnozem soils are some of the most versatile, useful and productive agricultural soils in Australia*. It said *only 3.5 per cent of the Australian continent has a favourable combination of soil, climate and landform suitable for productive agriculture.*

These soils are associated with high rainfall because the east/west Saddleback Ridge interrupts the southerly airflows causing an annual average rainfall of around 2200mm on Saddleback Mountain.

Kiama’s rolling green hills aren’t just beautiful to look at. The combination of fertile soils and high rainfall has given Kiama highly productive, food producing farmlands that are close to city markets. This is perhaps why Jamberoo dairy farmers once had a reputation for having the highest milk production per acre in the state and Gerringong the highest butterfat content.

There are smaller volcanic outcrops in the Shoalhaven but these don’t define its agriculture or landscapes, whereas the red basalt soils dominate Kiama’s extensive farmlands from Shellharbour to Shoalhaven municipal boundaries.
**Biologically distinct:** Kiama’s combination of basalt soils and high rainfall support the largest area of *subtropical rainforest* in southeastern Australia (Dr Kevin Mills). This endangered ecological community is one of only five major subtropical rainforest occurrences in NSW. Approximately 1,200 hectares of the original rainforest remains and still dominates the higher slopes of Saddleback Mountain, Foxground and the southeastern slopes of Jamberoo Valley.

![Illawarra Brush subtropical rainforest on Saddleback Mountain](image)

The dryer volcanic hills on the northern side of Jamberoo valley provide a habitat for endangered ecological community, *Melaleuca amillaris Tall Shrubland* in association with endangered endemic plant *Zieria granulata*. This unusual vegetation community relies on the stony habitat associated with the volcanic bluestone geology in the north of the municipality.

In addition to the vegetation communities associated with these volcanic soils, the Seven Mile Beach area near Gerroa is habitat for a rare association of six Endangered Ecological Communities.

These biologically significant forests define the vegetation profile of the municipality. They are unique in scale and botanical richness, provide a habitat for wildlife, and are scenically uplifting. They also attract nature lovers, bird watchers, botanists, bushwalkers and tourists and add to the distinctive character of the Kiama Municipality.
Sand mining, urban development and clearing for agriculture and fire protection threaten these vulnerable rare vegetation communities.

These physical characteristics make Kiama what it is:
- They create the scenic landscapes, rich red soils, evergreen farmlands and extraordinary biological diversity that distinguish Kiama.
- They support tourism and agricultural industries that provide food and jobs and contribute to the broader economy.
- They provide habitats for rare plants, forests and wildlife and constitute a significant scientific resource for the future.
- They make Kiama a unique and an attractive place to live in for residents.

Kiama community’s economic and social well-being is linked to this distinctive geographic cohesion and Council has worked with the community to protect these economic, scientific, biodiversity and lifestyle values through its LEP.
Criteria:

- Effective representation of opinions in a diverse community and
- Existing historical and traditional values and the impact of change on them.

How has Kiama council represented the community desire to protect this rich biodiversity and fertile farmlands?

Over the past 23 years Kiama developed two LEPs, each renown for the level of protection of environmental values. Both LEPs were products of extensive community consultation and had strong community ownership.

LEP 94 was developed through the input of experts and community groups who sat on Council Environment, LEP, Biodiversity and Riparian Corridors Committees over an eighteen-month period. The Environment Committee established the concept of High Conservation Value Lands and mapped them in LEP 1994.

LEP 2011 was the product of a bottom up consultative process where experts, community organisations and individuals made presentations to a broadly representative community focus group, which then set an LEP framework for council to consider. Notwithstanding the limitations of the LEP template and Department of Planning pressures, LEP 2011 delivered a planning document with high levels of protection for agricultural lands and native vegetation. It also maintained the concept of High Conservation Value Lands established in LEP 94.

Now native vegetation areas in the municipality have been carefully mapped, defined as High Conservation Value Lands and given E2 environmental conservation zoning which prohibits inappropriate development.

GEPS had an input into both LEPs and we believe our views were listened to and represented by Council in the final planning documents. Kiama Council has since consistently defended its LEP and thus gained the community’s confidence and respect.

How does Kiama LEP differ from Shoalhaven LEP in defending these values?

1. Kiama LEP 2011 indicates its intention to protect Kiama’s natural environment and agricultural lands through five of its eleven aims. These signal a clear purpose to protect biodiversity, natural ecosystems and agricultural lands (highlighted in bold text in appendix 1). Shoalhaven LEP 2014 is less focused on protection of its natural values. It has five aims of which one loosely refers to conservation of environmental resources. (highlighted in bold text - appendix 2).
2. Shoalhaven Environment Conservation and Rural zones are more liberal in allowing different forms of development in or near native vegetation.

   Shoalhaven E2 Environmental Conservation Zone allows a range of land uses including dwelling houses and bed and breakfast accommodation that are not allowed under Kiama LEP.

   Shoalhaven E3 Environmental Management Zone allows a range of land uses including forestry that are not allowed under Kiama LEP.

   Shoalhaven RU1 Primary Production Zone allows a range of land uses including places of public worship and indoor and outdoor recreation facilities that are not allowed under Kiama LEP.

   Shoalhaven RU2 Rural Landscape Zone allows a range of land uses including feedlots, camping grounds, caravan parks and abattoirs that are not allowed under Kiama LEP.

   Shoalhaven RU3 Forestry Zone enables forestry operation within native vegetation that is not allowed under Kiama LEP.

   Shoalhaven RU4 Primary Production Small Lots Zone enables small lots and more intensive agriculture in or near native vegetation that is not allowed under Kiama LEP.

3. Kiama LEP 2011 accurately maps native vegetation identifying it as High Conservation Value Lands. It allocates these lands the highest E2 environmental conservation zoning. (appendix 3)

   Shoalhaven LEP maps native vegetation identifying it as Biodiversity Significant Vegetation. It provides objectives and considerations for determination of development within these areas however it leaves the door open to development on these lands. It inconsistently zones native vegetation variably as E2 Environmental Conservation, E3 Environmental Management, RU1 Primary Production, RU2 Rural Landscape, and RU4 Primary Production Small Lots. These zone boundaries don’t reflect specific vegetation mapping. (appendix 4)

   **Case Study 1** (map on next page) This case study graphically illustrates the different council approaches to zoning native vegetation units.

   Kiama identifies native vegetation on High Conservation Value Lands as E2 (along with small E3 areas for vegetation linkages). Shoalhaven identifies native vegetation on Biodiversity Significant Vegetation lands variously as RU1, RU2, RU4, E2 and E3.
Case study 1:

Municipal boundary indicated in pink - Shoalhaven (left side) and Kiama (right side). The LEP zone is identified on each area of native vegetation in yellow for both municipalities.
Case study 2: This single vegetation unit is bisected by the municipal boundary and further illustrates the different approaches to native vegetation conservation by each council. (this vegetation unit is located on previous map by red dot)

Kiama scrupulously applies E2 zoning to this vegetation unit and considers the vegetation linkages as E3 zone. Shoalhaven applies RU1 zoning to the same piece of vegetation and relies on the much weaker clause 7.5 in its LEP to protect its biodiversity values.

This comparison illustrates how Kiama has consistently conserved native vegetation and protected biodiversity values through its LEP. It also shows how Shoalhaven has compromised conservation values through weaker and less appropriate zonings that enable a greater range of development within native vegetation. Shoalhaven’s approach would lead to tree removal for erection of dwellings and other buildings and forest clearing to protect buildings and residences from fire. Dwellings within biodiversity significant vegetation may result in the introduction of companion animals and invasive weeds that could impact on wildlife and native vegetation.
What would be the impact of amalgamation if Kiama and Shoalhaven LEPs were to be merged?

The environmental values expressed through Shoalhaven LEP appear to be inconsistent with those of the Kiama community. In the event the two LEPs are merged due to amalgamation it would be unlikely that the conservation values embedded in Kiama LEP would be carried into Shoalhaven LEP because this would mean taking away development opportunities already granted to Shoalhaven landholders. Kiama is small and would have an inconspicuous voice in the overall merging process and its LEP would most likely end up looking like Shoalhaven’s.

This merging of LEPs would dispossess Kiama community of the LEP it has created and deliver an unacceptable, unrepresentative planning instrument instead. It would mock the comprehensive LEP consultation processes engaged in by the community and the effective Council representation of community opinions that Kiama LEP represents.

In the unlikely event that the two LEPs would stand side by side in a merged council the ultimate development of a new LEP in 5 to 10 years time would be unlikely to reflect the values of Kiama’s relatively small community because the effective representation of its values would be diminished in a larger and culturally different community.

Consequently the historical and traditional values of protecting Kiama’s fertile farmlands and rich biodiversity, which has been so consistently embraced by the Kiama community over the last quarter century would most likely be a casualty of this change.

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Kiama LEP 2011 (LEP pages 5 & 6)

1.2 Aims of Plan

(2) The particular aims of this Plan are as follows:

(a) to provide planning controls for the Kiama area to achieve ecologically sustainable development principles while recognising the economic, environmental and social impacts and risks associated with climate change,

(b) to maintain, protect and improve the natural environment including native vegetation, endangered ecological communities, natural habitat corridors, riparian land, groundwater dependent ecosystems and wetlands for their biodiversity values,

(c) to conserve and protect the area’s water resources, groundwater, waterways, and water quality for their biodiversity, ecological, health and recreational values,

(d) to protect agricultural land and restrict its fragmentation for purposes other than primary production,

(e) to protect and enhance the coastal and rural character of Kiama’s rural towns, neighbourhoods and villages, and the characteristic scenic landscapes that contribute to its liveability and identity,

(f) to consolidate future population growth and medium density housing primarily in locations near shops and public transport,

(g) to cater for housing choice including affordable rental housing, affordable housing for first home buyers and housing for the aged and disabled and independent seniors,

(h) to protect and maintain land used or to be used for employment in rural and urban areas,

(i) to promote and co-ordinate the orderly and economic use and development of land,

(j) to maintain, protect and enhance environmentally sensitive land for its biodiversity and ecological values,

(k) to protect Kiama’s cultural heritage.
1.2 Aims of Plan

(2) The particular aims of this Plan are as follows:

(a) to encourage the proper management, development and conservation of natural and man-made resources,

(b) to facilitate the social and economic wellbeing of the community,

(c) to ensure that suitable land for beneficial and appropriate uses is made available as required,

(d) to manage appropriate and essential public services, infrastructure and amenities for Shoalhaven,

(e) to minimise the risk of harm to the community through the appropriate management of development and land use.
Kiama LEP 2011 - Land having High Conservation Values (indicated in green). These areas have been zoned 2E Environmental Conservation and E3 Environmental Management.

Kiama LEP E2 Environmental Conservation Zone

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To ensure adequate environmental buffers are provided, maintained or rehabilitated in the vicinity of high ecological value areas and waterways.

2 Permitted without consent  Environmental protection works

3 Permitted with consent  Environmental facilities; Recreation areas; Roads
Appendix 4

Map 1. Shoalhaven LEP - *Biodiversity Significant Vegetation*. Brown hatched areas represent *Biodiversity Significant Vegetation* & overlaid green areas represent Biodiversity habitat corridors. (green overlay in some cases obliterates underlying significant vegetation hatching)

Map 2. Shoalhaven LEP zone map for the same area above showing that the zoning doesn’t necessarily reflect the values of Biodiversity Significant Vegetation.