

PLANNING PROPOSAL



**LOT 2 DP 1018217
DIDO STREET, KIAMA**

Prepared by

Plannex Environmental Planning

on behalf of Tony Scopelitti

April 2019

TABLE OF CONTENTS

1.0	INTRODUCTION	1
1.1	Introduction	1
1.2	Subject Site	1
1.3	Development Proposal	4
1.4	Existing Planning Controls	4
2.0	OBJECTIVES & INTENDED OUTCOMES	8
3.0	EXPLANATION OF THE PROPOSED PROVISIONS	9
4.0	JUSTIFICATION FOR THE PLANNING PROPOSAL	10
4.1	Need for the Planning Proposal	10
4.2	Relationship to Strategic Planning Framework	11
4.3	Environmental, Social and Economic Impact	16
4.4	State and Commonwealth Interests	26
5.0	COMMUNITY CONSULTATION	28
6.0	CONCLUSION	29

LIST OF APPENDICES

APPENDIX A	Pre-Lodgement Meeting Notes
APPENDIX B	Site Photographs
APPENDIX C	Proposed Concept Subdivision Plan
APPENDIX D	Amendment to Land Zoning Map
APPENDIX E	Amendment to Lot Size Map
APPENDIX F	Amendment to Height of Buildings Map
APPENDIX G	Amendment to FSR Map
APPENDIX H	Section 9.1 Directions
APPENDIX I	Ecological Constraints Assessment
APPENDIX J	Flooding Constraints Mapping
APPENDIX K	Bushfire Hazard Assessment
APPENDIX L	Geotechnical Assessment
APPENDIX M	Preliminary Access Design

1.0 INTRODUCTION

1.1 Introduction

Plannex Environmental Planning has been engaged by Tony Scopelitti to prepare a Planning Proposal seeking to rezone part of his land at Lot 2 DP 1018217 Dido Street, Kiama from RU1 Primary Production to a mixture of R2 Low Density Residential and R5 Large Lot Residential to enable the site to be subdivided and developed for residential purposes, whilst retaining the existing E2 Environmental Conservation zoning across the western portion of the site.

This Planning Proposal identifies the objectives and intended outcomes of the proposal; offers an explanation of the proposed amendments to Kiama Local Environmental Plan 2011; and, provides detailed justification for the proposed amendment.

Prior to the preparation of the Planning Proposal a meeting was held with Council officers to discuss the development proposal and the intended amendments to Kiama Local Environmental Plan 2011 to facilitate the proposal, and to identify the range of matters to be addressed in the Planning Proposal. A copy of the minutes of that meeting are attached at Appendix A.

This Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act, 1979 (EP&AA); and, relevant Department of Planning and Environment (DPE) guidelines, including '*A guide to preparing planning proposals*' (2018) and '*A guide to preparing local environmental plans*' (2018).

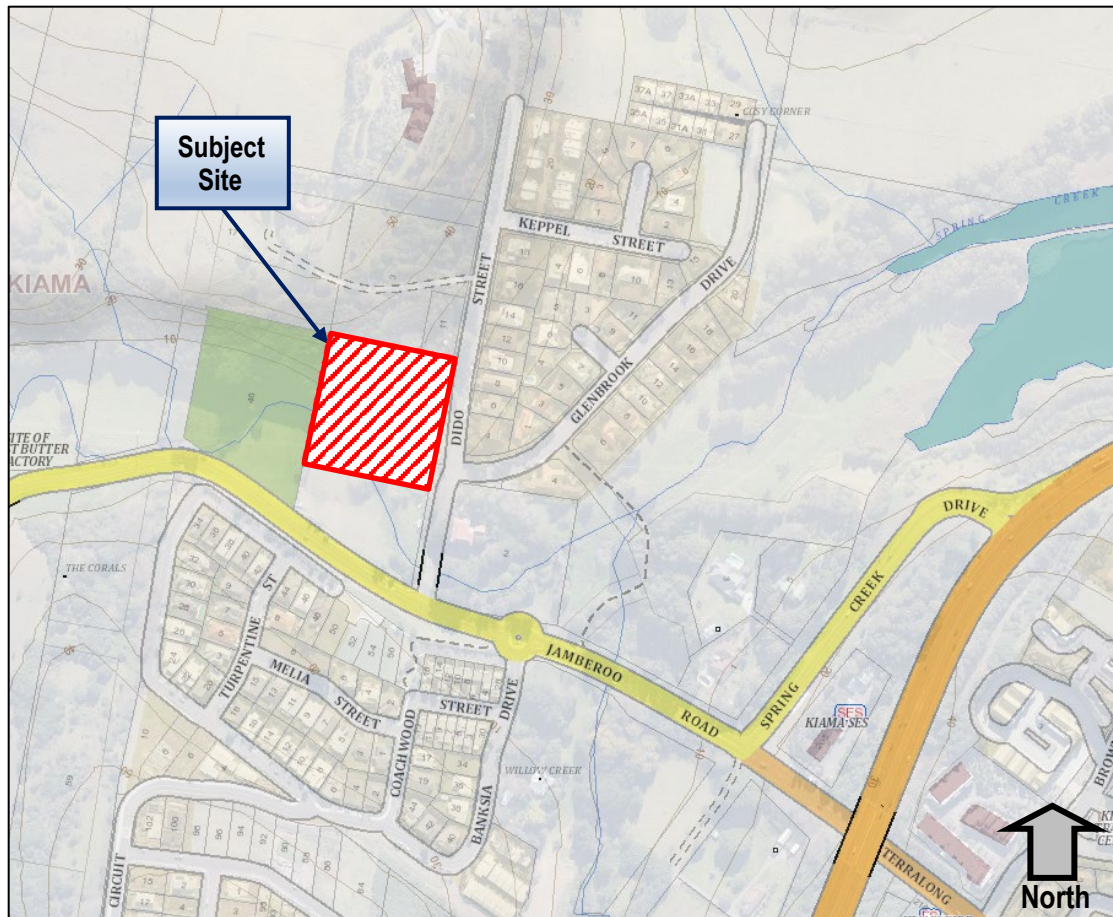
1.2 Subject Site

The subject site is an almost square-shaped allotment of land situated on the western side of Dido Street, north of Jamberoo Road, at Kiama (see Figure 1). The subject site is described as Lot 2 in Deposited Plan No.1018217 Dido Street, and has an area of 1.021 hectares. Photographs of the subject site are contained at Appendix B.

The subject site has a frontage of 100.585m to Dido Street along its eastern boundary. The northern boundary of the subject site measures 101.515m in length and the southern boundary measures 101.56m. The western boundary is 100.585m in length.

The subject site is currently vacant and its southern portion is affected by a 30.48m wide transmission line easement. The remnants of an old dry stone wall are located along part of the northern boundary.

Figure 1 – Location Plan



Source - SIX Maps

The subject site is located to the north-west of Kiama township within the lower hillslopes of the major ridgeline that extends through to Bombo Beach and separates Kiama from Bombo and Kiama Downs to the north. The localised landform of the site slopes in a south-easterly direction towards Dido Street and in a southerly towards Spring Creek, which cuts across the south-western corner of the site before flowing through the significantly flatter neighbouring property to the south and then under Dido Street and eventually into the Spring Creek wetland and lagoon at the southern end of Bombo Beach.

Vegetation across the subject site consists of two (2) vegetation types – 'Weeds and exotics' and 'Exotic grassland'. The dominant plant species present on-site include Large-leaved Privet, Coral Trees, Tobacco Bush and Easter cassia. Grasslands occurring on the cleared portions of the site are dominated by exotic species such as Kikuyu, Paspalum, Panic Veldtgrass and Parramatta Grass.

Figure 2 – Site Context



Source - SIX Maps

The subject site is not currently connected to Sydney Water's reticulated water supply or sewerage systems. Electricity services are similarly not connected to the subject site, but do run along the eastern side of Dido Street as an overhead supply.

1.3 Development Proposal

The rezoning of the land is necessary in order to facilitate a development proposal to subdivide the land into a total of eight (8) allotments to be subsequently developed for residential purposes. The proposed subdivision (illustrated in the concept plan at Appendix C) makes provision for a range of allotment sizes taking into account the site constraints and opportunities. It is proposed to create three (3) 'standard-sized' residential allotments, of between 488.6m² and 529.6m² in area, fronting Dido Street, with a fourth lot also fronting Dido Street, but with a larger area of 1,350m² taking into account the influence of the transmission easement. The layout also proposes four (4) larger battle-axe allotments – three (3) ranging in size from 910.3m² to 1,740m² and the fourth having an area of 3,396m² and encompassing the residue of the land.

Access to the proposed allotments is proposed in two (2) locations from Dido Street – one at the northern end of the site to provide access to Lots 1 to 4, and the other at the southern end of the site providing access to Lots 5 to 8. The access corridors will have a minimum width of 5m and will be covered by Rights of Carriageway so that each allotment has coincidental legal and practical access. It is intended that even the allotments with direct frontage to Dido Street will utilise the designated access corridors in order to minimise the number of access points onto Dido Street.

The subdivision layout has been configured so that each proposed allotment can accommodate a building area that achieves a maximum Bushfire Attack level of BAL-29 without requiring any clearing or vegetation disturbance within the E2 zoned portion of the site.

The subdivision will be serviced with a reticulated water supply, connections to the reticulated sewerage system, underground electricity reticulation, and NBN broadband services.

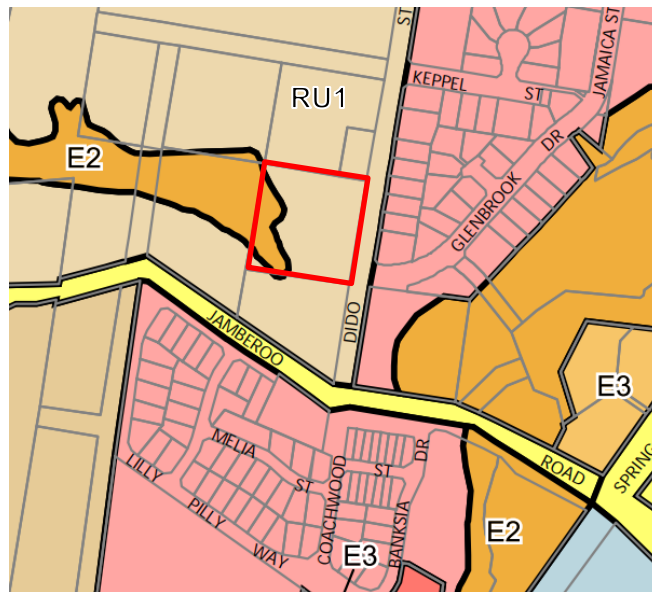
1.4 Existing Planning Controls

1.4.1 Kiama Local Environmental Plan 2011

The subject site is affected by the provisions of Kiama Local Environmental Plan 2011 (KLEP 2011). Under KLEP 2011 the following specific planning controls apply to the subject site (shown edged in red on the map extracts):-

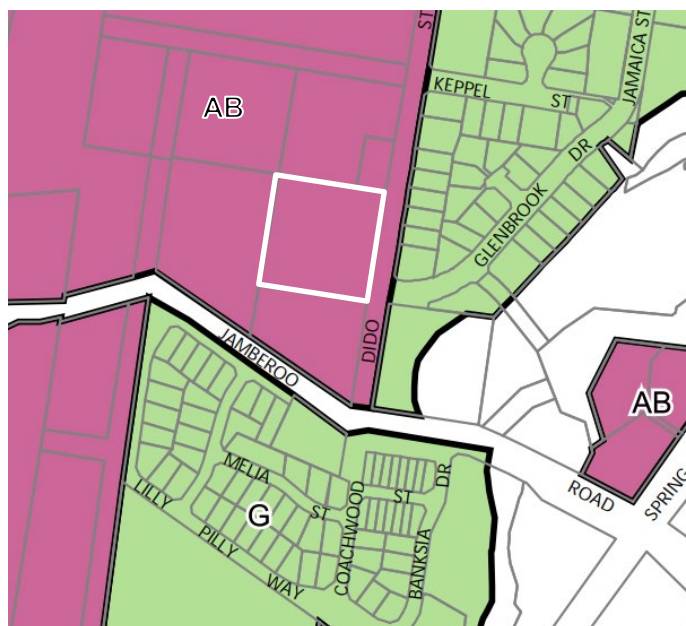
Zoning

RU1 Primary Production
E2 Environmental Conservation




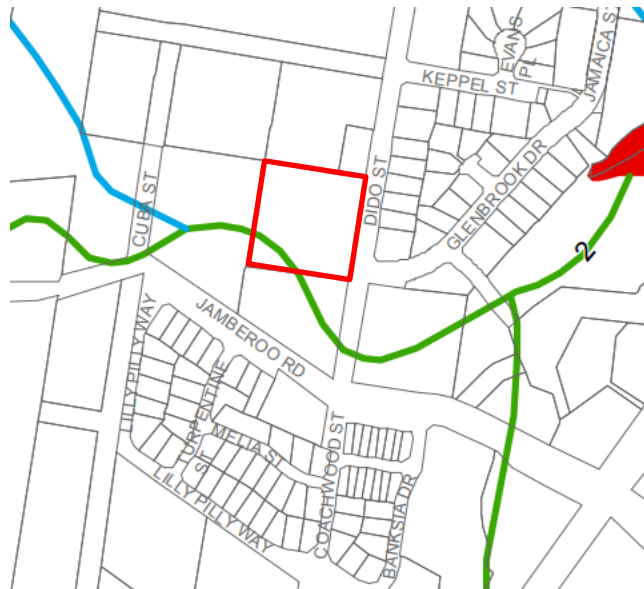
Minimum Allotment Size

40 hectares



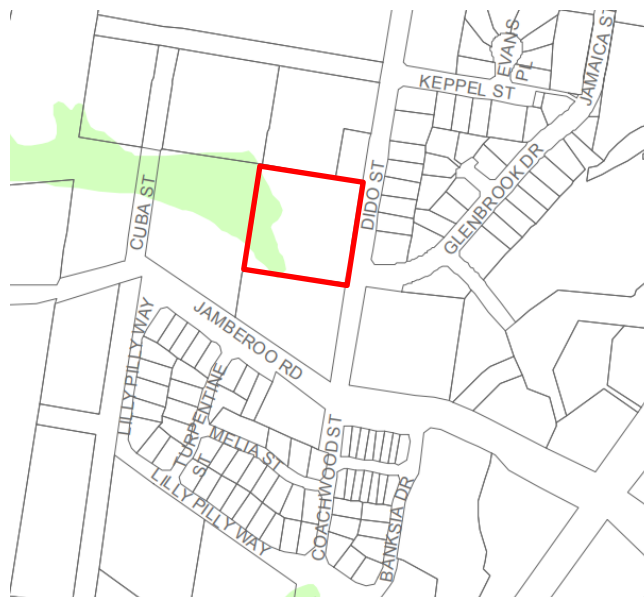
Riparian Lands

 Category 2 watercourse




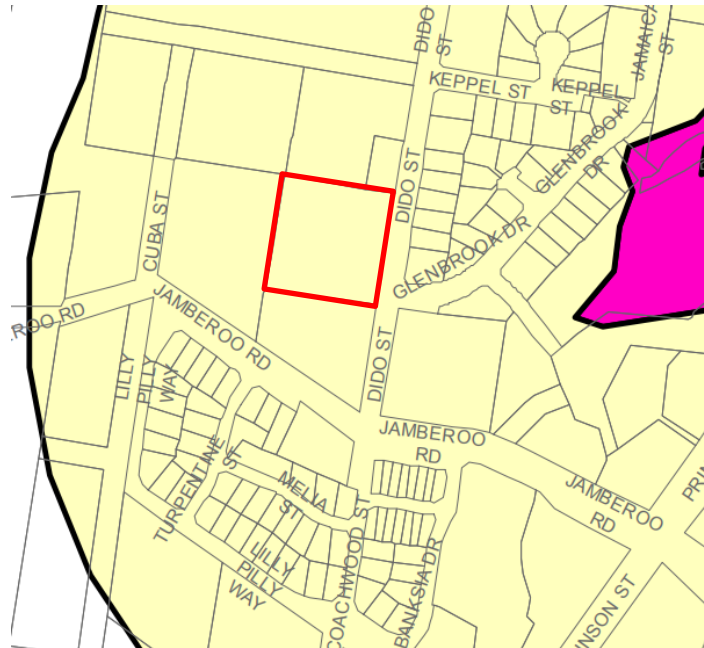
Terrestrial Biodiversity

 Biodiversity Land



Acid Sulfate Soils

 Class 5



There is currently no specified maximum building height or floor space ratio (FSR) development standards applying to the subject site.

The subject site does not contain any listed items of environmental heritage but is located diagonally opposite listed item no. 199 ("Fernleigh" – at No.2 Dido Street) and there are the remnants of a dry stone wall located along the northern boundary of the site (see Photo 6 in Appendix B). Dry stone walls in Kiama are generally listed as a heritage item in Schedule 5 to KLEP 2011 (item no. 164).

2.0 OBJECTIVES & INTENDED OUTCOMES

The Planning Proposal seeks to make amendments to KLEP 2011 to rezone part of the land from RU1 Primary Production to a mixture of R2 Low Density Residential and R5 Large Lot Residential to enable the land to be subdivided and developed for residential purposes. The existing E2 zoned land will be maintained to enable the protection of the existing mapped Biodiversity Land.

The specific objectives and intended outcomes of the Planning Proposal are:-

- (a) to rezone part of the subject site from RU1 Primary Production to R2 Low Density Residential and R5 Large Lot Residential;
- (b) to retain the existing E2 Environmental Conservation zone across the western portion of the site and the RU1 Primary Production zone in the site's south-western corner;
- (c) to retain the Biodiversity Land designation within the site and to ensure the ongoing protection of this land;
- (d) to impose minimum allotment sizes of 450m² in respect of the land zoned R2 and 800m² in respect of the land zoned R5;
- (e) to impose a maximum building height limit of 8.5m in respect of the land zoned R2 and R5;
- (f) to impose a maximum FSR of 0.45:1 in respect of the land zoned R2 and R5; and
- (g) to enable the Torrens Title subdivision of the subject site to create residential allotments upon which dwelling houses may be constructed and including one (1) allotment that will contain all of the RU1 and E2 zoned land, in addition to at least 800m² of R5 zoned land.

3.0 EXPLANATION OF THE PROPOSED PROVISIONS

The objectives and intended outcomes of the Planning Proposal, as identified in Section 2.0, are to be achieved by:-

- Amending the KLEP 2011 Zoning Map in accordance with Appendix D, to rezone part of the subject site from RU1 Primary Production to R2 Low Density Residential and R5 Large Lot Residential;
- Amending the KLEP 2011 Lot Size Map in accordance with Appendix E, to apply a minimum permissible allotment size of 450m² in respect of the R2 zoned land and 800m² in respect of the R5 zoned land;
- Amending the KLEP 2011 Height of Buildings Map in accordance with Appendix F, to apply a maximum permissible height of 8.5m in respect of the land zoned R2 and R5; and
- Amending the KLEP 2011 FSR Map in accordance with Appendix G, to apply a maximum permissible FSR of 0.45:1 in respect of the land zoned R2 and R5.

4.0 JUSTIFICATION FOR THE PLANNING PROPOSAL

This section of the report examines the justification for the Planning Proposal in terms of the need for the proposal; how it sits within the strategic planning framework; its likely environmental, social and economic impacts; and, its implications for State and Commonwealth government agencies. This section is structured as responses to the questions contained within the DPI's '*A guide to preparing planning proposals*'.

4.1 Need for the Planning Proposal

4.1.1 Is the planning proposal a result of any strategic study or report?

The Planning Proposal has been prepared as a direct result of Council's *Kiama Urban Strategy* (KUS). The KUS was prepared to consider and identify opportunities and options for urban infill and urban expansion development within the Kiama Local Government Area (LGA), including sites adjacent to the western fringe of Kiama township.

Although greenfield land adjoining the site to the north and north-west was examined by the KUS for its potential to be rezoned and developed for residential purposes, the subject site was not. Therefore, whilst the KUS does not specifically identify the site as one which should be considered for progression to Planning Proposal stage, it has similarly not specifically excluded the site either. Accordingly, this Planning Proposal seeks to evaluate the subject site in the same manner as the KUS evaluated other sites adjoining, and in the immediate vicinity of, the subject site.

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

The subject site is currently zoned RU1 Primary Production and E2 Environmental Conservation and is affected by a minimum allotment size of 40 hectares. Under the current provisions of KLEP 2011 it is not possible to subdivide the subject site in the manner proposed. Accordingly, rezoning of the subject site to a mix of R2 Low Density Residential and R5 Large Lot Residential to facilitate the proposal is the best and only means of achieving the desired outcome.

4.2 Relationship to Strategic Planning Framework

4.2.1 *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The Illawarra-Shoalhaven Regional Plan (ISRP) was published by the DPE in November 2015 and provides the strategic policy, planning and decision-making framework to guide sustainable growth in the Illawarra-Shoalhaven Region over a 20-year period to 2036. In terms of housing, the ISRP indicates that the region will need to provide at least 35,400 new homes between 2016 and 2036 to meet the demands of population growth and change. The ISRP aims to create sufficient housing supply to enable the region to meet the projected demand for new housing and sets Directions to achieve this outcome.

The Planning Proposal is consistent with Direction 2.1 which seeks to “*provide sufficient housing supply to suit the changing demands of the region*”. The ISRP indicates that the projected housing need for the Kiama LGA up to 2036 is 2,850 new homes. Whilst the Planning Proposal will not make a significant impact in terms of meeting the projected housing needs, it will assist. For this reason, the Planning Proposal is consistent with Direction 2.1.

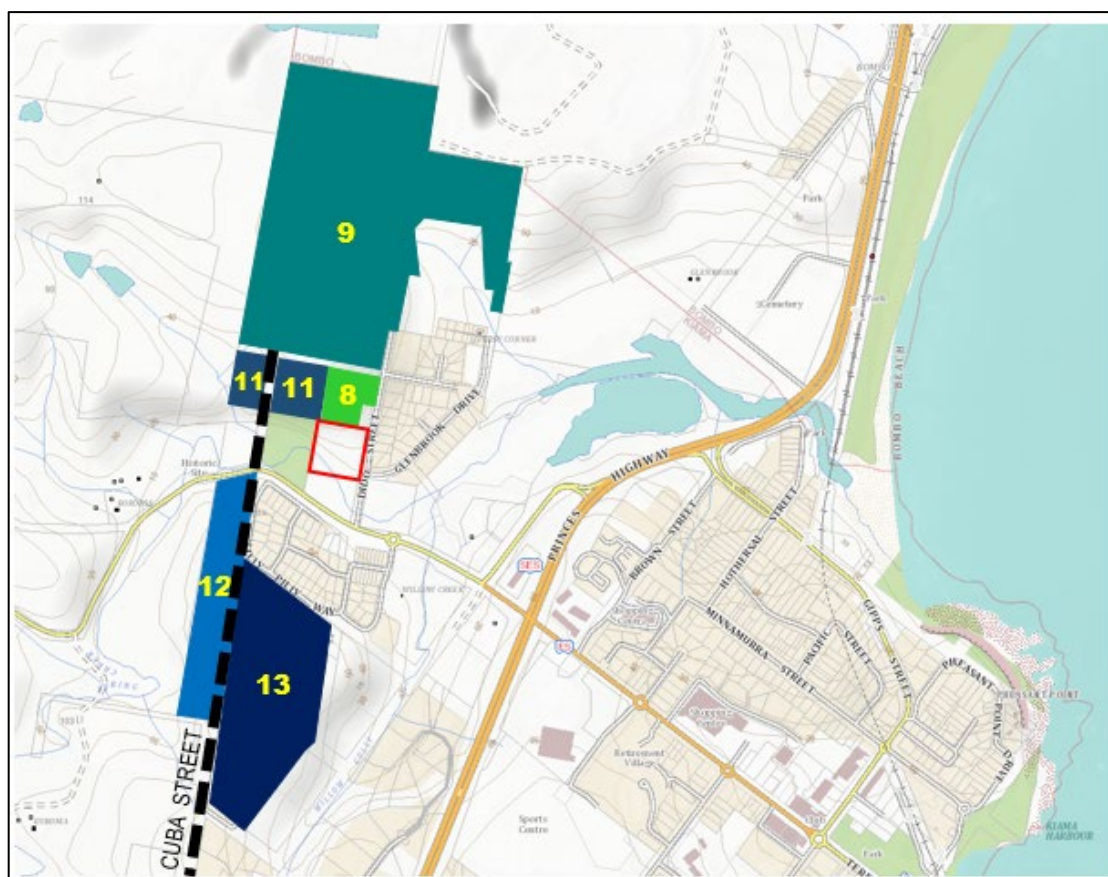
The subject site is located within reasonable proximity to the Kiama Town Centre and is within 200m of a bus stop along Jamberoo Road which services a bus route into the Kiama Town Centre. The Kiama Town Centre provides a range of services including retail, personal, health, community, and financial services. The Planning Proposal is therefore also consistent with Direction 2.2 which seeks to “*support housing opportunities close to existing services, jobs and infrastructure in the region’s centres*”.

The Planning Proposal will maintain the existing E2 Environmental Conservation zoning and Biodiversity land overlay applying to that band of vegetation along the northern side of Spring Creek. In addition, the concept subdivision plan (which the Planning Proposal will enable) also incorporates measures to ensure the protection of this area by including it within a single allotment and by ensuring that the proposed allotments are sized and configured to accommodate future dwellings without the need to clear or impact on vegetation within this area. The Planning Proposal is therefore considered to be consistent with Direction 2.4 which is to “*identify and conserve biodiversity values when planning new communities*”.

4.2.2 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The KUS was adopted in September 2011 and identifies areas throughout the Kiama LGA that are considered to be potentially suitable for urban infill or greenfield urban expansion. On the north-western periphery of Kiama township (in the immediate vicinity of the subject site), five (5) potential sites were evaluated for suitability for urban expansion and are referenced in the KUS as sites 8, 9, 11, 12 and 13. For some unexplained reason (perhaps an oversight or perhaps because it was not specifically requested by the previous owner at that time), the subject site was not included at all in any evaluation for the purposes of the KUS. The location of the potential sites in relation to the subject site is illustrated in Figure 3 below (with the subject site edged red).

Figure 3 – Kiama Urban Strategy



The KUS evaluation assessment resulted in the following recommendations for each of the five (5) potential sites illustrated in Figure 3:-

Site 8 Include

Site 9 Exclude – due to its highly visual ridge location and not required

Site 11 *Partial inclusion only as part of the land is west of the town boundary adopted by Council (ie Cuba Street)*

Site 12 *Exclude – as the land is west of the town boundary adopted by Council*

Site 13 *Include – as the land adjoins Cedar Ridge and Cedar Grove and is east of the town boundary adopted by Council*

Of these sites, Site 13 has been rezoned and subdivided and is currently being developed with housing; Site 8 is the subject of a current Planning Proposal seeking rezoning to R2 Low Density Residential to enable subdivision to create a potential ten (10) allotments; and, Site 9 was the subject of a recent planning proposal request which was formally not endorsed to proceed to Gateway determination at the Council meeting held on 19th March 2019. At the time of its initial adoption, the KUS indicated that Site 13 would be available for housing by 2016, and Sites 8 and 11 by 2021.

The subject site has very similar characteristics to Site 8. The subject site is located directly opposite existing residential development in Dido Street; it sits lower on the hillside than the discounted Site 9 (and is lower than the supported Sites 8 and 11); and, importantly, it lies to the east of Cuba Street – with only Crown Land (Lot 701 DP 1026775) located between the site and Cuba Street. Cuba Street was reinforced by Council as the adopted western boundary of Kiama township at its meeting of 17th October 2017, when it was resolved that Council “*not support any new planning proposals that involve new residential land outside the identified town boundaries referred to in the adopted urban strategy areas*”.

A more detailed, site-specific analysis of the constraints and capabilities of the subject site has been undertaken to inform the Planning Proposal and concept subdivision layout. This detailed analysis has identified that the subject site does have some capacity for residential subdivision and development without having any adverse environmental impacts. It has also identified that the land immediately to the south is heavily impacted by flooding and biodiversity constraints. These factors, in conjunction with the subject site's location east of Cuba Street, is demonstrative of the suitability of the site for consideration for rezoning.

Even though the subject site has not been recommended by the KUS for consideration for future urban development, this appears to have been the result of the site having never been exposed to evaluation under the KUS rather than as a result of it being evaluated and ruled out as unacceptable. As mentioned above, the land immediately to the north and north-west of the subject site has been identified in the KUS as suitable for consideration for rezoning; the land immediately to the west is Crown Land; and, the land to the south is not suitable for development due to flooding and biodiversity constraints. This leaves the

subject site as an isolated 'island'. It therefore makes sense, from a planning perspective, to consider the site for rezoning.

Council's *Planning Proposal Policy* (adopted 21st February 2012) identifies the circumstances under which Council may be prepared to consider a planning proposal, namely:-

- *Land is identified as a nominated area in the Urban Strategy.*
- *Land can be identified as assisting to meet Council's strategic direction.*
- *A clear zoning anomaly exists on site.*

In this case, the land is not nominated in the KUS. However, for the reasons explained above, it is considered that the subject site is consistent with the intent of the KUS. The development of the site for residential purposes is also consistent with Council's strategic directions for greenfield urban expansion (as outlined in the KUS), particularly:-

4.6.1 That Council provide sufficient land to meet the requirements of the Illawarra Regional Strategy as required by the Department of Planning.

4.6.3 That Council agree to the IRS target of 43% detached housing as required by the DOP recognising that the implications of this include the requirement to consider broader greenfield sites in the planning proposal process. However Council seek to review the IRS and this percentage following the 2011 Census and an associated review of population and housing needs.

4.6.6 That Council reconfirm its strongly held policy position that residential development in Kiama not progress further west than the current West Kiama/Cedar Ridge/Cedar Grove town boundary.

It is also apparent that the current RU1 Primary Production zoning is not an appropriate zoning for the site. The RU1 zone has objectives aimed at:-

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To protect agricultural land for long term agricultural production.*
- *To provide opportunities for employment-generating development that adds value to local agricultural production through food and beverage processing.*

The subject site has an area of just 1.021 hectares, of which only approximately 4,700m² is currently cleared. Whilst the site is contiguous with the adjoining allotment to the south (Lot 1 DP 1018217 – 7,041m² in area), this allotment does not add significantly to the available cleared land and is almost entirely flood-prone. The very small area of cleared land available, together with the shallow soil profile over the site precludes the site from being used for primary production purposes (eg grazing or cropping) consistent with its zoning. In addition, with Council prepared to consider land to the north and north-west for rezoning for residential purposes and the land on the opposite site already being developed for residential purposes, using the subject site for primary production purposes has the potential to cause conflict with existing and future residential neighbours – particularly considering the cleared and less steeply sloping portion of the site is located in its north-eastern corner.

As the site has extremely limited primary production capacity and cannot be used for a purpose that is consistent with the zone objectives, it is considered that there is an anomaly with the existing zoning. This zoning anomaly is further enhanced by the fact that Council is prepared to consider land to the north and north-west for rezoning in accordance with the KUS, and that the subject site should have (as a minimum) at least been evaluated as part of the preparation of the KUS.

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

The Planning Proposal has been reviewed having regard to State Environmental Planning Policies (SEPPs). The only applicable SEPP is *State Environmental Planning Policy No.55 – Remediation of Land*. In this regard, a review of the site and understanding of its history does not disclose any known history of being used for potentially contaminating purposes. It is anticipated that a Preliminary Site Investigation contamination assessment may be required at Gateway stage should the Planning Proposal proceed.

4.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Planning Proposal has been reviewed in the light of the Directions issued by the Minister pursuant to Section 9.1(2) of the Environmental Planning and Assessment Act, 1979. The Planning Proposal's consistency with the relevant Section 9.1 Directions is summarised in the Table in Appendix H.

4.3 Environmental, Social and Economic Impact

4.3.1 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 subject site contains various ecological constraints, including land zoned E2 Environmental Conservation and mapped as biodiversity land under KLEP 2011; Spring Creek and its associated riparian area; and, land mapped as having biodiversity values under the NSW Biodiversity Values Map. Accordingly, Ecoplaning was engaged to undertake an ecological constraints assessment of the subject site and the neighbouring Lot 1 DP 1018217 (which is in the same ownership as the subject site). A copy of Ecoplaning's report is attached at Appendix I.

The assessment and investigations undertaken by Ecoplaning included a literature and database review of the study area; determination of the potential for threatened species, populations and migratory species to occur within the study area; and, field surveys. Whilst the literature review revealed 'subtropical dry rainforest' as being mapped across the study area, field surveys determined that the on-site vegetation is dominated by Large-leaved Privet, Coral Trees, Tobacco Bush and Easter cassia. Based on this assessment, the actual vegetation communities present were more properly determined as being 'weeds and exotics' and 'exotic grassland'. None of the threatened flora species recorded within 5km of the study area were present on the site.

Whilst twelve (12) threatened species of fauna have previously been recorded within 5km of the study area, there are no recent records of any threatened fauna occurring within the study area and most threatened species were either determined as being not present or having a low likelihood of occurrence within the study area. No hollow bearing trees were recorded in the study area. Two (2) species of microbats have been recently recorded within the locality – the Eastern Bentwing-Bat and the Southern Myotis. Habitat on the site is limited to foraging habitat only.

The ecological constraints assessment has identified the land within 20m either side of Spring Creek as presenting a 'high' ecological constraint, with the next 20m outside of this presenting a 'medium' constraint. Where development proposes works that will impact on the 'high' ecological constraint area a Biodiversity Development Assessment Report (BDAR) will be required. Where impacts on the Vegetated Riparian Zone to Spring Creek are proposed, a Vegetation Management Plan (VMP) will be required at development application stage.

The proposed subdivision does not seek to undertake any works – including clearing for Asset Protection Zones – within the area of 'high' ecological constraint, and the proposed allotments have been configured accordingly.

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

In addition to the investigations of the site's ecology (outlined above) flooding, bushfire risk and geotechnical constraints together with potential traffic and visual impacts have been investigated as outlined below:-

(a) Flooding

Spring Creek cuts across the south-western corner of the subject site and passes through the adjoining property to the south, before passing under Dido Street and then into the Spring Creek wetland and lagoon. Potential flooding impacts have been investigated by Footprint Sustainable Engineering.

Footprint's analysis of flooding impacting the site has been derived from the *Spring Creek Catchment Flood Study* (May 2014) and has determined that the 1% AEP flood level affecting the site is RL 8.0m AHD, while the PMF level affecting the site is RL 10.0m AHD. Footprint's mapping of the 1% AEP and PMF levels relevant to the site is attached at Appendix J.

The flood analysis clearly demonstrates that only the very south-western corner of the subject site (ie Lot 2 DP 1018217) is affected by the 1% AEP flood event, and impacts only proposed Lots 6 and 7. The flood-affected area coincides with areas of 'high' ecological constraint and therefore will be excluded from any development – including land clearing. Suitable building areas on proposed Lots 6 and 7 are available well above the 1% AEP flood level and the PMF level. Proposed Lots 1 to 5 and 8 are located entirely above the 1% AEP flood level.

(b) Bushfire Hazard

Harris Environmental Consulting has undertaken an assessment of the capability of the subject site to be rezoned and developed for the proposed residential subdivision in accordance with the provisions of *Planning for Bushfire Protection*

(2006). The assessment has considered the capability of the subject site to achieve the required minimum bushfire protection measures for the proposed subdivision and future dwelling houses, having regard to the need to provide Asset Protection Zone (APZ) building setbacks to existing significant vegetation; the need to provide access and egress for future residential development; and, the need to provide other bushfire protection measures such as the provision of utilities.

The bushfire hazard assessment has undertaken an investigation of the vegetation types and land slopes influencing bushfire behaviour. The upslope land to the north is considered to be managed due to the presence of an existing dwelling house (No.11 Dido Street) and the current proposal to rezone the adjoining property to residential. To the west the land is 15-20° downslope and classified as 'rainforest', while to the south and south-west the land is 5-10° downslope and classified as 'riparian corridor', with 'grassland' also present to the south-west and south. The land to the east is 5-10° downslope and classified as a combination of managed land and 'rainforest'.

Using the slope analysis and vegetation classifications, APZ widths for the proposed allotments have been determined in order for each allotment to accommodate a building area capable of achieving a maximum Bushfire Attack Level (BAL) of BAL-29. To avoid impacting on the vegetation embodied within the E2 zone and within the 20m riparian corridor to Spring Creek, the APZs have been measured from the edges of these areas. The nominated APZs required to achieve BAL-29 are 11m to the south-east; 18m to the south and south-west; and 29m to the west.

The geometric design of the Right of Carriageway access driveways will need to comply with *Planning for Bushfire Protection* (2006) in terms of grades, carriageway width, and crossfalls.

As it is intended to provide a reticulated water supply, where any building envelope on an allotment is not within 70m of a fire hydrant, a 10,000 litre dedicated firefighting supply will need to be provided. Bottled gas will need to be installed and maintained in accordance with AS/NZS 1596-2014. Any above ground electricity transmission lines will need to be managed in accordance with the supply authority's specifications.

A copy of the bushfire hazard assessment report is attached at Appendix K.

(c) Site Stability

Southern Geotechnics was engaged to undertake a geotechnical assessment of the stability of the subject site and its suitability for subdivision and subsequent development for residential purposes.

The geotechnical investigations undertaken by Southern Geotechnics involved a review of local geological mapping; site observations on the property and the surrounding area; drilling of three (3) boreholes across the site; and, engineering assessment and reporting.

Based on the geotechnical investigations undertaken, the site was assessed as having a very low to low risk of slope instability and has been classified as a Class P site in accordance with AS2870 – 2011 *Residential slabs and footings*.

It is recommended that development take place on the moderately sloping ground in the north-eastern portion of the site. Coincidentally, this portion of the site corresponds with the area north of the transmission easement and east of the recommended APZ to the E2 zoned land, which is the area where building envelope opportunities exist.

The geotechnical assessment has identified geotechnical constraints and recommendations for future development, including the following:-

- Foundations should be designed in accordance with engineering principles, with reinforced footings or piers founded on rock.
- Excavations over 600mm deep should be supported by engineered retaining walls. Excavations less than 600mm may be battered not steeper than 2.5H:1V, and vegetated or covered to limit erosion. Excavations in rock should be carried out using a process that involves saw cutting, due to the risk of damage to adjoining properties caused by large hydraulic hammer vibrations.
- No fill material apart from that necessary for driveway and slab construction should be imported onto the site. Any fill arising from excavations on site may be placed and compacted in 200mm maximum thickness layers on stripped and benched ground. Fills more than 600mm deep should be supported by an engineered retaining wall. Fill less than 600mm deep may be battered not steeper than 2.5H:1V, and vegetated or covered to limit erosion.
- Retaining walls greater than 600mm high should be engineer designed, include subsoil drainage at the rear, and allow for the lateral loading arising from soil creep on sloping ground. Landscaping walls less than 600mm high should be constructed in accordance with the supplier's recommendations.
- All roof water run-off not stored for reuse and surface run-off should be piped to the creek. On-site disposal of stormwater by concentrated soakage is not recommended on the basis of the increased risk of slope instability and reactive clay movement. Subsoil drainage is recommended on the upslope side of slab on ground structures to limit the ingress of seepage beneath the slab.

A copy of the geotechnical assessment report is attached at Appendix L.

(d) Traffic Impacts

The subject site is accessed from Jamberoo Road via Dido Street. Jamberoo Road is a main road providing access between Kiama and Jamberoo and also services the M1 motorway, with an on/off ramp located to the east of the site. The proximity of Jamberoo Road provides the site with excellent access to regional the major north-south and east-west road corridors.

In terms of traffic impacts, the site is accessed directly from Dido Street, which has a sealed carriageway and concrete kerb and gutter along its eastern side. The concept subdivision plan makes provision for a total of eight (8) allotments. Based on traffic generation rates of 9 daily vehicle trips per dwelling and 0.85 weekday peak hour vehicle trips per dwelling¹, the eight (8) lot subdivision would generate a total of 72 daily vehicle trips and 6.8 (say 7) vehicle trips in the weekday peak hour.

An additional 7 weekday peak hour trips is not expected to adversely impact upon the current level of service of the intersection of Dido Street and Jamberoo Road.

(e) Visual Impacts

The subject site occupies an elevated hillside position on the lower flanks of a major west-east trending ridgeline. In terms of the general visual exposure of the site, the ridgeline forms the dominant landscape element being clearly visible from the northern parts of Kiama township, the Princes Highway and South Coast Railway, and Bombo Beach. The site sits below the ridgeline, being positioned lower on the hillside just above the Spring Creek flood plain, and is not as extensively exposed to view.

The general visual character of the area is predominantly of a natural and rural character, with elements of residential character also present along Dido Street and in the Cedar Grove Estate. This visual character of the site and its setting is typical of urban fringe development along the western edge of Kiama.

Due to the nature of the prevailing topography of the site and its immediate surrounds, and that of the locality generally, the visual catchment of the subject site is restricted to close range views only. The principal public domain views of the site are from the northbound lanes of the Princes Highway (south of the Spring Creek Drive exit); from Spring Creek Drive; from Terralong Street (west of the Princes Highway overpass); and, from within the 'Cedar Grove' estate (refer to the photograph locations in Figure 4).

¹ *Guide to Traffic Generating Developments* (Roads and Traffic Authority 2002)

Figure 4 – Photograph Locations



In general terms, the ridgeline is the dominant feature of the landscape setting of the site and features in all views of the site from the nominated viewing points. The site does not project above the ridgeline and is viewed against a backdrop of vegetation, flanked by vegetation and with vegetation in the foreground. Most views of the subject site also contain existing residential development, such that the future development of the site will not be a foreign element within the visual catchment. It should also be noted that the land immediately to the north and uphill of the subject site is earmarked for rezoning and residential development (being the subject of a current Planning Proposal). Development of this site will alter the landscaped setting of the subject site and will expand the existing residential elements and will make development on the subject site less apparent.

The following photographs illustrate the visual exposure of the subject site (circled) when viewed from public vantage points to the east and south.



P1 – View from the north-bound lanes of the Princes Highway. The site sits between existing residential development at the top end of Dido Street (to the right) and the 'Cedar Grove Estate' (to the left). The landscape setting is dominated by vegetation and the ridgeline, with elements of residential character also present. Given the comparatively small area affected by potential future development of the site, when considered in the broader visual setting, there will be only a minor change to the landscape setting as the dominant landscape elements will remain the extensive stands of vegetation and the ridgeline.



P2 – View from the western end of Terralong Street (east of the Spring Creek Drive intersection). The site is clearly visible and there are no other visible residential elements present that might otherwise make future development of the site less obvious. Localised topography, intervening vegetation and the alignment of the road all contribute to the screening from view of existing residential development in the Spring Creek area and at Cedar Grove Estate. Future development of the land uphill and to the right of the subject site (as envisaged by the KUS) would also be visible from this viewing point.



P3 – View from the Spring Creek Drive exit off the Princes Highway. The scene has a higher level of residential elements in the immediate vicinity of the site, which will render any future development of the site contiguous with existing development. If development occurs to the right of the subject site (as is envisaged by the KUS) then this will create an expanded residential element within the view, but still maintaining the characteristics of development at the Kiama urban fringe.



P4 – View from the north-bound lanes of Spring Creek Drive. Similar view to that at P3, with more of a predominance of natural elements due to the existence of the Spring Creek floodplain and wetlands in the mid-ground. Even from this vantage point, development on the site will not result in a drastic change to the landscape setting due to the relatively small area of the site and the presence of residential elements within the view.



P5 – View from the intersection of Lilly Pilly Way and Turpentine Street in the Cedar Grove Estate, to the south. The landscape setting is highly urbanised with established residential development in the foreground and to the right of the subject site. Even accounting for the fact that much of the vegetation on the right-hand side of the circled area consists of Coral trees, there is still extensive vegetated areas to the left of the site and above the site to the ridge line. Development of the site will appear as being contiguous with the existing development to the right and will not be inconsistent with the general urban fringe pattern of development in the area generally.

Factors which influence the visual impact of a development include:-

- the distance from the viewer to the development – whether views are distant or close range;
- the extent of the view – whether the development is visible in its entirety or only partially;
- the duration of the view – whether viewed for a short period (as in by a passing motorist) or for an extended period; and
- the visual absorption capacity of the setting – the ability of existing elements within the landscape to hide or screen or disguise a development.

From the locations shown in photographs P1 to P5, views of the site are generally at a distance which would make it difficult for an observer to perceive the detail of future development, with it largely reading as contiguous with the scale and form of the existing residential development.

In terms of the extent of views, even from closer vantage points (P2 and P5), the site is viewed in a broader context and not in its entirety (due to the landform of the site and existing vegetation). Once the site is developed for residential purposes, individual structures would overlap each other in the view and the site would mimic adjacent residential development in that regard.

The exposure of the site to views from public roads will be limited in duration. This is due to a number of factors such as the alignment of the roads; the speed of traffic travelling along the roads; and, intervening topographical, landscape and man-made features. The limited duration of views to the site would not create an increased sensitivity to the development.

The physical setting of the subject site is considered to provide a high visual absorption capacity, on the basis that development of the subject site will not be prominent in the visual catchment. The development will make a comparatively small contribution to the overall view and does not contrast significantly with other residential elements that are apparent in the current views. The major ridgeline backdrop and extensive areas of vegetation will remain the dominant elements within the visual catchment.

Overall, in terms of impacts on the visual quality of the landscape setting, the development of the site will result in a minor modification to the existing visual setting but will not significantly change the overall composition of the wider visual setting. The proposal does not introduce a new visual element into the view, as there is already residential development present in the visual catchment, and therefore achieves compatibility with its surroundings.

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

The Planning Proposal will provide additional residential land to be developed for detached dwellings to assist Kiama Council to meet the housing demands of population growth and change. The subject site is close to the amenities of the Kiama town centre, which include a major supermarket; general shops; cafes; clubs; hotels; community facilities; churches; swimming pools; recreational amenities; medical practitioners; library; child care centres; a public high school; and, public and Catholic primary schools.

The Planning Proposal will lead to increased development and building activity throughout the subdivision and dwelling construction phases. The broader population base will increase the demand for goods and services which will benefit local businesses and service providers. Section 7.11 and 7.12 Contributions levied by Council at both the subdivision and building stages, will provide funding for identified Council projects.

4.4 State and Commonwealth Interests

4.4.1 Is there adequate public infrastructure for the planning proposal?

The subject site is located immediately to the west of the existing, established residential area of Spring Creek. This residential area is currently fully serviced with reticulated water and sewerage, electricity services and NBN broadband connection.

The area is serviced by Sydney Water's reticulated water supply system, with a watermain located along the eastern side of Dido Street. Existing fire hydrants are located in Dido Street to the north-east of the site and at the intersection of Dido Street and Glenbrook Drive. The site is capable of being connected to the reticulated water supply in Dido Street.

The residential properties opposite the site in Dido Street are connected to Sydney Water's reticulated sewerage system. To service the proposed subdivision, it will be necessary to extend the sewerage system across to the western side of Dido Street. It is expected that Council will consult with Sydney Water as part of the Planning Proposal assessment and any specific requirements can be made known at that stage.

Electricity to service the proposed subdivision would be taken from the existing overhead mains on the eastern side of Dido Street and reticulated via underground mains throughout the subdivision.

Access to the proposed allotments will be provided from Dido Street via two (2) separate access driveways – one positioned towards the northern end of the site and servicing proposed Lots 1 to 4, and the other positioned towards the southern end of the site and servicing proposed Lots 5 to 8. A preliminary design for the access driveways, proving access feasibility, has been prepared and is attached at Appendix M. Direct access to Dido Street, other than via the proposed access driveways, will be prohibited for Lots 3, 4, 5 and 8 via an appropriately worded 88B Restriction.

Kiama Coaches operates a bus route along Jamberoo Road between Kiama and Jamberoo (Route 701). There is a bus stop located south of the site on Jamberoo Road, within 200m walking distance of the site.

Having regard to the availability of existing electricity services; the potential to connect to the available reticulated water supply and sewerage systems; and the availability of convenient public transport, it is considered that there is adequate public infrastructure already in place to cater for the proposal.

4.4.2 *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

At this stage, the gateway determination has not been issued by the Minister and the relevant State and Commonwealth public authorities to be consulted have not yet been confirmed. It is expected that the following State and Commonwealth agencies (as a minimum) will be formally consulted:-

- Department of Planning and Environment;
- Sydney Water;
- Endeavour Energy;
- Rural Fire Service;
- NSW Office of Environment and Heritage; and
- NSW Department of Primary Industries – Water.

5.0 COMMUNITY CONSULTATION

The gateway determination will identify the level of public consultation required for the Planning Proposal, and may require:-

- notification of the Planning Proposal in a newspaper circulating in the locality;
- notification on Kiama Council's website; and
- notification in writing to affected and adjoining landowners.

The DPE's '*A guide to preparing local environmental plans*' outlines the consultation required for different types of planning proposals depending on whether or not they can be classified as "*low impact proposals*" or not. It is not expected that the Planning Proposal for the subject site will be classified as "low impact", and therefore a 28 day exhibition period is anticipated.

6.0 CONCLUSION

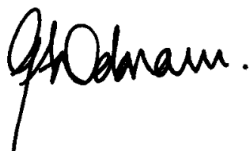
The Planning Proposal seeks to amend KLEP 2011 to enable the subject site to be subdivided and developed for low density residential purposes, with the existing mapped area of high ecological constraint protected and conserved by the retention of the current E2 Environmental Conservation zoning.

The subject site is considered to be suitable for the proposed subdivision and subsequent residential development having regard to the availability of public utility infrastructure and the proximity of the site to existing facilities and services.

Assessments of the site constraints and development proposal undertaken to date, indicate that the development of the site is possible within the existing constraints, and that there is not likely to be any detrimental environmental impacts arising from the proposed development, and that the likely social and economic impacts of the development will be positive.

This Planning Proposal report has reviewed the proposal in light of the State and local strategic planning framework, and has determined that the proposal is consistent with the *Illawarra-Shoalhaven Regional Plan*, relevant SEPPs and s9.1 Directions, and is not inconsistent with Council's adopted *Kiama Urban Strategy* (2011).

The Planning Proposal is recommended to Council for referral to the Department of Planning and Environment for Gateway Determination.



Glenn Debnam BTP (UNSW) RPIA
Town Planner
Director

8th April 2019