

# Planning Proposal to Amend Kiama LEP 2011 – Rezone Lot 3 DP 1018217 Dido Street Kiama – Residential Development



**RESPECT**



**INNOVATION**



**INTEGRITY**



**TEAMWORK**



**EXCELLENCE**

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## Planning Proposal for amendments to the Kiama LEP 2011

### 1.0 Statement of the objectives

The objective of this planning proposal is to amend the Kiama Local Environmental Plan (LEP) 2011 for Lot 3 DP 1018217 from RU1 Primary Production to R2 Low Density Residential and E2 Environmental Conservation in accordance with the Kiama Urban Strategy (KUS) to permit subdivision and low density residential development of this land and retain and protect biodiversity land located on the site.

### 2.0 Explanation of provisions

The intended outcome will be achieved by amending Kiama LEP 2011 as follows: -

1. Amend part of the Land Zoning Map – Sheet LZN\_012 applying to Lot 3 DP 1018217 from zone RU1 to zone R2;
2. Amend part of the Land Zoning Map – Sheet LZN\_012 applying to Lot 3 DP 1018217 from zone RU1 to zone E2;
3. Amend part of the Lot Size Map – Sheet LSZ\_012 applying to Lot 3 DP 1018217 from minimum lot size of AB 40ha to G 450 sqm;
4. Amend part of the Floor Space Ratio Map – Sheet FSR\_012 applying to Lot 3 DP 1018217 to apply a FSR of C 0.45:1.
5. Amend part of the Height of Buildings Map – Sheet HOB\_012 applying to Lot 3 DP 1018217 to apply a maximum height of 8.5m.
6. Amend part of the Terrestrial Biodiversity Map – Sheet BIO\_012 to apply to part of Lot 3 DP 1018217.

### 3.0 Justification for objectives

#### 3.1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The Planning Proposal is a result of the Kiama Urban Strategy (KUS).

The KUS was adopted by Council on 20 September 2011 and identified land for urban expansion. The subject site is identified under Section 8 of the KUS as land for which a planning proposal should be undertaken to satisfy the housing mix outlined in the then Regional Plan (the *Illawarra Regional Strategy*).

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

Rezoning part of the land to R2 Low Density Residential and part of the land to E2 Environmental Conservation and amending the Development Standards to reflect the Development Standards of residential land to the east of the subject site is considered the best way of achieving the intended outcome of permitting low density residential development of the land whilst protecting high quality biodiversity land. The proposed LEP amendments will allow for a subdivision and development which will assist to meet the detached housing mix for growth in Kiama.

Consideration was given to rezoning some of the land to R3 Medium Density Residential to allow for multi-dwelling housing or amending the minimum lot size to 350sqm to increase the lot yield as has been applied to portions of other urban release land to the south. However, given the topography of the land and its visibility from the coastal foreshore the resultant built form likely from such LEP amendments were not considered the best means of achieving the intended outcome and would result in a dwelling yield greater than indicated in the KUS.



### 3.3 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies?)

The applicable regional strategy for the area is the *Illawarra-Shoalhaven Regional Plan* (ISRP) published in November 2015. The Planning Proposal is consistent with the vision detailed in the ISRP. The ISRP projects that housing needed in the Kiama LGA over the next 20 years would be 2,850. The ISRP also found that *“analysis indicates that there is not enough land or ‘market ready’ infill development in the planning pipeline to meet this demand.”*<sup>1</sup>

The 2016 Illawarra - Shoalhaven Urban Development Program Update (UDP) prepared by the NSW Government indicates that the dwelling approvals and greenfield housing activity for Kiama LGA is likely to decrease in the short term. The report goes on to state that *“this has the potential to impact the provision of a mix of housing types to cater for first home buyers, young families, retirees and support ageing in place. The shortage of greenfield land supply also raises concerns in relation to Kiama’s housing affordability when compared to the rest of the Region.”*

The UDP update acknowledges Kiama Council’s desire to move from greenfield to infill development while still identifying a number of potential greenfield areas contained in its Urban Strategy that can assist in meeting demand.

This Planning Proposal will assist Kiama Municipal Council meet housing demand identified in the ISRP and is consistent with Directive 2.2. The Planning Proposal would provide additional lots suitable for residential development and applies to a lot identified under Council’s Urban Strategy as a potential greenfield site.

### 3.4 Will the planning proposal give effect to a council’s endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The Kiama Urban Strategy (KUS) was adopted by Council on 20 September 2011 and is Kiama’s overarching strategy to meeting housing targets identified in the then Illawarra Regional Strategy (IRS). The KUS had a direct influence on the preparation of the Kiama LEP 2011.

The land affected by this Planning Proposal was considered for and identified by the KUS as a site which should be assessed further in a Planning Proposal for urban expansion. The site is known in the KUS as ‘Site 8’. Section 9 of the KUS indicates Site 8 (and other sites) as suitable for Stage 2 (5-10years). In the Kiama area only Site 13 was identified as Stage 1 (0-5years). Site 13 refers to Cedar Grove which has now been developed. Therefore, with regards to both staging order and indicated timeframes, the proposed development is consistent with the KUS.

Section 9 also identifies lot yield for the site of approximately 11-12 lots although Section 6.1 acknowledges that a more accurate lot yield potential and density would need be established. Reflecting site constraints including bushfire, topography and the potential need to protect land identified as EEC a concept subdivision plan has been prepared which illustrates a lot yield of 10 lots. Further investigation of these constraints may increase this lot yield to be closer to that identified by the KUS. Notwithstanding this it is noted that under the proposed zone Dual Occupancy would be a permissible form of development and a number of the sites may be suited to such development. As such the overall dwelling yield may be more reflective of the lot yield derived from the KUS.

The Planning Proposal is consistent with the KUS.

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

The Planning Proposal is consistent with applicable State Environmental Planning Policies (SEPPs) as detailed below.

#### SEPP 55 – Remediation of Land

SEPP 55 aims to provide a planning approach to the remediation of contaminated land for the purposes of reducing risk of harm to human health or any other aspect of the environment. Specifically, relevant is that SEPP 55 specifies certain matters to be considered when rezoning land.

The Planning Proposal seeks to rezone the land to residential. Whether or not the land is contaminated must therefore be considered if a purpose referred to in Table 1 to the contaminated land planning guidelines could have lawfully been carried out on that land.

Council's records which date back to the late 1950's do not indicate any development history related to the site. An existing driveway (right of carriageway which provides access to the properties to the west) is construction on the site. The DP registered in November 2000 shows an old stone wall located on the southern boundary. The indication of a stone wall suggests that the site may have been used for agricultural activity in the past. Furthermore, the current zoning lawfully permits extensive agriculture without consent.

A Stage 1 Preliminary Investigation Report, required under Clause 6 of SEPP 55 and detailed in '*Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land*' has been carried out and is located in Appendix 5. The report concluded that the risk of contaminants being on the site is low, and based on the findings, the site is determined to not be contaminated and does not warrant further investigation/reporting.

#### State Environmental Planning Policy (Coastal Management) 2016

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016* including the management objectives for each coastal management area. The subject site is identified as being within the Coastal Environment Area.

Part 2 Division 3 of the SEPP will apply to a future application for subdivision of the subject site and requires consideration of potential impacts upon coastal environmental values, marine vegetation, native vegetation, existing public open space including safe access to and along the foreshore, aboriginal heritage, and the use of the surf zone. It is considered that future residential development of the subject site will not impact upon values of the coastal environment zone. The Planning Proposal seeks to retain and protect native vegetation (specifically the Illawarra Subtropical Rainforest CEEC) on the site through rezoning a portion of land to E2 Environmental Conservation. Additionally, development of the subject is unlikely to impact upon safe access to the foreshore and surf zone. As such, it is considered that the Planning Proposal is consistent with this SEPP and future development of the subject site is also likely to be consistent.

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

The Planning Proposal has been assessed against the relevant Ministerial Directions. The proposal is consistent with these Directions with the exception of Directive 1.2 Rural Zones and 1.5 Rural Lands. These inconsistencies are justified. It is unknown at this stage if the proposal is consistent with Direction 4.4 Planning for Bushfire Protection, until further consideration is given through consultation with the relevant authority being NSW Rural Fire Service. A Bushfire

Assessment Report (Appendix 4) has been submitted. A checklist has been provided in Appendix 1 outlining consistencies and justifying inconsistencies.

### 3.7 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 land is not mapped as Biodiversity land. The land is also not mapped as containing Riparian Land. However, a Flora and Fauna Constraints Assessment was undertaken by *Biosis* (see Appendix 4) which identified a 130m<sup>2</sup> area of Illawarra Subtropical Rainforest in the south-west portion of the site. The Illawarra Subtropical Rainforest is listed as a critically endangered ecological community (CEEC) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This PP is seeking to rezone this portion of land (including an additional buffer) from RU1 Primary Production to E2 Environmental Conservation to ensure that future development of the site will not impact upon this vegetation. The adjoining site (Lot 2 DP 1018217) immediately to the south of the subject site also contains the Illawarra Subtropical Rainforest CEEC (also being rezoned to E2 under a separate Planning Proposal). As such, it is considered important to retain the biodiversity on the site to allow for potential linking of the vegetation in the future. It is also the intention that the E2 portion of land will be retained within a single lot, minimising the potential for fragmentation/isolation of the vegetation. As the Illawarra Subtropical Rainforest CEEC is being retained as E2 Environmental Conservation land, it is considered unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal. Additionally, the *Biodiversity Conservation Act 2016* will apply to an application to subdivide the land.

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

#### Bushfire

The subject site is mapped as Bushfire Prone. The vegetation on site had been cleared previously and the majority of vegetation onsite is regrowth forming a 'Closed Exotic Shrubland'. Vegetation posing a threat to the site comes from the vegetation located to the south and west over Lot 2 and 4 of DP1018217 and Lot 701 DP 1026775. In accordance with, *Kevin Mills and Associates* (2006) 'The Natural Vegetation in the Municipality of Kiama NSW', this vegetation is a community of Complex Subtropical Rainforest. Given the small isolated nature of the vegetation over Lot 2 and 4 of DP1018217 and Lot 701 DP 1026775 and the limited fire runs it is unlikely the vegetation would support a fully developed fire due, therefore it is considered to be a low bushfire threat. As a result, the short fire methodology has been utilised to assess the bushfire threat and determine the required Asset Protection Zones. It is believed that the short fire run methodology currently provides the most accurate representation of the fire behaviour relating prevailing bushfire hazard impacting on the subject site.

The proposed planning proposal meets the requirements of Section 9.1 (2) of the EP&A Act by satisfying the requirements of Ministerial Direction 4.4 'Planning for Bushfire Protection' (2006). If future development resulting from the proposed rezoning is undertaken in accordance with the recommendations outlined in the Bushfire Report provided in Appendix 5 it will comply with performance requirements provided in Planning for Bushfire Protection (2006) and will provide adequate provision for fire-fighting strategies.

It should be noted only a small corner of the subject site is considered bushfire prone, therefore the majority dwelling houses likely to be developed on the subject site following a future subdivision would not trigger Section 4.14 of the EP&A Act 1979. However, in order to ensure that the intended outcome of the Planning Proposal is achievable, the Bushfire Assessment modelled the APZ required to comply with BAL 29. The Bushfire Assessment found that a dwelling could be erected on each of the proposed lots which if constructed and maintained in accordance with the recommendations outlined in that report would comply with the performance requirements provided in Planning for Bushfire Protection (2006) and would provide adequate provision for

firefighting strategies. While the recommendations of this report, nor the modelled APZ form part of the proposed amendment to the LEP, it does demonstrate that development of the site for future dwellings would be possible. It also demonstrates that dwellings could be located on the site such that the Asset Protection Zones required for Bushfire proposes would result in minimal need for vegetation clearing. In this regard the Asset Protection Zones would not extend beyond the rezoned land.

### Traffic

The subject site gains vehicle access from Dido Street. Dido Street intersects Jamberoo Road at a T-intersection. Currently this intersection is the only vehicle entry point into and out of the existing Spring Creek residential area.

The land is likely to generate approximately ten (10) residential lots. Under the R2 zoning proposed, dwellings, dual occupancies and secondary dwellings are all permitted uses. As such it is likely that some sites may be developed with dual occupancies or contain secondary dwellings. The *RMS Guide to Traffic Generating Development* calculates a daily vehicle trip rate of 9 trips per dwelling based on surveys conducted in areas where a new residential subdivision is being built. This Guide goes on to state that to provide allowance for some later additional dual occupancy development the AMCORD rate of 10 trips per dwelling could be applied<sup>2</sup>. Using the AMCORD rate, the likely development resulting from the Planning Proposal would create an average of 100 additional trips per day.

In addition to the subject site, the KUS identified Council owned land to the north-east of Dido Street as a site for investigation for urban expansion (known as Glenbrook Drive, Kiama)<sup>3</sup> and subsequently zoned this land R2 – Low Density Residential under the Kiama LEP 2011. Given its land size, the lot yield for this land will be significantly higher than the subject site. Should an alternative access point to Spring Creek not be established at that time this north-eastern land is subdivided, then an upgrade of the Dido Street / Jamberoo Road intersection would need to be investigated. Given the likely lot yield of the subject site relative to this undeveloped residential land to the north-east, any intersection upgrade required would more appropriately occur at that time.

Notwithstanding the above, the ability of the existing intersection to perform adequately with the additional 100 additional trips per day would need to be considered as part of the the Development Assessment (DA) process required to be undertaken in accordance with the Environmental Planning and Assessment Act 1979, to subdivide the site for residential purposes.

### Topography and Geotechnical

The subject site rises steeply to the north-west with an average slope of approximately 30%. Concept subdivision plans have been prepared which respond to this gradient. The proposed access road is positioned in line with contours and larger lots are provided to ensure adequate building envelopes and designs options can be achieved. However, given the gradient of the site a Preliminary Geotechnical Assessment to assess site stability and residential construction classification in accordance with AS2870 has been prepared. The geotechnical investigation identified that the site has a low and tolerable risk of landslide. Further consideration needs to be given to site classifications at Development Application/Construction Certificate Stage. No further consideration is required at this stage.

### Acid Sulphate Soils

The site is mapped as being affected by Acid Sulfate Soils (Class 5). The topography of the locality results in the subject site having AHD levels higher than Class 2 and 1 land located 200m or more to the east. Future subdivision of the site could occur in a manner which allows lots to be stepped

up the site thereby minimising the level of excavation required. An Acid Sulphate Soils study is therefore not considered necessary as part of this Planning Proposal. Notwithstanding this, such a study will be carried out prior to undertaking community consultation should it be required as part of the Gateway determination.

Further to the above, the Development Assessment (DA) process required to be undertaken in accordance with the Environmental Planning and Assessment Act 1979, to subdivide and develop the site for residential purposes provides the appropriate legislative framework through which other environmental effects associated with any future residential development of this land would be assessed.

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

#### Views and Visual Impact

The Planning Proposal will permit low density residential development on the site. Such development will alter the existing view of hills to the west of the township of Kiama. A Visual Impact analysis has been undertaken and is provided in Appendix 8. This Visual Impact Analysis concludes that the *“capacity for visual impact as a consequence of low density residential development on the subject site is considered low and will not adversely affect Council’s objectives for managing scenic qualities of the urban fringe areas.”*

Development of the land for residential development may impact on views gained from the existing dwelling on the adjoining lot to the west (Lot 4 DP 1018217). The Planning Proposal applies development standards to the site which are consistent with the existing residential area to the east and the Cedar Grove development located on the ridge to the south. These development standards include a maximum building height of 8.5m. Any issues that may arise regarding views would be addressed during the assessment of any future development application(s) for the sites. In this regard, a building envelope for any lot proposed in the north-western corner of the site may need to be considered in light of view corridors at time of subdivision. Notwithstanding this it is noted that this adjoining western site is also mapped in the KUS for potential urban expansion.

#### Access

A 3.5m right of carriage way and easement for services burdens the subject site to the benefit of the three properties to the west (Lot 4 and 5 DP 1018217 and Lot 1 DP 194021). The Planning Proposal will not extinguish this right of carriage way or easement.

Concept subdivision plans show continued access from Dido Street to these western properties. Repositioning of the access route and easement for services and any services contained therein may be proposed at time of subdivision. This would be assessed as part of any development application for subdivision.

#### Old Stone Wall

An old stone wall is shown on the current DP plan (DP 1018217) along the southern boundary of the subject lot. This stone wall was not detected during site inspections and is not mapped on Council’s Heritage LEP map. However, dry stone walls form a valued part of Kiama’s heritage and consideration will need to be given to any such wall as part of the Development Assessment process. The land to the south is not identified within the KUS as suitable for urban expansion. Retention of any wall would provide a visual delineation between the zones and any such wall in this location would be able to be retained as part of any future subdivision.



### 3.10 Is there adequate public infrastructure for the planning proposal?

The Planning Proposal seeks to rezone land to low density residential. This question typically applies to planning proposals that result in residential subdivisions in excess of 150 lots<sup>4</sup>. As a result of the Planning Proposal future development of the land for residential purposes is expected. The land is likely to generate approximately ten (10) residential lots. Under the R2 zoning proposed, dwellings, dual occupancies and secondary dwellings are all permitted uses.

Utility services are available in the locality and service the existing residential development to the east. Council advised that service feasibility letters from service providers should be obtained. Given the relatively small scale of development and the location of the site adjacent to land already zoned and developed for residential purposes, it is considered that these letters be obtained after and in accordance with any gateway determination.

Development of this land for residential purposes would result in an increase in demand for other public infrastructure such as health, education, and emergency services etc. This increase in demand would be minor relative to the existing demand generated by the established residential population of the Kiama area.

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

#### **Pre Gateway consultation**

No State or Commonwealth authorities have been consulted as part of the preparation of this Planning Proposal.

#### **Post Gateway consultation**

Council will consult with any other agency that the Department of Planning, Industry & Environment (DPIE) considers appropriate. Council considers that the following State agencies should be consulted with:

- Sydney Water
- Endeavour Energy
- NSW Rural Fire Service
- NSW Office of Environment and Heritage

## 4.0 Mapping

The PP requires the following LEP Maps to be amended:

- Land Application Map;
- Land Zoning Map – Sheet LZN\_012;
- Floor Space Ratio Map – Sheet FSR\_012;
- Height of Buildings Map – Sheet HOB\_012; and
- Terrestrial Biodiversity Map – Sheet BIO\_012.

See Appendix 2 for current and amended maps.

## 5.0 Community Consultation

Council requests that the PP be exhibited for a period of 28 days and include:

- Advertisement in Local Newspaper,
- Hard copies made available at the Council Administration Building,
- Electronic copy on Council's website,

- Notification letters to affected/neighbouring land owners and relevant community precinct groups,
- Notification letters to relevant State agencies and other authorities/agencies nominated by the DPIE.

## 6.0 Project Timeline

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

	<b>Timeframe</b>	<b>Possible dates</b>
Submit to DPIE seeking a Gateway Determination	N/A	14 May 2018
Receive Gateway Determination	4 weeks from submission date	23 July 2018
Receive amended Gateway Determination	N/A	11 October 2018
Preparation of any outstanding studies	6 weeks from notification of Gateway Determination	May 2019
Submit amended PP to DPIE seeking compliance with Gateway Determination and seeking extension of time to Gateway Determination	N/A	Early February 2020
Consult with State/Commonwealth agencies	4 weeks from completing review of any outstanding studies	Early March 2020
Exhibition of PP and technical studies (assuming no requirement to resubmit to DPIE)	4 weeks from completing review of any outstanding studies	Late March 2020
Date of Public Hearing (if required)	N/A	-
Review of Public Submissions and preparation of report to Council	4 weeks from end of exhibition period	May 2020
Report to Council for final endorsement	First available Council meeting after completion of review of submissions (allow 8 weeks)	Early June 2020
Seek Parliamentary Counsel Office's (PCO) opinion	2 weeks from date of Council meeting	Late June 2020

	minutes being published	
Submit to DPIE to publish LEP amendment	4-6 weeks from date PCO's opinion requested	August 2020
Anticipated publication date of LEP amendment	2 weeks from date of submission to DPIE	September 2020

## Appendix 1 – Section 9.1 Ministerial Directions – Compliance Checklist

Section 9.1 Direction Title	Consistency of Planning Proposal
<b>1.1 Business and Industrial Zones</b>	N/A
<p><b>1.2 Rural Zones</b></p> <p>4) <i>(a) A planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</i></p> <p>5) <i>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</i></p> <p><i>(a) justified by a strategy which:</i></p> <p><i>(i) gives consideration to the objectives of this direction,</i></p> <p><i>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</i></p> <p><i>(iii) is approved by the Director-General of the Department of Planning, or</i></p> <p><i>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</i></p> <p><i>(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional</i></p>	<p>The Planning Proposal seeks to rezone land from RU2 – Rural Landscape to R2 Low Density Residential therefore the Planning Proposal is inconsistent with this Directive.</p> <p>This inconsistency is justified as the site is specifically identified in the Kiama Urban Strategy (KUS) which seeks to address the housing targets identified in the Regional Strategy.</p>



Section 9.1 Direction Title	Consistency of Planning Proposal
<p><i>Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) is of minor significance.</i></p>	
<p><b>1.3 Mining, Petroleum and Extractive Industries</b></p>	<p>N/A</p>
<p><b>1.4 Oyster Aquaculture</b></p>	<p>N/A</p>
<p><b>1.5 Rural Lands</b></p> <p><i>A planning proposal to which clauses 3(a) or 3(b) apply must:</i></p> <ul style="list-style-type: none"> <li><i>(a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement</i></li> <li><i>(b) consider the significance of agriculture and primary production to the State and rural communities</i></li> <li><i>(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</i></li> <li><i>(d) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</i></li> <li><i>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</i></li> </ul>	<p>The Planning Proposal seeks to rezone land from RU2 – Rural Landscape to R2 Low Density Residential and E2 – Environmental Conservation, therefore the Planning Proposal is inconsistent with Direction 1.5 – Rural Lands.</p> <p>This inconsistency is justified as the site is specifically identified in the Kiama Urban Strategy (KUS) which seeks to address the housing targets identified in the Regional Strategy.</p> <p>The inconsistency is justified as CEEC identified on site are being protected via re-zoning that portion of land to E2 Environmental Protection.</p>

Section 9.1 Direction Title	Consistency of Planning Proposal
<p>(f) support farmers in exercising their right to farm</p> <p>(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses</p> <p>(h) consider State significant agricultural land identified in State Environmental Planning Policy (Primary Production and Rural Development) 2019 for the purpose of ensuring the ongoing viability of this land</p> <p>(i) consider the social, economic and environmental interests of the community</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy which:</p> <p>(i) gives consideration to the objectives of this direction,</p> <p>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal</p> <p>(iii) relates to a particular site or sites, and</p> <p>(iv) is approved by the Director General of the Department of Planning and is in force, or</p> <p>(b) is of minor significance.</p>	

<p><b>2.1 Environmental Protection Zones</b></p> <p>4) <i>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</i></p> <p>5) <i>A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “Rural Lands”.</i></p>	<p>The Planning Proposal does not apply to land within an Environmental Protection Zone nor is the land mapped under the Kiama LEP as biodiversity land. However, a submitted Flora and Fauna Assessment identified a portion of Illawarra Subtropical Rainforest CEEC in the south-west corner of the lot. The Planning Proposal seeks to retain this portion of land by rezoning it to E2 Environmental Conservation. The Planning Proposal also seeks to amend the Terrestrial Biodiversity Map under the Kiama LEP 2011 to include the</p> <p>In this regard the Planning Proposal is consistent with Direction 2.1 – Environmental Protection Zone.</p>
<p><b>2.2 Coastal Management</b></p> <p>4) <i>A planning proposal must include provisions that give effect to and are consistent with:</i></p> <p><i>(a) The objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;</i></p> <p><i>(b) the NSW Coastal Management Manual and associated Toolkit;</i></p> <p><i>(c) NSW Coastal Design Guidelines 2003; and</i></p> <p><i>(d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.</i></p>	<p>The land is within the Coastal Zone under <i>State Environmental Planning Policy (Coastal management) 2018</i>.</p> <p>The Planning proposal is not inconsistent with the objects of the <i>Coastal Management Act 2016</i> as it does not impact upon public access, amenity, use and safety of the coastal zone.</p> <p>The Planning Proposal does not enable increased development on land within a coastal vulnerability area and is not land identified as being affected by a current or future coastal hazard.</p> <p>The Planning Proposal does not seek to rezone land within a coastal wetlands and littoral rainforests area identified by the Coastal Management SEPP.</p> <p>The Planning Proposal does not propose to change the maps under the Coastal Management SEPP.</p>

<p>5) <i>A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:</i></p> <ul style="list-style-type: none"> <li>a) <i>within a coastal vulnerability area identified by the State Environmental Planning Policy (Coastal Management) 2018; or</i></li> <li>b) <i>that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:</i> <ul style="list-style-type: none"> <li>i) <i>by or on behalf of the relevant planning authority and the planning proposal authority, or</i></li> <li>ii) <i>by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.</i></li> </ul> </li> </ul> <p>6) <i>A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by the State Environmental Planning Policy (Coastal Management) 2018</i></p> <p>7) <i>A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by the State Environmental Planning Policy (Coastal Management) 2018:</i></p> <ul style="list-style-type: none"> <li>a) <i>Coastal wetlands and littoral rainforests area map;</i></li> <li>b) <i>Coastal vulnerability area map;</i></li> <li>c) <i>Coastal environment area map; and</i></li> <li>d) <i>Coastal use area map.</i></li> </ul>	<p>The Planning Proposal is consistent with Direction 2.2 – Coastal Management.</p>
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<p><i>Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.</i></p>	
<p><b>2.3 Heritage Conservation</b></p> <p><i>A planning proposal must contain provisions that facilitate the conservation of:</i></p> <ul style="list-style-type: none"> <li><i>a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i></li> <li><i>b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i></li> <li><i>c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i></li> </ul>	<p>The land is not listed as having heritage significance. A dry stone wall is shown on the current DP plan (DP 1018217) along the southern boundary of the subject lot. The wall is not mapped on Council’s Heritage LEP map nor is there a ‘heritage inventory’ record of the wall. However, dry stone walls form a valued part of Kiama’s heritage and retention of any wall in this location would be possible as part of any future subdivision.</p> <p>A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) shows that no Aboriginal sites are recorded or been declared in or near the subject site (see Appendix 9 of the Planning Proposal).</p> <p>Clause 5.10 of KLEP 2011 contains provisions relating to heritage conservation. The Planning Proposal does not seek to alter any heritage listings under the KLEP 2011 nor the provisions of Clause 5.10.</p> <p>The Planning Proposal is consistent with Direction 2.3 – Heritage Conservation.</p>

<p><b>2.4 Recreational Vehicle Areas</b></p> <p><i>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983):</i></p> <ul style="list-style-type: none"> <li><i>(a) where the land is within an environmental protection zone,</i></li> <li><i>(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</i></li> <li><i>(c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration:</i> <ul style="list-style-type: none"> <li><i>(i) the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and</i></li> <li><i>(ii) the provisions of the guidelines entitled Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.</i></li> </ul> </li> </ul>	<p>The change from RU2 to R2 zoning does alter nor result in additional permissible land uses regarding recreational vehicle areas.</p> <p>The Planning Proposal is consistent with Direction 2.4 – Recreational Vehicle Areas.</p>
<p><b>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP</b></p>	<p>N/A</p>
<p><b>3.1 Residential Zones</b></p> <p><i>A planning proposal must include provisions that encourage the provision of housing that will:</i></p> <ul style="list-style-type: none"> <li><i>(a) broaden the choice of building types and locations available in the housing market, and</i></li> </ul>	<p>The Planning Proposal would result in land being zoned for residential purposes with controls under the KLEP matching that of the surrounding residential land. The site is located adjacent to existing residential land and will make efficient use of existing infrastructure.</p>

<p> <i>(b) make more efficient use of existing infrastructure and services, and</i>  <i>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</i>  <i>(d) be of good design.</i> </p> <p><i>A planning proposal must, in relation to land to which this direction applies:</i></p> <p> <i>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i>  <i>(b) not contain provisions which will reduce the permissible residential density of land.</i> </p>	<p>Urban expansion has been limited through the KUS with a focus on infill development and establishing limited areas for urban expansion. The site is not located outside these nominated areas.</p> <p>The Planning Proposal is consistent with Direction 3.1 – Residential Zones.</p>
<p><b>3.2 Caravan Parks and Manufactured Home Estates</b></p> <p><i>In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</i></p> <p> <i>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</i>  <i>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</i> </p> <p><i>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</i></p>	<p>The planning proposal does not change any provisions relating to caravan parks or manufactured home estates.</p> <p>The Planning Proposal is site specific. The site does not currently contain a caravan park. Neither the current or proposed zone permit Caravan Parks on the site.</p> <p>The Planning Proposal is consistent with Direction 3.2 – Caravan Parks and Manufactured Home Estates.</p>

<p>(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,</p> <p>(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p> <p>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent.</p>	
<p><b>3.3 Home Occupations</b></p> <p><i>Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.</i></p>	<p>Home Occupations are permitted without consent within both the current and proposed zones under the KLEP 2011. The Planning Proposal would not alter this permissibility.</p> <p>The Planning Proposal is consistent with Direction 3.3 – Home Occupations</p>
<p><b>3.4 Integrated Land Use and Transport</b></p> <p><i>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</i></p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i></p> <p>(b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001).</i></p>	<p>The Planning Proposal provides an increase in residentially zoned land to the west of the Kiama Township. The site is adjacent to existing residential zoned land. Access to the site is from the road network which services this adjacent residential land. Additional residential development in this locality will lead to increased viability of these existing transport systems.</p> <p>The Planning Proposal is consistent with Direction 3.4 – Integrated Land Use Transport.</p>
<b>3.5 Development near Licensed Aerodromes</b>	N/A
<b>3.6 Shooting Ranges</b>	N/A



<b>3.7 Reduction in non-hosted short term rental accommodation period</b>	N/A
<p><b>4.1 Acid Sulfate Soils</b></p> <p><i>The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</i></p> <p><i>When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</i></p> <ul style="list-style-type: none"> <li><i>(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or</i></li> <li><i>(b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.</i></li> </ul> <p><i>A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.</i></p> <p><i>Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is</i></p>	<p>The site is mapped as being affected by Acid Sulfate Soils (Class 5).</p> <p>Clause 6.1 of the KLEP contains provisions relating to acid sulfate soils. The Planning Proposal does not seek to alter the provisions of Clause 6.1.</p> <p>The topography of the locality results in the subject site having AHD levels higher than Class 2 and 1 land to the east. Should the Department not consider the planning proposal to be of minor significance with regards to Acid Sulfate soils then an Acid Sulfate Soils Study will be carried out in accordance with any Gateway determination and prior to undertaking community consultation.</p> <p>The Planning Proposal is able to be consistent with Direction 4.1 – Acid Sulfate Soils.</p>

<p><i>preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).</i></p> <p><i>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</i></p> <p><i>(a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</i></p> <p><i>(b) of minor significance.</i></p>	
<p><b>4.2 Mine Subsidence and Unstable Land</b></p>	<p>N/A</p> <p>To our knowledge, the land has not been identified by Council as Unstable Land.</p>
<p><b>4.3 Flood Prone Land</b></p>	<p>N/A</p> <p>To our knowledge, the land has not been identified by Council as Flood Prone Land.</p> <p>The Spring Creek Catchment Flood Study was finalised in May 2014. This shows the subject site above the PMF Flood extent. In this regard, any future residents would have the option to stay in place during any such flood.</p>
<p><b>4.4 Planning for Bushfire Protection</b></p> <p><i>In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in</i></p>	<p>The south-western corner of the site is mapped as bushfire prone.</p> <p>Consultation with the NSW Rural Fire Service will occur following a gateway determination. This shall occur prior to community consultation.</p>

<p><i>satisfaction of section 57 of the Act, and take into account any comments so made,</i></p> <p><i>A planning proposal must:</i></p> <ul style="list-style-type: none"> <li><i>a) have regard to Planning for Bushfire Protection 2006,</i></li> <li><i>b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</i></li> <li><i>c) ensure that bushfire hazard reduction is not prohibited within the APZ.</i></li> </ul> <p><i>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</i></p> <ul style="list-style-type: none"> <li><i>a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</i> <ul style="list-style-type: none"> <li><i>(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</i></li> <li><i>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</i></li> </ul> </li> <li><i>b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</i></li> </ul>	<p>A Bushfire Risk Assessment has been prepared and is provided in Appendix 5 of the Planning Proposal. Section 3 of this Bushfire Assessment addresses this s.9.1 directive. Specifically, the Assessment states that:-</p> <p><i>“The planning proposal seeks to revise Kiama Councils Zoning Map to Lot 3 DP 1018217 from RU1 Primary Production to R2 Low Density Residential in accordance with the KUS to permit subdivision and low density residential development of this land.</i></p> <p><i>This report takes into consideration the requirements for ‘Residential Subdivision’, upon rezoning of the site an application for subdivision will be required. Future subdivision of the site will trigger an assessment under Section 100B of the Rural Fires Act.</i></p> <p><i>The proposal will not place inappropriate development in hazardous areas, the site is appropriate for residential development given compliance with the recommendations of this report.</i></p> <p><i>The APZ’s on the site are partially in place, future owners will have the legal ability to maintain APZ’s upon approval of future development.</i></p> <p><i>This report demonstrates that the planning proposal can support low density residential development which complies with the requirements of Direction 4.4.6.</i></p> <p><i>As such, s.9.1 Direction 4.4 requires further consideration.</i></p>
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<p>c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>d) contain provisions for adequate water supply for firefighting purposes,</p> <p>e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>f) introduce controls on the placement of combustibile materials in the Inner Protection Area.</p>	<p><i>The site will have legal ability to establish and maintain APZ's. APZ's will need to be maintained in accordance with this report or the recommendations made under a future subdivision application.</i></p> <p><i>The site has the ability to comply with the requirements for public roads. The attached Concept Subdivision Plan found as attachment 1 demonstrates the site can facilitate a road that complies with the requirements of Public Roads, as outlined in Section 4.1.3 (1) of PBP 2006.</i></p> <p><i>Hydrants will be required to be located at regular intervals within the road reserve and can be supported on the site.</i></p> <p><i>Future detail will be required upon submission of an application for subdivision to Kiama Council.</i></p> <p><i>The prevailing threat to the proposed rezoning is considered low and comes from an isolated area of remnant rainforest. The likelihood of this vegetation supporting a fully developed crown fire is low. Some sites will be located at the interface with the prevailing hazard, though can support a design that provide adequate APZ's onsite.</i></p> <p><i>The site is capable of providing two-way access roads linked to a fire trail network. Given the size and scale of the development a perimeter road is not achievable on the site, a fire trail is therefore proposed to facilitate access to the interface for firefighters."</i></p>
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	<p>Any future development of the land would be in accordance with this Bushfire Report or accompanied by a development specific Bushfire Report as appropriate.</p> <p>The Planning Proposal is consistent with Direction 4.4 – Planning for Bushfire Protection.</p>
<b>5.1 Implementation of Regional Strategies</b>	N/A
<b>5.2 Sydney Drinking Water Catchment</b>	N/A
<b>5.3 Farm Land of State and Regional Significance on the NSW Far North Coast</b>	N/A
<b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>	N/A
<b>5.9 North West Rail Link Corridor Strategy</b>	N/A
<p><b>5.10 Implementation of Regional Plans</b></p> <p><i>Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.</i></p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary), that the extent of inconsistency with the Regional Plan:</p> <p>(a) is of minor significance, and</p>	<p>The Planning Proposal is consistent with the <i>Illawarra-Shoalhaven Regional Plan</i> (see Section 3.2.1 of this report).</p> <p>The Planning Proposal is therefore consistent with Direction 5.10 – Implementation of Regional Plans.</p>

<p><i>(b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions.</i></p>	
<p><b>5.11 Development of Aboriginal Land Council land</b></p>	<p>N/A</p>
<p><b>6.1 Approval and Referral Requirements</b></p> <p><i>A planning proposal must:</i></p> <ul style="list-style-type: none"> <li><i>a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</i></li> <li><i>b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</i> <ul style="list-style-type: none"> <li><i>(i) the appropriate Minister or public authority, and</i></li> <li><i>(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and</i></li> </ul> </li> <li><i>c) not identify development as designated development unless the relevant planning authority:</i> <ul style="list-style-type: none"> <li><i>(i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</i></li> <li><i>(ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to</i></li> </ul> </li> </ul>	<p>The Planning Proposal does not include any additional provisions to the LEP which would require the concurrence, consultation or referral of future development applications to a Minister or public authority.</p> <p>The Planning Proposal is consistent with Direction 6.1 – Approval and Referral Requirements.</p>

<p><i>undertaking community consultation in satisfaction of section 57 of the Act.</i></p>	
<p><b>6.2 Reserving Land for Public Purposes</b></p> <p><i>A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</i></p> <p><i>When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</i></p> <ul style="list-style-type: none"> <li><i>a) reserve the land in accordance with the request, and</i></li> <li><i>b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and</i></li> <li><i>c) identify the relevant acquiring authority for the land.</i></li> </ul> <p><i>When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</i></p> <ul style="list-style-type: none"> <li><i>a) include the requested provisions, or</i></li> <li><i>b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department</i></li> </ul>	<p>The subject site is not zoned or reserved for any public purposes. This Planning Proposal does not seek to rezone and reclassify public land currently reserved for public purposes.</p> <p>The Planning Proposal is consistent with Direction 6.2 – Reserving Land for Public Purposes</p>



<p><i>nominated by the Director-General) with respect to the use of the land before it is acquired.</i></p> <p><i>When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</i></p>	
<p><b>6.3 Site Specific Provisions</b></p> <p><i>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</i></p> <ul style="list-style-type: none"> <li><i>a) allow that land use to be carried out in the zone the land is situated on, or</i></li> <li><i>b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</i></li> <li><i>c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</i></li> </ul> <p><i>A planning proposal must not contain or refer to drawings that show details of the development proposal.</i></p>	<p>The Planning Proposal does not contain any site specific planning controls. The development standards which would apply to the land are consistent with those applied on similarly zoned land.</p> <p>The Planning Proposal is consistent with Direction 6.3 – Site Specific Provisions.</p> <p>Note: While a concept subdivision plans have been prepared, these are not formally part of the Planning Proposal. The Planning Proposal is prepared under Part 3 of the EP&amp;A Act and seeks only to amend the Kiama LEP 2011. Any development to subdivide the site thereafter would be subject to the Development Assessment process under Part 4 of the EP&amp;A Act.</p>
<p><b>7. Metropolitan Planning</b></p>	<p>These directions do not apply to the Kiama Municipality.</p>

Appendix 2 – Mapping

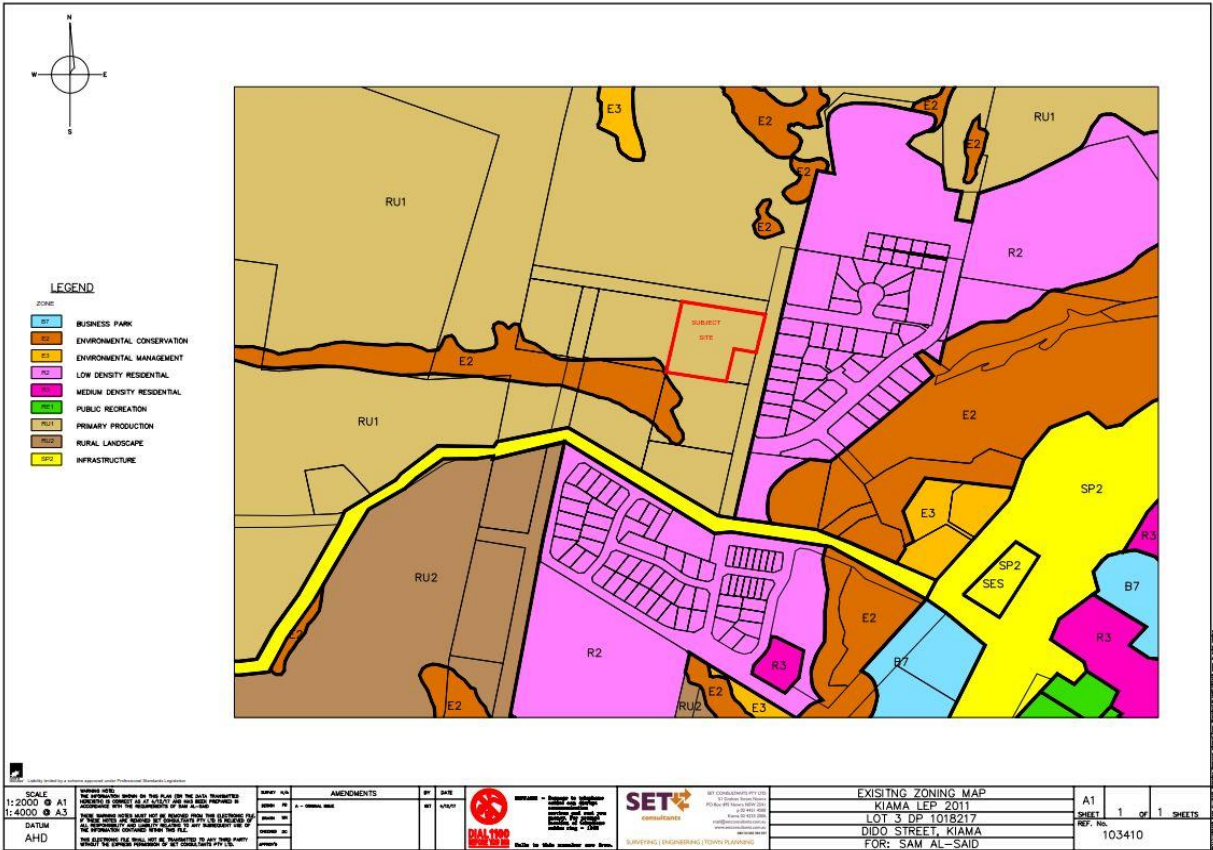


Figure 1 – Current Land Zoning Map

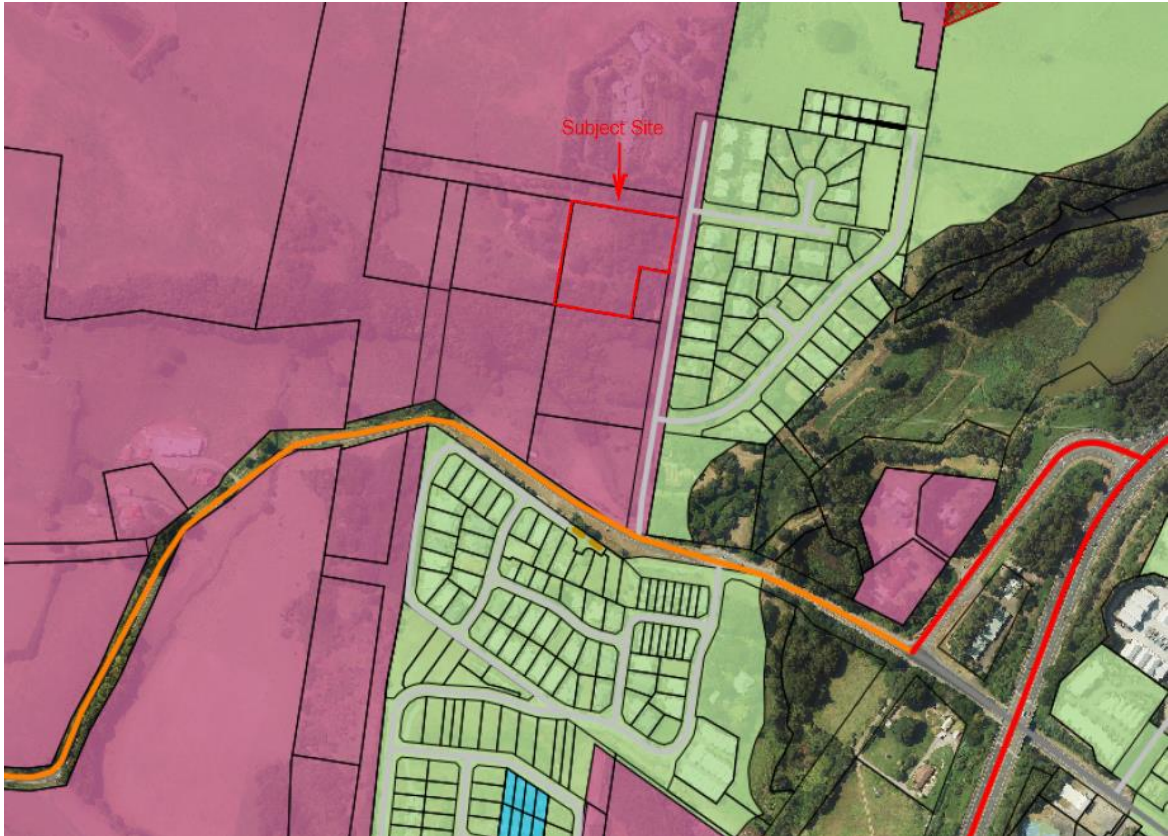


Figure 2 – Current Minimum Lot Size Map



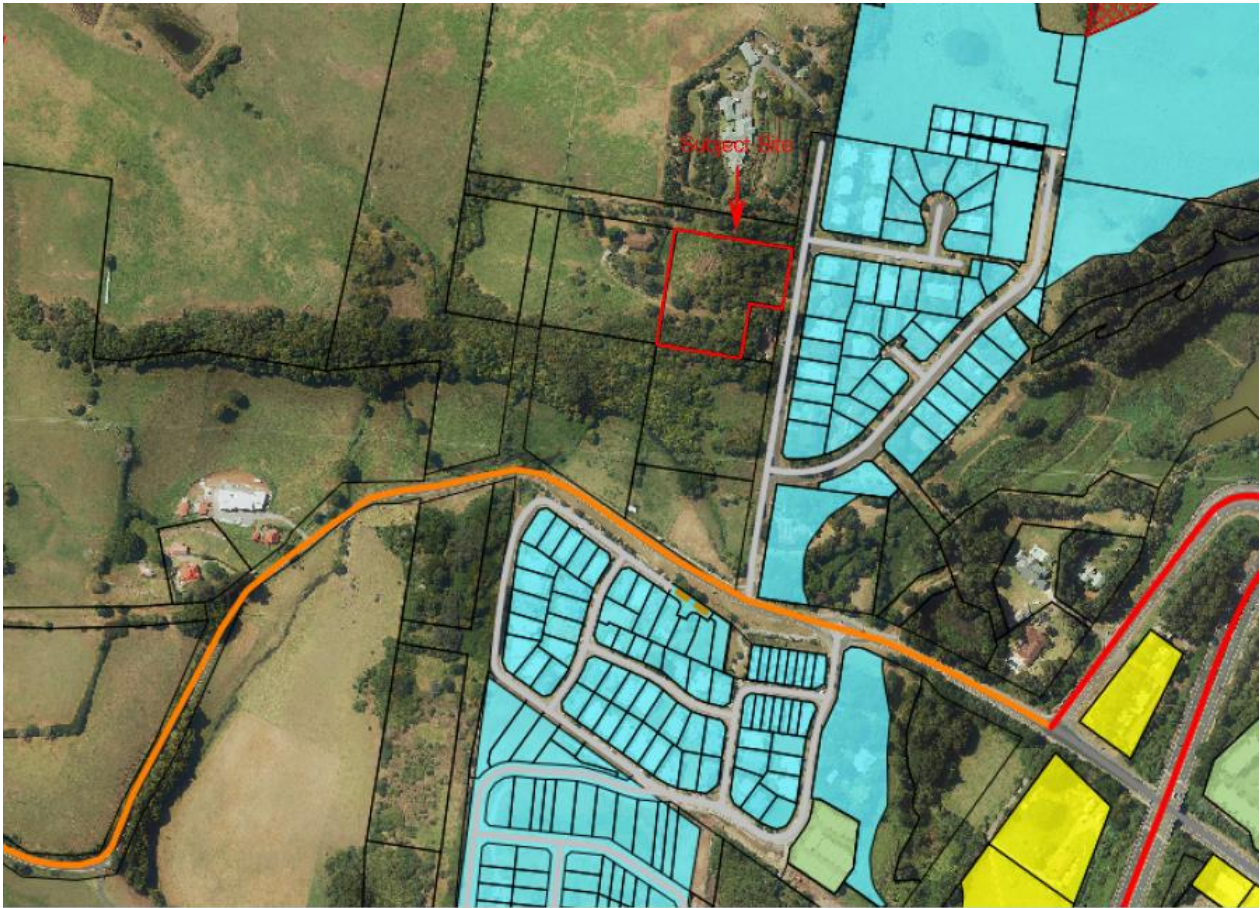


Figure 3 – Current Floor Space Ratio Map



Figure 4 – Current Height of Buildings Map





Figure 5 – Current Terrestrial Biodiversity Map

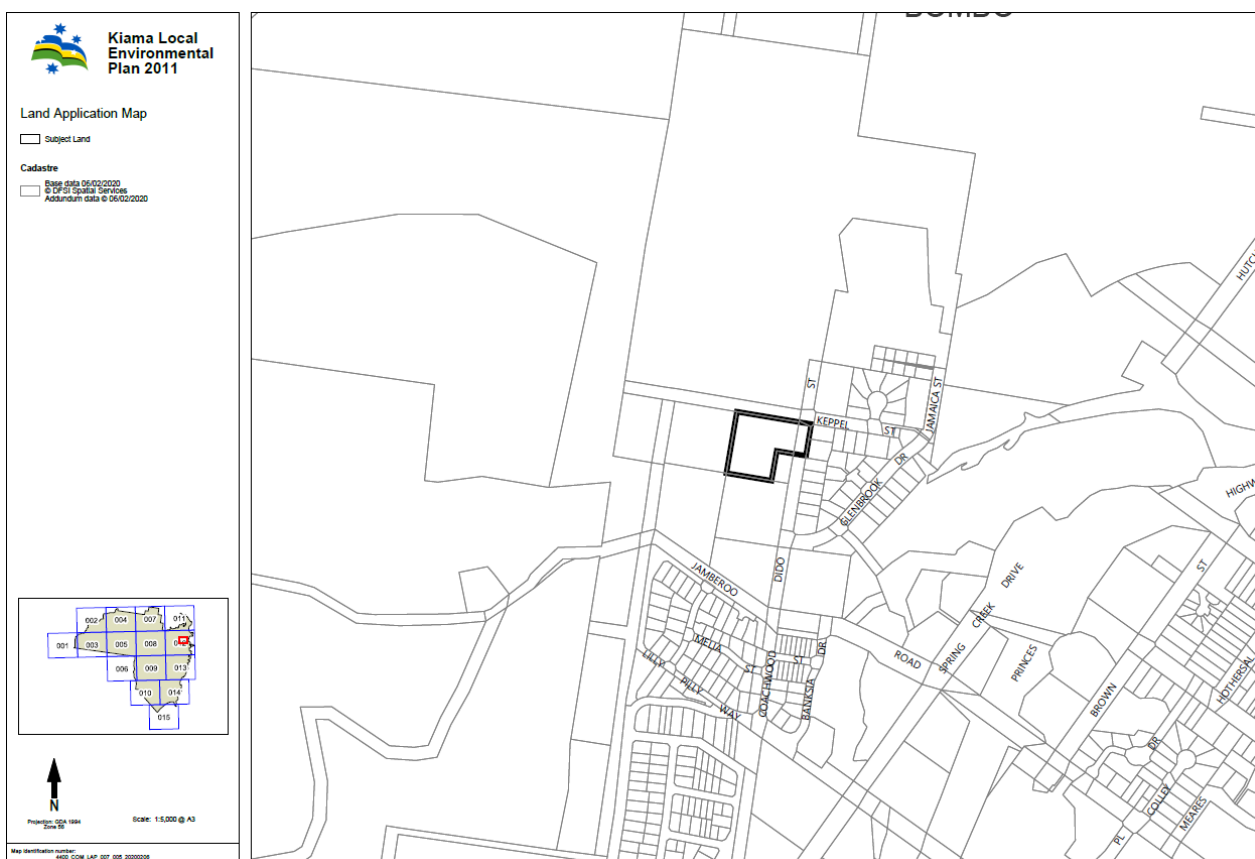


Figure 6 – Land Application Map

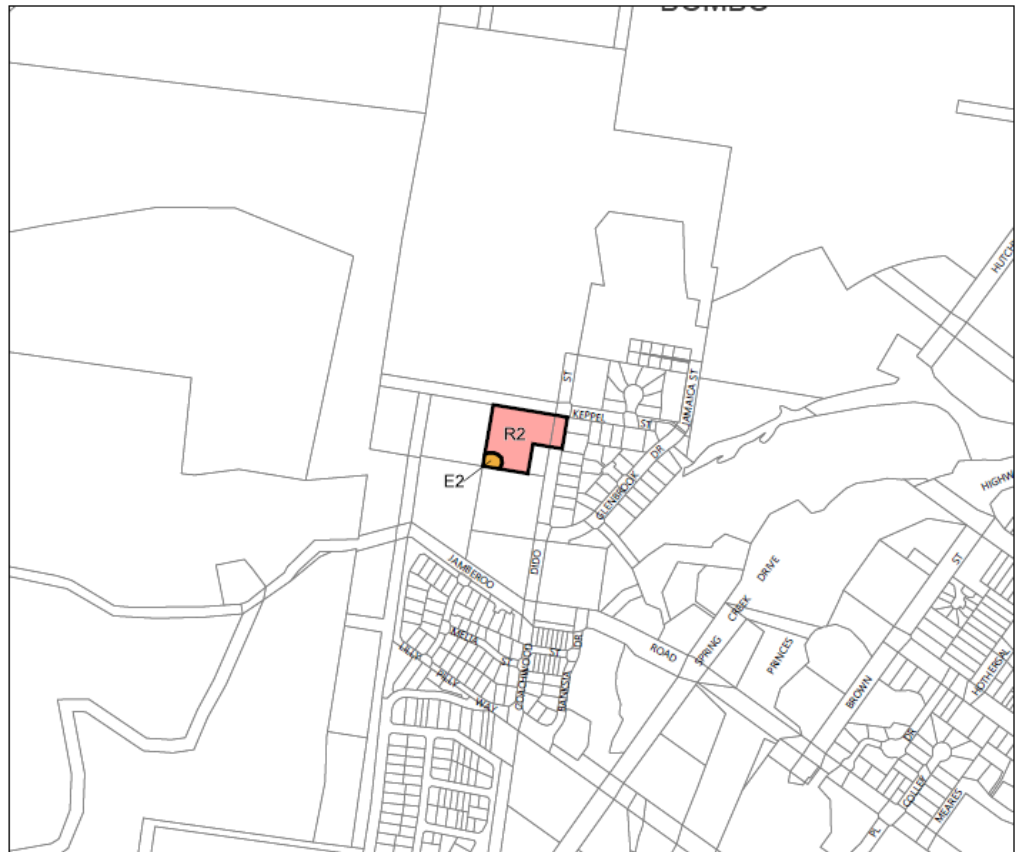
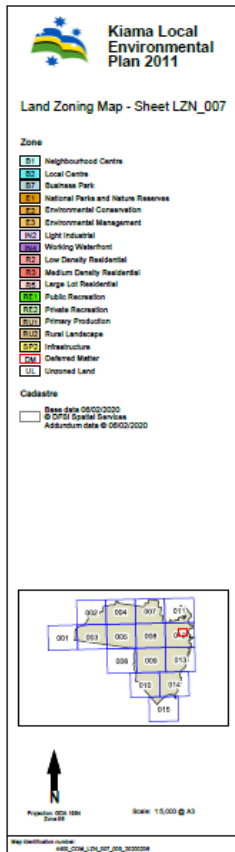


Figure 7 – Proposed Land Zoning Map

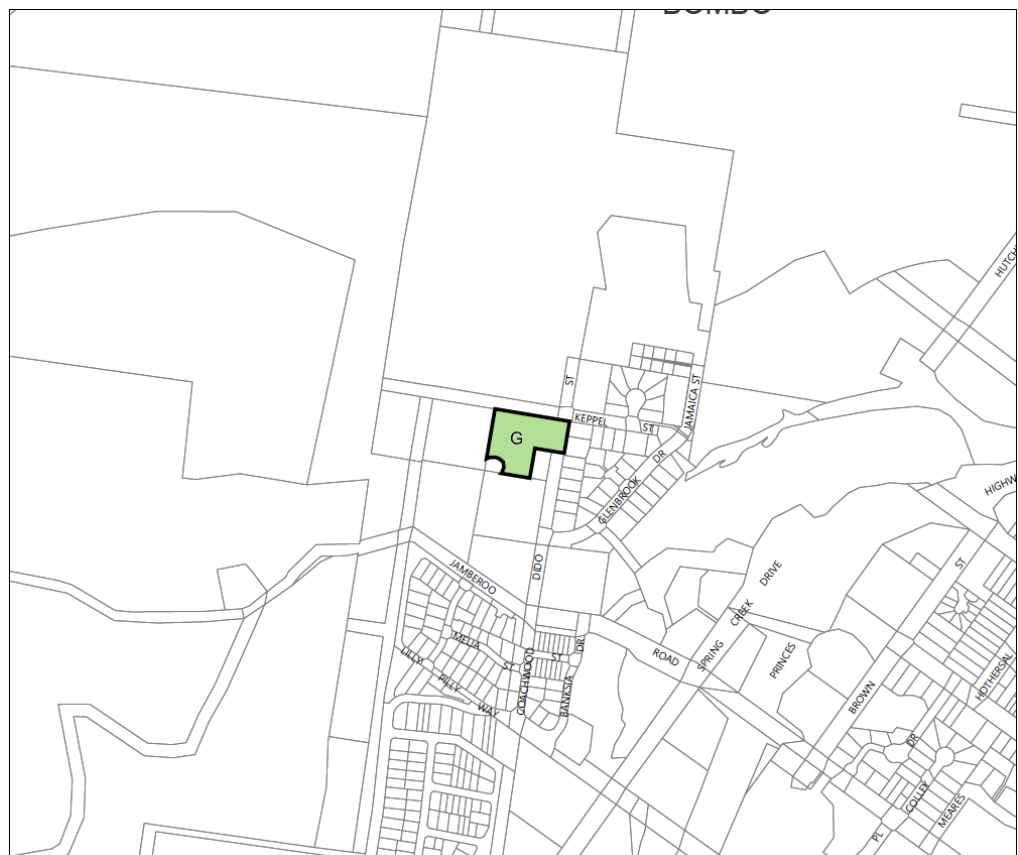
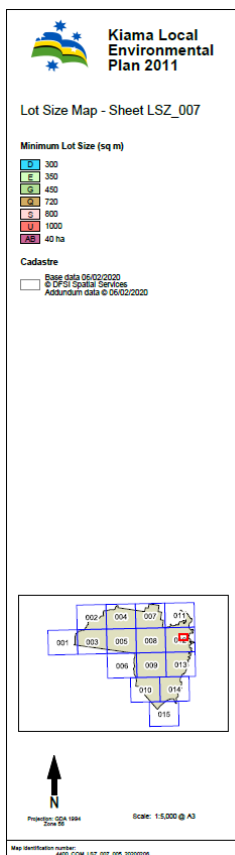


Figure 8 – Proposed Minimum Lot Size Map

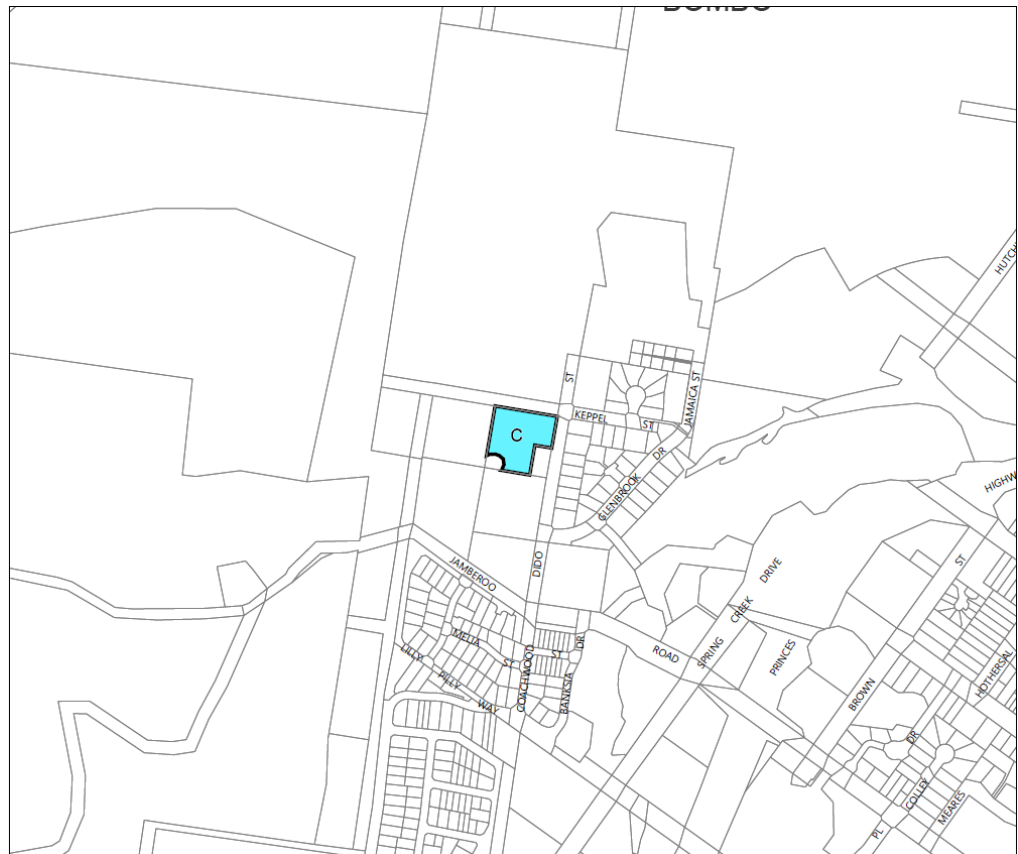
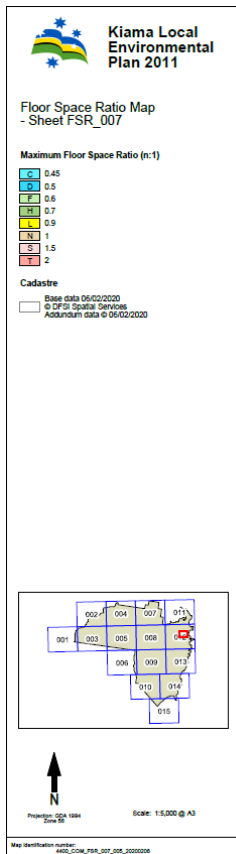


Figure 9 – Proposed Floor Space Ratio Map

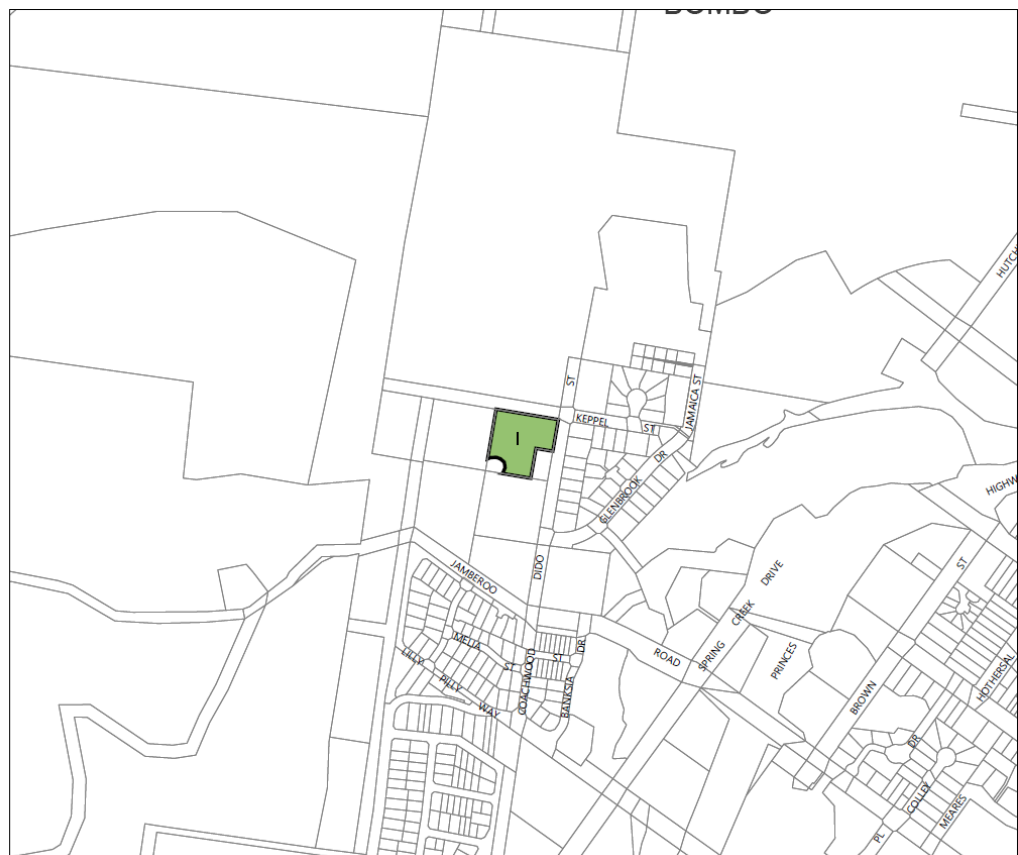
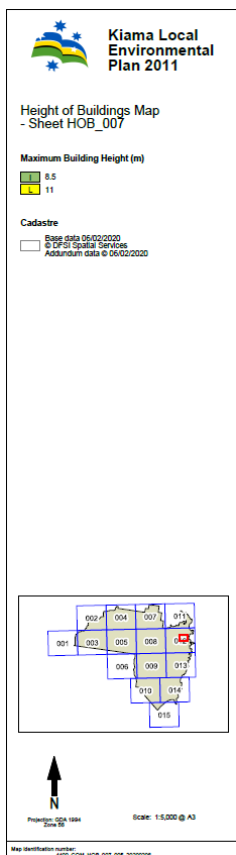


Figure 10 – Proposed Height of Buildings Map





Figure 11 – Proposed Terrestrial Biodiversity Map



## Appendix 3 – Flora & Fauna Assessment

(See attached)

## Appendix 4 – Bushfire Assessment

(See attached)

## Appendix 5 – Preliminary Site Investigation & Geotechnical Site Investigation

(See attached)

## Appendix 6 – Visual Assessment

(See attached)

## Appendix 7 – AHIMS Search

(See attached)

## **How to contact Council**

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### **Telephone**

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### **Office hours**

Our Administration Building located at  
11 Manning Street Kiama is open 8.45 am to 4.15 pm  
Monday to Friday (excluding public holidays)



**KIAMA MUNICIPAL COUNCIL**  
your council, your community