

Planning proposal to allow residential development along Macquarie Street Jamberoo.

Proposal Title :	Planning proposal to allow residential development along Macquarie Street Jamberoo.		
Proposal Summary :	The planning proposal seeks to rezone a 4,788m2 site at 39 Macquarie Street, Jamberoo from RU2 Rural landscape to R2 Low Density Residential and adjust the minimum lot size, building height, and floor space ratio controls accordingly. It has the potential to provide up to six residential lots.		
PP Number :	PP_2015_KIAMA_002_00	Dop File No :	15/07188

Proposal Details

Date Planning Proposal Received :	30-Apr-2015	LGA covered :	Kiama
Region :	Southern	RPA :	The Council of the Municipality of
State Electorate :	KIAMA	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	39 Macquarie Street		
Suburb :	Jamberoo	City :	Jamberoo
		Postcode :	2533
Land Parcel :	Lot 1 DP710456		

DoP Planning Officer Contact Details

Contact Name :	Lisa Kennedy		
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RPA Contact Details

Contact Name :	Kim Bray		
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DoP Project Manager Contact Details

Contact Name :	Graham Towers		
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Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	Illawarra Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :	0.47	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	6
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **The site is located on the southern boundary of Jamberoo village. The land proposed to be rezoned has been cleared and a dwelling is erected on the land. The remainder of the site is currently used for agricultural purposes. A drainage line runs east west across the southern end of the lot. Native vegetation has been retained along the drainage line and is zoned E2 Environment Conservation.**

The 4,788m2 section of the site proposed for residential development correlates with the existing adjoining residential lots to the east and west along Macquarie Street.

The current zoning could be argued to be an anomaly as the proposal would provide zoning consistency with the southern boundary of Jamberoo.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objective of the planning proposal is to rezone the subject site from RU2 Rural Landscape to R2 Low Density Residential to provide consistency with the southern boundary of Jamberoo village.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanations of provisions in the planning proposal are to amend the Kiama LEP 2011 through:**

- * the Land Zoning Map – Sheet LZN_008 applying to part of the subject lot from RU2 – Rural Landscape to R2 – Low Density Residential.**
- * the Lot Size Map – Sheet LSZ_008 applying to part of the subject lot to introduce minimum lot size of S 800m2.**
- * the Height of Buildings Map - Sheet HOB_008 applying to part of the subject lot to apply I 8.5m.**
- * the Floor Space Ratio Map - Sheet FSR_008 applying to part of the subject lot to**

incorporate an FSR of C 0.45:1.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.2 Rural Zones

1.5 Rural Lands

* May need the Director General's agreement

2.1 Environment Protection Zones

3.1 Residential Zones

3.4 Integrating Land Use and Transport

5.1 Implementation of Regional Strategies

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Rural Lands) 2008

Illawarra REP No. 1

Illawarra REP No. 2 - Jamberoo Valley

e) List any other

Nil

matters that need to

be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The proposal has identified that S117 Direction 4.4 Planning for Bushfire Protection applies, however the land is not mapped as bushfire prone nor is it in proximity to land mapped as bushfire prone land and the Direction does not apply.

The planning proposal is consistent with the s117 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 5.1 Implementation of Regional Strategies.

The proposal does not reduce the environmental protection standards which apply to the land. It is increasing the urban development potential along Macquarie Street and will allow for the more efficient utilisation of existing infrastructure.

An Aboriginal archaeological study has confirmed that no Aboriginal objects or places were identified within the area proposed to be developed.

The planning proposal is consistent with the Illawarra Regional Strategy and draft Illawarra Regional Growth Plan in that it is providing additional housing choice adjacent to/within an existing urban area by facilitating urban infill development. The additional development proposed will utilise existing infrastructure, services and facilities.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with s117 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 5.1 Implementation of Regional Strategies.

The planning proposal is inconsistent with the S117 Direction 1.2 Rural Zones and 1.5 Rural Lands as rural lands are being rezoned residential. The area to be rezoned is small (4,788m²) and currently contains a dwelling. It is proposed to increase the density of residential development on the site, similar to that on adjoining sites. Inconsistencies with these directions are of minor significance due to the small amount of land affected.

Recommendation: The Secretary's delegate can be satisfied that the proposal's inconsistency with the S117 Directions 1.2 Rural Zones and 1.5 Rural Lands is of minor significance.

SEPPs

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The planning proposal is consistent with SEPP55 Remediation of Land. A Stage 1 contamination assessment identified signs of potential contamination which were subsequently remediated. A Stage 2 contamination assessment has enabled a clearance certificate to be issued.

The proposal is inconsistent with SEPP Rural Lands, however, this inconsistency is of minor significance as discussed above.

The proposal is consistent with the Illawarra Regional Environmental Plan No.1 in regards to land identified as having landscape or environmental attributes. The proposal is not considered to affect the scenic amenity of the area given the small area of land to be rezoned, and the residential nature of the adjoining sites. The proposal will, in effect, fill in a gap between adjoining residential development.

The proposal is inconsistent with the Deemed SEPP Illawarra Regional Environmental Plan No. 2 – Jamberoo Valley as the land to be rezoned was not included within the town boundaries of Jamberoo Village identified by the plan. Council has argued that the inconsistency is of minor significance as the residential development adjoins the land to be rezoned on three sides.

It is agreed that the inconsistency with IREP No.2 is of a minor significance as the land to be rezoned is located between adjoining residential development and six additional residential lots will have little impact on the scenic and agricultural values in the locality.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Draft amending map sheets for LZN_008, LSZ_008, HOB_088, and FSR_088 from the Kiama LEP 2011 have been provided in the planning proposal and are appropriate for public exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council requests that the planning proposal be publicly exhibited for 14 days. Public notification of the exhibition will include local newspaper notifications, notice on Council's website, hard copies will be available at Council's administration buildings and notification letters to surrounding property owners.

Due to the minor nature of the proposal this exhibition period is considered to be reasonable.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : The planning proposal addresses the Department's "A guide to preparing planning proposals" and is considered adequate for a Gateway Determination with conditions.

Council has a project timeframe of twelve months to complete the rezoning process.

Recommendation: The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Council has confirmed in its referral letter of 28 April 2015 that it is seeking Council Officer Delegation to prepare and determine the draft LEP under Section 59 of the EP&A

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Act. Appendix 4 – Evaluation Criteria for the Delegation of Plan making Functions was submitted.

It is considered appropriate that the delegation of plan making functions be given to Council due to the matter being of local significance and the proposal providing zoning consistency with the southern boundary of Jamberoo Village.

Recommendation: Delegation to be provided to Council.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The Kiama LEP was notified on 16th December 2011. This is the fourth amendment to the LEP.

Assessment Criteria

Need for planning proposal :

A planning proposal is the only means of achieving residential development on the site.

An alternate option of retaining the current RU2 Rural Landscape zoning and amending Schedule 1 Additional permitted uses to allow for residential development was considered. This option was not seen by Council as being appropriate as it is preferable to have zones reflect the intended land use.

Consistency with strategic planning framework :

As previously identified, the planning proposal is consistent with the Illawarra Regional Strategy and draft Illawarra Regional Growth Plan in that it is providing additional housing choice adjacent to/within an existing urban area by facilitating urban infill development. The additional development proposed will utilise existing infrastructure, services and facilities

It is also consistent with the Kiama Urban Strategy, by reinforcing clear village boundaries, encouraging urban infill while protecting surrounding agricultural lands.

Environmental social economic impacts :

At the request of Council, the landholder has prepared an Arborist report, Aboriginal Heritage study and site contamination assessments. These reports have not raised any environmental issues preventing the area to be rezoned for residential development. Two fig trees on the site were identified as significant and are currently protected Under the Kiama Development Control Plan 2012. Impacts of development on these trees will need to be assessed as part the consideration of future applications.

The proposal will lead to the additional supply of up to six residential lots on the southern edge of Jamberoo village consistent with the adjacent residential development. It will provide employment opportunities through construction.

Assessment Process

Proposal type :

Minor

Community Consultation Period :

14 Days

Timeframe to make LEP :

12 months

Delegation :

RPA

Public Authority Consultation - 56(2) (d) :

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **Council is proposing to consult with the Office of Environment and Heritage, NSW Rural Fire Services and NSW Department of Primary Industries – Agriculture. While Council may consult with these Agencies if it chooses, this consultation is not considered to be necessary due to the minor nature of the proposal and as the land does not have any significant flora or fauna values, is not bushfire prone or in proximity to bushfire prone land, and does not have any strategic agricultural value.**

Recommendation: No government agency consultation be required.

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

The planning proposal includes the following studies:

- * **Burnett Trees Arborist Report, Burnett Trees, 2014**
- * **Stage 1 Contamination Assessment, Coffey, 2014**
- * **Stage 2 Contamination Assessment, Coffey, 2015**
- * **Aboriginal Due Diligence Aboriginal Heritage Assessment, biosis 2014**

Recommendation: No further studies are required.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **All services are currently available at the site boundary along Macquarie Street. The proposal would have an negligible impact on State Infrastructure service provision as it will only result in the creation of up to six additional residential lots.**

Documents

Document File Name	DocumentType Name	Is Public
150430 Macquarie Street Jamberoo Planning Proposal letter KMC to DoPE request for gateway.pdf	Proposal Covering Letter	Yes
150430 Macquarie Street Jamberoo Planning Proposal.pdf	Proposal	Yes
150430 Macquarie Street Jamberoo Planning Proposal Burnett Trees Arborist Report Burnett Trees 2014.pdf	Study	Yes
150430 Macquarie Street Jamberoo Planning Proposal Aboriginal Due Diligence Aboriginal Heritage Assessment Biosis 2014.pdf	Study	Yes
150430 Macquarie Street Jamberoo Planning Proposal Stage 1 Contamination Assessment Coffey 2014.pdf	Study	Yes
150430 Macquarie Street Jamberoo Planning Proposal Stage 2 - Unexpected Finds Mangement Plan.pdf	Study	Yes
150430 Macquarie Street Jamberoo Planning Proposal Stage 2 - Site Certificate (asbestos).pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

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S.117 directions: **1.2 Rural Zones**
 1.5 Rural Lands
 2.1 Environment Protection Zones
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 5.1 Implementation of Regional Strategies

Additional Information : **The General Manager, Southern Region as delegate of the Minister for Planning, determines under section 56(2) of the EP&A Act that an amendment to the Kiama Local Environmental Plan 2011 to enable residential development on lands at Lot 1 DP710456, 39 Macquarie Street Jamberoo should proceed subject to the following conditions:**

- 1. No further technical studies or reports are required.**

- 2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:**

(a) the planning proposal is to be made publicly available for 14 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing local environmental plans (Department of Planning and Infrastructure 2012).

- 3. No public authority consultation is required under section 56(2)(d) of the EP&A Act**

- 4. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).**

- 5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.**

- 6. Council be authorised to use its delegation of the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.**

- 7. The Secretary's delegate can be satisfied that the planning proposal is consistent with the s117 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 5.1 Implementation of Regional Strategies.**

- 8. The Secretary's delegate can be satisfied that the proposal's inconsistency with the S117 Directions 1.2 Rural Zones and 1.5 Rural Lands is of minor significance.**

- 9. The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are only of minor significance.**

- 10. The Secretary's delegate can be satisfied that the planning proposal is consistent with all relevant SEPP's or that any inconsistencies are only of minor significance.**

Supporting Reasons : **The proposal will provide additional housing consistent with adjoining development, employment opportunities and is not anticipated to have any significant environmental impacts.**

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Signature: G. Towers Team Leader, Southern Region

Printed Name: Graham Towers Date: 14/5/15.

ENDORSED
Brett Whitworth 15/5/15
Brett Whitworth
General Manager
SOUTHERN REGION