

**PLANNING PROPOSAL
REZONING TO R2 LOW DENSITY RESIDENTIAL
LOT 442 HENRY PARKES DRIVE KIAMA DOWNS**

**PREPARED FOR
COAST WIDE CIVIL PTY LTD**

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WOLLONGONG

Ground Floor
25 Atchison Street
WOLLONGONG NSW 2500

CANBERRA

Level 1, Equinox 4
70 Kent Street
DEAKIN ACT 2600

SYDNEY

Suite 401, Level 4
24 Hunter Street
PARRAMATTA NSW 2150

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1. INTRODUCTION

This Planning Proposal (PP) seeks to amend Kiama Local Environmental Plan (LEP) 2011 to rezone land at Lot 442 Henry Parkes Drive, Kiama Downs to a part R2 Low Density Residential zone in accordance with the Kiama Local Strategic Planning Statement (LSPS) and Kiama Urban Strategy to facilitate the residential subdivision of the land. Specifically, in relation to the land at Henry Parkes Drive, Kiama Downs, the PP seeks to:

- Rezone the subject land to:
 - Part R2 Low Density Residential, and
 - Part E2 Environmental Conservation
- Introduce a minimum lot size of 450m² over the area proposed to be zoned R2 and 40ha over the area proposed to be zoned E2 Environmental Conservation
- Introduce a maximum building height of 8.5m over the area to be zoned R2
- Introduce a maximum floor space ratio (FSR) of 0.45:1 over the area to be zoned R2

The purpose of this PP is to explain the intent of, and justification for, amending the land use zoning and corresponding development standards in Kiama LEP 2011.

This PP has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 and the NSW Department of Planning, Industry and Environment's (DPIE) A Guide to Preparing Planning Proposals.

This PP should be read in conjunction with the supporting information and technical reports submitted with the proposal as detailed below:

- Assessment against State Environmental Planning Policies (**Appendix A**)
- Assessment against the Section 9.1 Ministerial Directions (**Appendix B**)
- Preliminary Geotechnical Assessment (**Appendix C**)
- Aboriginal Cultural Heritage Due Diligence Assessment (**Appendix D**)
- Preliminary Historical Heritage Assessment (**Appendix E**)
- Flora and Fauna Assessment (**Appendix F**)
- Integrated Water Cycle Management Study (**Appendix G**)
- Preliminary Site Investigation (**Appendix H**)
- Bushfire Assessment (**Appendix I**)
- Traffic Impact Assessment (**Appendix J**)
- Utility Services Investigation (**Appendix K**)

1.1 SUBJECT LAND

This PP applies to land within the Kiama Local Government Area (LGA), as shown in **Figure 1** and **Figure 2** below. The subject land is located at Lot 442 Henry Parkes Drive, Kiama Downs and is legally described as Lot 442 DP 1201831. The subject land is located at the end of Henry Parkes Drive in Kiama Downs and is situated between the Princes Highway to the west, Minnamurra River to the north and existing residential areas to the south and east.

The subject land is approximately 3.1ha in size and was previously owned by Transport NSW (formerly RTA) as surplus land from the North Kiama Bypass project. The site is largely cleared, undeveloped land that slopes moderately from Henry Parkes Drive north-east towards the Minnamurra River.

The land is currently zoned E2 Environmental Conservation under Kiama LEP 2011 (**Figure 3**), with a mapped minimum lot size of part 40 ha (**Figure 4**), and is identified in both the Kiama LSPS and Kiama Urban Strategy 2011 as a future greenfield development sith, within the existing town boundaries, to help meet the housing needs of the community.



Figure 1 - Location Plan



Figure 2 - Subject Land

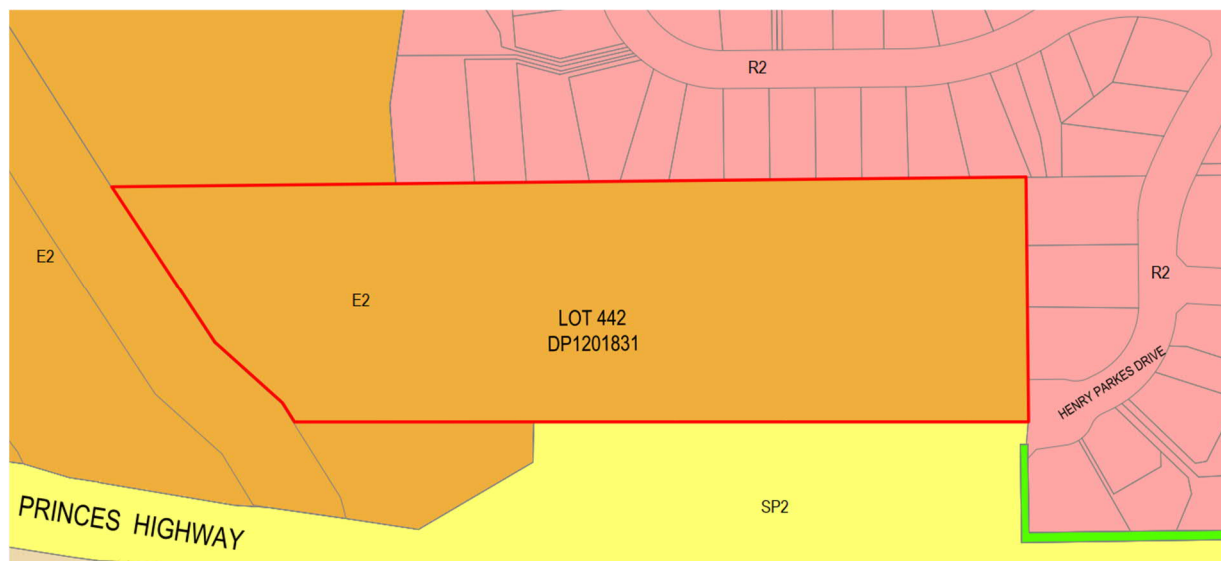


Figure 3 - Current Land Use Zone

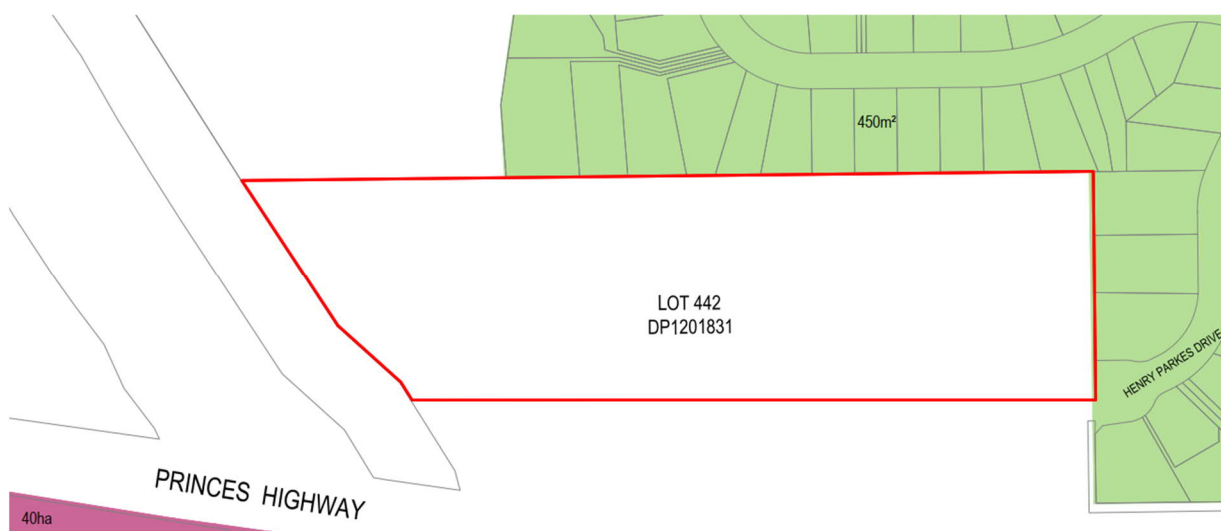


Figure 4 - Current Minimum Lot Size

1.2 BACKGROUND

The Kiama Urban Strategy was adopted by Council in 2011 to guide land use within the Local Government Area and to directly inform the Kiama Local Environmental Plan. At the time, the former Illawarra Regional Strategy (IRS) required Council to plan for some 1,890 new dwellings between 2011 and 2021 to meet the housing needs of the community.

To meet the housing targets outlined in the IRS, the Kiama Urban Strategy considered both infill and greenfield development opportunities and outlined a strategy for how and where new housing would be provided. The land subject to this PP was identified as one of six (6) urban expansion areas around the Kiama township as shown in **Figure 5** below.

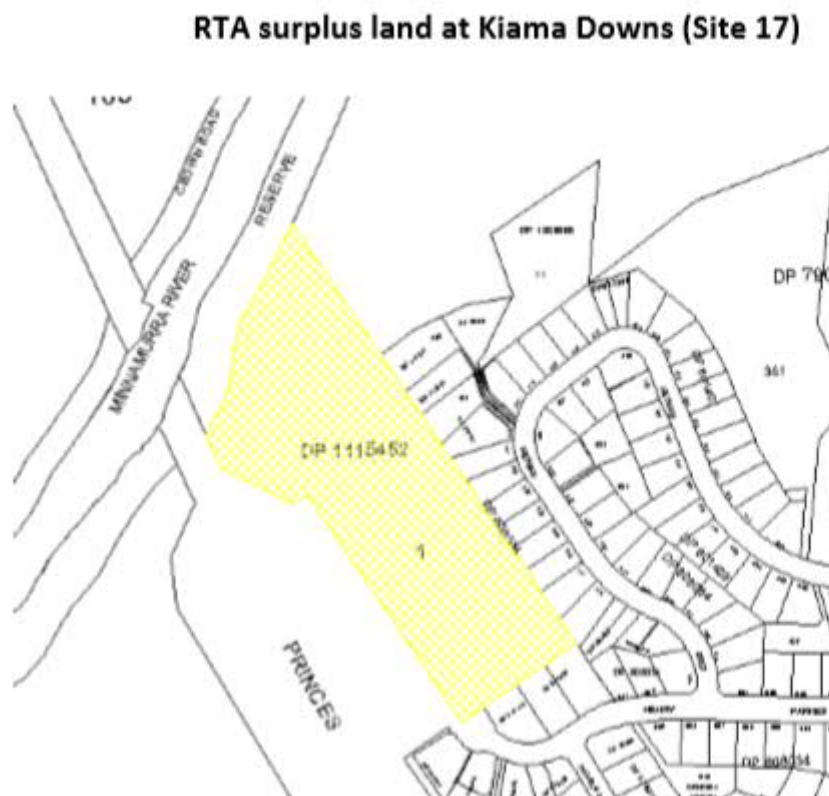


Figure 5 - Extract from Kiama Urban Strategy (source: Kiama Municipal Council)

The Urban Strategy identified a number of issues to be investigated in the Planning Proposal process including the ecological values of the land (particularly in the northern extent of the site), flooding, Aboriginal Cultural Heritage values and noise impacts from the by-pass.

In 2015, the Illawarra Shoalhaven Regional Plan (Regional Plan) became effective, superseding the IRS. The Regional Plan, among other things, provided a regional planning framework for housing in the Local Government Areas of Wollongong, Shellharbour, Kiama and Shoalhaven.

The Regional Plan outlines the housing needs of each of the Illawarra-Shoalhaven Council's with Kiama needing some 2,850 new dwellings by 2036 to meet the housing needs of the community. While the majority of Local Government Areas have sufficient zoned land to meet their housing needs, the Regional Plan states that Kiama will need to plan for additional greenfield land release to accommodate their growing community.

Kiama Council recently adopted the Kiama Local Strategic Planning Statement which sets a 20-year land use vision for the LGA, and plans for the economic, housing and social needs of the

community. The subject land was identified through the LSPS process as an urban expansion area (Greenfield Site No.1), to help meet the housing needs of the Kiama community as shown in **Figure 6** below.

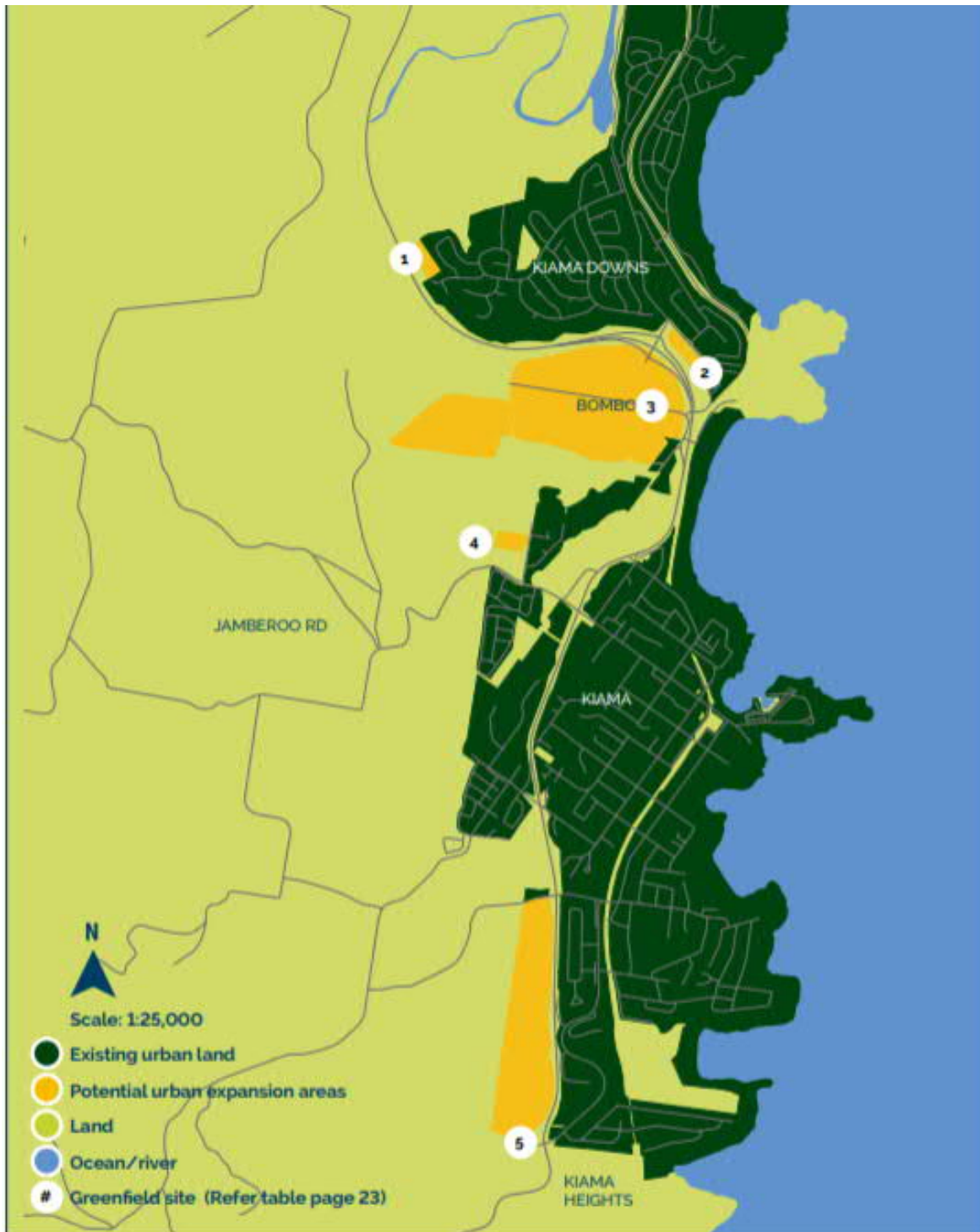


Figure 6 - Extract from Kiama LSPS (source: Kiama Municipal Council)

Indesco have now been engaged to prepare a PP to rezone the subject land to a part R2 Low Density Residential zone to facilitate a residential subdivision of the land, in accordance with the LSPS, Kiama Urban Strategy and Illawarra Shoalhaven Regional Plan.

1.3 THE PROPOSAL

This PP seeks to rezone land at Lot 442 Henry Parkes Drive, Kiama Downs to part R2 Low Density Residential zone with a minimum lot size of 450m² to facilitate a residential subdivision of the land. The proposal provides an opportunity to realise the land release strategy of Council set out in both the LSPS and Kiama Urban Strategy, and help meet the housing needs of the Kiama community.

Further, the PP seeks to protect the Vegetated Riparian Zone (VRZ) and restrict development within the flood planning area by retaining the E2 Environmental Conservation zone with a 40ha minimum lot size. The proposed land use zones are shown in **Figure 7** below.

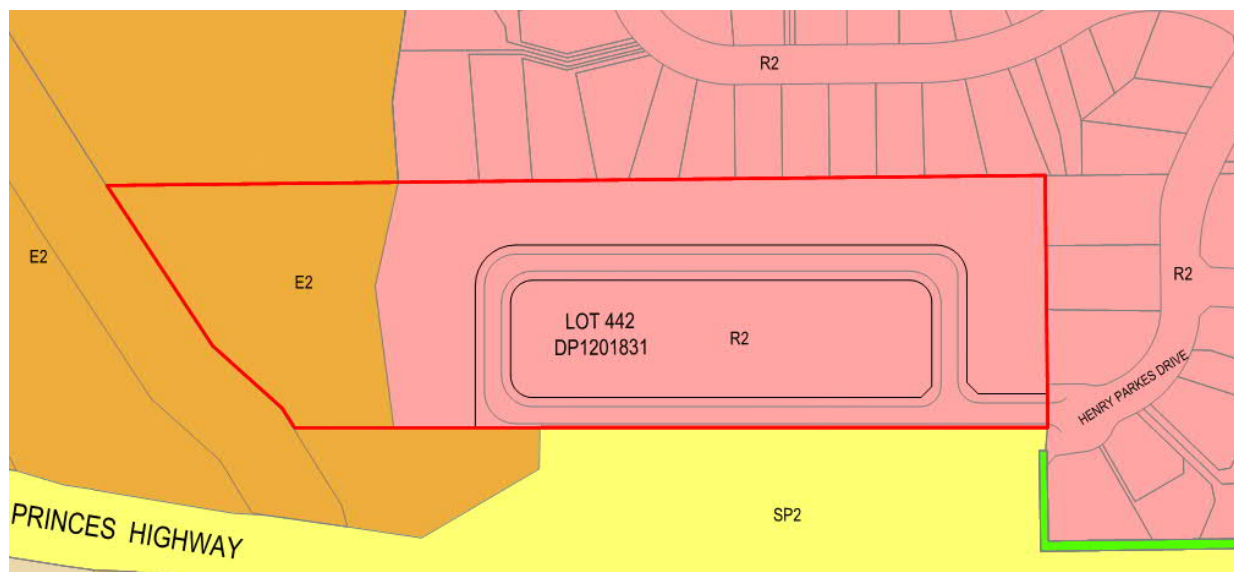


Figure 7 - Proposed Land Use Zones

1.4 LAND CAPABILITY

The subject land is zoned E2 Environmental Conservation and is cleared, undeveloped land, located on the western edge Kiama Downs. This section of the PP provides an overview of the land capability for residential development purposes.

Geotechnical Capability

A Preliminary Geotechnical Assessment of the subject land was prepared by Terra Insight and is provided as **Appendix C** to this report. The majority of the area proposed to be rezoned (Area 1 in **Figure 8** below) was assessed as having a low risk of slope movement and is suitable for residential development.

Areas 2 and 3 (see **Figure 8**) were assessed as having potential for acid sulfate soils to occur. No earthworks are proposed within Area 2, and only minimal, if any, earthworks would be required in Area 3. If excavation works are required in Area 3 as part of any future development of the site, acid sulfate soils sampling and field screening will be required as part of the development application process.

Area 4 contains underlain fill with moderate to steep slope, and presents a moderate risk of slope instability within this area. A subsurface investigation to confirm subsurface conditions will be required as part of the civil design and development application process in any future subdivision.

Based on the finding of the Preliminary Geotechnical Assessment, the land is considered suitable for residential development.



Figure 8 - Extract from Geotechnical Assessment (source: Terra Insight)

Aboriginal Cultural Heritage

An Aboriginal Cultural Heritage Due Diligence Assessment (ACHDDA) was undertaken by Austral Archaeology and is provided as **Appendix D** to this report, with the findings of the assessment summarised below.

The majority of the site is affected by floodplains and a slope that is too steep to allow for Aboriginal settlement, and was assessed as having a low likelihood of containing Aboriginal cultural heritage. A small, relatively flat area on the hillcrest landform in the centre of the site would potentially be a suitable location for a camp, and as such was assessed as having a moderate chance of Aboriginal cultural heritage being found in this location (see **Figure 9**).

The ACHDDA recommends that, as part of a future development application over the site, an Aboriginal Cultural Heritage Assessment be undertaken over the area assessed as having a moderate likelihood of containing Aboriginal cultural heritage. Should the assessment identify Aboriginal objects, an Aboriginal Heritage Impact Permit will be required prior to any impacts occurring.



Figure 9 - Extract from ACHDDA (source: Austral Archaeology)

Heritage

A Preliminary Historical Heritage Assessment was prepared by Austral Archaeology and is provided as **Appendix E** to this report, with the findings of the assessment summarised below.

The historical occupation of the study area has indicated that it was predominantly utilised as a paddock for grazing cattle, and no known structural buildings are known to have been constructed in the study area. There is potential for small artefacts relating to farming, however, these artefacts are unlikely to hold any archaeological significance. As such, the study area, with the exception of the drystone wall, is considered to contain no heritage value.

The drystone wall located along the eastern boundary of the study area is a structural feature that was likely constructed between 1886 and 1893 by Thomas Newing, one of the most prolific and skilled stone wall builders in New South Wales and worked in the Kiama region for over 60 years.

The drystone wall located along the eastern boundary of the study area is aesthetically appealing and a durable structure that is in good physical condition. The location of the drystone wall, positioned down-slope along the eastern boundary of the study area and looking over Minnamurra River, adds to the aesthetic significance of the structure.

The drystone wall contains technological research potential for demonstrating engineering and construction techniques of drystone walls built by Thomas Newing in the Kiama district. The value of the research potential of the structure is enhanced by its high degree of structural integrity.

The drystone wall is not a listed heritage item, but does meet a number of the Heritage Significance Criteria at a local level. A Statement of Heritage Impact will need to be prepared as part of the Development Application that assesses the nature of impacts to the drystone wall within the study area prior to any construction works.

Biodiversity

A Flora and Fauna Assessment was prepared by Ecoplanning and is provided as **Appendix F** to this report, with the findings of the assessment summarised below.

The study area is a cleared paddock that is dominated by exotic pasture grasses and weeds. There are four tall trees in the centre of the lot, one of which contains hollows. No threatened flora or fauna species listed under the EPBC Act or BC Act were identified within the study area during field assessment, and a further impact assessment was determined to be unnecessary. If clearing of the hollow-bearing tree is required as a result of the development, then appropriate pre-clearance protocols should be followed to minimise harm to native fauna that may be using the tree for roosting.

To avoid any potential indirect offsite impacts during construction works, namely to water quality in the nearby swamp and coastal wetland, an appropriate Erosion and Sedimentation Control Plan (ESCP) will be required to be in place during the construction phase. The ESCP should be a component of a Construction Environmental Management Plan.

Provided that appropriate mitigation measures are in place, a future residential subdivision of the subject land is unlikely to significantly impact threatened species or communities.

Water Cycle

An Integrated Water Cycle Management Study prepared by Rienco Consulting is provided as **Appendix G** to this report, with the findings of the assessment summarised below:

The proposed extent of the R2 zoned land is principally outside the pre-development Flood Planning Area. As part of the future development of the site, a minor area of fill in the northern corner of the proposed R2 zoned land is proposed to provide a more regular shaped developable area, and facilitate an improved urban outcome.

A minor area of filling is required to ensure all R2 zoned land is outside of the Flood Planning Area (post-development) in accordance with the requirements of the Section 9.1 Directions. The minor filling is unlikely to have any material influence on flood behaviour in the Minnamurra River.

A range of Water Sensitive Urban Design (WSUD) measures were assessed in the report and a number of treatment train options are considered suitable to meet Kiama Council's water quality performance criteria set out in the Kiama DCP and LEP. A very basic treatment train of rainwater tanks and a sand-filtration unit would exceed the performance criteria and deliver a beneficial effect to water quality.

Contamination

A Stage 1 Preliminary Site Investigation (PSI) prepared by ENRS is provided as **Appendix H** to this report, with the findings of the assessment summarised below:

- The Site history records indicate that the Site has remained undeveloped for an extended period of time;
- The Site walkover and inspections were conducted on the 10th January 2020 and confirmed the Site condition was consistent with the documented history and land use. No Areas of Environmental Concern (AEC) were identified during the walk over to trigger any further environmental assessment;
- No evidence of a former Underground Petroleum Storage System (UPSS) was identified through the review of available records and during the Site inspection.
- Review of Potential Acid Sulfate Soil (PASS) maps identified Class 5 and Class 3 conditions within the Site boundary. However, the development area is limited to the Class 5 area. If the proposal is to also include earth works in the Class 3 area, it is recommended that an Acid Sulphate Soil Investigation and/or Management Plan is prepared.
- Based on the historical information provided in this report and observations made during the Site inspection, the Site may be considered suitable for the proposed sub-division and residential land use.

Bushfire

A Bushfire Assessment Report prepared by Peterson Bushfire is provided as **Appendix I** to this report, with the findings of the assessment summarised below.

Only a very small portion of the subject site is mapped as bushfire prone on the bushfire prone lands mapping, with the majority of the site free of any bushfire hazard. The proposal to rezone the subject land for a future residential subdivision can satisfy the requirements of the Ministerial Direction No. 4.4 – 'Planning for Bush Fire Protection' and Planning for Bush Fire Protection (PBP) 2006.

Compliance with PBP can be achieved by providing compliant bushfire protection measures such as hazard separation and adequate access. The proposal is considered compatible with the surrounding environment and minimal bushfire risk. With compliant bushfire management, the proposal can coexist within the surrounding lands which are assessed to present a low bushfire risk.

The following bushfire protection measures are recommended to ensure compliance with PBP:

- Provision of a minimum 11 m wide APZ along the western boundary of the subdivision to the low hazard corridor of vegetation located between the Princes Highway and shared pathway.
- A subdivision perimeter road along the western boundary between future lots and the low hazard corridor of vegetation.
- Compliant road widths and design.
- Adequate water supply to allow fire-fighting operations by fire authorities.

Traffic

A Traffic Impact Assessment Report prepared by RJK Consulting Engineers is provided as **Appendix J** to this report, with the findings of the assessment summarised below.

The Planning Proposal will result in only a minor increase in traffic on the local road network, and will not result in unacceptable impacts to local traffic, road safety or residential amenity. This report demonstrates that the proposed development can be satisfactorily accommodated within the existing road network and the future road hierarchy adopted for the area.

2. PART 1 – INTENDED OUTCOME

This PP seeks to amend Kiama Local Environmental Plan (LEP) 2011 to facilitate a residential subdivision of land at land at Lot 442 Henry Parkes Drive, Kiama Downs. Specifically, the PP seeks to:

- Rezone the subject land to:
 - Part R2 Low Density Residential, and
 - Part E2 Environmental Conservation
- Introduce a minimum lot size of 450m² over the area proposed to be zoned R2 and 40ha over the area proposed to be zoned E2 Environmental Conservation
- Introduce a maximum building height of 8.5m over the area to be zoned R2
- Introduce a maximum floor space ratio (FSR) of 0.45:1 over the area to be zoned R2

3. PART 2 – EXPLANATION OF PROVISIONS

The intended outcome of the PP will be achieved by:

- Amending the Land Zoning Map Sheet LZN_011 and LZN_012 to modify the land use zone of Lot 442 DP 1201831 from E2 Environmental Conservation to part R2 Low Density Residential and part E2 Environmental Conservation
- Amending the Lot Size Map Sheet LSZ_011 and LSZ_012 to introduce a minimum lot size over Lot 442 DP 1201831 to part 450m² (proposed R2 zoned land) and part 40ha
- Amending the Height of Buildings Map Sheet HOB_011 and HOB_012 to introduce a maximum height of building of 8.5m over the land proposed to be zoned R2 Low Density Residential; and
- Amending the Floor Space Ratio Map Sheet FSR_011 and FSR_012 to introduce a maximum floor space ratio of 0.45:1 over the land proposed to be zoned R2 Low Density Residential.

4. PART 3 – JUSTIFICATION

4.1 NEED FOR THE PLANNING PROPOSAL (SECTION A)

4.1.1 Is the Planning Proposal a result of any strategic study or report?

Yes – the subject land was identified as an urban expansion area under both the Kiama LSPS 2020 and Kiama Urban Strategy 2011 to help meet the housing needs of the Kiama community.

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

Yes - the PP is considered the only means of achieving the objectives and intended outcomes of the proposal, and realising the strategy of Council in facilitating a residential subdivision over the subject land.

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK (SECTION B)

- 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)?

Illawarra Shoalhaven Regional Plan

The Illawarra Shoalhaven Regional Plan provides a regional planning framework to guide the sustainable growth of the region over the next 20 years. The Regional Plan provides high level objectives and directions for land use in the region, specifically relating to the economy, housing, connectivity, agriculture and the natural environment.

The relevant Directions from the Regional Plan are discussed below.

Direction 2.1 – Provide sufficient housing supply to suit the changing demands of the region

Direction 2.1 requires Councils to plan for new housing to meet the projected growth, changing demographics and market demands particular to their area. This means that zonings and planning controls must maintain, and in some cases such as Kiama, increase capacity for housing.

The Regional Plan outlines the housing needs of each of the Illawarra-Shoalhaven Council's with Kiama needing some 2,850 new dwellings by 2036 to meet the housing needs of the community. While the majority of Local Government Areas have sufficient zoned land to meet their housing needs, the Regional Plan states that Kiama will need to plan for additional greenfield land release to accommodate their growing community.

The Kiama LSPS and Kiama Urban Strategy specifically identifies the subject land as a new greenfield development area, within the existing town boundaries, to help meet the housing needs of the community. This PP seeks to rezone the subject land to facilitate a residential subdivision consistent with the LSPS, Kiama Urban Strategy and Regional Plan Direction.

Direction 3.4 – Protect the region's cultural heritage

Direction 3.4 requires Councils to conserve heritage site when preparing local planning controls, and for Local Environmental Plans to be consistent with heritage legislative processes.

This PP is supported by an Aboriginal Cultural Heritage Due Diligence Assessment which determined that the majority of the site has a low likelihood of Aboriginal cultural heritage occurring. A small area was identified as moderately likely to contain Aboriginal cultural heritage and an Aboriginal Cultural Heritage Assessment will be required to support a future development application consistent with the requirements of the Native Vegetation and Wildlife Act 1974.

A Preliminary Historical Heritage Assessment was prepared in support of the PP, which found that while the drystone wall along the eastern boundary of the site is not a listed heritage item, it does contain some heritage significance. While the PP will not result in any impacts on the drystone wall, a Statement of Heritage Impact will need to be prepared as part of the Development Application that assesses the nature of Impacts to the drystone wall within the study area prior to any construction works.

The PP is not inconsistent with this Direction.

Direction 5.1 – protect the region's environmental values by focusing development in locations with the capacity to absorb development, and

Direction 5.1 aims to ensure that development is located to avoid significant environmental impacts, to protect high environmental value lands and to protect the regions biodiversity corridors.

The PP proposes development on land with the capacity to absorb development, as outlined in the land capability assessment and supporting environmental studies.

The PP is considered consistent with the Illawarra Shoalhaven Regional Plan.

4.2.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Kiama Community Strategic Plan

The Kiama Community Strategic Plan (KCSP) provides a long-term, community driven strategy for the future of Kiama and identifies priorities for healthy, well planned and managed places and environments, a diverse and thriving economy and responsible civic leadership in Kiama.

The relevant priority in relation to this proposal is:

2.1 Maintain the separation and distinct nature of local towns, villages and agricultural land

The PP seeks to provide a well planned and appropriate residential development, within the existing town boundaries, consistent with the LSPS, and is consistent with the priorities outlined in the CSP.

Kiama Local Strategic Planning Statement 2020

The Kiama Local Strategic Planning Statement was adopted by Council in June 2020 and provides a strategic framework for Kiama Municipality's economic, social and environmental land use needs over the next 20 years.

The land subject to this PP was identified through the LSPS process as an urban expansion area (Greenfield Site No.1), to help meet the housing needs of the Kiama community.

The PP provides an opportunity to realise the long held strategy of Council (previously identified through the Kiama Urban Strategy) in facilitating a residential subdivision of the subject land.

Kiama Urban Strategy 2011

The Kiama Urban Strategy was adopted by Council in 2011 to guide land use within the Local Government Area and to directly inform the Kiama Local Environmental Plan. The Urban Strategy considered both infill and greenfield development opportunities and outlined a strategy for how and where new housing would be provided.

The land subject to this PP was identified as one of six (6) urban expansion areas around the Kiama township (see **Figure 5**) to help meet the housing needs of the Kiama community.

The Urban Strategy identified a number of issues to be investigated in the Planning Proposal process including the ecological values of the land (particularly in the northern extent of the site), flooding, Aboriginal Cultural Heritage values and noise impacts from the by-pass.

The PP provides an opportunity to realise the long held strategy of Council in facilitating a residential subdivision of the subject land.

4.2.3 Is the Planning Proposal consistent with applicable state environmental planning policies?

The State Environmental Planning Policies (SEPPs) are considered in **Appendix A** of this report and the SEPPs relevant to the proposal are discussed below.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to provide a Statewide planning approach to the remediation of contaminated land and is a consideration when preparing a PP for land identified in the SEPP.

A Stage 1 Preliminary Site Investigation (PSI) prepared by ENRS is provided as **Appendix H** to this report, with the findings of the assessment summarised below:

- The Site history records indicated that the Site has remained undeveloped for an extended period of time;
- The Site walkover and inspections were conducted on the 10th January 2020 confirmed the Site condition was consistent with the documented history and land use. No Areas of Environmental Concern (AEC) were identified during the walk over to trigger any further environmental assessment;
- No evidence of a former Underground Petroleum Storage System (UPSS) was identified through the review of available records and during the Site inspection.
- Review of Potential Acid Sulfate Soil (PASS) maps identified Class 5 and Class 3 conditions within the Site boundary. However, the development area is limited to the Class 5 area. If the proposal is to also include earthworks in the Class 3 area, it is recommended that an Acid Sulphate Soil Investigation and/or Management Plan is prepared
- Based on the historical information provided in this report and observations made during the Site inspection, the Site may be considered suitable for the proposed sub-division and residential land use.

The PP is not inconsistent with the SEPP.

State Environmental Planning Policy (Coastal Management) 2018

SEPP (Coastal Management) provides an integrated and co-ordinated approach to land use planning in the coastal zone, and aims to protect the environmental assets of the coast.

The subject land is located within the Coastal Environment Area and part of the subject land (approximately 0.58 ha) is identified as “proximity area for coastal wetlands” on the Coastal Wetlands and Littoral Rainforests Area Map. While the provisions of the SEPP apply to ‘development’ and not specifically PPs, it is important to consider the intent of the SEPP in protecting the biophysical, hydrological or ecological integrity of coastal wetlands and the coastal ecological environment.

An Integrated Water Cycle Management Study prepared by Rienco Consulting is provided as **Appendix G** to this report. The Water Cycle study assessed a number of WSUD measures to ensure the proposal would not negatively impact on water quality, coastal wetlands and the coastal ecological environment. The study ultimately determined that even a very basic treatment train of rainwater tanks and a sand-filtration unit would exceed Council's performance criteria and deliver a beneficial effect to water quality.

The PP is not inconsistent with the SEPP.

4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Section 9.1 Directions are considered in Appendix B and those that are relevant to the subject PP are discussed below.

1.5 Rural Lands

This Direction applies as the PP proposes to rezone part of the subject land from E2 Environmental Conservation zone to an R2 Low Density Residential zone with a minimum lot size of 450m² consistent with the adjoining established residential areas.

The PP is consistent with the Illawarra Shoalhaven Regional Plan, the Kiama LSPS and the Kiama Urban Strategy as required by this Ministerial Direction. Further, the PP identifies and protects the environmental values of the land, particularly in relation to the riparian area and flood plain by retaining an environmental protection zone over environmentally sensitive lands. The PP also considers the natural and physical constraints of the land as outlined in the land capability assessment and supporting technical studies.

The PP is not inconsistent with the terms of this Direction.

2.1 Environmental Protection Zones

The PP proposes to rezone land from an E2 Environmental Conservation zone to part R2 Low Density Residential and Part E2 Environmental Conservation, and is therefore potentially inconsistent with this Direction.

The area proposed to be rezoned to R2 Low Density Residential does not meet the criteria for an environmental protection zone as outlined in the Department's LEP Practice Note *PN 09–002 Environmental Protection Zones*. The criteria described in the Practice Note is outlined below:

E2 Environmental Conservation

This zone is for areas with high ecological, scientific, cultural or aesthetic values outside national parks and nature reserves. The zone provides the highest level of protection, management and restoration for such lands whilst allowing uses compatible with those values.

E3 Environmental Management

This zone is for land where there are special ecological, scientific, cultural or aesthetic attributes or environmental hazards/processes that require careful consideration/management and for uses compatible with these values.

The Vegetated Riparian zone and floodplain associated with the Minnamurra River is considered to be of high ecological, scientific, cultural and aesthetic value and is proposed to be retained in an E2 Environmental Conservation zone.

The remainder of the site does not contain special ecological, scientific, cultural or aesthetic attributes or environmental hazards, and an environmental protection zone is not considered appropriate in this location.

Further, the PP specifically gives effect to the long-held strategy of Kiama Council to facilitate a residential subdivision on the land, as outlined in the LSPS and Kiama Urban Strategy.

The PP is not inconsistent with the terms of this Direction.

2.2 Coastal Management

This Direction seeks to protect and manage coastal areas of NSW, and applies as the subject land is within the Coastal Zone. However, the PP does not seek to rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area or within a coastal vulnerability area identified by the State Environmental Planning Policy (Coastal Management) 2018.

Further, an Integrated Water Cycle Management Study prepared by Rienco Consulting is provided as **Appendix G** to this report. The Water Cycle study assessed a number of WSUD measures to ensure the proposal would not negatively impact on water quality, coastal wetlands and the coastal ecological environment. The study ultimately determined that even a very basic treatment train of rainwater tanks and a sand-filtration unit would exceed Council's performance criteria and deliver a beneficial effect to water quality.

The PP is not inconsistent with the terms of this Direction.

2.3 Heritage Conservation

This Direction seeks to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

No items, areas, objects or places of Aboriginal cultural heritage significance are known to exist on the site. An Aboriginal Cultural Heritage Due Diligence Assessment was undertaken in

support of the PP which found that a small area within the centre of the site has a moderate chance of Aboriginal cultural heritage being found in this location (see **Figure 9**).

The ACHDDA recommends that, as part of a future development application over the site, an Aboriginal Cultural Heritage Assessment be undertaken over the area assessed as having a moderate likelihood of containing Aboriginal cultural heritage. Should the assessment identify Aboriginal objects, an Aboriginal Heritage Impact Permit will be required prior to any impacts occurring.

No items of environmental heritage are known to occur on the site. However, a Preliminary Historical Heritage Assessment was prepared by Austral Archaeology (Appendix E) which found that the drystone wall located along the eastern boundary of the study area contains technological research potential for demonstrating engineering and construction techniques of drystone walls built by Thomas Newing in the Kiama district. The value of the research potential of the structure is enhanced by its high degree of structural integrity.

The future residential subdivision of the subject land will retain the dry stone wall, and a Statement of Heritage Impact will need to be prepared as part of the Development Application that assesses the nature of impacts to the drystone wall within the study area prior to any construction works.

The PP is not inconsistent with the terms of this Direction.

2.6 Remediation of Contaminated Land

This Direction seeks to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

A Stage 1 Preliminary Site Investigation (PSI) prepared by ENRS is provided as **Appendix H** to this report. The site history records indicate that the site has remained undeveloped for an extended period of time, and no Areas of Environmental Concern (AEC) were identified on the site, to trigger any further environmental assessment.

Based on the historical information provided in the PSI and observations made during the site inspection, the site is considered suitable for the proposed sub-division and residential land use, without the need for additional investigations and / or remediation.

The PP is not inconsistent with the terms of this Direction.

3.1 Residential

This Direction specifically seeks to encourage a variety of housing types to provide for existing and future housing needs. The PP seeks to rezone part of the subject site to a residential zone consistent with the LSPS and Kiama Urban Strategy, to help meet the housing needs of the Kiama community.

The PP is not inconsistent with the terms of this direction.

3.2 Caravan Parks and Manufactured Home Estates

This Direction seeks to provide opportunities for caravan parks and manufactured home estates in appropriate locations. This PP seeks to rezone land from an E2 Environmental Conservation Zone to an R2 Low Density Residential Zone, it does not seek to identify zones, locations, or provisions for caravan parks.

The PP is not inconsistent with the terms of this direction.

3.3 Home Occupations

This Direction seeks to encourage the carrying out of low-impact small businesses in dwelling houses.

The PP seeks to rezone part of the subject site to a R2 Low Density Residential zone. Under the R2 zone, home occupations are permissible without consent.

The PP is not inconsistent with the terms of this direction.

3.4 Integrating Land Use and Transport

This Direction applies as the PP seeks to create a residential zoning. This Direction seeks to improve access to housing, employment and services, walking, cycling and public transport.

Kiama has limited public transport options, so new development areas will generally increase the reliance on private vehicles. Nevertheless, the subject land is located within the town boundaries, adjacent to an established residential area, and is accessible by bus.

The PP is not inconsistent with the terms of the Direction.

4.1 Acid Sulfate Soils

This Direction applies as the subject land is mapped as low probability of occurrence of acid sulfate soil risk by the NSW Office of Environment and Heritage mapping.

Review of Potential Acid Sulfate Soil (PASS) maps identified Class 5 and Class 3 conditions within the Site boundary. However, the proposed development area is limited to the Class 5 area. If any earth works occur in the Class 3 area, an Acid Sulphate Soil Investigation and/or Management Plan will be required to support a future development application over the site.

The PP is not inconsistent with the terms of the Direction.

4.3 Flood Prone Land

This Direction applies as the northern part of the subject land is within the flood planning area.

The proposed extent of the R2 zoned land is principally outside the pre-development Flood Planning Area. As part of the future development of the site, a minor area of fill in the northern corner of the proposed R2 zoned land is proposed to provide a more regular shaped developable area, and facilitate an improved urban outcome.

A minor area of filling is required to ensure all R2 zoned land is outside of the Flood Planning Area (post-development) in accordance with the requirements of this Direction. The minor filling is unlikely to have any material influence on flood behaviour in the Minnamurra River.

The PP is not inconsistent with the terms of the Direction.

4.4 Planning for Bushfire

This PP seeks to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas. Only a very small portion of the subject site is mapped as bushfire prone on the bushfire prone lands mapping, with the majority of the site free of any bushfire hazard.

Compliance with PBP can be achieved by providing compliant bushfire protection measures such as hazard separation and adequate access. The proposal is considered compatible with the surrounding environment and minimal bushfire risk. With compliant bushfire management, the proposal can coexist within the surrounding lands which are assessed to present a low bushfire risk.

The following bushfire protection measures are recommended to ensure compliance with PBP:

- Provision of a minimum 11 m wide APZ along the western boundary of the subdivision to the low hazard corridor of vegetation located between the Princes Highway and shared pathway.
- A subdivision perimeter road along the western boundary between future lots and the low hazard corridor of vegetation.
- Compliant road widths and design.
- Adequate water supply to allow fire-fighting operations by fire authorities.

The PP is not inconsistent with the terms of the Direction.

5.10 Implementation of Regional Plans

This Direction applies as the subject land is located within the Shoalhaven LGA and is subject to the Illawarra Shoalhaven Regional Plan.

The implementation of the Regional Plan is discussed in Section 4.2.1 above. The PP is not inconsistent with the terms of the Direction.

6.1 Approval and Referral Requirements

This Direction applies to the PP. The PP does not propose any provisions that will require additional concurrence or referral requirements of the future development of the subject site.

The PP is not inconsistent with the terms of the Direction.

6.3 Site Specific Provisions

This Direction applies to the PP. The PP proposes to rezone the site to part R2 Low Density Residential and introduce a minimum lot size of part 450m² and part 40ha. The PP does not propose any site specific provisions to be adopted for the subject site.

The PP is not inconsistent with the terms of the Direction.

4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT (SECTION C)

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 proposed amendment will not impact on any critical habitat or threatened species, populations or ecological communities, or their habitats. The subject land is a cleared paddock that is dominated by exotic pasture grasses and weeds, with only four tall trees in the centre of the lot.

No threatened flora or fauna species listed under the EPBC Act or BC Act were identified within the study area during field assessment. All threatened flora and fauna species were considered to have a 'low' likelihood of occurrence within the study area and a further impact assessment was determined to be unnecessary.

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?

There are no environmental effects envisaged as a direct result of the PP. As outlined above, a Flora and Fauna Assessment has been completed and is submitted with this PP (**Appendix F**). Based on a desktop analysis, field survey and literature review, the assessment determined:

- The study area is a cleared paddock that is dominated by exotic pasture grasses and weeds.
- There are four tall trees in the centre of the lot, one of which contains hollows.
- No threatened flora or fauna species listed under the EPBC Act or BC Act were identified within the study area during field assessment, and a further impact assessment was determined to be unnecessary.

Further, a Water Cycle Management Report was prepared in support of the PP (**Appendix G**), which determined that the proposal would not negatively impact on water quality, coastal wetlands and the coastal ecological environment. The study ultimately determined that even a very basic treatment train of rainwater tanks and a sand-filtration unit would exceed Council's performance criteria and deliver a beneficial effect to water quality.

4.3.3 How has the Planning Proposal adequately addressed any social and economic effects?

The PP will assist in meeting the housing needs of the Kiama community.

It is important that housing supply meets the needs and demands of the community, and this PP will assist in providing a housing product that meets the needs of the Kiama community, as outlined in the LSPS and Kiama Urban Strategy. Further, the PP will provide some economic benefit through the supply of additional residential land and housing opportunities.

4.4 STATE AND COMMONWEALTH INTERESTS (SECTION D)

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

There is adequate public infrastructure to support the proposed residential development of the site as outlined below.

Water Supply

There are existing 100mm diameter uPVC water mains in Henry Parkes Drive and Newing Circuit to the south and east of the site. It is proposed that the reticulation main in Henry Parkes Drive be extended around the loop road proposed as part of the subdivision. Each lot will have a connection to the water main via a main to meter connection.

A formal feasibility request has been made with Sydney Water and will be provided as part of a future development application over the site.

Sewer

There is an existing 150mm sewer line running along part of the eastern boundary of the site. There is also a manhole in 41 Newing Circuit from another sewer branch which has a lower invert.

At the time of subdivision new sewer lines will be constructed and connection points provided for all lots. A preliminary assessment has been undertaken considering the construction of 37 residential lots following rezoning. A flow assessment has been done and the existing sewer can accommodate the additional 130EP (equivalent persons) expected. The level of the existing sewer is such that the future lots would be able to connect to the existing manhole in 41 Newing Circuit with compliant grades.

A formal feasibility request has been made with Sydney Water and will be provided as part of a future development application over the site.

Stormwater

The PP is supported by a Water Cycle Management Report (**Appendix G**) that shows that the proposed rezoning and subsequent development would exceed Council's water quality requirements. A very basic treatment train of rainwater tanks and a sand-filtration unit was shown to deliver a beneficial effect to water quality.

Electricity

There is existing Endeavor Energy underground low-voltage services in Henry Parkes Drive and Newing Circuit. The nearest kiosk is in front of 4 Henry Parkes Drive. A high-voltage line runs along Henry Parkes Drive between that kiosk and the high voltage overhead line through lot 102 DP 1018957 on the other side of Princes Highway.

Endeavour Energy have made a connection offer for the proposed future subdivision (Endeavour reference URS23711) with a design brief (included as appendix) advising that the development will require the construction of a new 315kVA padmount substation to service the site. High voltage connection to the new padmount substation would be by cutting in to the existing HV cable in front of 37 Henry Parkes Drive.

Endeavour Energy have advised that there is capacity in the network to support the proposed subdivision including LV connections for each lot and street lighting.

Traffic

The subject land has direct access from Henry Parkes Drive. A Traffic Impact Assessment was prepared in support of the PP. The assessment determined that the PP will not result in unacceptable impacts to local traffic, road safety or residential amenity. This report demonstrates that the proposed development can be satisfactorily accommodated within the existing road network and the future road hierarchy adopted for the area.

Telecommunications

NBN Co advise that NBN is available for connection at the properties adjacent to the development.

An application was lodged with NBN for technical assessment of the development, NBN reference STG-W00119044. NBN advised they would be able to service the development and

no backhaul charges would be applicable on top of the developer infrastructure contribution charge.

4.4.2 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

As per the PP process stipulated under the NSW *Guide to Preparing Planning Proposals*, it is expected that Council will consult with relevant public authorities in accordance with the conditions of the Gateway determination.

The PP will be updated prior to public exhibition, if required, to incorporate the view of any public authority.

5. PART 4 – MAPPING

As described in the explanation of provisions, the PP will require amendments to the Land Zoning Map, Lot Size Map, Height of Buildings Map and Floor Space Ratio Map in Kiama LEP 2011. The proposed land use zone, minimum lot size, height of building and FSR amendments are shown in **Figures 10-13** below.

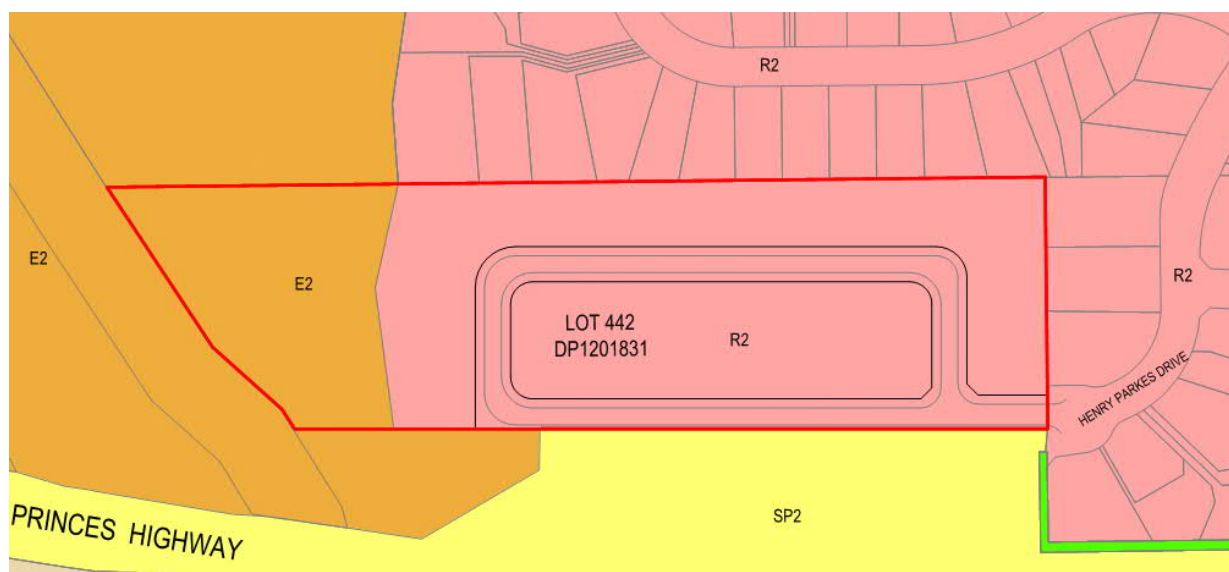


Figure 10 - Proposed Land Use Zones

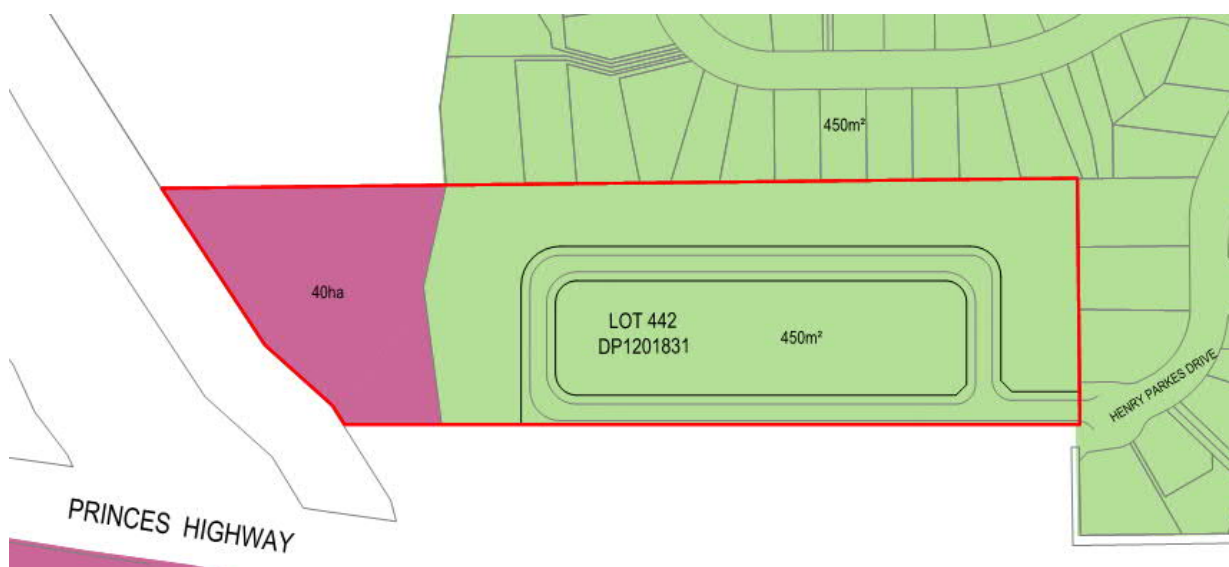


Figure 11 - Proposed Minimum Lot Size

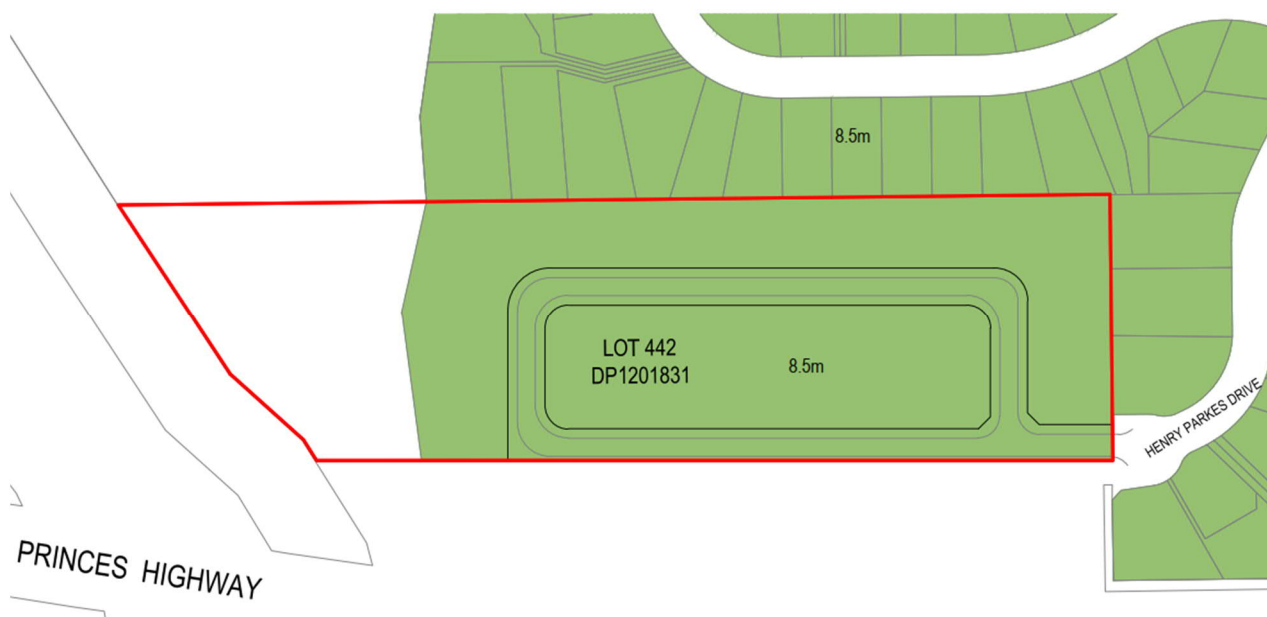


Figure 12 - Proposed Height of Building

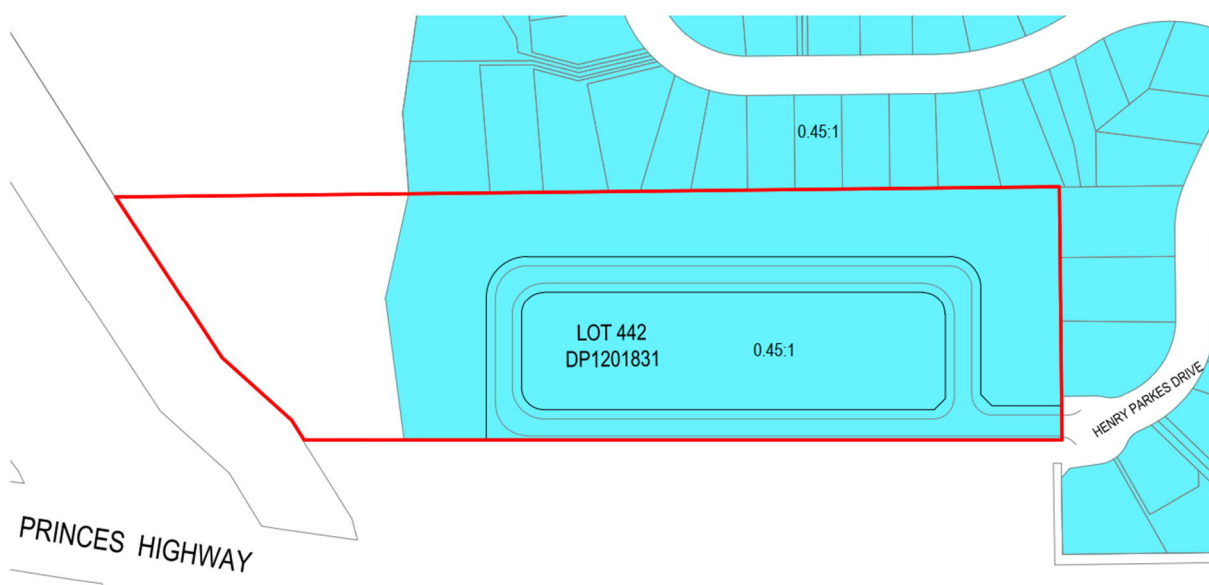


Figure 13 - Proposed Floor Space Ratio

6. PART 5 – COMMUNITY CONSULTATION

The PP will be publicly exhibited in accordance with the Gateway determination, and for a minimum period of 28 days, as per the NSW *Guidelines for Preparing Planning Proposals*.

7. PART 6 – PROJECT TIMELINE

The anticipated timeline for the PP is outline in **Table 1** below.

Table 1 - Project Timeline

TASK	ASSESSMENT
Lodgement of PP to Kiama Municipal Council	March 2020
Pre-Gateway Assessment and Report to Council	May 2020
Submit PP to DPE for Gateway determination	June 2020
Commencement date (date of Gateway determination)	July 2020
Completion of Gateway determination requirements	August 2020
Public Exhibition	August 2020
Consideration of Submissions	September 2020
Post exhibition consideration of PP	October 2020
Finalisation and notification of Plan	November 2020

8. CONCLUSION

The proposal to amend Kiama LEP 2011 in relation to Lot 442 Henry Parkes Drive for the purpose of enabling a residential subdivision, is provided with the attached supporting information and in accordance with the LSPS, Kiama Urban Strategy and Illawarra Shoalhaven Regional Plan.

The proposal has been assessed as being consistent with the relevant SEPPs and Section 9.1 Directions as detailed in this report. The outcome of the PP will encourage positive economic and social impacts through the provision of additional residential zoned land within the existing town boundaries, and will help meet the housing needs of the Kiama community.

APPENDIX A – STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY	RELEVANCE	NOT INCONSISTENT
No. 1 – Development Standards	X	
No 19 – Bushland in Urban Areas	X	
No 21 – Caravan Parks	X	
No 33 – Hazardous and Offensive Development	X	
No 36 – Manufactured Home Estates	X	
No 44 – Koala Habitat Protection	X	
No 47 – Moore Park Showground	X	
No 50 – Canal Estate Development	X	
No 55 – Remediation of Land	✓	✓
No 64 – Advertising Signage	X	
No 65 – Design Quality of Residential Apartment Development	X	
No 70 – Affordable Housing (Revised Schemes)	X	
Aboriginal Land (2019)	X	
Affordable Rental Housing (2009)	X	
BASIX (2004)	X	
Coastal Management (2018)	✓	✓
Concurrences (2018)	X	
Educational Establishments and Child Care Facilities (2017)	X	
Exempt and Complying Development (2008)	X	
Gosford City Centre (2018)	X	
Housing for Seniors or People with a Disability (2004)	X	
Infrastructure (2007)	X	
Kosciuszko National Park—Alpine Resorts (2007)	X	
Kurnell Peninsula 1989	X	
Mining, Petroleum Production and Extractive Industries (2007)	X	
Miscellaneous Consent Provisions (2007)	X	
Penrith Lakes Scheme 1989	X	
Primary Production and Rural Development (2019)	X	
State and Regional Development (2011)	X	
State Significant Precincts (2005)	X	
Sydney Drinking Water Catchment (2011)	X	
Sydney Region Growth Centres (2006)	X	
Three Ports (2013)	X	
Urban Renewal (2010)	X	
Vegetation in Non-Rural Areas (2017)	X	

STATE ENVIRONMENTAL PLANNING POLICY	RELEVANCE	NOT INCONSISTENT
Western Sydney Employment Area (2009)	X	
Western Sydney Parklands (2009)	X	

APPENDIX B – SECTION 9.1 DIRECTIONS

DIRECTION	APPLICABLE	RELEVANT	NOT INCONSISTENT
1 EMPLOYMENT AND RESOURCES			
1.1 Business and Industrial Zones	X		
1.2 Rural Zones	X		
1.3 Mining, Petroleum Production and Extractive Industries	X		
1.4 Oyster Aquaculture	X		
1.5 Rural Lands	✓	✓	✓
2 ENVIRONMENT AND HERITAGE			
2.1 Environment Protection Zones	✓	✓	✓
2.2 Coastal Management	✓	X	
2.3 Heritage Conservation	✓	✓	✓
2.4 Recreation Vehicle Areas	✓	X	
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	X		
3 HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT			
3.1 Residential Zones	✓	✓	✓
3.2 Caravan Parks and Manufactured Home Estates	✓	X	
3.3 Home Occupations	✓	✓	✓
3.4 Integrating Land Use and Transport	✓	✓	✓
3.5 Development Near Regulated Airports and Defence Airfields	X		
3.6 Shooting Ranges	X		
4 HAZARD AND RISK			
4.1 Acid Sulfate Soils	✓	✓	✓
4.2 Mine Subsidence and Unstable Land	X		
4.3 Flood Prone Land	✓	✓	✓
4.4 Planning for Bushfire Protection	✓	✓	✓
5 REGIONAL PLANNING			
5.1 Implementation of Regional Strategies	X		

DIRECTION	APPLICABLE	RELEVANT	NOT INCONSISTENT
5.2 Sydney Drinking Water Catchments	X		
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	X		
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	X		
5.9 North West Rail Link Corridor Strategy	X		
5.10 Implementation of Regional Plans	✓	✓	✓
6 LOCAL PLAN MAKING			
6.1 Approval and Referral Requirements	✓	✓	✓
6.2 Reserving Land for Public Purposes	X		
6.3 Site Specific Provisions	✓	✓	✓
7 METROPOLITAN PLANNING			
7.1 Implementation of A Plan for Growing Sydney	X		
7.2 Implementation of Greater Macarthur Land Release Investigation	X		
7.3 Parramatta Road Corridor Urban Transformation Strategy	X		
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	X		
7.5 Implementation of Greater Parramatta Priority Growth Area Land Use and Infrastructure Implementation Plan	X		
7.6 Implementation of Wilton Interim Land Use and Infrastructure Implementation Plan	X		
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	X		
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	X		
7.9 Implementation of Bayside West Precincts 2036	X		
7.10 Implementation of Planning Principles for the Cooks Cover Precinct	X		

APPENDIX C – PRELIMINARY GEOTECHNICAL ASSESSMENT

APPENDIX D – ABORIGINAL CULTURAL HERITAGE DUE DILIGENCE ASSESSMENT

APPENDIX E – PRELIMINARY HISTORICAL HERITAGE ASSESSMENT

APPENDIX F – FLORA AND FAUNA ASSESSMENT

APPENDIX G – INTEGRATED WATER CYCLE MANAGEMENT STUDY

APPENDIX H – PRELIMINARY SITE INVESTIGATION

APPENDIX I – BUSHFIRE ASSESSMENT

APPENDIX J – TRAFFIC IMPACT ASSESSMENT

APPENDIX K – UTILITY SERVICES INVESTIGATION