



KIAMA MUNICIPAL COUNCIL
your council, your community

May 2016

Planning Proposal to Amend LEP 2011



With respect to:
Lot 73 DP 1153471
Bland Street, Kiama,
NSW 2533

Contents

Part 1 – Statement of objectives or intended outcomes	3
Part 2 – Explanation of provisions	3
Part 3 – Justification	5
Q1: <i>Is the planning proposal a result of strategic study or report?</i>	<i>5</i>
Q2: <i>Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</i>	<i>5</i>
Q3: <i>Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?</i>	<i>7</i>
Q4: <i>Is the Planning Proposal consistent with a council's local strategy or other local strategic document?</i>	<i>7</i>
Q5: <i>Is the planning proposal consistent with applicable State Environmental Planning Policies?</i>	<i>8</i>
Q5a: <i>Is the planning proposal consistent with applicable deemed State Environmental Planning Policies?</i>	<i>13</i>
Q6: <i>Is the planning proposal consistent with applicable Ministerial Directions (s 117 directions)?</i>	<i>14</i>
Q7: <i>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?</i>	<i>14</i>
Q8: <i>Are there any likely environmental effects as a result of the planning proposal and how are they proposed to be managed?</i>	<i>15</i>
Q9: <i>Has the planning proposal adequately addressed any social and economic effects?</i>	<i>17</i>
Q10: <i>Is there adequate public infrastructure for the planning proposal?</i>	<i>17</i>
Q11: <i>What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?</i>	<i>17</i>
Part 4 – Mapping	17
Part 5 – Community Consultation	20
Part 6 – Timeframe	20
Appendix 1 - Section 117 Ministerial Directions – Compliance Checklist prepared by Kiama Municipal Council.....	21

Name of Planning Proposal:
**Planning Proposal to amend Kiama Local Environmental Plan 2011
with respect to Lot 73 DP 1153471 Bland Street, Kiama, NSW 2533**

Part 1 – Statement of objectives or intended outcomes

Council at its meeting held on 17 March 2015 resolved that a spot rezoning planning proposal commence for that part of Lot 73 DP 1153471 Bland Street Kiama which is currently zoned SP2 Infrastructure to R2 Low Density Residential under the provisions of the *Kiama Local Environmental Plan (KLEP) 2011*.

The objective of this Planning Proposal is to:

- Rezone the part of Lot 73 DP 1153471 Bland Street Kiama from SP2 Infrastructure to R2 Low Density Residential under the provisions of the *KLEP 2011* such that the low density residential planning controls apply uniformly to the whole of Lot 73 DP 1153471.

Part 2 – Explanation of provisions

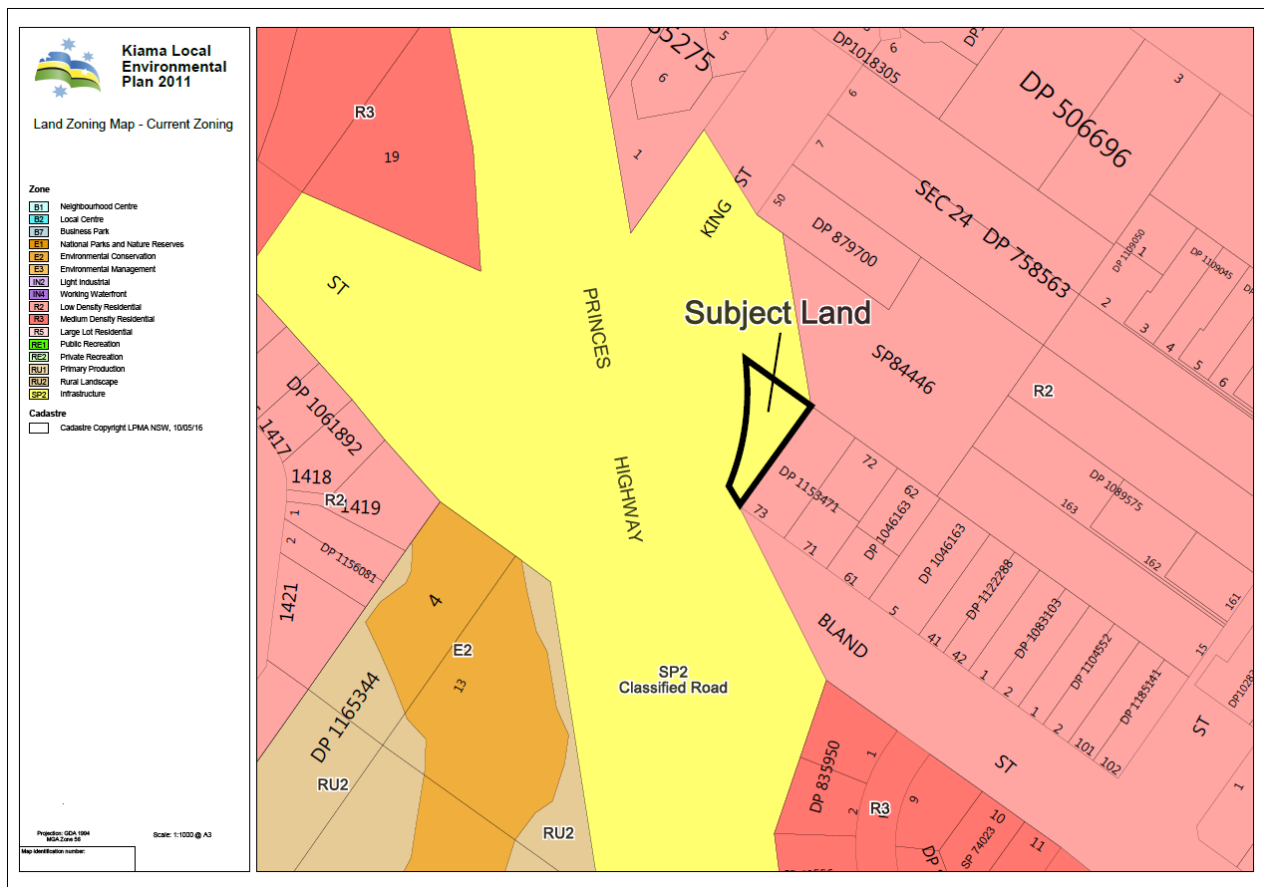
The provisions will apply to Lot 73 DP 1153471 Bland Street, Kiama. The site is located adjacent to the Princes Highway on the corner of Bland Street and King Street. The subject site is currently zoned R2 Low Density Residential and SP2 Infrastructure under the provisions of the KLEP 2011.

The portion of the site zoned SP2 Infrastructure previously formed part of the road reserve.

The objective of the Planning Proposal is to rezone the portion of Lot 73 DP 1153471 that is zoned SP2 Infrastructure to R2 Low Density Residential development

The following excerpt map from KLEP 2011 and context plan illustrate the current zoning and the positioning of the site within the broader context:

Current Land Zoning under the *Kiama Local Environmental Plan 2011*



Context Plan of the Subject Site



The proposal will amend the KLEP 2011 in the following manner:

1. Amend the Land Zoning Map – Sheet LZN_012 applying to Part Lot 73 DP 1153471 from zone SP2 to zone R2 such that the whole of Lot 73 DP 1153471 is zoned R2.
2. Amend the Lot Size Map – Sheet LSZ_012 applying to Part Lot 73 DP 1153471 to apply a minimum lot size of G 450 sqm such that the whole of Lot 73 DP 1153471 has a minimum lot size of 450 sqm.
3. Amend the Height of Buildings Map – Sheet HOB_012 applying to Part Lot 73 DP 1153471 to apply a maximum height of I 8.5m such that the whole of Lot 73 DP 1153471 has a maximum height of 8.5m.

Part 3 – Justification

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

The Planning Proposal is not the result of any strategic study or report. The Planning Proposal is the result of a Council resolution to commence a planning proposal for that part of Lot 73 DP 1153471 Bland Street, Kiama currently zoned SP2 Infrastructure to R2 Low Density Residential under the KLEP 2011.

The Kiama Urban Strategy (KUS), which was adopted by Council on 20 September 2011, identifies Kiama's overarching strategy to meet housing targets identified in the Illawarra and Shoalhaven Regional Plan (ISRP). The KUS outlined that residential development should not extend west beyond the current West Kiama/Cedar Ridge/Cedar Grove town boundary and that urban infill could probably handle all of the Kiama Local Government Area's (LGA) anticipated population and dwelling growth within the existing town boundaries. The Planning Proposal is consistent with the strategic directions of the KUS as it would facilitate the use of suitable land within an existing residential area within the town's boundaries for residential purposes.

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

In order to achieve the desired outcome of providing an additional supply of residential land in accordance with the KUS, the following options were available to Council:

Option A

- To rezone a portion of the site from SP2 Infrastructure to R2 Low Density Residential under the KLEP 2011, in order to provide additional residential land in accordance with the KUS.
- Amend the Land Zoning Map – Sheet LZN_012 applying to Part Lot 73 DP 1153471 from zone SP2 to zone R2 such that the whole of Lot 73 DP 1153471 is zoned R2.
- Amend the Lot Size Map – Sheet LSZ_012 applying to Part Lot 73 DP 1153471 to apply a minimum lot size of G 450 sqm such that the whole of Lot 73 DP 1153471 has a minimum lot size of 450 sqm.
- Amend the Height of Buildings Map – Sheet HOB_012 applying to Part Lot 73 DP 1153471 to apply a maximum height of I 8.5m such that the whole of of Lot 73 DP 1153471 has a maximum height of 8.5m.

Comment:

This is considered the best means of achieving the desired outcomes as the zoning of the land will reflect the residential uses.

Option B

- Retain the current SP2 Infrastructure Zone and implement the optional Standard Instrument-Principal Local Environmental Plan “Clause 5.3 Development near zone boundaries” provision to enable residential development to occur on the SP2 Infrastructure Zone part of the site.

Comment:

Kiama LEP has not adopted the abovementioned Clause and as such a planning proposal would be required to adopt the clause into Kiama LEP 2011. This option is not seen as appropriate by Kiama Municipal Council as it is preferable to have zones reflect the intended land use.

Option C

- Retain the current SP2 Infrastructure Zone and amend “Schedule 1 Additional Permitted Uses” to enable residential development to occur on the SP2 Infrastructure Zone part of the site.

Comment:

This option is not seen as appropriate by Kiama Municipal Council as 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 applicable regional strategy for the area is the Illawarra and Shoalhaven Regional Plan (ISRP). The Planning Proposal is consistent with the objectives and actions of the ISRP. The Planning Proposal would result in the provision of residential land within an existing residential area and would not adversely impact the region's natural or cultural assets as identified in the ISRP. The Planning Proposal will also assist KMC in meeting residential development targets identified by the ISRP.

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

The Kiama Urban Strategy (KUS), which was adopted by Council on 20 September 2011, identifies Kiama's overarching strategy to meet housing targets identified in the ISRP.

Lot 73 DP 1153471 is not specifically identified by the KUS. The KUS outlined that residential development should not extend west beyond the current West Kiama/Cedar Ridge/Cedar Grove town boundary and that urban infill could probably handle all of the Kiama Local Government Area's (LGA) anticipated population and dwelling growth within the existing town boundaries. The Planning Proposal is consistent with the strategic directions of the KUS as it would facilitate the use of suitable land within an existing residential area within the town's boundaries for residential purposes. The Planning Proposal will also assist KMC in meeting residential development targets identified by the ISRP.

The Planning Proposal would provide an additional 583.5m² of residential land within an existing residential area without impacting upon rural land or expanding the town's boundaries. The Planning Proposal is consistent with the KUS.

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

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

SEPP 55 – Remediation of Land	Statement of Compliance
Object of this Policy (1) <i>The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.</i> (2) <i>In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:</i> (a) <i>by specifying when consent is required, and when it is not required, for a remediation work, and</i> (b) <i>by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</i> (c) <i>by requiring that a remediation work meet certain standards and notification requirements.</i>	A Stage 1 Contamination Assessment of the site was undertaken by Network Geotechnics Pty Ltd (Appendix 2). The assessment on the subject site concluded that: <i>...the risk of site contamination is assessed to be low and hence a Stage 2 Contamination Assessment is not required for the proposed rezoning. Any contamination that may be found is likely to be localised and can be remediated during normal earthworks. The site is suitable for the proposed rezoning. It is noted that the fill material on-site would need to be subject to further testing, if removed from the site.</i> <i>Due to the underlying fill deemed to be uncontrolled, in the absence of records to the contrary the site is assessed as Class P in accordance with AS2870-2011 Residential Slabs and Footings. It is recommended that further drilling investigation be carried out for the final geotechnical report, targeting depth of natural soils and level of bedrock.</i> In this regard the Planning Proposal is consistent with the objectives of SEPP 55 – Remediation of Land.

SEPP 71 – Coastal Protection	Statement of Compliance
2 Aims of Policy (1) <i>This Policy aims:</i>	
(a) <i>to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and</i> (b) <i>to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and</i> (c) <i>to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and</i> (d) <i>to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and</i> (e) <i>to ensure that the visual amenity of the coast is protected, and</i> (f) <i>to protect and preserve beach environments and beach amenity, and</i>	The Proposed Planning will not alter the natural, cultural, recreational and economic attributes of the NSW coast. As the site is not located immediately adjacent to the coastal foreshore it does not provide access to and along the coastal foreshore. The Planning Proposal will inhibit access to and along coastal foreshores. As above. The site is not known to contain any items of heritage significance and is not protected for Aboriginal heritage. Research indicates that the site has been generally vacant with some possible farming between 1855 and 1950. Records of the use of the land prior to 1855 are limited. In more recent times while the site has remained vacant it appears to have been partly used as an access route for construction vehicles associated with surrounding developments. Some of the site have had fill placed on it during this time. Use of this site in this manner has not resulted in any archaeological discoveries and should there have been unknown Aboriginal objects on the site they are likely to have been disturbed during this period. As the site is not located immediately adjacent to the coastal foreshore it does not add to the visual amenity of the coast. The Planning Proposal will not detrimentally affect the visual amenity of the coast. As the site is not located immediately adjacent to the coastal foreshore it does not add to the visual amenity of the coast.

<i>(g) to protect and preserve native coastal vegetation, and</i> <i>(h) to protect and preserve the marine environment of New South Wales, and</i> <i>(i) to protect and preserve rock platforms, and</i> <i>(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and</i> <i>(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and</i> <i>(l) to encourage a strategic approach to coastal management.</i>	The Planning Proposal will not detrimentally affect the visual amenity of the coast. The site does not contain and native coastal vegetation. The Planning Proposal will not detrimentally affect any native coastal vegetation. As the site it not located immediately adjacent to the coastal foreshore the Planning Proposal will not adversely affect the marine environment of NSW. As the site does not contain any rock platforms the Planning Proposal will not impact upon rock platforms. While the site falls within the coastal zone it is on the western periphery of the zone. Irrespective of this fact the Planning Proposal will not result in irreversible damage to the environment, thus adhering to the precautionary principle. The Planning Proposal will also ensure inter-generational equity and the conservation of biological diversity and ecological integrity. In this way the Planning Proposal will ensure the site is managed in accordance with the principles of ecologically sustainable development. The Planning Proposal is not proposing development. Any future development on the site will be assessed against the provisions of SEPP 71. The Planning Proposal will not inhibit any future coastal management.
Section 8	
<i>The matters for consideration are the following:</i>	
<i>(a) the aims of this Policy set out in clause 2,</i> <i>(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where</i>	The Planning Policy is consistent with the aims of SEPP 71. As the site is not immediately adjacent to the coastal foreshore the Planning

<i>possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,</i>	Proposal will not affect existing public access to and along the coastal foreshore.
<i>(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,</i>	As the site is not immediately adjacent to the coastal foreshore the Planning Proposal does not provide opportunities to provide new public access to and along the coastal foreshore.
<i>(d) the suitability of development given its type, location and design and its relationship with the surrounding area,</i>	The site is already partially zoned R2 Low Density Residential as is the majority of the surrounding area.
<i>(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,</i>	As the site is not immediately adjacent to the coastal foreshore the Planning Proposal will not impact upon the amenity of the coastal foreshore.
<i>(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,</i>	As the site is not immediately adjacent to the coastal foreshore the scenic qualities of the New South Wales coast will not be affected by the Planning Proposal.
<i>(g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,</i>	The site does not contain any species listed under the <i>Threatened Species Conservation Act 1995</i>.
<i>(h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats</i>	The site does not contain any fish or marine vegetation within the meaning of the <i>Fisheries Management Act 1994</i>.
<i>(i) existing wildlife corridors and the impact of development on these corridors,</i>	The site does not contain any wildlife corridors.
<i>(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,</i>	As the site is not immediately adjacent to the coastal foreshore it is highly unlikely that the Planning Proposal will impact upon coastal processes and coastal hazards and vice versa.
<i>(k) measures to reduce the potential for conflict between land-based and water-based coastal activities,</i>	As the site is not immediately adjacent to the coastal foreshore it is highly unlikely for the Planning Proposal to result in conflicts between land-based and water-based coastal activities.
<i>(l) measures to protect the cultural places, values, customs, beliefs and traditional</i>	The site is not known to contain any items

<i>knowledge of Aboriginals,</i>	of heritage significance and is not protected for Aboriginal heritage. Research indicates that the site has been generally vacant with some possible farming between 1855 and 1950. Records of the use of the land prior to 1855 are limited. In more recent times while the site has remained vacant it appears to have been partly used as an access route for construction vehicles associated with surrounding developments. Some of the site have had fill placed on it during this time. Use of this site in this manner has not resulted in any archaeological discoveries and should there have been unknown Aboriginal objects on the site they are likely to have been disturbed during this period.
<i>(m) likely impacts of development on the water quality of coastal waterbodies,</i>	It highly unlikely that the Planning Proposal will impact upon the water quality of coastal waterbodies as the site is not immediately adjacent to coastal waterbodies.
<i>(n) the conservation and preservation of items of heritage, archaeological or historic significance,</i>	The site does not contain and items of heritage, archaeological or historic significance. Research indicates that the site has been generally vacant with some possible farming between 1855 and 1950. Records of the use of the land prior to 1855 are limited. In more recent times while the site has remained vacant it appears to have been partly used as an access route for construction vehicles associated with surrounding developments. Some of the site have had fill placed on it during this time. Use of this site in this manner has not resulted in any archaeological discoveries and should there have been unknown Aboriginal objects on the site they are likely to have been disturbed during this period.
<i>(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,</i>	The Planning Policy will encourage infill residential development within the existing Kiama township.

(p) only in cases in which a development application in relation to proposed development is determined: (i) the cumulative impacts of the proposed development on the environment, and (ii) measures to ensure that water and energy usage by the proposed development is efficient.	N/A
---	-----

It is noted that the site is located near to a classified road (Princes Highway). Part 3 Division 17 Subdivision 2 of the SEPP (Infrastructure) 2007 contains development controls that need to be considered when assessing a Development Application for development within or adjacent to classified road. The SEPP (Infrastructure) 2007 does not contain any relevant requirements for the preparation of a draft LEP. As the land subject to the rezoning is not directly connected to a classified road, no referral is considered warranted at this time.

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

The Planning Proposal is consistent with the applicable deemed State Environmental 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.

Deemed SEPP – IREP 1	Statement of Compliance
9 Preparation of draft local environmental plans <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>	See comments below.
Part 2 Provisions relating to rural lands	Not Applicable
Part 3 Repealed	-
Part 4 Provisions relating to coal	Not Applicable
Part 5 Provisions relating to energy	The Planning Proposal is consistent with the objectives of Part 5. There are no relevant policies or principles within Part 5.
Part 6 Repealed	-
Part 7 Provisions relating to living area	The Planning Proposal is consistent with the objectives of Part 7 as the proposed residential land will be provided where there are adequate utility and community services and is not hazard-prone land. There are no relevant policies or principles to the Planning Proposal within Part 7.
Part 8 Provisions relating to commercial	Not Applicable

centres	
Parts 9-11 Repealed	-
Part 12 Provisions relating to the escarpment	Not Applicable
Part 13 Provisions relating to coastal lands, wetlands and other water bodies	The Planning Proposal is consistent with the objectives of Part 13 as the site is not immediately adjacent to coastal lands.
Part 14 Repealed	-
Part 15 Provisions relating to environmental heritage	Not Applicable
Part 16 Repealed	-

Given the nature of the Planning Proposal not all Parts are relevant nor is the Proposal able to give effect to them. Nevertheless, the Planning Proposal is not inconsistent in any way with this Deemed SEPP.

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

A Section 117 Ministerial Direction - Compliance Checklist has been compiled and is included in Appendix 1. Council required the applicant to complete a Stage 1 Contamination Assessment and a Geotechnical Study in line with ministerial directions.

Council finds the proposal consistent with all applicable 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 site is not known or mapped to contain any critical habitats or threatened species, populations or ecological communities. The does not contain 'Biodiversity Land' or a 'Watercourse'. The site has been cleared for many years and moderately overgrown with low lying weeds. No trees are located on the site. The Planning Proposal is unlikely to adversely impact on any critical habitat or threatened species, populations of ecological communities.

Clauses 6.4 and 6.5 of the KLEP 2011 contain controls for the protection critical habitat, threatened species, populations and ecological communities, or their habitats and watercourses and riparian areas respectively. Clause 5.9 also provides controls for the preservation of trees and vegetation within the municipality. The Planning Proposal, if implemented, is unlikely to contravene the requirements of Clauses 5.9, 6.4 or 6.5 of the KLEP 2011.

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

The site is located within an existing and established residential locality. Any issues that may arise would be addressed during the assessment of any future development application for the site. In order to carry out due diligence with respect to processing this proposal, Council requested that the applicant provide a number of reports/statements. These studies/statements looked at different potential environmental impacts, which are discussed below, and include:

- Contamination Study;
- Geotechnical Study;
- Flora and Fauna Statement;
- Acoustic Impacts Statement;
- Traffic Impacts.

Contamination Constraints

A Stage 1 Contamination Assessment of the site was undertaken by Network Geotechnics Pty Ltd (Appendix 2). The assessment on the subject site concluded that:

...the risk of site contamination is assessed to be low and hence a Stage 2 Contamination Assessment is not required for the proposed re-zoning. Any contamination that may be found is likely to be localised and can be remediated during normal earthworks. The site is suitable for the proposed rezoning. It is noted that the fill material on-site would need to be subject to further testing, if removed from the site.

Due to the underlying fill deemed to be uncontrolled, in the absence of records to the contrary the site assessed as Class P in accordance with AS2870-2011 Residential Slabs and Footings. It is recommended that further drilling investigation be carried out for the final geotechnical report, targeting depth of natural soils and level of bedrock.

Geotechnical Constraints

A preliminary Geotechnical Report has been undertaken by Network Geotechnics Pty Ltd (Appendix 2). Previous use of the site has resulted in fill being placed on the site. Due to the absence of any records regarding this fill, this fill was deemed 'uncontrolled'. The Report assesses the site as Class P in accordance with AS2870-2011 Residential Slabs and Footings. Construction of residential dwelling(s) is possible on Class P land although structural details of construction methods and/or the preparation of a final geotechnical report (which carries out further drilling focusing on targeting depth of natural soils and level of bedrock) would be needed prior to the construction of any residential development on the site.

Further investigation of this matter is not deemed necessary as part of the Planning Proposal (unless as part of forthcoming Gateway Determination). The site analysis and residential design process which form part of the Development Application and Construction Certificate

stage is considered a more suitable time for further detail on this matter to be provided. The preliminary Geotechnical Report should be made available to owners of the site such that they are aware of Class P classification and the Report's recommendations when considering any proposed future development proposal.

Acoustic Impacts

The site is located within visual distance of the M1 Princes Highway as it passes over Bland Street. The site is setback from the M1 by way of Bland Street to the south-west and King Street to the North-west. This section of the M1 is raised significantly above natural ground level with land on the western side of King Street forming a steep vegetated embankment. No acoustic barriers are provided along this portion of the M1 and traffic noise is audible from the site. The Planning Proposal will not impact on the ongoing operation of the M1. However, acoustic design measures will need to be considered as part of any future residential development of the site in accordance with the Department's *"Development Near Rail Corridors and Busy Roads - Interim Guideline"*. Further consultation with the RMS will be required in regard to any specific development proposal.

Lot 73 DP 1153471 is already partly zoned residential. This Planning Proposal seeks to rezone the remainder of the site to residential. This additional area will broaden the choice of housing designs and types capable of being accommodated on the site and in turn assist to ensure that a good design suitable for incorporating acoustic privacy measures can be achieved for the site. An acoustic report is not considered necessary as part of the Planning Proposal as the acoustic impacts do not prevent the site being used for residential purposes and are better considered at the Development Application stage for the future development.

Traffic Impacts

Based purely on the permissible residential uses within an R2 zone and the minimum lot size controls, it is reasonable to conclude that a maximum of two (2) average sized dwellings would currently be permitted on the site (dual occupancy). The Planning Proposal seeks to rezone part Lot 73 DP 1153471 to residential such that the whole lot would be zoned R2 Low Density Residential. The total site area of Lot 73 DP 1153471 is 1259m². Applying the above maximum number of average sized dwellings that could be permitted on the site would increase to four (4) as a result of the rezoning and subsequent subdivision under the provisions of Clause 4.1 of the KLEP 2011.

The Planning Proposal therefore results in an increase in development potential for the site of two (2) additional dwellings. In accordance with the RTA's (now RMS) *"2002 Guide to Traffic Generating Developments"*, the estimated traffic generation for dwelling houses is 9 vehicle movements per dwelling per day. The existing road infrastructure around the subject site mostly localised traffic with the carrying capacity to cope with the potential increase of the number of dwellings permissible on the site as a result of this Planning Proposal. A traffic impact assessment is therefore not considered necessary for this Planning Proposal.

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

Adequate road infrastructure exists in the vicinity of the site. Bland Street, King Street and the M1 Princes Motorway have all been constructed and the area of land subject to this planning proposal is currently vacant. Council deemed the land surplus to the needs of the road reserve from the subsequent closure of this part of the road reserve and sale of the land into private ownership. The Planning Proposal does not seek to extinguish existing easements or restrictions over the land. There are no easements or restrictions over the land for road purposes and the site is not mapped for Land Reservation Acquisition by the KLEP 2011.

The land is located within an established residential area which has access to adequate existing infrastructure. The Planning Proposal seeks to rezone the land to a residential zone consistent with the remainder of the lot and adjoining residential land. The development standards proposed for the site would be consistent with those applicable to adjoining residential land. Using surplus land in this well serviced locality for residential purposes will assist to reduce the housing pressure on rural and agricultural land. There are no significant economic or social impacts.

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

The Planning Proposal seeks to rezone 583.5m² of land to residential. Applying the method used in Q8 above, the Planning Proposal would result in an additional two (2) average sized dwellings being permissible on the site. Development of the site in this manner would result in a minor increase in the demand for facilities relative to the existing demand generated by the established residential population of the area. The site is located within an existing residential locality where all utility services are available. It is not expected that there would be any limitation connecting to existing services nor for there to be any issues as a result of the potential minor increase in demand on services.

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

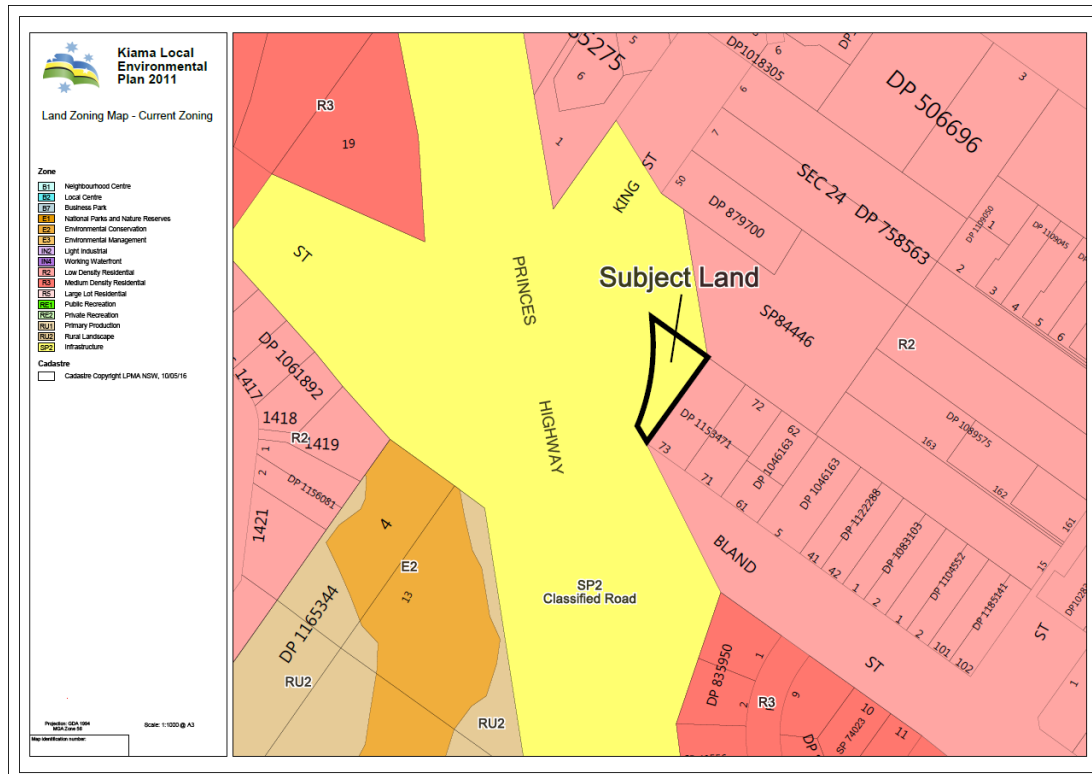
Pre Gateway consultation

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

Part 4 – Mapping

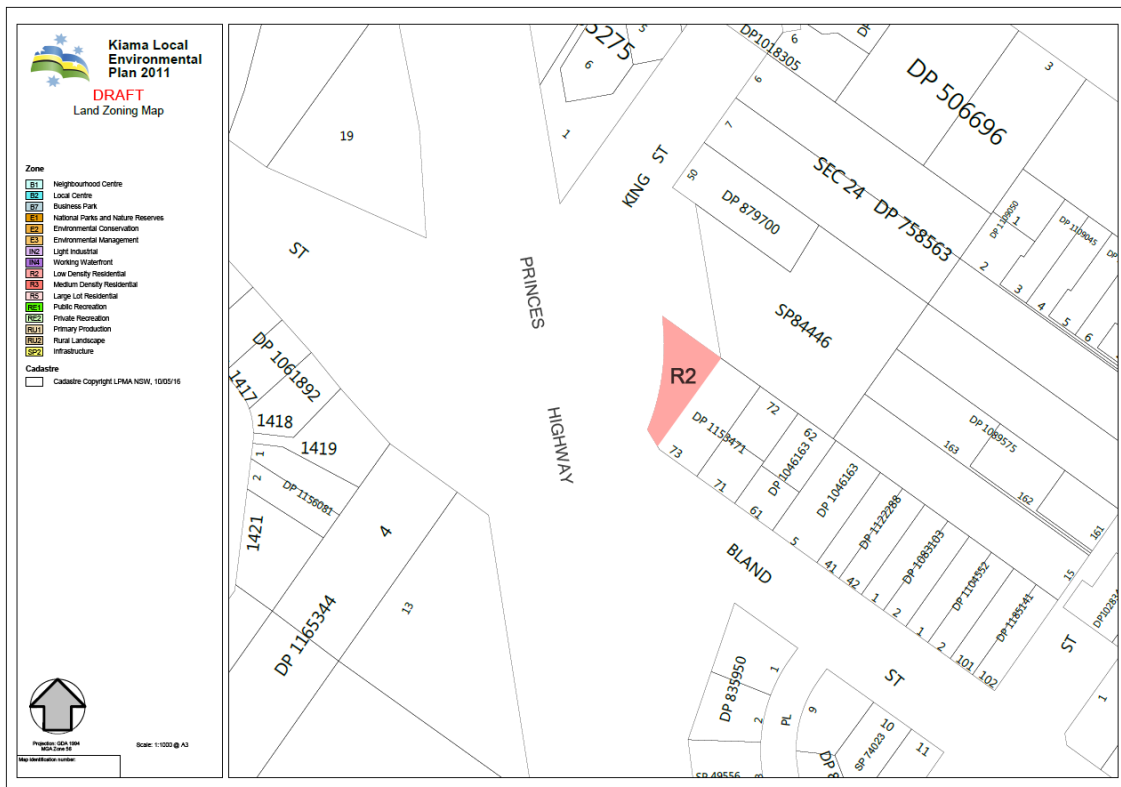
The following maps illustrate the current land use zoning and the proposed land use zoning, minimum lot size and height of building amendments to the KLEP 2011 for the subject site. These maps are indicative only. The maps below are reproduced in Appendix 3 on the paper size noted on the scale.

Current Land Zoning Map - Sheet LZN_012



Proposed Land Zoning Map - Sheet LZN_012

Amend the Land Zoning Map – Sheet LZN_012 applying to the subject site from SP2 to R2 zone.



Lot Size Map - Sheet LSZ_012

Amend the Lot Size Map – Sheet LSZ_012 applying to Part Lot 73 DP 1153471 to introduce a minimum lot size of G 450 sqm.



Lot Size Map - Sheet LSZ_012

Amend the Height of Building Map – Sheet HOB_012 applying to Part Lot 73 DP 1153471 to introduce a minimum lot size of I 8.5m.



Part 5 – Community Consultation

A notification period of 14 days is requested for this Planning Proposal as it is considered a low impact proposal. The notification process will involve the following:

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

Part 6 – Timeframe

The following project timeline will assist with tracking the progress of the planning proposal through the various stages of consultation and approval. It is estimated that the amendment to the Kiama Local Environmental Plan 2011 will be completed by June 2015.

Stage	Timeframe	Possible Date
Submit planning proposal to NSW Department of Planning & Environment (DP&E) seeking a Gateway Determination		Late-May 2016
Receive Gateway Determination	4 weeks from submission date	Late-June 2016
Public exhibition and public authority consultation of planning proposal	2 weeks after gateway determination	Mid-July 2016
Review of submissions and preparation of report to Council	First available Council meeting after review period (allow 4 weeks from end of public exhibition period)	Mid-September 2016
Drafting of instrument and anticipated submission to DP&E	4 weeks from Council meeting	Mid-October 2016
Amendment to Kiama Local Environmental Plan 2011 legally drafted and made	Unknown	Mid-November 2016

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	This direction does not apply to the Planning Proposal
1.2 Rural Zones	This direction does not apply to the Planning Proposal
1.3 Mining, Petroleum Production and Extractive Industries	This direction does not apply to the Planning Proposal
1.4 Oyster Aquaculture	This direction does not apply to the Planning Proposal
1.5 Rural Lands	This direction does not apply to the Planning Proposal
2. Environment and Heritage	
2.1 Environment Protection Zones <i>A planning proposal must include provisiosn that facilitate the proptection and conservation of environmentally sensitive areas.</i> A planning proposal that applies to land within an environmental protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “Rural Lands”.	The site is not zoned for Environmental Protection Zone. The Planning Proposal does not seek to alter the provisions made for Environmental Protection Zones. The Planning Proposal is consistent with Direction 2.1 – Environment Protection Zones.
2.2 Coastal Protection A planning proposal must include provisions that give effect to and are consistent with: a) The NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, and b) The Coastal Design Guidelines 2003, and c) The manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993	The site is within the Coastal Zone. Clause 5.5 of KLEP 2011 contains certain provisions relating to development within the coastal zone. Clause 5.5 is consistent with the relevant Coastal policy, guidelines and manual. The Planning Proposal does not seek to alter the provisions of Clause 5.5. The Planning Proposal is consistent with Direction 2.2 – Coastal Protection.

Ministerial Direction	Comment
(the <i>NSW Coastline Management Manual 1990</i>).	
2.3 Heritage Conservation A planning proposal must obtain provisions that facilitate the conservation of: a) 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, b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and c) 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.	The site is not known to contain any items of heritage significance and is not protected for Aboriginal heritage. Research indicates that the site has been generally vacant with some possible farming between 1855 and 1950. Records of the use of the land prior to 1855 are limited. In more recent times while the site has remained vacant it appears to have been partly used as an access route for construction vehicles associated with surrounding developments. Some of the site have had fill placed on it during this time. Use of this site in this manner has not resulted in any archaeological discoveries. Clause 5.10 of KLEP 2011 contains provisions relating to heritage conservation including provisions for assessment of development on land that is within the vicinity of a heritage item. The Planning Proposal does not seek to alter this clause nor does the Planning Proposal seek to alter the list of heritage items contained within the KLEP 2011. The Planning Proposal is consistent with Direction 2.3 – Heritage Conservation.
2.4 Recreation Vehicle Areas	This direction does not apply to the Planning Proposal
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones A planning proposal must include provisions that encourage the provision of housing that will: a) Broaden the choice of building types and locations available in the housing market, and b) Make more efficient use of existing infrastructure and services, and c) Reduce the consumption of land for housing and associated urban development on the urban fringe, and d) Be of good design, A planning proposal must, in relation to land to which this direction applies:	The Planning Proposal would result in land being zoned for residential purposes with controls under the KLEP 2011 matching that of surrounding residential land. The site is located within an existing residential locality with access to appropriate existing infrastructure and services. The Planning Proposal will result in a larger residential site area which will broaden the choice of housing design for the site. The Planning Proposal is consistent with Direction 3.1 – Residential Zones.

Ministerial Direction	Comment
a) 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 b) Not contain provisions which will reduce the permissible residential density of land.	
3.2 Caravan Parks and Manufactured Home Estates	This direction does not apply to the Planning Proposal
3.3 Home Occupations <i>Planning proposal must permit home occupations to be carried out in dwelling houses without the need for development consent.</i>	The Planning Proposal would rezone the sites to R2 Low Density Residential. Home Occupations are permitted without consent within the R2 zone under the KLEP 2011. The Planning Proposal would not alter this permissibility. The Planning Proposal is consistent with Direction 3.3 – Home Occupations.
3.4 Integrating Land Use and Transport <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> a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i> b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001).</i>	The Planning Proposal increases the amount of residential zoned land within an established residential locality with existing transport systems. The additional land will lead to increased viability of these existing transport systems. The Planning Proposal is consistent with Direction 3.4 – Integrated Land Use Transport.
3.5 Development Near Licensed Aerodromes	This direction does not apply to the Planning Proposal
3.6 Shooting Ranges	This direction does not apply to the Planning Proposal
4. Hazard and Risk	
4.1 Acid Sulfate Soils	This direction does not apply to the Planning Proposal
4.2 Mine Subsidence and Unstable Land <i>When preparing a planning proposal that would permit development on land that is within a Mine Subsidence District a relevant planning authority must:</i>	The land is not within a Mine Subsidence District. A Geotechnical Report found there to be uncontrolled fill on the site and subsequently assessed the site as Class P in accordance with AS2780-2011 Residential Slabs and Footings. Construction of residential dwelling(s) are possible on the site although further details of

Ministerial Direction	Comment
a) Consult the Mine Subsidence Board to ascertain: i) If the Mine Subsidence Board has any objection to the draft Local Environmental Plan, and the reason for such an objection, and ii) The scale, density and type of development that is appropriate for the potential level of subsidence, and b) Incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under (4)(a)(ii), and c) Include a copy of any information received from the Mine Subsidence Board with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act. A planning proposal must not permit development on unstable land referred to in paragraph 3(b).	construction methods and/or the preparation of a final geotechnical report would be needed prior to any Development Approval for the site. The Planning Proposal is consistent with Direction 4.2 - Mine Subsidence and Unstable Land.
4.3 <i>Flood Prone Land</i>	This direction does not apply to the Planning Proposal
4.4 <i>Planning for Bushfire Protection</i>	This direction does not apply to the Planning Proposal
5. Regional Planning	
5.1 <i>Implementation of Regional Strategies</i> Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	The Planning Proposal is consistent with the Illawarra Regional Strategy (see Section 3.2.1 of this report). The Planning Proposal is therefore consistent with Direction 5.1 – Implementation of Regional Strategies.
5.2 <i>Sydney Drinking Water Catchments</i>	This direction does not apply to the Planning Proposal
5.3 <i>Farmland of State and Regional Significance on the NSW Far North Coast</i>	This direction does not apply to the Planning Proposal
5.4 <i>Commercial and Retail Development along the Pacific Highway, North Coast</i>	This direction does not apply to the Planning Proposal

Ministerial Direction	Comment
5.8 <i>Second Sydney Airport: Badgerys Creek</i>	This direction does not apply to the Planning Proposal
5.9 <i>North West Rail Link Corridor Strategy</i>	This direction does not apply to the Planning Proposal
6. Local Plan Making	
6.1 <i>Approval and Referral Requirements</i> A planning proposal must: a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: i) the appropriate Minister or public authority, and ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and c) not identify development as designated development unless the relevant planning authority: i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.	The Planning Proposal does not include any additional provisions to the LEP which would require the concurrence, consultation or referral of future development applications to a Minister or public authority. The Planning Proposal does not identify development as designated development. The Planning Proposal is consistent with Direction 6.1 – Approval and Referral Requirements.

Ministerial Direction	Comment
6.2 Reserving Land for Public Purposes A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General). When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>, the relevant planning authority must: a) reserve the land in accordance with the request, b) and include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and c) identify the relevant acquiring authority for the land. When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must: a) include the requested provisions, or b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired. When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of	The Planning Proposal seeks to rezone and land currently zoned SP2 (Infrastructure). The land is not classified as community land. The land is in private ownership following the road closure of this section of land and the sale of this section of land by Council. There are no easements or restrictions over the land for road purposes and the site is not shown on the Land Reservation Acquisition Map nor marked as "Classified road". The land is not zoned or reserved for public purposes and as such approval from the relevant public authority and the Director-General of the Department of Planning is not considered to be required by way of this Directive. This Planning Proposal is consistent with Direction 6.1 – reserving land for public purposes.

Ministerial Direction	Comment
any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.	
6.3 <i>Site Specific Provisions</i>	This direction does not apply to the Planning Proposal
7. Metropolitan Planning	
7.1 <i>Implementation of the Metropolitan Plan for Sydney 2036</i>	This direction does not apply to the Planning Proposal