

Planning Proposal for Lot 1 DP707300, Lot 5 DP740252, Part Lot 101 DP1077617, Part Lot 102 DP1077617, Lot 8 DP258605 and Part Lot 3 DP 258605, Kiama

White Constructions Pty Ltd

February 2021



Table of Contents

INTRODUCTION AND OVERVIEW OF THE PLANNING PROPOSAL

Introduction	7
Context for the Planning Proposal	9
Site Location and Identification	10
Development Proposal	13

PART 1 OBJECTIVES & INTENDED OUTCOMES

1.1 Objectives	14
1.2 Proposal	14
1.3 Constraint Mapping and Masterplan Development	15

PART 2 EXPLANATION OF PROVISIONS

2.1 Overview of the Local Planning Network..	17
2.2 Details of Site Specific Provisions	17

PART 3 JUSTIFICATION FOR A PLANNING PROPOSAL

3.1 The Need for a Planning Proposal	
3.1.1 Is the Planning Proposal the Result of any Strategic Study or Report ?	19
3.1.2 Is the Planning Proposal the Best Way of Achieving the Objectives ?	19
3.1.3 Will the Planning Proposal give effect to the objectives and actions of the applicable regional or district plan or strategy?	19
3.1.4 Will the Planning Proposal give effect to a Council's endorsed Local strategic plan ?	19
3.1.5 Is the Planning Proposal consistent with applicable SEPPs ?	19
3.1.6 Is the Planning Proposal consistent with applicable Ministerial Directions?	20
3.1.7 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 ?	20
3.1.8 Are there any other likely environmental effects as a result of the proposal and how are they proposed to be managed ?	20

3.1.9	Has the Planning Proposal adequately addressed any social and economic effects ?	20
3.1.10	Is there adequate public infrastructure for the Planning Proposal ?	21
3.1.11	What are the views of State and Commonwealth public authorities Consulted in accordance with Gateway Determination ?	21
3.2	Relationship to Strategic Planning Framework	
3.2.1	Is the Planning Proposal Consistent with the ISRS & IREP No.1.	21
3.2.2	Is the Planning Proposal Consistent with Kiama Urban Strategy	22
3.2.3	Is the Planning Proposal Consistent with applicable SEPPs	22
3.2.4	Is the Planning Proposal Consistent with Section 9.1 Ministerial Directions	27
3.3	Environmental, Social and Economic Impact	
3.3.1	Environmental	
3.3.1.1	Flora & Fauna Assessment	37
3.3.1.2	Geotechnical	40
3.3.1.3	Traffic Noise	40
3.3.1.4	Site Contamination	42
3.3.1.5	Bushfire Fire Assessment	43
3.3.1.6	Agriculture Land Suitability	44
3.3.1.7	Stormwater Management	45
3.3.1.8	Visual Intrusion	46
3.3.2	Social Influences	
3.3.2.1	Existing and Future Social Infrastructure	47
3.3.2.2	Aboriginal Heritage.....	47
3.3.2.3	Historical Heritage	49
3.3.3	Infrastructure Influences	
3.3.3.1	Transport Infrastructure	52
3.3.3.2	Utility Services	53

PART 4 COMMUNITY CONSULTATION

4.1	Context	55
4.2	Stakeholders	55
4.3	Communications Approach	55
4.4	Exhibition Locations	56
4.5	Project Timeframe	56

APPENDIX 1: AMENDED LEP MAPS, CONSTRAINTS PLAN & DRAFT MASTER PLAN MAPS

APPENDIX 2: FLORA & FAUNA ASSESSMENT [FLORA&FAUNA]

APPENDIX 3: GEOTECHNICAL SITE ASSESSMENT [GEOTECH]

APPENDIX 4: TRAFFIC NOISE INTRUSION ASSESSMENT [NOISE]

APPENDIX 5: SITE CONTAMINATION ASSESSMENT [CONTAMINATION]

APPENDIX 6: BUSHFIRE STRATEGIC STUDY [BUSHFIRE]

APPENDIX 7: FLOOD STUDY REPORT [FLOOD]

APPENDIX 8: STORMWATER MANAGEMENT REPORT [SMS]

APPENDIX 9: ARCHAEOLOGICAL REPORT & ABORIGINAL CULTURAL HERITAGE ASSESSMENT [ABORIGINAL HERITAGE]

APPENDIX 10: HISTORICAL HERITAGE ASSESSMENT [EUROPEAN HERITAGE]

APPENDIX 11: TRAFFIC IMPACT ASSESSMENT [TRAFFIC]

APPENDIX 12: PRELIMINARY ROAD DESIGN PLANS

APPENDIX 13: SERVICE AUTHORITY ENQUIRIES [SERVICES]

APPENDIX 14: VISUAL ASSESSMENT

APPENDIX 15: MASTERPLAN DEVELOPMENT STUDY

References

[KLEP]	Kiama Local Environmental Plan 2011
[IRS]	Illawarra Regional Strategy 2006-2031
[IREP 1]	Illawarra Regional Environmental Plan No. 1
[RSUR]	Regional Strategy Update Report 2009
[KUS]	Kiama Urban Strategy
[NSWRFS2006]	NSW RFS (2006) Planning for Bush-fire Protection (2019), A Guide for Councils, Planners, Fire Authorities and Developers. NSW Rural Fire Service, Sydney
[FLORA&FAUNA]	Flora and Fauna Assessment, Ecological Australia Pty Ltd April 2020
[GEOTECH2017]	Preliminary Geotechnical Assessment, Douglas Partners Pty Ltd April 2017
[BUSHFIRE]	Bushfire Strategic Study, Ecological Australia Pty Ltd Feb 2021
[ABORIGINAL HERITAGE]	Archaeological Report & Aboriginal Cultural Heritage Report , BIOSIS December 2020
[FLOOD]	Flood Study for Rezoning, SitePlus Pty Ltd Feb 2021
[CONTAMINATION]	Preliminary Site Investigation for Contaminated Land, Douglas Partners Pty Ltd 2017
[EUROPEAN HERITAGE]	Historical Heritage Assessment, BIOSIS Pty Ltd November 2017
[NOISE]	Traffic Noise Intrusion Assessment, Harwood Acoustics March 2018
[SERVICES]	Public Service Authority Enquiries, Endeavour Energy and Sydney Water
[TRAFFIC]	Traffic Impact Assessment, Bitzios Pty Ltd August 2020

Abbreviations

APZ	Asset Protection Zone
CVS	Current Visual Status
DCP	Development Control Plan
EPA Act	Environmental Planning and Assessment Act
EPA	Environment Protection Authority
KC	Kiama Council
KLEP	Kiama Local Environment Plan 2011
KUS	Kiama Urban Strategy
LGA	Local Government Area
Master Plan	The proposed development as outlined in this document.
PAD	Potential Archaeological Deposits
RFS	Rural Fire Service
RMS	Roads and Maritime Services

Table of Figures

Figure 1: Location Plan of the Site	8
Figure 2: Extract from KUS showing the site in relation to identified green field sites	9
Figure 3: Site Context Plan	11
Figure 4: Existing Zoning of the Site	12
Figure 5: Indicative Layout Plan	13
Figure 6: Constraints Plan	15
Figure 7 : Masterplan of the Site	16
Figure 8: Dry Stone Wall Locations	51

PLANNING PROPOSAL FOR LOT 1 DP707300, LOT 5 DP740252, PART LOT 101 DP1077617, PART LOT 102 DP1077617, LOT 8 DP258605 AND PART LOT 3 DP 258605, SOUTH KIAMA

Local Government Area :-	Kiama
Address of Land :-	Lot 1 DP 707300, lot 5 DP740252, part lot 101 DP1077617, part lot 102 DP1077617, lot 8 DP258605 and 3m wide pathway(part of lot 3 DP 258605) between lot 1 DP 707300 and Lot 5 DP 740252 linking the historic cemetery to the Princes Motorway, Kiama (The Site)
Current Zone :-	RU2 Rural Landscape, E2 Environmental Conservation, E3 Environmental Management and SP2 Historic Cemetery
Proposal :-	<p>To amend the zoning of portions of the land from</p> <ul style="list-style-type: none">(i) RU2 Rural Landscape to R2 Residential,(ii) RU2 Rural Landscapes to R5 Residential,(iii) RU2 Rural Landscapes to RE1 Public Recreation, and(iv) RU2 Rural Landscapes to E2 Environmental Conservation

INTRODUCTION

The Site is generally bounded by Saddleback Mountain Road to the north, the Princess Highway motorway to the east, Weir Street to the south (except for a small section of land to the south of Weir Street that is within the existing drainage and visual catchments of the site) and a heritage listed dry stacked stone wall along the western boundary of the site. The site is relatively unconstrained and well serviced by the infrastructure necessary to support efficient delivery of an attractive urban neighbourhood that would provide a logical interface with the rural land to the west.

As part of the review and preparation of the Kiama LEP 2011 Kiama Council was required to prepare an urban strategy to guide development in five year increments up to the year 2030. Under the adopted Kiama Urban Strategy the subject site has been identified as suitable for residential development subject to the need for additional lands and the preparation and submission of a planning proposal for the site.

Meetings were held with Kiama Council officers and Department of Planning staff who identified issues that needed to be addressed in any Planning Proposal for the site. These issues are discussed in Section 3 of this report and supporting technical studies and reports are contained in Appendices 1 to 14.

The rezoning of the site to Residential R2 & R5 would form a logical extension to the existing residential areas in the vicinity of the site and of the Kiama residential area. This submission presents rationale for the recommended zoning changes by:

- Reaffirming the site's urban development potential, and
- Presenting a Master Plan that demonstrates a development outcome which optimizes the potential of the site while acknowledging the identified constraints and objectives of the reports and technical studies undertaken in support of this proposal



Figure 1 – Location Plan of the Site

CONTEXT FOR THE PLANNING PROPOSAL

The Illawarra Regional Strategy 2006-2031 [IRS], the 2009 Regional Strategy Update Report [RSUR] and the Illawarra Shoalhaven Regional Plan (2015) identified there is a need to provide additional affordable housing supply in the Illawarra. The Illawarra Shoalhaven Regional Plan (2015) has estimated that the housing need for the Kiama area from 2016 to 2036 is 2,850 houses/units and that there is not enough land or market ready infill development in the planning pipeline to meet this demand.

The Site is identified as site numbers 3, 14 and part of sites 4 & 5 within the Kiama Urban Strategy. It is proposed to identify the western boundary of sites 3 & 14 as the extremity of urban development within this planning proposal for the following reasons

- (i) There is a continuous heritage listed stone wall along the western boundary of sites 3 & 14, and
- (ii) Lands to the west of this wall are very steep, partially vegetated and are visually prominent from surrounding areas.

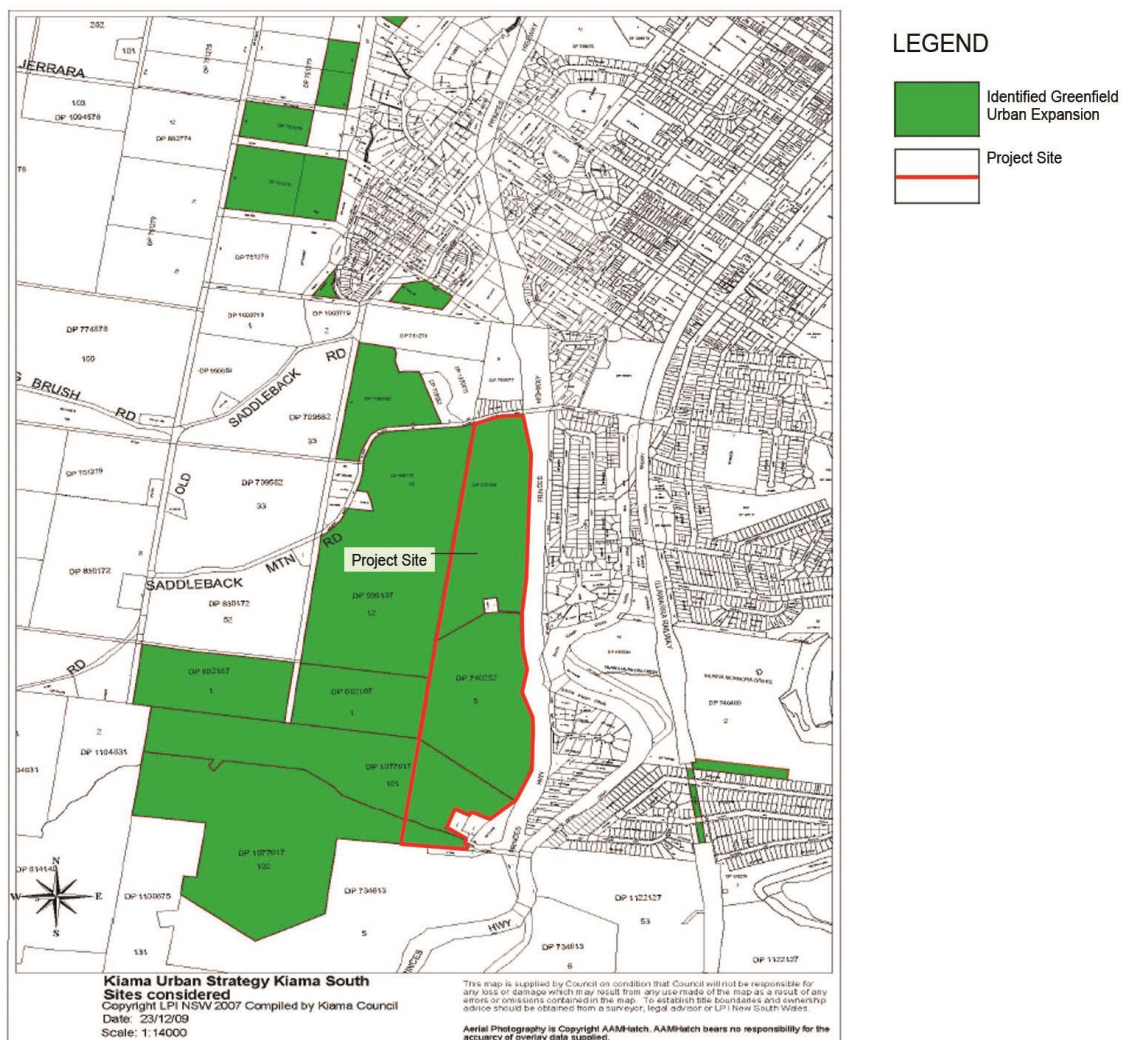


Figure 2– Extract from KUS showing the Site in relation to identified greenfield sites

SITE LOCATION AND IDENTIFICATION

The Site at south Kiama is approximately 40 hectare in area that adjoins existing urban development at Kiama. The site is regular in shape with a maximum plan dimension of approximately 1550m north-south and 360m east-west.

Surface elevations range from 8.5m AHD at the Munna Munorra Creek crossing of the Princes Motorway to 80m at the north-western corner of the site. Surface levels fall predominantly in an easterly direction towards the Princes Motorway at grades of 1 to 4 to 1 to 40 with locally steeper sections adjacent to creek lines and drainage depressions.

There are four creeks that traverse the site generally in a west to east direction. The main creek on the site is the upper reaches of Munna Munnora Creek. It is the southern most creek within the site and has a large catchment. It drains just south of the vehicular culvert entrance under the Princess Motorway that provides access to the historic cemetery from South Kiama Drive. Munna Munnora Creek discharges into the ocean at the southern end of Easts Beach. Munna Munnora Creek is classified as a category 2 creek under Kiama LEP 2011. All other creeks within the site are classified as class 3 creeks under Kiama LEP 2011. A tributary of Munna Munnora Creek branches off just inside the site. This tributary tracks in a westerly direction from it's junction with Munna Munnora Creek. The two northerly creeks are minor creeks with limited catchment areas and separate culverts under the highway. Both these catchments drain to the open channel adjacent to Hillview Crescent where it intersects South Kiama Drive and eventually discharges to the ocean at the southern end of Kendalls Beach.

Vehicular access is available from Saddleback Mountain Road, Weir Street and the large culvert under the Princes Motorway just north of Munna Munnora Creek.



Figure 3: Site Context Plan

The majority of the site is currently zoned RU(2) Rural Landscape under Kiama LEP 2011. The historic cemetery in the middle of the site is zoned SP2 Historic Cemetery, a small section of the vegetation in the south east corner of the site is zoned E2 Environmental Conservation and a small part of Munna Munnora Creek just upstream of the culvert under the Princess Motorway is zoned E3 Environmental Conservation under Kiama LEP 2011. No changes are proposed to the SP2 zoned cemetery or lands currently zoned E2 and E3. It is proposed however to substantially increase the extent of the E2 zoned land to provide for the expansion and re-forestation of the existing Illawarra Subtropical Rainforest and provide a buffer to the Wetlands area within and adjacent to Munna Munnora Creek.

Given the limited agricultural production capacity of the site, the site's proximity to existing urban areas and the availability of public utilities to service the site it is appropriate for rezoning to allow residential development.

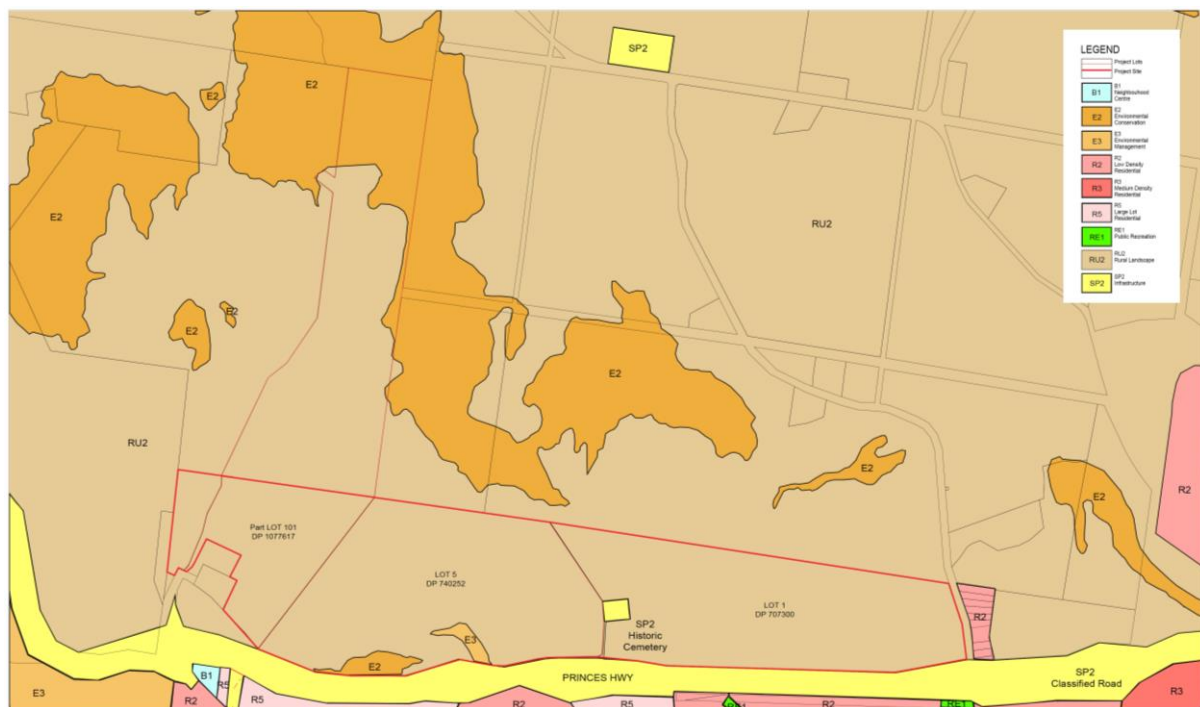


Figure 4: Existing Zoning Plan of the Site

DEVELOPMENT PROPOSAL

White Constructions Pty Ltd has secured the development rights for the four landowners of the Site. This will allow the integrated development of the entire site and provide

- (i) Three separate road connections to the site
- (ii) The retention and embellishment of the four main creeks through the Site
- (iii) Retention, rehabilitation and expansion of the remnant rainforest in the south eastern corner of the site
- (iv) Rehabilitation and retention of the main dry stacked walls within the site
- (v) Rehabilitation, retention and protection of the historic cemetery in the middle of the site
- (vi) Protection of the E3 Environmental Conservation zoned wetlands in Munna Munnora Creek within the lower sections of the Site
- (vii) Approximately 285 residential allotments > 450m², 156 small residential allotments >300m² and 3 large lots >1,000m². The expected lot yield of 444 will help provide for the 2,850 housing sites required in the Kiama area in the next 20 years.

The plan below shows an indicative layout of the site based on the studies and reports undertaken for rezoning of the site. Some amendments are expected to this plan when more detailed reports and studies are undertaken for any future development proposal for the site after rezoning. However the plan does provide a guide on the development potential of the land and gives a good indication of the development yield of the Site



Figure 5: Indicative Layout Plan of the Site

1. OBJECTIVES AND INTENDED OUTCOMES

1.1 OBJECTIVES

The objectives of the Planning Proposal are

1. To enable for additional residential development at Kiama that
 - (i) Provides additional residential lots that will deliver additional dwellings and residential population within close proximity to schools, shops and community facilities
 - (ii) Provide a mix of residential lots varying in size from 300m² to lots >10,000m² reinforcing the role of local services, commercial uses, retail and community facilities located within the local area
 - (iii) Is consistent with the adjacent residential development and the principles of the Kiama DCP, and
 - (iv) Provides in part for the projected housing needs of Kiama as identified in KUS and the Illawarra Shoalhaven Regional Strategy
2. To amend the Kiama Local Environmental Plan 2011 to incorporate provisions for the rezoning of the site to achieve the above objectives

1.2 PROPOSAL

The Planning Proposal comprises

- (i) an amendment to the Kiama Local Environment Plan 2011 to rezone the site to allow
 - the development of approximately 284 R2 zoned residential lots >450m², 156 R2 zoned residential lots >300m², 4 R5 zoned large residential lots >1,000m² and 1 larger R2/E2/RU2 or R2/RU2 split zoned lot with limited building entitlement.
 - Retention and rehabilitation of the riparian corridors through the site. The exact extent, rehabilitation measures, ownership and ongoing maintenance of the corridors will be determined at DA stage in conjunction with the Controlled Activity Approval for the works.
 - Retention and protection of the SP2 zoned historic cemetery with adjacent public reserve. The extent of rehabilitation, protection and size of adjacent public reserve will be determined by a conservation management plan for the site that will be submitted in conjunction with any DA for the site
 - Retention, rehabilitation and expansion of the section of remnant rainforest in the south eastern corner of the Site
 - Protection of E3 Environmental Conservation zoned section of Munna Munnora Creek
 - Rehabilitation of the sections of dry stacked stone walls identified with medium to high significance, and
- (ii) The provision of a road connection between Saddleback Mountain Road, Weir Street and the culvert under the Princess Motorway joining the site with South Kiama Drive

1.3 CONSTRAINT MAPPING AND MASTERPLAN DEVELOPMENT

A separate report has been prepared detailing the methodology of the development of the Masterplan for the site. In summary the process was as follows

- (i) An initial masterplan for the site was developed based on information sourced from existing documents such as Kiama LEP 2011, Kiama Urban Strategy and from preliminary engineering studies and advice from consultants.
- (ii) The initial masterplan was sent to consultants as a guide to use in their reports.
- (iii) a constraints plan and development plan was compiled for the site based on technical and environmental reports and requirements from Government Agencies, and
- (iv) A masterplan developed from the above information then amended to address issues raised by the consultant team, Council, Joint Regional Planning Panel and Planning NSW

Copies of the final Constraints Plan and Masterplan for the site are shown below.

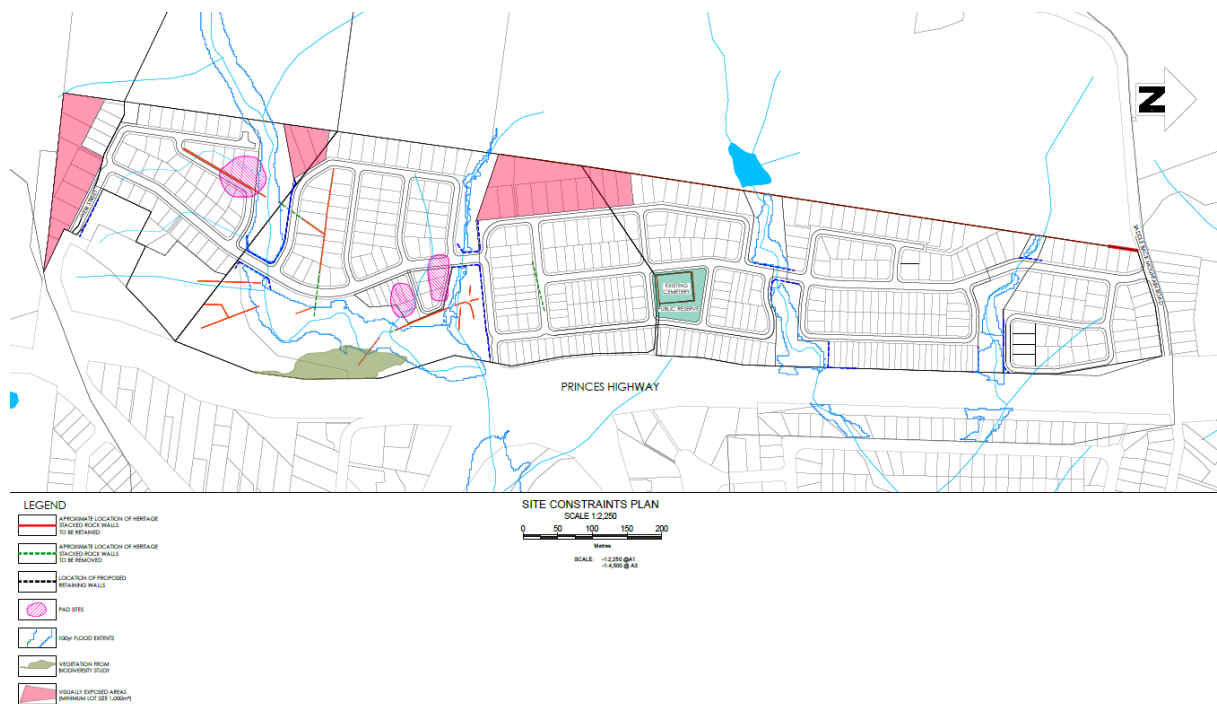


Figure 6 - Constraints Map of the Site

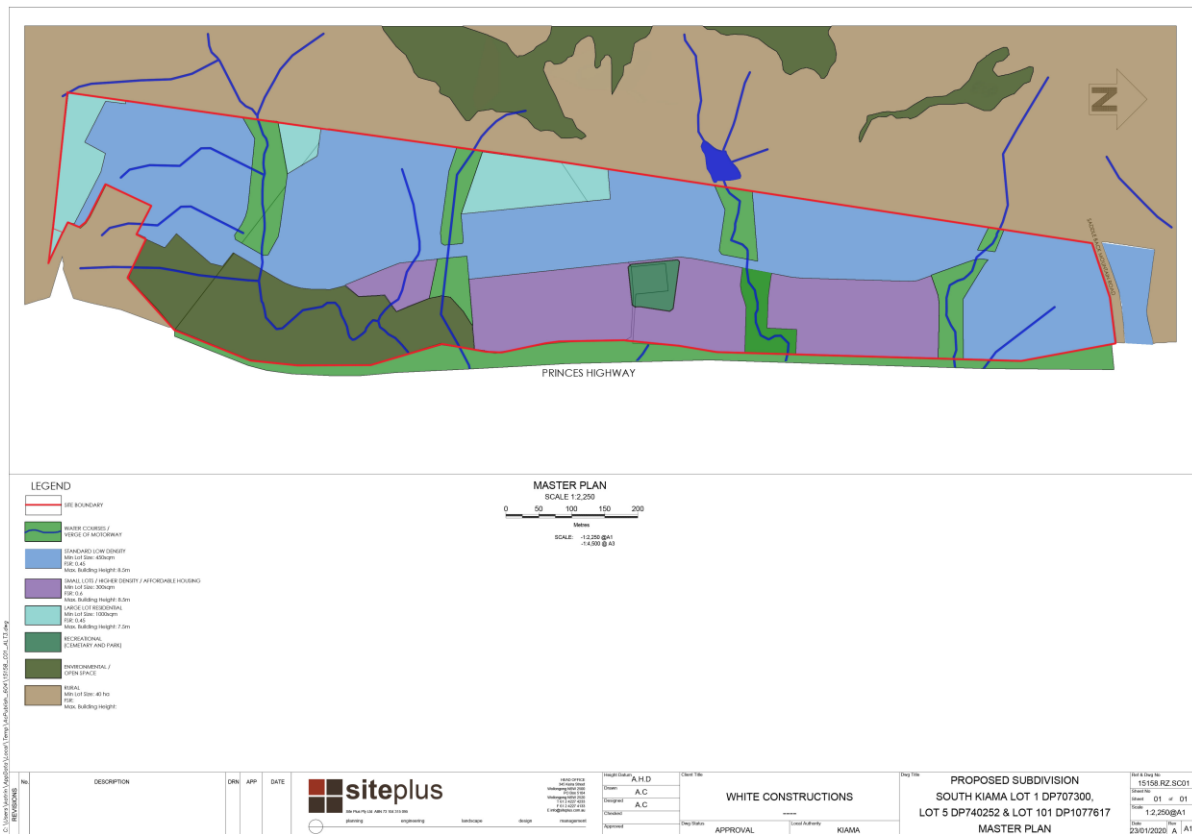


Figure 7 – Masterplan of the Site

2. EXPLANATION OF PROVISIONS

2.1 OVERVIEW OF THE LOCAL PLANNING PROVISIONS

The following Environmental Planning Instruments and government programs and strategies apply to the land at Kiama

- Illawarra Shoalhaven Regional Plan (2015)
- Kiama Urban Strategy
- Kiama Local Environment Plan 2011
- Section 9.1 Ministerial Directions under the EPA Act

2.2 DETAILS OF SITE SPECIFIC PROVISIONS

The proposed objective will be achieved by

- Amending the Kiama LEP 2011 Land Zoning Map Sheet LSN-012 and LSN-013 so that
 - (i) the proposed residential areas shown on the masterplan (see Figure 5 on page 13) is changed from RU2 Rural Landscape to R2 low density residential and R5 Large Lot Residential as shown on the proposed Land Zoning Map in Appendix 1, and
 - (ii) Sections of the riparian areas inundated by 500mm above the 1 in 100 year flood event to E2 Environmental Management and/or RE1 Public Recreation as shown on the proposed Land Zoning Map in Appendix 1
- Amending the Kiama LEP 2011 Land Zoning Map Sheet LSN-012 and LSN-013 by expanding the size of the existing E2 Environmental Management area in the south east corner of the site to incorporate the regrowth rainforest areas and wetlands as identified in the Flora and Fauna Study undertaken in support of this proposal as shown on the Land Zoning Map in Appendix 1.
- Amending the Kiama LEP 2011 Biodiversity map Sheet BIO_013 so that the vegetation is correctly mapped in accordance with the detailed Fauna and Flora study for the site and that the area is expanded to cover the proposed expansion of the E2 zone as shown on the Biodiversity Map in Appendix 1.
- Amending the Kiama LEP 2011 Lot Size Map Sheet LSZ_012 and LSZ_013 as shown on the Map Size map in Appendix 1 so that sections of the site is colored
 - (i) green and notated with a "G" signifying a minimum lot size of 450m²
 - (ii) red and notated with "U" signifying a minimum lot size of 1,000m², and
 - (iii) blue and notated with "D" signifying a minimum lot size of 300m².
- Amending the Kiama LEP 2011 Floor Space Ratio Map Sheet FSR_012 and FSR_013 so that so that the area of the site with
 - (i) lots >450m² is colored light blue and notated with a "C" signifying a floor space ratio of 0.45 : 1, and
 - (ii) lots >300m² is colored green and notated with a "F" signifying a floor space ration of 0.6 : 1

- Amending the Kiama LEP 2011 Height of Building Map Sheet HOB_012 and HOB_013 so that the area of the Site proposed to be rezoned to
 - (i) R2 low density residential is colored dark green and notated with an “l” signifying a maximum building height of 8.5m, and
 - (ii) R5 large lot residential is colored light green and notated with a “y” signifying a maximum building height of 7.5m.
- Amendments to Kiama DCP 2012 to provide local planning provisions for the development.

Amendments proposed to Kiama DCP 2012 would be via a new chapter that would be specific to the site and would need to be adopted by Council prior to the approval of any future subdivision of the site.

The objectives of the new chapter would be

- To ensure amenity impacts to dwelling houses are minimized, in terms of overshadowing, privacy and access to sunlight
- To ensure the size and bulk of dwelling houses are compatible with adjacent and surrounding development
- To encourage lot dwelling houses to provide a pleasant living environment for their occupants, and
- As a minimum address solar access, open space and building setback requirements for the lots >300m².

Plans showing the proposed amendments to the LEP maps and possible layout plans are attached in Appendix 1.

3. JUSTIFICATION FOR A PLANNING PROPOSAL

3.1 THE NEED FOR A PLANNING PROPOSAL

3.1.1 Is the Planning Proposal the Result of any Strategic Study or Report

The site has been identified in the Kiama Urban Strategy as having the potential to be rezoned to residential if required to help meet the demand for residential low density development as identified in various Illawarra and Illawarra Shoalhaven Regional Strategies.

The main outcome of the Kiama Urban Strategy for this site was that a Planning Proposal should be undertaken on the site to ascertain it's suitability for rezoning to residential.

3.1.2 Is the Planning Proposal the Best Way of Achieving the Objectives?

As site specific environmental, planning and engineering studies were not undertaken in conjunction with the last review of Kiama principal Local Environment Plan and objectives for rezoning the site to residential require amendments to the Kiama LEP the planning proposal is the only avenue of achieving the objectives

3.1.3 Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy?

Yes. Rezoning of the site for residential purposes will help to provide the projected residential land requirements estimated in the Illawarra Shoalhaven Regional Strategy (2015) for the Kiama area. Refer to section 3.2.1 of this report for further details regarding this matter.

3.1.4 Will the Planning Proposal give effect to a Council's endorsed local strategic plan?

Yes. The Kiama Urban Strategy (KUS) was developed and refined to satisfy the requirements of the IRS in an orderly and environmentally responsible manner. The strategy was used as a vehicle to prioritize which green field sites should be investigated through the planning proposal process to meet the projected demand for residential development. The subject site was identified as sites 3 and 14 and part of sites 4 and 5 in the KUS. Refer to section 3.2.2 of this report for further details regarding this matter.

3.1.5 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes. The Planning Proposal is consistent with all applicable State Environmental Planning Policies. Refer to Section 3.2.2 of this report where each SEPP is considered.

3.1.6 Is the Planning Proposal consistent with applicable Ministerial Directions?

The Planning Proposal is consistent with all applicable Ministerial Direction except for Directions 1.2 & 1.5. Refer to Section 3.2.3 of this report where each Ministerial Direction is considered.

3.1.7 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?

A detailed Fauna and Flora Assessment has been undertaken for the development. There is a section of Illawarra Subtropical Rainforest in the south eastern corner of the site, a single *zieria granulata* plant on the steep bank of Munna Munnora Creek near the Princes Motorway and a small section of regrowth rainforest in the south of the site. The objectives of Ministerial Direction 2.1 “is to protect and conserve environmentally sensitive areas.” The masterplan for the site conserves, enhances and provides buffers around the ISR. . It is also proposed that the *in situ* *Z. granulata* population be expanded via cultivating cuttings from local plants and planted on site to encourage genetic heterozygosity of the local population within a protected area.

Refer to Section 3.3.1.1 of this report for more details regarding this mater.

3.1.8 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No. A range of reports/studies have been undertaken in support of the Planning Proposal. No unacceptable impacts have been identified as a result of the proposed development.

3.1.9 Has the Planning Proposal adequately addressed any social and economic effects?

Yes. The Planning Proposal has addressed European and Aboriginal cultural heritage on the site. Refer to sections 3.3.2.2 and 3.3.2.3 of this report for further details.

The Illawarra Shoalhaven Regional Strategy (2015) addresses social and economic issues for the region. The lot yield of this development will assist to meet but is well below the projected residential lot needs for the Kiama area as identified in the ISRS. As such the ISRS has already addressed social and economic effects of this development in a regional context.

It is also noted that the development will provide the following benefits

- help to meet the demand for a mix of new residential lots as identified in the Illawarra Shoalhaven Regional Strategy (2015)
- will provide additional population to support local retail and commercial development,
- create a larger rate base for Council without any additional upfront cost
- result in approximately \$3,250,000 being paid through Section 94 contributions towards community works and projects, and
- create a western and southern urban edge to the Kiama township

3.1.10 Is there adequate public infrastructure for the Planning Proposal?

Development enquiries were sent to both Sydney Water and Endeavour Energy. With the provision of lead in works the site can be serviced with water, sewer and electricity.

It is also proposed to refer the Planning Proposal to Sydney Water and Endeavour Energy as part of the exhibition for the proposal.

3.1.11 What are the views of State and Commonwealth public authorities consulted in accordance with Gateway Determination?

The Gateway Determination was issued in December 2019. The determination lists the public authorities that need to be notified. These Government authorities are listed in Section 4.2 of this report. The Planning Proposal will be forwarded to these authorities for comment during the exhibition period.

3.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3.2.1 Is the Planning Proposal Consistent with the IRS, IREP NO.1 and ISRS

Yes. The Illawarra Regional Strategy 2006-2031 [IRS], the 2009 Regional Strategy Update Report [RSUR] and the Illawarra Shoalhaven Regional Strategy (2015) identifies that there is a need to provide additional affordable housing supply in the Illawarra and that the Kiama Council area has been identified as one location where additional low density residential land needs to be supplied.

The ISRS housing targets for the Kiama Council area are for the provision of 2,850 housing units in the next 20 years

In accordance with the relevant sections of the Illawarra Shoalhaven Regional Strategy the development of the site

- (i) does not utilize land that is suitable for food cultivation. The site is unsuitable for long term sustainable agriculture due to the size of the land, proximity to existing residential development, poor soil profile and shallow topsoils
- (ii) does not fragment agricultural land. The site is adjacent to residential development to the north and east and steep sloping partially vegetated rural land to the west and south. The site is on the division between the Kiama Township and the surrounding rural lands, and
- (iii) Utilizes existing infrastructure. Existing water, stormwater and underground/overhead electrical/telecommunication mains extend to the subject site from Weir Street and Old Saddleback Mountain Road. Sewer services are available on the eastern side of the Princes Motorway. Sewer mains would need to be extended under the Princess Motorway. This can be done by directional boring.

Utility mains would be extended throughout the development to provide services to the development and to satisfy the requirements of the Fire Department. The development will not create the need for any additional headworks. Local extensions of sewer and water main would be necessary.

3.2.2 Is the Plan Consistent with the Kiama Urban Strategy?

Yes. The Kiama Urban Strategy was developed and refined to satisfy the requirements of the IRS in an orderly and environmentally responsible manner. The strategy was used as a vehicle to prioritize which green field sites should be investigated through the planning proposal process to meet the projected demand for residential development. The subject site was identified as sites 3 and 14 and part of sites 4 and 5 in the KUS. The assessment result for the four sites in KUS was only “to be considered if the four sites are in the one proposal and only if insufficient dwelling numbers are available. Not supported by the Department of Planning and Council”

This application is for the four sites, is required to meet the expected demand for the Kiama area. It is also noted that since development of the KUS both Department of Planning and Council Officers have withdrawn opposition to the proposal subject to technical reports being undertaken that support the rezoning.

3.2.3 Is the Plan Consistent with applicable SEPPs?

Yes. The annexed site specific consultant reports satisfy all relevant SEPP for the rezoning of the site from RU(2) rural to R2 residential. The following table reviews the consistency of the planning proposal against all SEPPs

No.	SEPP Title	Planning Proposal Consistency
1	Development Standards	Consistent- The Planning proposal does not contain any provisions that would contradict or effect the application of SEPP 1
4	Development Without Consent and Miscellaneous Exempt and Complying Development	Not Applicable
6	Number of Stories in a Building	Consistent. The Planning Proposal does not propose definition of number of stories

15	Rural Land Sharing Communities	Not applicable
19	Bushland in Urban Areas	Consistent. See Section 3.3.7 regarding retention of remnant rainforest in south east corner of the site.
21	Caravan Parks	Not applicable
22	Shops and Commercial Premises	Not applicable
29	Western Sydney Recreational Area	Not applicable
30	Intensive Agriculture	Not applicable
32	Urban Consolidation	Not applicable
33	Hazardous and Offensive Development	Not applicable
36	Manufacture Home Estate	Not applicable

39	Spit Island Bird Habitat	Not applicable
41	Casino Entertainment Complex	Not applicable
44	Koala Habitat Protection	Not applicable
47	Moore Park Showground	Not applicable
50	Canal Development Estate	Not applicable
52	Farm Dams, Drought Relief and Other Works	Not applicable
55	Remediation of Land	Consistent - the Planning Proposal does not contain provisions that contradict or would hinder application of SEPP 55
59	Central Western Sydney Economic and Employment Land	Not applicable

60	Exempt and Complying Development	Consistent - the Planning Proposal does not contain provisions that contradict or would hinder application of SEPP 60
62	Sustainable Aquaculture	Not applicable
64	Advertising and Signage	Not applicable
65	Design Quality of Residential Flat Development	Not applicable
70	Affordable Housing	Not applicable
	Coastal Management SEPP	Not applicable – the site is not within the coastal zoned identified within the SEPP.
	SEPP (Building Sustainability Index: BASIX) 2004	Consistent - the Planning Proposal does not contain provisions that contradict or would hinder application of the SEPP
	SEPP (Housing for Seniors or People with a Disability) 2004	Consistent - the Planning Proposal does not contain provisions that contradict or would hinder application of the SEPP

	SEPP (Sydney Regional Growth Centres) 2006	Not applicable
	SEPP (Kosciuszko National Park-Alpine Resorts) 2007	Not applicable
	SEPP (Mining, Petroleum, Production and Extractive Industries) 2007	Not applicable
	SEPP (Temporary Structures and Places of Public Entertainment) 2007	Not applicable
	SEPP (Exempt and Complying Development Codes) 2008	Consistent - the Planning Proposal does not contain provisions that contradict or would hinder application of the SEPP
	SEPP (Rural lands) 2008	Not applicable
	SEPP (Western Sydney Parklands) 2009	Not applicable

	SEPP (Affordable Rental Housing) 2009	Consistent - the Planning Proposal does not contain provisions that contradict or would hinder application of the SEPP
	SEPP (Western Sydney Employment Area) 2009	Not applicable

3.2.4 Is the Plan Consistent with applicable Ministerial Directions made under Section 9.1 of the EPA Act

Yes. The annexed site specific consultant reports satisfy all relevant Ministerial Directions under Section 9.1 of the EPA Act for the rezoning of the site from RU(2) rural to E2 Environmental, R2 residential, R5 residential and RE1 Public Recreation. Further the site masterplan complies with the various reports and details within this planning proposal.

The following table reviews the consistency of the planning proposal against all Ministerial Directions

No.	Title	Relevance to Planning Proposal
1. Employment and Industrial Zones		
1.1	Business and Industrial Zones	Not Applicable – This direction only applies to a PP that will affect land within an existing or proposed business or industrial zone
1.2	Rural Zones	Inconsistent - the purpose of this direction is to protect the agriculture production value of rural land. This proposal is justifiably inconsistent with the direction as (i) it is of minor significance, (ii) it is in accordance with the

		KUS and the Regional Plan, (iii)The soil profile of the site is dominated by shallow topsoils and rocky outcrops and would not support agricultural production and (iv) does not abut any prime agricultural land and consequently will not fragment or result in poor usage of prime agricultural land.
1.3	Mining, Petroleum Production and Extractive Industries	<p>Not Applicable - The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>There are no known deposits of coal, minerals or petroleum beneath the land</p>
1.4	Oyster Aquaculture	Not Applicable -This direction applies to Priority Oyster Aquaculture Areas. The Site is not within an Oyster Aquaculture area.
1.5	Rural Lands	<p>Inconsistent - The relevant objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes(c)minimise the potential for land fragmentation and land use conflict in rural areas, and (d) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land</p> <p>This proposal is justifiably inconsistent with the direction as (i) it is of minor significance, (ii) it is in accordance with the KUS and the Regional Plan, (iii) the site has low value for any rural or related purposes (iv) the site does not abut any prime agricultural land and is bounded by existing residential development along the sites northern and eastern boundaries and consequently will not fragment or result in poor usage of prime agricultural land. (iv) the development will not cause land fragmentation or land use conflict as the site is bounded by public road on three sides and adjoins steep grazing and treed areas on the western side, (v) The soil profile of the site is dominated by shallow top soils and rocky outcrops and does not and would not support viable agricultural production, and (iv) the development identifies and protects environmental values of the site.</p>

2. Environment and Heritage		
2.1	Environmental Protection Zones	<p>Consistent - The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>See Section 3.3.1.1 regarding protection of environmental areas on site. NB the high value environmental areas of the site are not within the proposed development areas of the site</p>
2.2	Coastal Protection	Not Applicable – this site is outside the areas identified under the <i>State Environmental Planning Policy (Coastal Management) 2018</i> .
2.3	Heritage Conservation	Consistent - The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. See Section 3.3.2.2 and Section 3.3.2.3 of the Planning Proposal
2.4	Recreation Vehicle Areas	Not Applicable – the land is not being developed for the purpose of a recreation vehicle area
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not Applicable – this direction only applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed

3. Housing, Infrastructure and Urban Design		
3.1	Residential Zones	<p>Consistent - The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.</p> <p>The development proposes a mixture of large lots (>1,000m²) medium sized lots (<600m² and >450m²) and small lots (>300m²). Further the site varies between gently sloping land to quite steep land. The mixture of lot sizes and grades will provide for a varying housing and affordability mix.</p> <p>The subdivision will be serviced by extensions to under utilized existing services either abutting or close to the development,</p>
3.2	Caravan Parks and Manufactured Homes	Not Applicable – there are no proposals for the provision of caravan parks in this planning proposal.
3.3	Home Occupations	Consistent - The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses. Kiama LEP allows for home occupations in Residential zones
3.4	Integrating Land Use and Transport	Consistent – The masterplan for the site has allowed for a linked road network without any culdesacs and a central spine road that could efficiently service the entire development by buses. A link to Council's existing cycleway network is proposed to South Kiama Drive. Kiama High School is only 120m from the NE corner of the site and local shops are located in Manning Street immediately east of the railway line.

3.5	Development Near Licensed Aerodromes	Not Applicable – there are no licensed aerodrome in the area.
3.6	Shooting Ranges	Not Applicable - This direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range. There are no shooting ranges adjacent or adjoining the Site.

4. Hazard and Risk		
4.1	Acid Sulphate Soils	<p>Not Applicable - The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>The geotechnical Report for the Site has shown</p> <ul style="list-style-type: none"> (i) mapping indicates that the site is located in an area with <i>'no known occurrences of acid sulphate soil materials'</i>; (ii) It is located in a topographically-elevated area (ie RL 12 – 86 m AHD, above the typical elevation below which acid sulphate soils could have developed or be encountered (iii) It is in an area mapped on the 1:50 000 Kiama Geological Series Sheet (Ref 1) as being underlain by Budgong Sandstone or Blow Hole Latite both belonging to the Shoalhaven Group (ie not underlain by Quaternary alluvium within which acid sulphate conditions can occur), <p>In summary it is considered to be negligible (if any) risk of acid sulphate soils being encountered on the site.</p>

4.2	Mine Subsidence and Unstable Land	<p>Not Applicable - The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p> <p>There are no records of historic mines in the area, existing mines or proposed mines in the future</p>
4.3	Flood Prone Land	<p>Consistent - The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>A detailed flood study has been completed for the site that shows (a) the requirements of the NSW Governments Flood Prone Land Policy and the principles of the Floodplain Development manual 2005 are satisfied, and (b) proposed zonings are commensurate with the flood hazards. See section 3.3.1.7</p>
4.4	Planning for Bushfire Protection	<p>Consistent - The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.</p> <p>To satisfy the Direction a "Bushfire Strategic Study under PBP 2019" has been completed over the site and surrounds by Ecological Australia. The purpose of the study was to ensure the development complies with the specification and requirements detailed in the RFS (2019) document 'Planning for Bushfire Protection 2019'.</p> <p>Direction 4.4 instructs on bushfire matters and requires (i) consultation with the NSW RFS, (ii) draft LEP to take regard of PBP, and (iii) Compliance with bushfire protection measures.</p>

		<p>The masterplan development study for this site was completed before PBP (2019) was adopted. To satisfy some of the new requirements in PBP (2019) the preliminary masterplan for the site was amended. Copies of the amended plans are attached in Appendix 1 & 6. The amended plans are still in accordance with the principals of the masterplan study.</p> <p>The Bushfire Strategic Study concludes that the planning proposal is consistent with Ministerial Direction 4.4 (Planning for Bushfire Protection) issued under section 9.1(2) of the EP&A Act subject to of the bushfire risk reduction strategies identified in the report.</p> <p>See section 3.3.1.5 for details.</p>
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5. Regional Planning		
5.1	Implementation of Regional Strategies	This direction was revoked in October 2017 and no longer applies.
5.2	Sydney Drinking Water Catchments	<p>Not Applicable - The objective of this Direction is to protect water quality in the Sydney drinking water catchment.</p> <p>This site is not within the Sydney drinking water catchment</p>
5.3	Farmland of State and Regional Significance – NSW Far North Coast	Not Applicable - This direction applies to Ballina Shire Council, Byron Shire Council, Kyogle Shire Council, Lismore City Council, Richmond Valley Council, and Tweed Shire Council.

5.4	Commercial and Regional Development along the Pacific Highway	Not Applicable – this direction only applies to areas along the Pacific Highway within the North Coast of NSW
5.5 - 5.7		Directions 5.5 to 5.7 have been revoked.
5.8	Second Sydney Airport – Badgery's Creek	<p>Not Applicable - The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</p> <p>The Site is not within the vicinity of Badgerys Creek</p>
5.9	North West Rail Link Corridor Strategy	Not Applicable - This Direction applies to Hornsby Shire Council, The Hills Shire Council and Blacktown City Council.
5.10	Implementation of Regional Plans	<p>Consistent - The Illawarra Regional Strategy 2006-2031 [IRS], the 2009 Regional Strategy Update Report [RSUR] and the Illawarra Shoalhaven Regional Strategy (2015) identifies that there is a need to provide additional affordable housing supply in the Illawarra and that the Kiama Council area has been identified as one location where additional low density residential land needs to be supplied.</p> <p>The Kiama Urban Strategy was developed and refined to satisfy the requirements of the IRS in an orderly and environmentally responsible manner. The strategy was used as a vehicle to prioritize which green field sites should be investigated through the planning proposal process to meet the projected demand for residential development. The subject site was identified as sites 3 and 14 and part of sites 4 and 5 in the KUS</p>

6. Local Plan Making		
6.1	Approval and Referral Requirements	<p>Consistent - The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>It is expected that Kiama Council will be the plan making authority for this Site and LEP provisions would be the same as provisions within KLEP 2011</p>
6.2	Reserving Land for Public Purposes	<p>Consistent - The objectives of this direction are (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> <p>The provision and development of public reserves will be in accordance with Section 94 Contributions Plan and the detailed requirements for individual Development Applications for the Site.</p> <p>Any closure of the existing pathway to the Kendall's Cemetery would be subject to an acceptable alternative public accessway being provided as proposed in the masterplan.</p>
6.3	Site Specific Provisions	<p>Consistent - The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p>The Planning Proposal is for the rezoning of the site in accordance with KLEP 2011. No additional restrictive site specific planning controls are proposed or detailed drawings of development included in the rezoning of the site.</p>

7. Metropolitan Planning		
7.1	Implementation of A Plan for Growing Sydney	Not Applicable – This Direction does not apply to the Kiama Council area

7.2	Implementation of Greater Macarthur Land Release Investigation	Not Applicable – This Direction does not apply to the Kiama Council area
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not Applicable – This Direction does not apply to the Kiama Council area
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure	Not Applicable – This Direction does not apply to the Kiama Council area
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable – This Direction does not apply to the Kiama Council area
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable – This Direction does not apply to the Kiama Council area
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not Applicable – This Direction does not apply to the Kiama Council area

3.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

This section deals with the environmental, social and economic impacts of the proposal and consists of a review of the specialized site specific report undertaken in support of this planning proposal and the provision of planning comments on visual aspects of the development and economic impacts of the development.

This sections shows that

- The proposal will not adversely impact any threatened species, populations or ecological communities or critical habitats
- That any environmental impacts of the development are minimal and are managed by the proposed environmental works, retention and rehabilitation of vegetated areas and the provision of setbacks and protection zones around environmentally sensitive areas, and
- The planning proposal addresses the social and economic effects of the development

3.3.1 ENVIRONMENTAL

3.3.1.1 FAUNA & FLORA ASSESSMENT

Ministerial Direction 2.1 Environmental Protection Zones under Section 9.1 of the EPA Act applies to the site. The objectives of Ministerial Direction 2.1 “is to protect and conserve environmentally sensitive areas.”

To satisfy this Direction a Flora and Fauna Assessment has been completed over the site by Ecological Australia Pty Ltd. The purpose of the assessment was to identify whether the rezoning of the site to low density residential and subsequent development of the site would have an unacceptable impact upon any endangered ecological communities, threatened species, habitats and connectivity.

The assessment included

- Data base and a literature review
- Flora surveys, and
- Fauna surveys

Relevant legislation considered by the report includes *Environmental Protection and Biodiversity Conservation Act 1999*, *Environmental Planning and Assessment Act 1979*, *Biodiversity Conservation Act 2016* and *Kiama Local Environmental Plan 2011*.

A copy of the Flora and Fauna Assessment is attached in Appendix 8

SITE SPECIFIC INTERPRETATION

Flora

The site assessment found

- The subject site has been cleared and used for agricultural purposes for a substantial amount of time
- Remnant native vegetation has only been retained in the south east corner of the Site mainly on the steep and poorly accessed areas between the Princess Motorway and Munna Munnora Creek. There are also small areas of remnant vegetation associated with rocky outcrops over the site.
- Upslope of the site is a significant rainforest remnant on the crest and upper slopes bounded by cleared rural land with associated dwellings.
- Field survey identified 12 different vegetation units on the site. Due to non-conformity with standardized communities the survey of the units was undertaken largely for habitat identification. The remnant rainforest upslope of the site and the six identified rainforest remnants in the east and south east of the site are representative of the Illawarra Subtropical rainforest Endangered Ecological Community (EEC). The weed infested areas of regrowth around rainforest remnants, in patches of rocky outcrops to the south, along steep banks of Munna Munnora Creek and along sections of rock walls were considered less representative examples of this EEC.
- Vegetation on the Site was predominantly pasture and associated dams with six areas of rainforest remnant, low value rainforest regrowth, stone walls and rocky outcrops and instream freshwater wetland vegetation.
- A total of 174 flora species were identified within the study area during the field investigations, of which 66 are exotic species. Six species of plants declared priority weeds of the Illawarra, of which Kiama Municipal Council LGA forms a part of were found in the study area during the 2016 survey.
- A single mature *Zieria granulata* was found on a rocky outcrop adjacent to a rainforest was the only threatened plant found on site. Due to separation from other plants it is unlikely the single mature *Zieria granulata* is viable as an in-situ local population.
- the thin ribbon of remnant wetland vegetation along Munna Munnora Creek, and the channel of an unnamed watercourse in the north was considered to be part of the EEC – *Freshwater Coastal Wetlands on Coastal Floodplains*. This EEC was considered to have been derived from removal of the original rainforest which would have enclosed these habitats.

Fauna

A total of 38 fauna species were detected over the 2016 survey period (**Appendix C**). This is likely to be a result of the identified survey limitations as well as the ecological constraints of the study area i.e. disturbance history, fragmentation and edge effects

The Spotted Harrier was the only threatened fauna species observed as an incidental fly over, with the Cattle Egret being the only migratory species recorded. Another 11 threatened fauna and 8 migratory species were considered potential occurrences in the study area, but only using parts of the site as part of their non-breeding range, with all fulfilling the majority of their lifecycle requirements outside the study area due to their ecology and habitat limitations.

HOW THE MASTERPLAN SATISFIES THE INTENT OF MINISTERIAL DIRECTION 2.1

The proposal will see conversion of the majority of the site into a residential subdivision. This will primarily see loss of the pasture, scattered trees, and dams; with a small patch of low value regrowth in the south and some edges in the east modified or removed.

Any DA for the site affect areas of rainforest, wetlands or waterways will need to consider the requirements of the Biodiversity Conservation Act 2016 and Water Management Act..

The impacts on EECs are very low – a road crossing will remove/modify a very small part (0.17 ha) of the highly degraded EEC – *Freshwater Coastal Wetlands on Coastal Floodplains*; and a small area of the NSW EEC – *Illawarra Subtropical Rainforest of the Sydney Basin Bioregion* generally comprising the aforementioned patches and regrowth on the rock walls. The *Z. granulata* is retained within a reserve.

These impacts are offset via a range of mitigation measures, the most significant being the revegetation of the major watercourses with rainforest vegetation, and rehabilitation of about 1.95ha of low value regrowth via targeted weed control. This vegetation will also be protected in a reserve, and the increased connectivity to the upslope rainforest will benefit dispersal and carrying capacity. It is also recommended that the *in situ* *Z. granulata* population be expanded via cultivating cuttings from local plants and planted on site to encourage genetic heterozygosity of the local population within a protected area.

Assessment under the Seven Part Tests determined that none of the known or potentially occurring threatened species, Endangered Population or EECs were likely to be placed at risk of extinction, or otherwise significantly impacted. Hence a Species Impact Statement is not considered required.

Assessment of the Grey-headed Flying Fox, *Z. granulata* and three other potentially occurring threatened plants; as well as the Cattle Egret and several other potentially occurring birds under the Matters of National Environmental Significance assessment criteria determined that none of these entities would be significantly impacted. Consequently, referral was to the Department of the Environment and Energy was not considered warranted. The assessment found that the fauna habitats on the subject site are very limited and that a relatively small number of common birds, reptiles and amphibians would use the site for foraging.

Mitigation Measures

Section 7 of the Report lists 7 mitigation measures to manage the potential impacts of the proposal and to improve environmental outcomes. Items 2 to 7 relate to measures that need to be implemented at Development Application stage. Only item 1 relates to the zoning stage of the development. Item 1 recommends the rezoning of retained portions of the Illawarra Subtropical Rainforest and the wetlands to E2 in conjunction with the rezoning of the site from RU2 to R2. The proposed zoning plans reflect this recommendation.

Conclusions

Eco Logical Australia was engaged by Unicom Development Pty Ltd to undertake a Flora and Fauna Assessment (FFA) for the proposed rezoning and future residential development of the nominated portion of Lot 1 DP 707300, Lot 5 DP 740252, Part Lot 101 DP1077617 and Part Lot 102 DP 1077617, Kiama. A range of ecological values were identified in the subject site.

At the submission of a development application for subdivision under Part 4 of the EP&A Act, the proponent would be required to

- (a) prepare a Biodiversity Development Assessment Report, as the proposed development is likely to trigger the Biodiversity Offsets Scheme.
- (b) consider impacts on vegetation mapped under the terrestrial biodiversity overlay and impacts on watercourses mapped under the riparian lands and watercourses map in the Kiama LEP, and
- (c) Undertake tests of significance under the EP&A Act and EPBC Act. Impact assessments would be required for 13 threatened ecological values (Table 11). The application of tests of significance would be unlikely to constitute a significant impact of any of the threatened ecological values outlined in Table 11.

3.3.1.2 GEOTECHNICAL

A preliminary geotechnical assessment has been prepared by Douglas Partners to ascertain the suitability of the site for residential development. An assessment of geotechnical issues was required for 'due-diligence' purposes and for submission to Kiama Council with a Rezoning Application. Assessment was undertaken to provide

- information on the geotechnical suitability of the site for residential development
- comment on site preparation measures, stability assessment, likely lot classifications, foundation options and pavement thickness design, and
- to assess the likelihood of encountering Acid Sulphate Soils (ASS)

The investigation comprised a review of available information and field mapping by a Principal Geotechnical Engineer, engineering analysis and reporting. Details of the work undertaken and the results obtained are given in the report together with preliminary comments relating to design and construction practice. The Report is attached in Appendix 3.

SITE SPECIFIC ASSESSMENT AND INTERPRETATION

The preliminary geotechnical assessment has indicated that

- the Site is geotechnically suitable for a residential subdivision.
- Stability assessment has identified 5 stability zones within the Site ranging from low to high. Areas of deep clay soils with potential or identified groundwater seepage have been classified *moderate to high* risk. Residential building envelopes are generally not recommended in moderate—to-high or high risk areas, although the risk classification of some sections of the *moderate to high* risk areas could be revised to *moderate* risk following installation of surface and subsurface drains.
- Based on the results of the investigation and previous experience in similar geological settings, the following comments are provided with respect to acid sulphate potential:
 - (iv) Reference to web-based mapping indicates that the site is located in an area mapped as '*unknown occurrences of acid sulphate soil materials*';
 - (v) The site is located in a topographically-elevated area (ie RL 12 – 86 m AHD, above the typical elevation below which acid sulphate soils could have developed or be encountered
 - (vi) The site is in an area mapped on the 1:50 000 Kiama Geological Series Sheet (Ref 1) as being underlain by Budgong Sandstone or Blow Hole Latite both belonging to the Shoalhaven Group (ie not underlain by Quaternary alluvium within which acid sulphate conditions can occur), and
 - (vii) In summary, the geological setting is inconsistent with the occurrence of acid sulphate soil conditions and therefore, there considered to be negligible (if any) risk of acid sulphate soils being encountered on the site.

HOW THE MASTER PLAN SATISFIES THE INTENT OF THE GEOTECHNICAL ASSESSMENT

The Douglas Partners report [GEOTECH] is a site specific assessment that reviews the suitability of the proposed Master Plan with regard to geotechnical constraints and the likelihood of the presence of ASS. The report highlights the need to provide subsoil drainage in one particular section of the site that would be satisfied with the future construction of roads and associated drainage.

Based on the report there are no restrictions geotechnically to the development of the site.

3.3.1.3 TRAFFIC NOISE

Due to the location and topography of the site adjacent to and uphill from the Princess Motorway Harwood Acoustics were engaged to undertake a Noise Intrusion Assessment for the proposed development.

The closest potential future dwellings to the Princes Highway will be located at a distance of approximately 20 metres and the furthest at a distance of approximately 380 metres. The topography of the land is such that the Site undulates significantly where some areas of the Site have direct line of sight to the Highway and some areas are acoustically shielded.

Generally new residential dwellings constructed near busy roads require an assessment to be undertaken in accordance with 'Development Near Rail Corridors and Busy Roads – Interim Guidelines 2008'. The Guidelines refer to Clause 102 of the State Environment Planning Policy (Infrastructure) 2007 (SEPP) which sets internal noise level criteria from road traffic noise emission. These are 35 dBA (Leq) inside bedrooms between 10 pm and 7 am and 40 dBA (Leq) inside all habitable spaces at any time.

SITE SPECIFIC ASSESSMENT AND INTERPRETATION

Traffic noise surveys throughout the months of June, July and August 2016 were undertaken. Noise surveys included long-term unattended monitoring as well as attended noise surveys at several locations across the development.

Noise measurements were used to establish the day time and night time traffic noise levels at the various monitoring locations. The topography of the Site is such that areas to the north and south and west are elevated with clear line of sight to all lanes of the Highway, whereas sections in the centre and eastern side of the Site are shielded, at least in part.

It can be seen that dwellings within close proximity to the Highway will require varying degrees of acoustical treatment to ensure that the internal noise limits set by Clause 102 of the SEPP (Infrastructure) 2007 can be met. The extent of acoustical treatment will depend on several factors including the size of rooms, portion of glazing, orientation of glazing, type of floor coverings, acoustical shielding from other buildings and boundary fences and whether the dwellings are single or double storey. A final assessment of individual dwellings within 150 metres of the Princes Highway should be undertaken prior to the issue of a Construction Certificate to ensure the internal noise limits will be met, once architectural or building design plans are available.

Given the topography of the Site, roadside noise barriers will not provide significant attenuation across the entire Site. In any event, for even the closest dwellings to the Highway, the construction methods and materials required to ensure the internal noise limits set by Clause 102 will not be significantly onerous.

1.1.1 HOW THE MASTER PLAN SATISFIES THE INTENT OF THE NOISE ASSESSMENT

Acoustical treatment will be required for the majority of dwellings within 150 metres of the Highway. Acoustical treatment will not be significantly onerous and examples are given in Section 5 of Noise Intrusion Assessment Report found in Appendix 4 of this report. Final assessments should be required prior to the issue of a Construction Certificate for any dwellings within 150 metres of the Princes Highway. It is noted consideration will be given to upgrading rear fences along the Princes Motorway at the subdivision stage of the development to see if it provides any benefit in meeting the design noise thresholds. No structures or mounding is proposed within the Princes Motorway reserve.

3.3.1.4 SITE CONTAMINATION

A Preliminary Site Investigation (PSI) Report of contaminated lands has been undertaken on the site to assess whether the site is compatible with residential development. The Preliminary Contamination Report is attached in Appendix 5.

SITE SPECIFIC ASSESSMENT AND INTERPRETATION

The scope of work for the Preliminary Contamination Assessment comprised

- review of readily available site information, comprising geological and topographical maps and groundwater bores registered with the NSW Department of Primary Industries, Water
- A review of readily available site history information, comprising:
 - o Current and historic title deeds;
 - o Historical and current aerial photographs;
 - o Public databases held under the Contaminated Land Management Act 1997 and the Protection of the Environment Operations Act 1997;
 - o Records held in the SafeWork NSW Stored Chemical Information Database (SCID); and
 - o Readily accessible Council Records and the Section 149 (2&5) certificate;
- A site walkover to identify conditions that may indicate a potential for contamination and determine associated environmental receptors
- The preparation of this report detailing the methodology and the findings of the PSI, commenting on the potential for contamination at the site; identifying observed areas of environmental concern and associated potential contaminants; providing comment on the compatibility of the site for its proposed usage; and recommendations for further assessment.

Based on the findings of the site history investigation and site walkover it is considered that the site has a low to moderate risk for potential contamination to exist primarily through the agricultural usage of the site and the presence of fibrous cement material potentially containing asbestos.

Based on the findings of the site history and site walkover, the potential sources (S) of contamination comprise:

- S1-Potential for filling to be present from an unknown origin in the creeks, stockpiles and dam embankments;
- S2-Stockpiles of anthropogenic items and dumped materials around the structures and in the creek;
- S3-Hazardous building materials (HBM) associated with the structures and in the anthropogenic items and dumped materials; and
- S4-Former agricultural use including possible storage of chemicals maintenance of agricultural Equipment.

Based on the findings of the PSI it is considered that there is a low likelihood of substantial widespread contamination at the site, although where present contamination levels may pose a moderate risk. Accordingly there is potential for localised contamination to exist that requires further investigation to assess whether the site is compatible with its proposed residential development and what remediation works may be required. The further investigation would comprise intrusive investigation of the identified AEC. A hazardous building materials survey should also be undertaken in addition to the intrusive investigation to assess the potential for the presence of hazardous building materials such as asbestos on the site both in remnant structures and in stockpiles on the site surface. It is considered that the site can be made compatible with its proposed residential land use.

HOW THE MASTER PLAN SATISFIES THE INTENT OF THE GEOTECHNICAL ASSESSMENT

There are no impediments to rezoning of the site due to contamination issues. Due to the low potential of contaminants there will be the need to do intrusive testing at localized areas prior to the commencement of any construction works. As such the masterplan for the site satisfies the findings of the contamination assessment.

3.3.1.5 BUSHFIRE ASSESSMENT

Ministerial Direction 4.4 Planning for Bushfire Protection under Section 9.1(2) of the EPA Act applies to the site. The objectives of Ministerial Direction 4.4 are

- (a) to protect life, property and the environment from bushfire hazards, by discouraging the establishment of incompatible land uses in bushfire prone areas, and
- (b) To encourage sound management of bush fire prone areas

To satisfy the Direction a “Bushfire Strategic Study” has been completed over the site and adjoining area by Ecological Australia. The purpose of the study was to ensure the development complies with the specification and requirements detailed in the RFS document ‘Planning for Bushfire Protection 2019’. A copy of the Bushfire Strategic Study is attached in Appendix 6. The original preliminary layout plan for the development was designed in accordance with the requirements of PBP(2006). Some changes have been made to the preliminary layout plan to ensure the development complies with the requirements of PBP 2019. Copies of the amended preliminary layout plans are also attached in appendix 1 & 6. It is also noted that further refinement will be made to these plans when more detailed studies are undertaken for the development stage of the subdivision.

Rezoning applications require consultation with the NSW RFS. As such rezoning aims to satisfy the requirements of ‘Planning for Bush Fire Protection 2019’ (PBP) which includes having regard to the planning principles of PBP as follows:

- Introduction of controls that avoid placing inappropriate developments in hazardous areas;
- Provision, at the urban bushland interface, for the establishment of adequate APZs for future housing;
- Ensuring that bushfire hazard reduction is not prohibited within the APZ;
- Contain provisions for two-way access roads which link perimeter roads and/or to fire trail networks;
- Contain provisions for adequate water supply for firefighting;
- Minimise the perimeter of the area of land interfacing the hazard which may be developed; and
- Introduce controls on the placement of combustible materials in the Inner Protection Area of the APZ.

SITE SPECIFIC ASSESSMENT AND INTERPRETATION

While the subject land is not mapped as bush fire prone land (BFPL) by KMC, it is in close proximity to BFPL to the west. Furthermore, remnant riparian corridors and rainforest vegetation along the eastern boundary of the subject land are likely to be allowed to regenerate as part of this proposal. At least some of these revegetated areas will then constitute bush fire prone vegetation and will likely be mapped as BFPL by KMC at a later date.

The objectives of this assessment were to:

1. Assess bushfire hazards and potential risks affecting the site;
2. Ensure statutory requirements for bushfire protection are identified, and can be met without removal of vegetation;

3. Satisfy the legislative requirements for assessment of rezoning bushfire prone land for residential purposes under the *Environmental Planning and Assessment Act 1979*;
4. Investigate the application of Asset Protection Zone (APZ) building setbacks to vegetation/bushland, and report on the location and dimensions of any required APZ;
5. Provide guidance on the access and egress requirements for residential development in bushfire prone land; and
6. Provide guidance on other bushfire protection measures such as the provision of utilities.

HOW THE MASTER PLAN SATISFIES THE INTENT OF THE BUSHFIRE ASSESSMENT

The masterplan of the site has been developed to satisfy the following site specific requirements of Planning for Bushfire Protection 2019

- Provision of a linked perimeter road for evacuation and fire fighting purposes
- Access and perimeter roads to allow fire fighting vehicle to pass during an emergency
- The provision of Asset Protection zones to satisfy the current Bushfire requirements. The APZ are provided within proposed public roads and front and rear setbacks of lots negating concerns regarding maintenance of the APZ , and
- The provision of reticulated watermain along the perimeter road for fire fighting purposes

The report concludes A number of strategies have been provided in the form of planning controls such that the risk from bushfire can be minimised, and future rezoning or development approval processes can be streamlined. These strategies include:

- Ensure adequate setback from bushfire prone vegetation (APZs);
- Integrate non-combustible infrastructure within APZs such as roads, easements and parking areas. The majority of APZs should be contained within perimeter roads and lot setbacks;
- Ensure adequate access and egress from the site through a well-designed road system;
- Consider the adequacy of water supply and the delivery of other services (gas and electricity);
- Provide temporary APZs and alternate access/egress during any staged development;
- Consider SFPP and other development types;
- Provide for effective and ongoing management of APZs; and
- Consider construction standards (AS 3959-2009) implications for future developments

The bushfire strategic study demonstrates that the subject land is capable of accommodating future residential development and associated land use with the appropriate bushfire protection measures and bushfire planning requirements prescribed by s.9.1 (2) Direction 4.4 – ‘Planning for Bush Fire Protection’ (EP&A Act), Planning for Bushfire Protection (RFS 2019).

3.3.1.6 AGRICULTURAL LAND SUITABILITY

The site is presently zoned RU2 Rural landscapes and the site was previously used for beef grazing. More recently the site has been used for horse agistment and some hobby farming of beef. The adjacent undeveloped lands to the south and west of the site are also zoned RU2.

SITE SPECIFIC ASSESSMENT AND INTERPRETATION

The soil profile of the site is dominated by shallow topsoils and rocky outcrops underlain mainly by solid latite. The site does not abutt any prime agricultural and consequently will not fragment and result in poor usage of prime agricultural land.

The existing agistment on the site under utilizes the potential of the site.

HOW THE MASTER PLAN SATISFIES THE INTENT OF THE DEVELOPMENT PROPOSAL

The Master Plan results in the residential utilization of land which has limited agricultural potential but is in close proximity to existing residential development, services and community facilities. In this way the site can absorb housing demand and reduce pressure on the fragmentation of other more viable farmland in the region.

3.3.1.7 STORMWATER MANAGEMENT

Ministerial Directions 2.1 “Environmental Protection Zones” and 4.3 “Flood Prone Land” are applicable to the development of this site. The site contains

- two small environmentally sensitive areas which are outside the proposed area to be rezoned for residential purposes and
- areas of flooding within and adjacent to the 4 creeks within the site.

The objective of Ministerial Direction 2.2 is to “protect and conserve environmentally sensitive areas”. The relevant objective of Ministerial Direction 4.3 is (b) to ensure that the provisions of the LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the site”.

A detailed Flood Study and Stormwater Management Study have been developed for the site to provide a stormwater strategy suitable for the rezoning of the site to residential. The report provides a stormwater strategy that is suitable for managing stormwater quantity and quality for the development of the site. The Flood Study is attached in Appendix 8. The Stormwater Management Study is attached in Appendix 9

1. Detention

The strategy shows that

- no on site detention is required in the southern two catchment of the site due to the flood lag of development higher in the Munna Munnora Creek catchment and the proximity of the catchment to the Princess Highway
- on site detention is required for the northern two catchment of the site that drains to the creek system discharging to Kendalls Beach. Preliminary designs have been completed to show on site detention can be provided within the site to ensure post development flows do not exceed pre developed flows, and
- the detention storage embankments will not be prescribed dams

2. Water Quality

Preliminary water quality modelling of the proposed development has been undertaken using the Model of Urban Stormwater Improvements Conceptualisation (MUSIC) software package. The modelling shows that by using a combination of gross pollution traps (GPT) and two 180m² biofiltration swales that the targets set by

Kiama Council for removal of 80% of total suspended solids and 45% reduction of total nitrogen and phosphorous. In reality the development will reduce the total pollutants leaving the site.

The provision of biofiltration swales and GPTs within the development is only part of the treatment train of stormwater. Spare capacity in individual site rain water tanks will also be introduced at the detailed design phase of the development..

The reports demonstrates that the stormwater runoff from this site can be treated on site to meet the relevant objectives of both Ministerial Directions 2.1 & 4.3 and the requirements of Kiama DCP 2012.

HOW THE MASTER PLAN SATISFIES THE INTENT OF ASSESSMENT

The detention storage requirements for the northern catchments can be provided by either or a combination of the following options which do not conflict with the proposed masterplan

- Large rainwater tanks on individual lots in accordance with Kiama Council's Water Sensitive Urban Design Policy.
- A combined biofiltration/detention basin immediately upstream of the catchment outlet, and
- Detention basin on the natural water courses upstream of the two road crossings of the watercourses

It is noted that all lands within the riparian zones are proposed to be zoned either RE1 Public Recreation or E2/E3 environmental protection. All areas proposed to be zoned residential are 500mm above the 1 in 100year flood level.

3.3.1.8 Visual Intrusion Assessment

The Site is only visually prominent along the Saddleback Mountain Road frontage of the site and from sections of the Weir Street and the Princess Motorway frontages of the site. There are partial and diffused views of the site from various locations within the residential area to the east of the site and for a small section along Saddleback Mountain Road above the site. Due to the adjacent topography the site is not visible from other locations outside the catchment basin.

Photos have been taken of the site from the general locations listed above and a table commenting on each photo has been included in Appendix 14.

Preliminary engineering design of the indicative road network show some retaining walls upto 4.5m high and fill upto 7m deep in the lower portions of the site near the road crossing of Munna Munnora Creek. The fill areas are relatively narrow and quickly fetters away as the natural slope of the site rises above the areas of fill. The retaining walls adjacent to the Munna Munnora riparian area can only be seen from a very limited section of the north bound lane of the Princes Motorway south of where Munna Munnora Creek passes under the Motorway. At these locations the motorway is approximately between 20 and 60m above the location of the retaining walls. Due to this the retaining walls do not cause any visual impact to the scenic land adjacent to the site.

The development is located at lower elevations and separated visually and physically from the most scenic land and visually prominent features being the treed areas and interspersed grasslands above the site, surrounding ridgelines and various intermediate land, ocean and vegetation view lines.

The following works will also ameliorate the visual intrusion of the site from the Princes Motorway and adjacent areas.

- (i) Landscaping along the Princes Motorway frontage of the site. These works will shield views to the development from the Motorway especially along the northern section of the site
- (ii) Revegetation of the four creeks that traverse the site and the provision of approximately 500 street trees. The visual impact of the development will be softened by these works
- (iii) Rehabilitation and expansion of the Illawarra Subtropical Rainforest community in the south eastern corner of the site, and
- (iv) The provision of larger lots >1,000m² with maximum building heights of 7.5m on the more visually prominent areas of the site.

Due to the above we believe the development will not impose an unacceptable visual intrusion on existing or future residents or to motorists using the Princess Motorway.

3.3.2 SOCIAL INFLUENCES

3.3.2.1 EXISTING AND FUTURE SOCIAL INFRASTRUCTURE

There are no detailed social infrastructure constraint assessments outside of Council's Section 94 Contribution Plan. Section 94 Plans are generally reviewed every 5 years. Any future review of the Section 94 plan may highlight some social infrastructure deficiencies that would warrant the application of an appropriate contributions levy on any new development.

SITE SPECIFIC RE-ASSESSMENT AND INTERPRETATION

No detailed re-assessment of this constraint has been undertaken as it understood that this issue has not provided a material constraint for development of the site for urban purposes.

HOW THE MASTER PLAN SATISFIES THE INTENT OF THE [LES]

The Master Plan proposes an extension of the urban development at south Kiama which will result in the creation of between 400 and 500 housing units. The scale of the development described by the Master Plan is not sufficient to trigger substantial additional demand on existing community facilities nor trigger the need for new ones. It is noted however that if a future need was highlighted Council's Section 94 Contributions Plan could be amended and this site be levied for a share of any upgrading or new works noting that Section 94 Contributions are levied on Development Consents and not rezoning applications.

3.3.2.2 ABORIGINAL HERITAGE

Ministerial Direction 2.3 Heritage Conservation under Section 117(2) of the EPA Act applies to the site. The objectives of Ministerial Direction 2.3 "is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance."

To satisfy this Direction an Archaeological Report and Aboriginal Cultural Heritage Assessment has been completed over the site by BIOSIS Pty Ltd. The purpose of the report and assessment was to identify whether the study area contains Aboriginal deposits and if so classify the significance of the deposits and to classify the Aboriginal cultural heritage values of any deposits found. The Archaeological Report and Aboriginal Cultural Heritage report are attached in Appendix 9

SITE SPECIFIC ASSESSMENT AND INTERPRETATION

The objectives of the investigation where :

- To identify and consult with any RAPs and the Illawarra LALC
- To conduct additional background research in order to recognise any identifiable trends in site distribution and location.
- To search statutory and non-statutory registers and planning instruments to identify listed Aboriginal cultural heritage sites within the study area.
- To highlight environmental information considered relevant to past Aboriginal occupation of the locality and associated land use and the identification and integrity/preservation of Aboriginal sites.
- To summarise past Aboriginal occupation in the locality of the study area using ethnohistory and the archaeological record.
- To formulate a model to broadly predict the type and character of Aboriginal sites likely to exist throughout the study area, their location, frequency and integrity.
- To conduct a survey of the study area to locate unrecorded or previously recorded Aboriginal sites and to further assess the archaeological potential of the study area.
- To assess the significance of any known Aboriginal sites in consultation with the Aboriginal community.
- To identify the impacts of the proposed development on any known or potential Aboriginal sites within the study area.
- To recommend strategies for the management of Aboriginal cultural heritage within the context of the proposed development

Four PAD sites were identified on site and archaeological test excavations were undertaken within the PADs. The Archaeological Report found a scatter of Aboriginal deposits within the four sites. Each of the deposits has been classified with low significance due to the deposits scatter and quality of the artefacts found.

HOW THE MASTER PLAN SATISFIES THE INTENT OF THE ABORIGINAL ARCHAEOLOGICAL ASSESSMENT

The location of the artefacts found on the site have been shown on the constraints plan for the development. Some deposits are impacted by the proposed development. It is proposed after DA approval an AHIP will be lodged with DPIE for approval to harm any Aboriginal Deposits affected by the development. It is noted that the DPIE will not issue approval of the AHIP until development consent has been issued for the development. Due to the low significance of the deposits BIOSIS has advised that no issues are envisaged with approval of the AHIP for the site. It is also noted that the PADs are relatively small in area and where possible development will be designed to avoid deposits.

3.3.2.3 HISTORICAL HERITAGE

Ministerial Direction 2.3 Heritage Conservation under Section 117(2) of the EPA Act applies to the site. The objectives of Ministerial Direction 2.3 "is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance."

To satisfy this Direction an Archaeological Due Diligence Report has been completed over the site by BIOSIS Pty Ltd. The purpose of the report was to identify whether the study area possesses or has the potential to possess items of historical cultural heritage values. The report is attached in Appendix 10

The Heritage Report was prepared in accordance with current heritage guidelines including *Assessing Heritage Significance*, *Assessing Significance for Historical Archaeological Sites and "Relics"* and the *Burra Charter*.³ The Report provides a heritage assessment to identify any heritage items or relics that exist within or in the vicinity

of the study area, assess the significance of any heritage items found on the site and determine the most appropriate management strategy for any items found.

The following is a summary of the major objectives of the assessment:

- Identify and assess the heritage values associated with the study area. The assessment aims to achieve this objective through providing a brief summary of the principle historical influences that have contributed to creating the present – day built environment of the study area using resources already available and some limited new research.
- Assess the impact of the proposed works on the cultural heritage significance of the study area.
- Identifying sites and features within the study area which are already recognised for their heritage value through statutory and non – statutory heritage listings.
- Assess the potential impact from the planning proposal and any subsequent development of the study area.
- Recommend measures to avoid or mitigate any negative impacts on the heritage significance of the study area.

SITE SPECIFIC ASSESSMENT AND INTERPRETATION

The site specific historical assessment identified the Kendalls Cemetery and 16 dry stacked stone walls on the site. The assessment has identified two items of high significance, two of moderate to high significance, five of moderate significance, six of little to moderate significance and one of little significance.

Kendalls Cemetery has been assessed as being an item of high heritage significance, meeting criterion A-D under the Heritage Act at a local level. The cemetery also meets several heritage values of a cemetery as set out by the National Trust of Australia (NSW), including: historical values; social values; religious values; genealogical information; artistic, creative and technical elements; setting; and human remains. Of the drystone walls contained within the study area, one wall, 198, which surrounds Kendalls Cemetery, has been assessed as highly significant at a local level; this is due to its relationship with the cemetery itself and its condition. Two walls, 196 and 239, have been assessed as moderate to highly significant at a local level; this is due to their condition and historical functions as a property boundary and original holding pen (respectively). Five walls, 232, 234, 236, 240 and 241, were assessed as holding moderate significance, due to the condition, date and/or historical function as a part of a holding pen or paddock boundary. Six walls, 231, 233, 235, 237, 238 and 242, were assessed as holding little to moderate significance, due to their deteriorating condition. The newly identified wall was assessed as holding little significance, due to its poor condition and intactness.

Recommendations have been formulated to respond to client requirements and the significance of the site. They are guided by the ICOMOS *Burra Charter* with the aim of doing as much as necessary to care for the place and make it useable and as little as possible to retain its cultural significance. For rezoning and planning purposes, the following recommendations are proposed:

Recommendation 1 Setbacks

Minimum 20 metre setback from Kendalls Cemetery

Any rezoning and planning proposals for the study area should allow for a setback of at least 20 metres from Kendalls Cemetery to ensure the conservation and protection of the cemetery. A road would be acceptable as part of this setback

Minimum 6 metre setback from dry stone walls

Any rezoning and planning proposals for the study area should allow for a building setback of at least 6 metres from dry stone walls to avoid impacting their condition. A dry stone wall could be within a road reserve subject to clearances from services etc.

Recommendation 2 Treatment of dry stone walls

Retain portions of dry stone walls assessed as being in average to good condition

Any rezoning and planning proposals for the study area should accommodate those portions of dry stone walls which have been assessed as being in average to good condition. Where possible, efforts should be made to conserve or improve the condition of those walls (may require seeking consent from Council depending on scale of improvement works), in accordance with the guidelines contained within *The BurraCharter*.⁵²

Establish acceptable impacts to portions of walls assessed as being in poor condition

Any rezoning and planning proposals for the study area should establish what impacts are acceptable to portions of walls which have been assessed as being in poor condition, based on their assessed heritage significance. Impacts to walls of high significance should be mitigated where possible, and efforts made to conserve or improve the condition of those areas in poor condition in line with

Recommendation 3. Where impacts to walls of moderate or little significance cannot be mitigated (for example, breaks in walls for roads or driveways), efforts should be made to relocate the portion of wall or repurpose the impacted materials. Walls assessed as being in very poor condition are the most viable option for removal to facilitate roads, driveways and other infrastructure or services, but restoration of these walls should be considered where possible.

HOW THE MASTER PLAN SATISFIES THE INTENT OF THE ASSESSMENT

The masterplan has been developed so that

- (i) a minimum width 20m buffer has been provided around Kendalls Cemetery. The buffer is proposed as a road along the western and southern boundary of the cemetery with widened footpaths adjacent the cemetery and a public reserve adjacent the eastern and southern boundary of the cemetery. A public road is also proposed to abut the public reserve which will result in a much wider buffer adjacent the eastern and northern boundaries of the site which will provide
 - good passive public surveillance to the cemetery, and
 - visual connection to the cemetery from adjacent areas as the site at this location slopes in a north east direction.
- (ii) Dry stone wall of high to medium significance have been retained. Figure 6 below shows the location of the dry stone walls on the masterplan for the site. It is noted that this application is for rezoning of the site. The masterplan has been developed to show how the site is likely to impact on the dry stone walls on the site. It is noted that a road opening is proposed through walls 232 and 231 as part of the overall masterplan of the site however the majority of these walls will be maintained and enhanced. Figure 6 shows the location of the dry stacked stonewalls on the masterplan for the site. Most walls are either located in undeveloped sections of the site or within residential properties where they will be maintained in accordance with the requirements of Kiama DCP2012.



Figure 8: Dry Stone Wall shown on Masterplan of the Site

3.3.3 INFRASTRUCTURE INFLUENCES

3.3.3.1 TRANSPORT INFRASTRUCTURE

A Traffic Impact Assessment has been undertaken by BITZIOS on the site to assess the impact of traffic on the existing road network. A copy of the Traffic and Transport Planning Assessment is attached in Appendix 10.

When this study was undertaken the proposed lot yield for the development was 455 lots which included 30 townhouses, 140 single dwelling lots and 285 lots $>450\text{m}^2$. The final masterplan for the site indicates the lot yield for the development is 444 lots consisting of 156 single dwelling lots, 285 lots $>450\text{m}^2$ and 3 lots $>1,000\text{m}^2$. With dual occupancy on some lots $>600\text{m}^2$ the site may have a total lot yield of approx. 470 dwellings. To err on the side of caution the Traffic Assessment assumed the dwelling yield of 630. This figure is approx. 25% higher than the maximum expected yield. As such the Traffic Assessment adequately addresses the traffic impact of the development.

The scope to undertake this traffic impact assessment is limited to assessing the impacts on the external road network, which includes the following:

- assessment of the developments traffic generation for the AM and PM peak hour;
- assessment of the vehicle distribution onto the external road network; and
- assess the impact the development has on the existing external road network.

The report also highlighted some improvements required to the adjacent network required as a consequence of the development. These works included extensions to concrete footpaths /cycleways and provision of pedestrian thresholds on several streets adjacent to the site.

No assessment has been made of internal road networks. This information would be required for any future development Application for the residential subdivision of the land. However preliminary road long sections were developed for an early layout plan for the site to ensure that a subdivision could be developed over the site that satisfies Council engineering standards. The very preliminary road design plans are attached in Appendix 12. It is also noted that the grades shown on the latest earthworks plan (Appendix 1) are in accordance with Council's design standards.

Site Specific Assessment and Interpretation

The traffic assessment consisted of the following steps

- set background traffic flows by undertaking a traffic count at the intersection of Old Saddleback Mountain Road and South Kiama Drive
- Increasing the background traffic volume at a compounding rate of 1.5% based on rates used on the TRACKS modelling in Kiama
- Calculating traffic generation from site based on *The RMS Guide to Traffic Generating Developments: Technical Direction (August 2013)*
- Distributing the future traffic generation based on the proposed road network shown on the masterplan
- Calculating Design Traffic Volumes on the adjacent roads for the year 2019 and 2029.
- Using the Design Traffic Volumes to analysing intersections adjacent to the site including the Saddleback Mountain Road/ South Kiama Drive intersection using the SIDRA 7 intersection modelling software.

All intersection modelled performed satisfactorily in terms of Degree of Saturation (DOS), Level of Service (LOS), average delay and 95th percentile queue. The 2029 AM Design scenario experiences a maximum DOS of 0.366 which is well within the performance limits of a priority controlled T-intersection (i.e. DOS = 0.800). The LOS does not exceed LOS A in any of the background or design scenarios. Therefore, the proposed sub-division development does not require any external road works to be implemented at the intersection as a result of the additional development traffic

The above findings indicate no significant matters of a traffic and transport nature that would preclude its approval.

HOW THE MASTER PLAN SATISFIES THE INTENT OF THE TRAFFIC ASSESSMENT

Traffic modelling of the proposed development with access to and from Saddleback Mountain and Weir Street and egress only from the culvert under the Princess Motorway shows that the impact of traffic from the development is within acceptable limits.

An alternative layout for the site has been developed to demonstrate how the main spine road could be amended to minimize the length of straight sections of road where speed could become an issue. The amended layout is shown in Appendix 11.

A preliminary Y intersection layout for the intersection of the subdivision access road and Saddleback Mountain Road has also been designed. The layout has been included on the preliminary subdivision design plans attached in Appendix 11.

3.3.3.2 UTILITY SERVICES

3.3.3.2.1 ELECTRICAL RETICULATION

Transelect submitted an enquiry to Endeavour Energy regarding power supply to the development in 2015. Endeavour Energy replied to the enquiry in November 2015. A copy of Endeavour Energy's response is attached in Appendix 13

Endeavour Energy calculated that the site has the potential to provide upto 875 lots. This is approx. twice the yield we believe is possible. However Endeavour Energy advised

- (i) The Kiama Zone substation which would supply the development has sufficient capacity to supply the required load to support the proposed mature load for upto 875 lots
- (ii) the existing 11kva network to the site has the capacity to service approx. 400 lots, and
- (iii) ultimately a new 11Kva feeder would be needed from the Kiama Zone Substation to the site if the lot yield was 875 lots

It is unlikely a new 11kva feeder main would be required to service this development noting that the yield will be between 400 to 500 lots and not 875 as calculated by EE. Further EE design loads have reduced since the initial enquiry was made in 2015 due to more efficient heating and lighting within houses.

3.3.3.2.2 SEWER AND WATER RETICULATION

A service enquiry was made to Sydney water in 2015. Sydney Water issued a feasibility letter for the site on 14 March 2016. A revised feasibility letter was issued on 7 November 2108 that clarifies water servicing of the site. A copy of Sydney Water's feasibility letter is attached in Appendix 13.

Sydney Water advised as follows

Water

- There is capacity in the trunk system at the intersection of Shoalhaven and Bland Street
- Extensions will be required to service the proposed subdivision from this point, and
- Preliminary investigation shows that Sydney water can only service lots up to ground level 60m AHD. To service the proposed lots above the 60m contour additional investigation or required works and agreement of servicing options will be required.

A plan has been included in Appendix 13 showing the location of 60m contour on the masterplan.

Sewer

Sydney Wide Co-ordinators were engaged to provide a preliminary concept design for the development. This concept was for the sewer from the site being provided by a new main under the Princes Motorway and South Kiama Drive to join with the existing sewer main adjacent to Munna Munnora Creek.

Sydney Water advised as follows

- In principal Sydney Water has no objection to the proposed wastewater servicing method
- An options report would need to be submitted by a Water Services Co-ordinator demonstrating that this option represents the lowest life cycle cost. This options report will need to be submitted for endorsement prior to a Section 73 application being lodged and the design approved.

3.3.3.2.3 TELECOMMUNICATION RETICULATION

Telecommunication services can be extended into the development from the existing underground services within Old Saddleback Mountain Road and Weir Street. All pit and pipe works in the new development would be compliant with the requirements of NBN.

4. COMMUNITY CONSULTATION

4.1 CONTEXT

The site has been identified in the Kiama Urban Strategy as a stage 1 site for rezoning to residential subject to the provision of independent technical reports supporting the rezoning.

The KUS was developed by Kiama Council in conjunction with a panel of experts and rate payers from the community. The KUS was developed to satisfy the requirement and projections of the Illawarra Regional Strategy. The strategy has been advertised for public comment and approved by the Department of Planning.

The Planning proposal for the site is the next step in the rezoning of the site from rural to residential.

4.2 STAKEHOLDERS

Key stakeholders to be targeted are

- Local community including Illawarra Local Aboriginal Land Council
- Government Agencies to include
 - NSW Rural Fire Service
 - Division of Biodiversity & Conservation of the DPIE
 - Roads and Maritime Services
 - Natural Resources Access Regulator , and
- Service Authorities including
 - Sydney Water, and
 - Endeavour Energy

4.3 COMMUNICATIONS APPROACH

The public exhibition of the proposal is a standard part of the assessment process to inform the community about the proposal so they can better understand its potential impacts and benefits and how they can make comment.

Kiama Council and Planning NSW should be the authorities to determine the detailed advertising requirements for this proposal. However as a minimum the Planning Proposal should be public exhibited for a period of 28 days.

Advertising should be via the local newspaper, on Council's webpage and letters to adjacent land owners.

4.4 EXHIBITION LOCATIONS

As a minimum hard copies of the Planning Proposal should be available at Council's administration building in addition to electronic copies on Council's and Planning NSW webpages

4.5 PROJECT TIMEFRAME

The Gateway Determination has set a maximum timeframe of 18 months from the date of the determination to finalization of the LEP. The following table sets out the expected timeframe for each step in the process

	Timeframe	Possible date
Rezoning Review Lodged with NSW Department of Planning, Industry and Environment (DPIE)		28 th March 2019
Regional Planning Panel (RPP) meet to discuss merit of proposal		19 th June 2019
RPP issue recommendation to proceed with the proposal		19 th June 2019
Receive Gateway Determination for DPIE		4 th December 2019
Preparation of additional information by applicant	8 weeks from notification of Gateway Determination	13 th February 2020
Submit to DPIE to ensure consistency with Gateway Determination	2 weeks from receiving additional information	27 th February 2020
Response from DPIE to proceed with consultation	2 weeks from receiving additional information	Mid-March 2020
Consult with State/Commonwealth agencies	4 weeks from DPIE response	Mid-April 2020
Exhibition of PP and technical studies	20 weeks from DPIE response	February 2021

Date of Public hearing	N/A	N/A
Review of submissions and preparation of report to Council	Completion of public exhibition period	March 2021
Report to Council following exhibition	First available round after completion of submissions (allow 4 weeks)	April 2021
Submission to DPIE to complete amendment process and finalization of LEP	4 weeks from Council meeting	May 2021
Anticipated date LEP will be notified	12 weeks from date of submission to DPIE	June 2021