

PLANNING PROPOSAL

in respect of Lots 100 & 101 DP 1157883
Downes Place, Jamberoo



Prepared by
Plannex Environmental Planning

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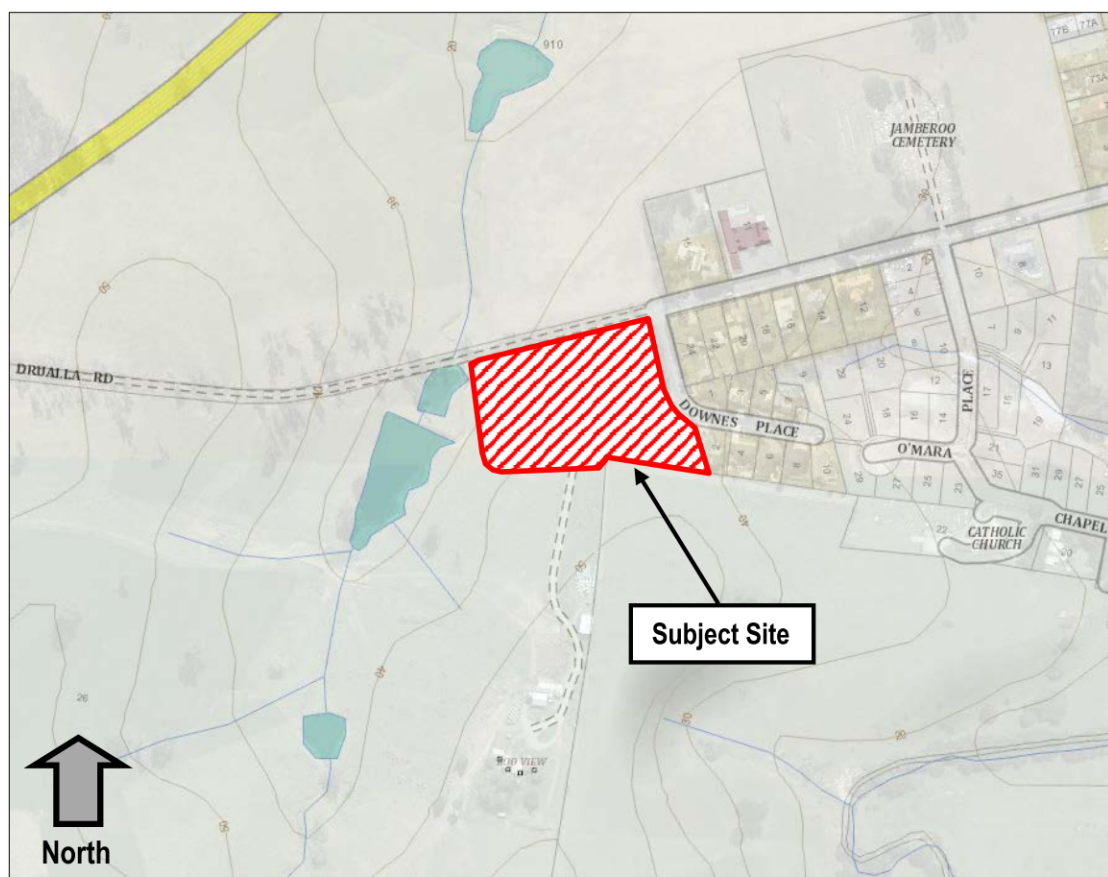
1.0 INTRODUCTION

1.1 Introduction

Plannex Environmental Planning has been engaged by Geoff and Beth Downes to prepare a Planning Proposal to rezone part of their land at Jamberoo to enable it to be subdivided and developed for residential purposes. The land to which this Planning Proposal relates has been identified by the '*Kiama Urban Strategy*' (2011) as being a site suitable for investigation for future urban expansion.

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

Figure 1 - Location Plan



Source – SIX Maps

This Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act, 1979; relevant Department of Planning and Environment (DPE) guidelines, including '*A guide to preparing*

planning proposals' (2012) and *'A guide to preparing local environmental plans'* (2012); and Kiama Council's *'Planning Proposal Policy'* (2012).

1.2 Subject Site

The subject site is located on the western side of Downes Place at Jamberoo (see Figure 1). The subject site has an area of approximately 6,900m² - consisting of all of Lot 1 DP 1157883 (4,745m²) and some 2,155m² (approx.) of the adjoining Lot 100 DP 1157883.

The landform of the subject site slopes gently in a northerly direction towards Drualla Road. The subject site is largely cleared of vegetation - apart from plantings around the existing dwelling house and boundary planting along Downes Place.

Figure 2 - Site Context



Source - SIX Maps

As shown in Figure 2, the subject site currently contains a single storey rendered masonry dwelling-house with a Colorbond metal roof; a detached Colorbond metal shed; and, and in-ground swimming pool. These structures are all contained within Lot 101 and are accessed from Downes Place via a bitumen driveway.

A gravel access track that services a dwelling house and farm sheds (all located to the south-west within Lot 100) cuts across the subject site in a south-westerly direction from its north-eastern corner.

1.3 Existing Planning Controls

1.3.1 Kiama Local Environmental Plan 2011

The land to which the Planning Proposal applies 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:-

(a) Zoning

The subject site is zoned RU2 Rural Landscape. The neighbouring and adjacent residential land to the east is zoned R2 Low Density Residential.

(b) Minimum Lot Size

A minimum allotment size of 40 hectares applies to the subject site. The neighbouring and adjacent residential land to the east is affected by a minimum allotment size of 800m².

(c) Heritage

The subject site does not contain any heritage items and is not within a Heritage Conservation Area. There are no heritage items located on land adjoining or adjacent to the subject site.

(d) Terrestrial Biodiversity

The development site does not contain any land identified as biodiversity land. However, there are small pockets of identified biodiversity land to the north-west of the subject site, along the route of the unformed section of Drualla Road.

(e) Riparian Land & Watercourses

The subject site does not contain any identified riparian lands or watercourses. However, there is a watercourse to the west of the subject site which is identified as a Category 3 watercourse.

(f) Floor Space Ratio

There is currently no maximum floor space ratio (FSR) applying to the subject site. The neighbouring and adjacent residential land to the east is subject to a maximum FSR of 0.45:1.

(g) Acid Sulfate Soils

The subject site is not identified as containing Acid Sulfate Soils.

(h) Height of Buildings

There is currently no maximum building height applying to the subject site. The neighbouring and adjacent residential land to the east is subject to a maximum building height of 8.5m.

(i) Bushfire Prone Land

The development site is not mapped as Bushfire Prone Land, although parts of the broader subject site are.

2.0 OBJECTIVES & INTENDED OUTCOMES

The objective and intended outcome of this Planning Proposal is to enable the subject site to be subdivided and developed for low density residential purposes in accordance with Kiama Council's adopted '*Kiama Urban Strategy*' (2011).

3.0 EXPLANATION OF THE PROPOSED PROVISIONS

The objective and intended outcome of the Planning Proposal, as identified in Section 2.0, will be achieved by:-

- Amending the KLEP 2011 Zoning Map in accordance with Appendix A, to rezone the subject site from RU2 Rural Landscape to R2 Low Density Residential.
- Amending the KLEP 2011 FSR Map in accordance with Appendix B, to apply a maximum permissible FSR of 0.45:1 to the subject site.
- Amending the KLEP 2011 Height of Buildings Map in accordance with Appendix C, to apply a maximum permissible building height of 8.5m to the subject site.
- Amending the KLEP 2011 Lot Size Map in accordance with Appendix D, to apply a minimum permissible allotment size of 800m² to the subject site.

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 DPE'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 arisen as a direct result of Kiama Council's '*Kiama Urban Strategy*' which was adopted by Council in September 2011. The Urban Strategy was prepared to consider and identify opportunities and options for urban infill and urban expansion development within the Kiama Local Government Area (LGA).

The subject site was considered as a potential site for the urban expansion of Jamberoo village and is referred to in the Urban Strategy as "Site 24". The Urban Strategy recommended that the subject site "*should be included in a Planning Proposal*" to allow it to be rezoned for future residential development.

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 RU2 Rural Landscape and affected by a minimum allotment size of 40 hectares. To achieve the recommendation of Council's adopted Urban Strategy and allow the subdivision of the subject site and its development for low density residential purposes, it is most appropriate that the subject site be rezoned to R2 Low Density Residential by way of a standalone Planning Proposal.

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 Regional Strategy (IRS) was released by the DPE in January 2007 and provides the strategic plan and direction for the Illawarra Region over a 25 year period to 2031. In terms of housing and settlement, the IRS has forecast that an

additional 38,000 new dwellings will be required in the Illawarra Region to cater for the expected population of 328,600 by 2031.

Whilst the IRS acknowledges that the Kiama LGA will have a limited role in regional housing supply, it does anticipate potential for medium density development in Kiama and Gerringong and limited new residential release areas. Based upon the IRS housing targets for the Kiama LGA of 43% detached housing, 55% medium density dwellings, and 2% high density dwellings, the DPI has advised Council that a total of 812 new detached dwellings will need to be provided by 2021.

More recently, the DPE has released the *Illawarra-Shoalhaven Regional Plan* (ISRP). With regard to housing supply in the Kiama LGA, the ISRP has revised the housing targets from those previously contained in the IRS to now cater for an expected regional population growth of 60,400 between 2016 and 2036, requiring a total of 35,400 new dwellings across the region. Under the ISRP the Kiama LGA will remain a limited supplier of housing, with a total of 2,850 new dwellings required by 2036. The ISRP acknowledges that within the Kiama LGA there is not enough land or 'market ready' infill development in the planning pipeline to meet this demand. Accordingly, one of the actions of the ISRP is for the State government to work with Kiama Council to "*monitor and review the potential of the area to accommodate housing demand*".

The Planning Proposal is consistent with the ISRP in that it will provide an opportunity for limited urban development within the Kiama LGA.

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

Kiama Council has prepared and adopted the '*Kiama Urban Strategy*'. This strategic plan identifies areas throughout the Kiama LGA that are considered to be potentially suitable for urban expansion. On the periphery of Jamberoo village, nine (9) potential sites were considered for suitability for urban expansion. The subject site (nominated as "Site 24" in the Urban Strategy) was recommended to be included as a site for future residential development. The Urban Strategy projected that the timeframe for the release and development of the subject site would be within five (5) years (ie by the end of 2016).

In accordance with the Urban Strategy, the Planning Proposal seeks to rezone the subject site to R2 Low Density Residential to enable it to be subdivided to create allotments for detached dwelling houses. The timing of the Planning Proposal is such that the rezoning and subdivision of the land can be completed before 2016, thereby providing the market with serviced allotments for residential development within Council's projected five (5) year timeframe.

Under the provisions of KLEP 2011, the existing residential land adjoining to the east of the subject site is zoned R2 Low Density Residential; is subject to a minimum subdivision allotment size of 800m²; is affected by a maximum building height limit of 8.5m; and, is subject to a maximum FSR of 0.45:1. The Planning Proposal seeks to make amendments to KLEP 2011 so that the zoning of the subject site; and the planning controls affecting minimum allotment sizes, maximum building height, and maximum FSR, are all consistent with the zoning and development standards applying to the existing residential land to the east. A conceptual subdivision layout plan is attached at Appendix E demonstrating that a compliant, 800m² residential subdivision of the subject site is possible.

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

The Planning Proposal has been reviewed having regard to applicable State Environmental Planning Policies (SEPPs). The Planning Proposal's consistency with the relevant SEPPs is summarised in Table A below:-

Table A - Applicable State Environmental Planning Policies

State Environmental Planning Policy	Consistency of Planning Proposal
Illawarra Regional Environmental Plan No.1 (deemed SEPP)	Consistent - The Planning Proposal is consistent with the provisions of IREP 1.
Illawarra Regional Environmental Plan No.2 - Jamberoo Valley (deemed SEPP)	Inconsistent - The Planning Proposal seeks to expand the town boundaries of Jamberoo Village beyond those marked on Sheet 1 of the IREP 2 map. However, this expansion is foreshadowed by the 'Kiama Urban Strategy' which identifies areas on the periphery of Jamberoo Village that are considered suitable for a limited amount of urban expansion. The subject site is one of these nominated urban expansion sites.
SEPP 55 - Remediation of Land	Consistent - A Stage 1 investigation of the subject site has been undertaken and there is no evidence of any site contamination.
SEPP (Rural Lands) 2008	N/A

4.2.3 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal has been reviewed in the light of the Directions issued by the Minister pursuant to Section 117(2) of the Environmental Planning and

Assessment Act, 1979. The Planning Proposal's consistency with the relevant Section 117 Directions is summarised in the Table in Appendix F.

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?

Given the lack of remnant vegetation on the subject site and the fact that part of it has been used for residential and ancillary purposes for a period of time, with the balance cleared and used for grazing for an even longer period of time, it is highly unlikely that there is any critical habitat or threatened species, populations or ecological communities, or their habitats, existing on the subject site.

However, given the existence of land mapped as terrestrial biodiversity land under KLEP 2011 to the north and north-west of the subject site and the proximity of the dam and waterhole to the west, Wirrimbirra Environmental Consultants were engaged to undertake an ecological assessment of the Planning Proposal. A copy of the assessment report is attached at Appendix G.

The ecological assessment found that, as a result of past disturbance, the vegetation on the land is significantly modified in species structure and composition. The field survey found that the subject site is ecologically degraded and considerably modified to the original ecological community. The subject site is part of a larger dairy farm and is predominantly cleared and pasture improved. There is no understorey and the dense groundcover species are exotic pasture grasses and weeds. Grazing of cattle is a regular feature on the site.

A total of 56 flora species (14 native) and 31 fauna species were noted on the subject site. Limited fauna was noted, with avifauna the most abundant.

A literature search found the Commonwealth Protected Matters Search Tool and NSW NPWS Wildlife Atlas listed 40 threatened fauna, 22 threatened flora, and three (3) endangered ecological communities (EEC), as occurring within 10km of the subject site. No threatened species were noted on the subject site and the site is unlikely to provide suitable habitat for any threatened species. The ecological assessment concluded that the proposed development would not have a significant impact on any endangered ecological community or threatened species and no further ecological assessments are recommended.

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?

The potential environmental effects of the Planning Proposal have been investigated as outlined below:-

(a) Geotechnical & Stage 1 Contamination Assessment

A stage 1 site contamination and preliminary geotechnical investigation of the subject site has been undertaken by Network Geotechnics (2013). The investigation has concluded that the site is at a low risk for contamination and that a stage 2 investigation is not necessary. The risk of landslide at the site was considered to be very low having regard to the overall ground slopes and depth to bedrock. A copy of the stage 1 site contamination and preliminary geotechnical assessment report is attached at Appendix H.

As the area for which rezoning is now being sought has expanded from that originally proposed and reviewed by Network Geotechnics, the firm has reviewed the new concept subdivision layout and undertaken a walk-over of the expanded area. The walk-over assessment did not reveal any impediments to the proposed rezoning and subdivision, and the recommendations of the original assessment report remain current for the expanded area. Network Geotechnics' updated letter is attached at Appendix I.

(b) Bushfire Hazard

A bushfire hazard assessment of the Planning Proposal, based upon the concept subdivision layout, has been prepared by Wirrimbirra Environmental Consultants. The bushfire hazard assessment has considered the vegetation surrounding the proposed subdivision and notes that the predominant form of vegetation is grassland, with small linear stands of forest to the north and west constituting less than 1 hectare in area and therefore requiring the same separation setbacks as 'rainforest' vegetation. Slopes over the site are gentle, being 0-5° downslope to the west and north and upslope to the south.

The assessment has recommended an Asset Protection Zone (APZ) of 10m be maintained to the grassland vegetation to the north, west and south of the site, and acknowledges that the proposed 12.5m wide perimeter road would achieve the required APZ. In addition, the bushfire hazard assessment has recommended that any dwelling houses erected within 30m of the grassland vegetation be constructed to BAL 12.5 standards in accordance with AS 3959 (2009) *Construction of Buildings in Bushfire Prone Areas*, no specific construction standard applies to dwellings greater than 30m from the grassland vegetation.

The bushfire hazard assessment concludes that the proposal is in accordance with *Planning for Bushfire Protection* (2006). A copy of the assessment report is attached at Appendix J.

(c) Flood Impact

A flood study of the dam and waterway to the west of the proposed subdivision has been conducted by Siteplus. Investigations and flood modelling undertaken by Siteplus determined that in both the 1% AEP and the PMF storm events, the flood waters only marginally effected the perimeter road – to a maximum depth of 250mm on the verge (at the north-western extremity of the subject site) during the 1% AEP event; and, to a maximum depth of 250mm (again in the north-western extremity of the subject site) during the PMF event, only inundating what would be half width of the proposed perimeter road with a low hydraulic hazard.

The flood study has recommended that in the event of development of the site, a freeboard of 500mm be maintained to all finished floor levels, above the level of the 1% AEP event.

A copy of the flood study is attached at Appendix K.

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 needs of future residents. The subject site is close to the amenities of the Jamberoo village centre, which includes shops and cafes; a bowling club; hotel; golf club; community centre; churches; swimming pool; recreational amenities; and, public primary school.

An Aboriginal archaeological Due Diligence assessment of the subject site has been undertaken by Ainsworth Heritage (2012). This assessment did not detect the existence of any known or potential Aboriginal sites on the subject site. The assessment has recommended that the proposal may proceed with caution. A copy of the Due Diligence assessment is attached at Appendix L. An update (Appendix M) to the original Due Diligence assessment was prepared to respond to specific comments made by Council as a result of its initial review of the Planning Proposal, and provides clarification of those matters.

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 94 and 94A 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 existing dwelling house on the subject site is currently connected to Sydney Water's reticulated water supply system and to Endeavour Energy's electricity grid. These services can be extended and/or augmented to service the future residential subdivision of the subject site.

The existing dwelling house on the subject site is not connected to Sydney Water's reticulated sewerage system. However, the existing residential development in Downes Place and Drualla Road, to the east of the subject site, is connected to the reticulated sewerage system. The development of the subject site for residential purposes will require the extension of the sewer main along Drualla Road and across to the western side of Downes Place.

Downes Place is a fully constructed, bitumen-sealed public road and Drualla Road is constructed and sealed to a point just beyond its intersection with Downes Place. It is expected that the construction of Drualla Road will need to be extended further to the west in order to facilitate access to the future subdivision of the subject site.

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

Initial consultation has been undertaken with Department of Primary Industries – Water (DPI – Water) in order to determine minimum riparian zone setback requirements to the dam and out flow. DPI – Water has advised that:-

- *The watercourse running through the site is a 2nd order tributary of Hyams Creek*
- *A minimum setback of 10m is required from the dam.*
- *A minimum setback of 20m is required from the watercourse downstream of the dam in accordance with the NSW Office of Water Controlled Activity Guidelines.*
- *Required riparian setbacks can be offset within the adjoining residual lot in accordance with the NSW Office of Water Controlled Activity Guidelines. Offset areas would require revegetation as part of the subdivision proposal*
- *The Office of Water are in agreement with the possible relocation of the spillway to the West of the dam wall.*

The Planning Proposal has been prepared having regard to the above comments.

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 DPI'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 (ie R2 Low Density Residential).

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 within Jamberoo village.

Assessments of the proposal undertaken to date, indicate development of the site is possible as there are limited constraints, and there is not likely to be any detrimental environmental or Aboriginal cultural heritage impacts arising from the proposed development. Furthermore, the social and economic impacts are likely to 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 IRS, ISRP, relevant SEPPs and s117 Directions, and 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 MPIA CPP

Town Planner
Director

23rd December 2015