



KIAMA MUNICIPAL COUNCIL
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2015

Planning Proposal to Amend LEP 2011



With respect to:
Lot 1 DP 710456
39 Macquarie Street,
Jamberoo NSW
2533

Planning Proposal to amend LEP 2011 with respect to:
Lot 1 DP 710456, 39 Macquarie Street, Jamberoo NSW 2533

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Name of Planning Proposal: Planning Proposal to amend LEP 2011 with respect to: Lot 1 DP 710456, 39 Macquarie Street, Jamberoo, NSW 2533.

Part 1 – Statement of objectives or intended outcomes

The location of the Planning Proposal is part of Lot 1 DP 710456, 39 Macquarie Street, Jamberoo NSW 2533 (the subject site).

The objectives of this Planning Proposal are:

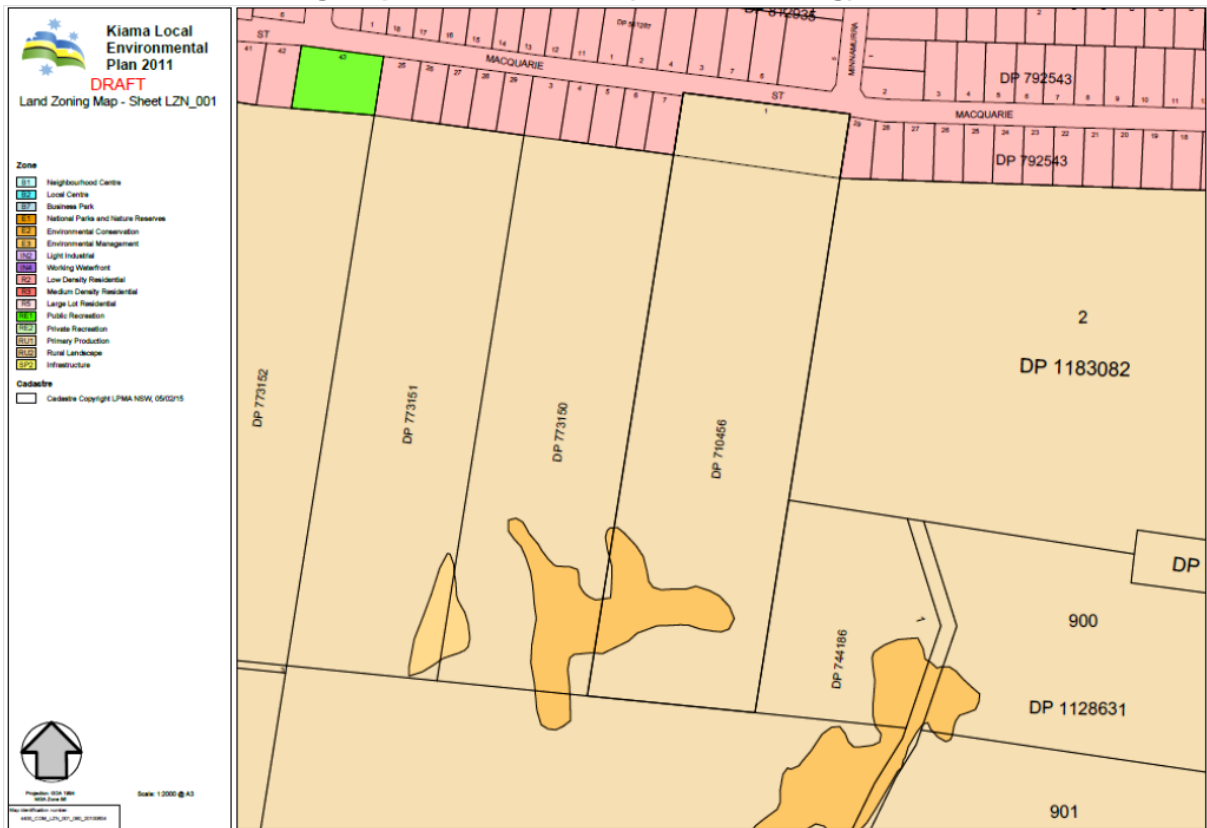
- To rezone the subject site from RU2 Rural Landscape to an R2 Low Density Residential zone to provide consistency with the southern boundary of Jamberoo village.

Part 2 – Explanation of provisions

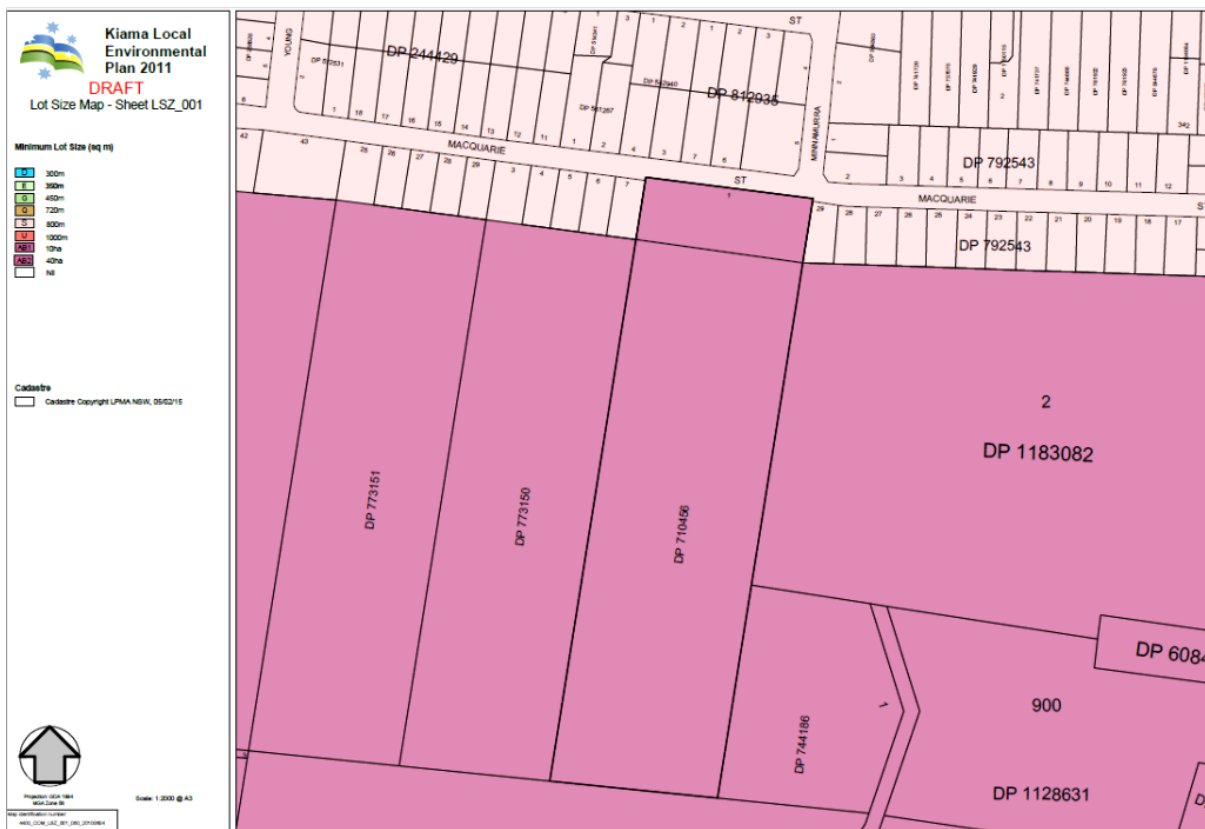
The provisions will apply to part of Lot 1 DP 710456, 39 Macquarie Street, Jamberoo, being a 4788m² portion of the site fronting Macquarie Street, Jamberoo. The site is located on the southern edge of Jamberoo Village. The subject site is currently zoned RU2 Rural Landscape under Kiama LEP 2011 which requires a minimum lot size of 40ha for a dwelling. The subject site is located on the southern boundary of Jamberoo village.

The following excerpt maps from Kiama LEP 2011 and context plan illustrate the current situation and location in relation to Jamberoo village:

Kiama LEP 2011 Zoning Map Sheet LZN_008 (Current Zoning)



Kiama LEP 2011 Lot Size Map LSZ_008 (Current Lot Size)



Context Plan of the Subject Site in relation to Jamberoo Village



The proposal will amend Kiama LEP 2011 in the following manner:

1. Amend the Land Zoning Map – Sheet LZN_008 applying to the subject site from RU2 – Rural Landscape to R2 – Low Density Residential.
2. Amend the Lot Size Map – Sheet LSZ_008 applying to the subject site to introduce minimum lot sizes of S 800 sq m.
3. Amend Height of Buildings Map - Sheet HOB_008 applying to the subject site to apply I 8.5m.
4. Amend Floor Space Ratio Map - Sheet FSR_008 applying to part the subject site to incorporate an FSR of C 0.45:1.

Part 4 of this Planning Proposal illustrates the proposed map amendments to Kiama LEP 2011.

Part 3 – Justification

Q1: Is the planning proposal a result of strategic study or report?

The Planning Proposal is not the result of a strategic study or report, rather it has been initiated to correct what could be classified as a zoning anomaly.

The subject site is currently zoned RU2 Rural Landscape under Kiama LEP 2011. While this zoning is consistent with the southern portions of land South of Macquarie Street, Jamberoo, the section of the subject site along Macquarie Street is inconsistent with the existing southern boundary of Jamberoo Village.

The Planning Proposal seeks to modify the land zoning that applies to the subject site in order to ensure that an R2 Low Density Residential zone is applied to the 4,788m² residential area of the site, which correlates with the existing southern boundary of Jamberoo village. The remainder of the site, characterized as agricultural will maintain the RU2 Rural Landscape zoning and will be continued to be utilized for agricultural purposes.

Q2: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

To achieve the desired outcomes of consistent zoning along Macquarie Street and low density residential development in accordance with the Planning Proposal Policy, the following options were considered:

Option A

To rezone the subject site from RU2 Rural Landscape to R2 Low Density Residential, in order to correct the current zoning anomaly. This will require the following changes to Kiama LEP 2011:

- Amend the Land Zoning Map – Sheet LZN_008 applying to the subject site from RU2 – Rural Landscape to R2 – Low Density Residential.
- Amend the Lot Size Map – Sheet LSZ_008 applying to the subject site to introduce minimum lot sizes of S 800 sqm.
- Amend Height of Buildings Map - Sheet HOB_008 applying to the subject site to apply I 8.5m.
- Amend Floor Space Ratio Map - Sheet FSR_008 applying to the subject site to incorporate an FSR of C 0.45:1.

Comment

This option is considered the best means of achieving the desired outcomes as the zoning and landuse restrictions of the land will reflect the residential uses consistent along Macquarie Street, Jamberoo.

Option B

- Retain the RU2 Rural Landscape zone and amend “Schedule 1 Additional Permitted Uses” to allow for residential development and related residential development controls on the subject site.
- Amend the Additional Permitted Uses Map to include Lot 1 DP710456.

Comment

This option is not seen as appropriate by KMC. It is preferable to have zones reflect the intended land use.

Q3: Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The planning policy is consistent with the Illawarra Regional Strategy. The Planning Proposal will assist in improving the consistency of land use controls and controlled urban growth implemented through the Kiama LEP 2011.

Q4: Is the Planning Proposal consistent with a council’s local strategy or other local strategic document?

The Planning Proposal has been facilitated by Kiama’s Planning Proposal Policy seeking to correct a zoning anomaly. The 4,788m² residential section of the site (currently zoned as RU2 - Rural Landscape), correlates with the existing residential lots zoned as R2 forming the Southern boundary of Jamberoo village, along Macquarie Street. The Planning proposal would introduce consistent zoning to form a clear boundary along Jamberoo’s southern residential boundary.

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

Q5: Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning policy is consistent with applicable State Environmental Planning Polices, in particular:

State Environmental Planning Policy	Statement of Compliance
SEPP 55 – Remediation of Land	Consistent.
The objective of this policy is to promote the	A Stage 1 Contamination Assessment was

	the residential zone line along the southern Jamberoo village boundary. Reinforcing the zone change between the residential area and surrounding RU2 - Rural landscape zones which characterise the village.
(d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,	N/A
(e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.	N/A

State Environmental Planning Policy (Rural Lands) 2008 – Reg 7 – Rural Planning Principles

SEPP (Rural) 2008	Statement of Compliance
(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas	Consistent. The subject site forms part of the existing Jamberoo village. The rezoning application seeks to rezone a portion of land containing the existing house only and is surrounded East, North and West by existing R2 – Low density Residential zones. The agricultural component to the south will remain RU2 – Rural Landscape zone and will continue to be utilised for agricultural purposes.
(b) recognition of the importance of rural lands and agricultural and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or state,	Consistent. The planning proposal is sensitive to the importance of rural lands and as such reflects intentions for majority of the subject site to remain zoned for RU2 – Rural Landscape. The portion to be rezoned as R2 – Low Density Residential is already utilised for housing and is not suitable for productive agricultural purposes.
(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,	Consistent. The rezoning will allow the owner to subdivide off an additional block for residential purposes, whilst maintaining the rear agricultural component. The portion of the land currently zoned RU2 has an area of 41,210 square metres and as such, has minimal agricultural capacity.
(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,	Consistent. This planning proposal assists in balancing

	the rural values with social and economic values of Jamberoo village by facilitating residential development in line with existing surrounding land use with the majority of the subject site to remain zoned for RU2 – Rural Landscape.
<i>(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,</i>	Consistent. The proposal presents not change to current planning instruments in place to protect and maintain biodiversity, native vegetation, water resources or constrained land.
<i>(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,</i>	Consistent. The proposal will enable development potential of the site in accordance with R2 zoning objectives providing diversity to the housing mix within the region and will contribute to the social, economic, and environmental interests of the community.
<i>(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,</i>	Consistent. Minimal impacts are expected as a result of this rezoning, as the zoning relates to the portion of land that already contains a house and forms part of the existing village boundary.
<i>(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</i>	Consistent. The proposal is consistent with the regional strategy from the Department of Planning or any application local strategy endorsed by the Director-General.

Q5a: Is the planning proposal consistent with applicable deemed State Environmental Planning Policies?

The Planning Proposal is consistent with applicable deemed State Environmental Planning Policies, in particular:

Deemed SEPP - Illawarra Regional Environmental Plan No 1 (IREP – 1)

The relevant sections of IREP -1 deemed SEPP have been addressed in the following table.

IREP – 1	Statement of Compliance
<p>9 Preparation of draft local environmental plans</p> <p><i>A consent authority shall, in the preparation of a draft local environmental plan, give effect, in so far as is possible, to the objectives, policies and principles specified in Parts 2–16.</i></p>	<p>Consistent.</p>
<p>Part 2 Provisions relating to rural lands</p>	
<p>Division 1 Objectives relating to rural lands</p>	
<p>11 Objectives</p> <p><i>The objectives relating to rural lands are:</i></p>	
<p><i>(a) to retain the productive capacity of prime crop and pasture lands,</i></p>	<p>Inconsistent, but of minor significance.</p> <p>The site is mapped as ‘land of the prime crop and pasture potential’ under Illawarra Regional Environmental Plan No1 (as is a significant proportion of the Kiama LGA). Whilst it is not ideal to propose the rezoning of an area mapped as prime crop and pasture, the proposal does not threaten the portions of the lot that are currently used for these purposes. A dwelling already exists on part of the land proposed for rezoning while the other portion is vacant but still along the streetscape of Macquarie street and not used for agricultural purposes or likely to be in future due to its proximity to Jamberoo village residential areas.</p>
<p><i>(b) to protect valuable natural environments, as identified on sheets 1–10, 14, 15 and 17 of the map,</i></p>	<p>Consistent.</p>
<p><i>(c) to provide for wildlife movement between major protected wildlife habitats,</i></p>	<p>Consistent.</p> <p>The site was not identified as a wildlife corridor as identified on sheets 7 and 8 of the IREP 1 maps and as identified by this clause. At the sites southern border The site is approximately 275 meters north from the closest ‘<i>land supporting rainforest vegetation species</i>’ as identified in IREP 1 map, sheet 6 and presents no threat to this habitat community and associated wildlife as the southern component of the site will maintain its current agricultural landuse.</p>

<i>(d) to effectively manage the development of rural lands having regard to flood potential, bushfire risks, salinisation, soil degradation, erosion and weed infestation,</i>	Consistent. These issues were addressed by the applicants during their application and in subsequent specialist consultant reports.
<i>(e) to allow for the development of small rural holdings in appropriate locations,</i>	Consistent. The proposal does not include small rural holdings, rather residential land.
<i>(f) to prevent uneconomic demand for State Government services,</i>	Consistent. Servicing will be provided along existing infrastructure.
<i>(g) to allow for future urban expansion,</i>	Consistent. The proposal will enhance the sites future use as urban development.
<i>(h) to retain the scenic attributes of rural areas, and</i>	Consistent. The subject site forms part of the existing Jamberoo village and will enhance the sites homogeneity with the streetscape and facilitate urban infill opportunities also consistent with KUS.
<i>(i) to provide for developments which by virtue of their character require siting away from urban areas.</i>	Consistent. The proposal does not threaten developments which, by virtue of character, require sitting away from urban areas.
Division 3 Draft Local environmental plans – rural lands	
16 (Repealed)	N/A
17 Wildlife corridors	Consistent. See response to clause 11 (c).
18 Valuable natural environments	Consistent.
19, 20 (Repealed)	N/A
21 Small rural holdings	Consistent. Proposal does not include small rural holdings.
22-26 (Repealed)	N/A
27 Multiple occupancy of farms	Consistent.
28 Flood prone lands	Consistent.

Deemed SEPP - Illawarra Regional Environmental Plan No 2 – Jamberoo Valley (IREP 2)

The relevant sections of IREP -2 deemed SEPP have been addressed below:

IREP 2	Statement of Compliance
Part 1 Preliminary	
<p>2 Aims, Objective etc</p> <p><i>(1) The general aim of this plan is to conserve the agricultural, environmental and aesthetic values of the Jamberoo Valley.</i></p>	<p>Consistent.</p> <p>The planning proposal will rezone a portion of the subject site is situated between two residentially zoned parcels (R2) consistent with surrounding Jamberoo village area.</p> <p>The remaining portion of land on the subject site not surrounded by residentially zoned land will remain zoned RU2 – Rural Landscape and maintaining agricultural uses preserving the agricultural, environmental and aesthetic values of the Jamberoo Valley.</p>
<i>(2) The specific aims of this plan are:</i>	
<i>(a) to conserve the agricultural potential of the Jamberoo Valley,</i>	<p>Consistent.</p> <p>See statement above.</p>
<i>(b) to protect the rural environment and scenic amenity of the Jamberoo Valley Escarpment Area,</i>	<p>Consistent.</p> <p>The planning proposal aims to rezone a portion of subject site to R2 – Low Density Residential. Controls are in place through Kiama LEP 2011 and DCP to ensure the area will maintain its rural environment and scenic amenity.</p>
<i>(c) to conserve areas of native vegetation</i>	<p>Consistent.</p> <p>The planning proposal does not present a threat to native vegetation. An Arborist Report contained findings which condition any future development onsite to ensure significant vegetation is conserved accordingly.</p>
<i>(d) to conserve items of the environmental heritage and to encourage and promote their restoration and enhancement,</i>	<p>Consistent.</p> <p>The planning proposal does not present a threat to environmental heritage.</p>
<i>(e) to conserve the scenic quality of the Valley,</i>	<p>Consistent.</p> <p>The planning proposal does not present a threat to scenic quality as the subject site is consistent with current surrounding landuses.</p>

<p><i>(f) to encourage re-afforestation with appropriate species of trees and the eradication of undesirable exotic weed species, and</i></p>	<p>Consistent.</p> <p>The planning proposal of the subject site is already disturbed and surrounded by residential development. Rezoning would facilitate landscaping which could encourage introduction of appropriate species of trees and the eradication of undesirable exotic weed species.</p>
<p><i>(g) to ensure that future development, including tourist development, in the valley is sited, designed and of such a scale and nature so as not to compromise other conservation objectives.</i></p>	<p>Consistent.</p> <p>The planning proposal does not compromise future development of Jamberoo Valley nor competing conservation objectives (maintaining agricultural lands, village setting and scenic quality).</p>
<p>Part 3 Provisions relating to the making of local environmental plans</p>	
<p>9 Preparation of local environmental plans</p> <p><i>A consent authority shall, in the preparation of a draft local environmental plan applying to the land to which this plan applies, give effect to the objectives, policies and principles specified in this plan.</i></p>	<p>Consistent.</p> <p>See above Aims, Objectives.</p>
<p>10 Objective relating to Jamberoo Village</p> <p><i>The objective of this plan in relation to Jamberoo Village is to limit the existing town boundaries of the Village to the boundaries as shown by a black line edged by a broken line on Sheet 1 of the map marked "Illawarra Regional Environmental Plan No 2—Jamberoo Valley" which is deposited in the office of the Department.</i></p>	<p>Inconsistent, but of minor significance.</p> <p>The subject site is located along the town boundary where the broken line passes over as identified on Sheet 1 of the map marked "Illawarra Regional Environmental Plan No 2—Jamberoo Valley". The portion of the subject site to be rezoned was not included within the town boundaries of Jamberoo Village. However, it is directly adjacent to this area with boundary lines on three sides of the portion to be rezoned.</p>
<p>11 Preparation of local environmental plans relating to Jamberoo Village</p> <p><i>A draft local environmental plan shall not make provision for the expansion of Jamberoo Village beyond the boundaries referred to in clause 10.</i></p>	<p>Inconsistent, but of minor significance.</p>

Q6: Is the planning proposal consistent with applicable Ministerial Directions (s 117 directions)?

A Section 117 Ministerial Directions - Compliance Checklist has been compiled by Kiama Council and is included in Appendix 1. Council required the applicant to complete a Stage 1 Contamination Assessment followed by Stage 2 Site Remediation Clearance Certificate and Unexpected Finds Management Plan. Other studies conducted on councils request include an Aboriginal Heritage Assessment and Arborist Report in line with ministerial directions.

Council finds the proposal consistent with all Section 117 ministerial directions.

Q7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The portion of the Subject site to be rezoned has not been identified as critical habitat, with threatened species, populations or ecological communities. Therefore, the planning proposal does not present any adverse impacts to critical ecology by rezoning a portion of the subject site.

An arborist report accompanied the applicant's proposal which identified two (2) fig trees, *Ficus macrophylla* or Morton Bay Figs found to be significant for retention. The rezoning of the subject site presents no threat to these trees as they are considered significant regardless of landuse zone and protected through Kiama's DCP.

The arborist report has been summarised in the following section under Q8.

Q8: Are there any likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

In order to carry out due diligence with respect to processing this Planning Proposal, Council requested the applicant obtain a number of technical studies. A review of these technical studies has indicated that there will be no significant impact on any critical habitat, threatened species, populations or ecological communities or their habitat. The studies looked at different facets which included:

- Arborist Report;
- Stage 1 Contamination Assessment;
- Stage 2 Contamination Assessment; and
- Aboriginal Archaeological Assessment.

A summary of the technical studies as well as any major findings has been reiterated below.

Arborist Report

The report was to undertake a preliminary Arborist Assessment and Report relating to 39 Macquarie Street, Jamberoo in light of future potential subdivision and development application for a parcel on the north east corner of lot 1 DP 710456.

The report addressed the presence of two (2) fig trees, *Ficus macrophylla* or Morton Bay Figs located on site. The trees age and size were identified as significant and the species is also protected under Chapter 3 and Chapter 8, Section 15 of the Kiama Development Control Plan 2012. This will ensure that any future the potential created allotment that may subsequently arise out of this Planning Proposal is not sterilized by the roots of the tree and that it may be developed upon.

The arborist report found that the proposal for rezoning was able to proceed.

Stage 1 - Contamination Assessment

A Phase 1 Contamination Assessment Report addressed the potential for contamination on site through a preliminary Phase 1 review. The report included a review of site history information and a site walkover. The results of the desktop study and site walkover were interpreted and assessed.

The report identified that although there was a low likelihood of contaminated materials occurring on the potential new allotment, there was an area adjacent to the subject site and in the same ownership that had fill soils and potential Asbestos Containing Material (ACMs) fragments. The report found that the fill material and potential ACMs may require remediation should any site work be conducted.

As a result of this report a Phase 2 site investigation was requested by council to test and remove any confirmed ACMs in the identified potential area.

Stage 2 - Contamination Assessment

The Phase 2 contamination letter further investigated and reported on the potential ACMs identified in Phase 1 Contamination Report. This investigation utilised on site testing with several test holes used for observations relating to the fill layer identified in the Phase 1 Assessment. Findings suggested a relatively thin layer of fill soils, present at various thicknesses (typically less than 0.2m) and confirmed the presence of asbestos containing materials (ACMs). The ACM fragments were identified as associated with the fill location and removed from site.

The Clearance Certificate confirmed the removal of five ACM fragments from a nominated area within the area to be rezoned as residential R2 and adjacent to the potential new allotment as well as Receipts provided to council confirming disposal of ACMs at a licensed Asbestos disposal facility on 19 February 2015. A licenced asbestos assessor observed there were no further ACM fragments in the nominated area for ACM removal (70m², up to 25m West of the subject sites Eastern boundary and West of the potential new allotment boundary still within the area proposed for rezoning to R2 – Low density residential).

The Unexpected Finds Management Plan provides guidance should any potentially contaminated objects, materials or fragments be identified during future site development.

Following this Planning Proposal It will be necessary to ensure this document is adhered to and any future development applications are appropriately conditioned to reflect the Management Controls.

The Contamination Certificate confirmed that the site is fit for the intentions of this planning proposal. On the provision that the requirements of the Unexpected Finds Management Plan are met during any development applications and future construction activity, Site contamination has been adequately addressed for future use.

Aboriginal Archaeological Study

An Aboriginal Heritage Assessment was prepared by Biosis to consider the subdivision and development of land as residential. The report was peer reviewed by Council's heritage adviser and was sent to the Illawarra Local Aboriginal Lands Council for comment.

The study addressed due diligence by:

1. *"Identifying whether or not Aboriginal objects are, or are likely to be, present in an area;*
2. *Determining whether or not their activities area likely to harm Aboriginal objects (if present); and*
3. *Determining whether an Aboriginal heritage Impact Permit (AHIP) application is required."*

The study found that the proposal was able to proceed without further assessment or approval from *NSW National Parks and Wildlife Act 1974* as no Aboriginal objects or places were identified as occurring within the project area and the potential of locating them during the proposed works was assessed as low.

Councils staff support the conclusions and recommendations contained in this report specifically that:

1. The methodology undertaken in preparation of this report is acceptable.
2. The assessment notes that there is potential for two fig trees within the subject site to possess intangible heritage values (pg. 7), however identified high levels of disturbance caused by vegetation clearance around the trees which removed any archaeological material or deposits. The study recommends that no further assessment from an Aboriginal heritage and Archaeological perspective is required (pg. 10).
3. There is a further recommendation in the report which refers to discovery of Aboriginal objects and Authority notification requirements whilst undertaking works to the subject site. Council should consider this recommendation when formulating conditions for future development of the subject site.

It will be necessary to ensure that any future development applications are appropriately conditioned to reflect the recommendations of this study, including the procedures supplied for the discovery of unanticipated aboriginal cultural material, and the discovery of unanticipated human remains.

Q9: Has the planning proposal adequately addressed any social and economic effects?

The proposal has adequately addressed social and economic effects. The proposal will have a negligible impact on social and economic effects as the outcome will only result in the creation of one additional residential lot and the proposed R2 – Low Density Residential zoning is consistent with the surrounding and adjoining residential zones.

Q10: Is there adequate public infrastructure for the planning proposal?

Yes, as the subject site is already surrounded by R2 low density residential, all services are currently available at the site boundary along Macquarie Street, Jamberoo. The proposal would have negligible impact on service provisions as it will only result in the creation of one extra residential lot to be connected to existing infrastructure following its subdivision.

Q11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Pre Gateway consultation

No government authorities were consulted pre Gateway determination.

Post Gateway consultation

It is proposed that the following State authorities would be consulted following Gateway determination.

- NSW Rural Fire Service
- NSW Department of Primary Industries – Agriculture
- NSW Office of Environment and Heritage

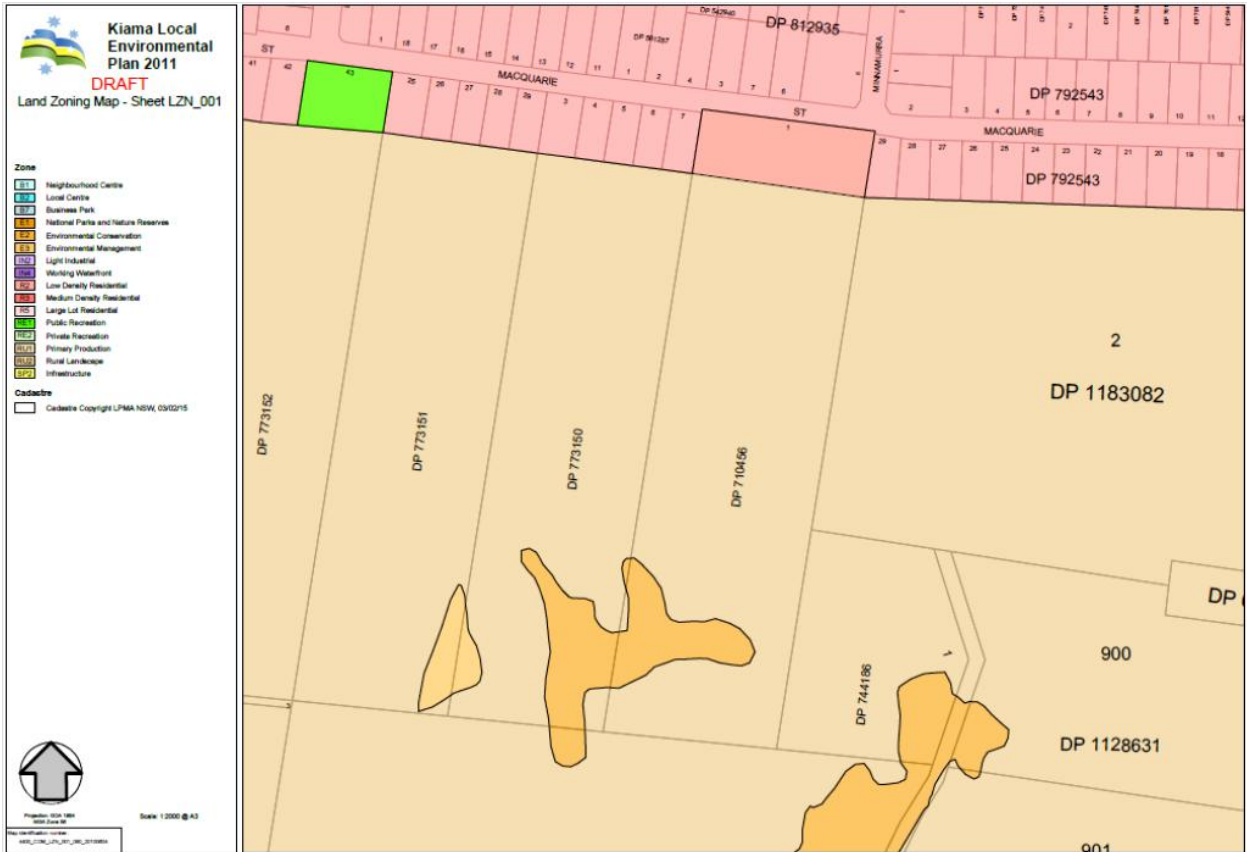
Council requests that Gateway nominates any other State or Commonwealth authorities required for consultation. All identified authorities/stakeholders will be notified during the exhibition period.

Part 4 – Mapping

The proposed map amendments to Kiama LEP 2011:

Land Zoning Map sheet LZN 008

1. Amend the Land Zoning Map - Sheet 4400_COM_LZN_008 applying to part portion of Lot 1, DP 710456 from RU2 along the Northern boundary to R2 consistent with neighbouring properties and intent of the area.



Height of Buildings Map sheet HOB_008

3. Amend Height of Buildings Map - Sheet 4400_COM_HOB_008 applying to part portion of Lot 1 DP 710456 to apply 8.5m.



Floor Space Ratio Map – Sheet FSR_008

- Amend Floor Space Ratio Map - Sheet FSR_008 applying to part portion of Lot 1 DP 710456 to incorporate an FSR of C 0.45:1.



Part 5 – Community Consultation

Council requests that the planning proposal be exhibited for a period of 14 days and include:

- Advertisement in Local Newspaper;
- Hard copies made available at the Council Administration Building and relevant libraries;
- Electronic copy on Council's website;
- Notification letters to adjoining and surrounding property owners; and
- Notification letters to relevant State agencies and other authorities/agencies nominated by the Department of Planning and Infrastructure.

Part 6 – Timeframe

The timeframe for the Planning Proposal is that, from date of Gateway determination to date of submission to DoPI, to finalise the LEP is a period of 12 months.

	Timeframe	Possible dates assuming Gateway determination by end May, 2015	Responsibility
Anticipated commencement date (dependant on Gateway determination)		Late May	DoPI
Preparation of any outstanding studies (if required)	6 weeks from notification of Gateway determination.	Mid July, 2015	Applicant
Consult with State/Commonwealth agencies	4 weeks from completing review of any outstanding studies	Mid August, 2015	Agencies
Exhibition of PP and technical Studies (assuming no requirements to return to Gateway post additional studies)	4 weeks from completing review of any outstanding studies	Mid September, 2015	Council
Date of Public Hearing (if applicable)	N/A	N/A	Council
Review of Submissions and Preparation of	4 weeks	Mid November, 2015	Council

	Timeframe	Possible dates assuming Gateway determination by end May, 2015	Responsibility
report to Council			
Report to Council following exhibition	First available round after completion of review of submissions (allow 8 weeks)	Mid January, 2016	Council
Final Maps and Planning proposal documents prepared	4 weeks from Council meeting	Mid February, 2016	Council
Submission to DoPI for finalisation of LEP		February, 2016	Council
Anticipated date Council will forward final Planning Proposal to DoPI for notification	3 months from Department finalisation notification	May, 2016	Council
Anticipated date LEP will be notified.	Unknown	June, 2016	Parliamentary Counsel and DoPI

Appendix 1

Section 117 Ministerial Directions – Compliance Checklist prepared by Kiama Municipal Council

Ministerial Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	N/A
1.2 Rural Zones (1) The objective of this direction is to protect the agricultural production value of rural land.	Inconsistent, but of minor significance. This planning proposal is inconsistent with this direction as it will result in land zoned as rural to be rezoned as residential. However, in context of the subject site, the portion of land to be rezoned is already utilised for a dwelling and is not used for agricultural production. On three of the four site boundaries the surrounding landuses are all residential holdings and the rural land to the immediate southern boundary is of minimal value as rural land. Therefore, the provisions of this planning proposal are of minor significance (5d of 1.2 – rural zones of Ministerial directions) to agricultural production of the rural land.
1.3 Mining, Petroleum Production and Extractive Industries	N/A
1.4 Oyster Aquaculture	N/A
1.5 Rural Lands	See Direction 1.2 above.
2. Environment and Heritage	
2.1 Environment Protection Zones (1) The objective of this direction is to protect and conserve environmentally sensitive areas.	Consistent. The Planning proposal does not propose any changes to Kiama's Environmental Protection Zones.
2.2 Coastal Protection	N/A
2.3 Heritage Conservation (1) The objective of this direction is to	Consistent. The planning proposal considered indigenous heritage significance during an Aboriginal

Ministerial Direction	Comment
<p>conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>Archaeological Study. The study found that no Aboriginal objects or places were identified as occurring within the project area and the potential of locating them during the proposed works was assessed as low.</p>
<p>2.4 Recreation Vehicle Areas</p>	<p>N/A</p>
<p>3. Housing, Infrastructure and Urban Development</p>	
<p>3.1 Residential Zones</p> <p>(1) The objective of this direction is are:</p> <ul style="list-style-type: none"> (a) to encourage a variety and choice of housing types to provide for existing and future housing needs (b) to make efficient use of existing infrastructure and services that new housing has appropriate access to infrastructure and services; and (c) to minimise the impact of residential development on the environment and resource lands. 	<p>Consistent.</p> <p>The planning proposal will make more efficient use of existing infrastructure along Macquarie Street, Jamberoo. the planning proposal will minimise the impacts of residential development on the environment Because it is already surrounded by residential developments and is more appropriate than alternative areas around the Jamberoo Village area.</p>
<p>3.2 Caravan Parks and Manufactured Home Estates</p>	<p>N/A</p>
<p>3.3 Home Occupations</p> <p>(1) The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.</p>	<p>N/A</p>
<p>3.4 Integrating Land Use and Transport</p> <p>(1) 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:</p> <ul style="list-style-type: none"> (a) improving access to housing jobs and services by walking, cycling and public transport (b) increasing the choice of available transport and reducing dependence on cars, and 	<p>Consistent.</p>

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(c) reducing travel demand including the number of trips generated by development and distances travelled, especially by car; and (d) supporting the efficient and viable operation of public transport services; and (e) providing for the efficient movement of freight.	
3.5 Development Near Licensed Aerodromes	N/A
4. Hazard and Risk	
4.1 Acid Sulfate Soils	N/A
4.2 Mine Subsidence and Unstable Land	N/A
4.3 Flood Prone Land	N/A
4.4 Planning for Bushfire Protection	Consistent. The planning proposal is not considered to be identified bushfire prone land as mapped under section 146 of EP&A Act 1979. The closest affected land is greater than 200m from the southern boundary and not considered in close proximity.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent. The Illawarra Regional Strategy is the key strategic policy document applying to the Kiama LGA. Although the site has not been identified in the Kiama Urban Strategy (reflecting initiatives implementing the Illawarra Regional Strategy), it is consistent with the intent of this document for the Jamberoo area. Specifically, by rezoning along Macquarie Street to R2 – low density residential the planning proposal is facilitating urban <i>‘infill development to increase the density of the existing built up areas’</i> – (KUS p. 5).
5.2 Sydney Drinking Water Catchments	N/A

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5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.8 Second Sydney Airport: Badgerys Creek	N/A
6. Local Plan Making	
6.1 Approval and Referral Requirements	N/A
6.2 Reserving Land for Public Purposes	N/A
6.3 Site Specific Provisions	N/A
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A