



KIAMA MUNICIPAL COUNCIL
your council, your community

December 2013

Planning Proposal to Amend LEP 2011



With respect to:

Lots 1 & 2 DP

797732, Lot 1, 2, 3 &
4 Sec 67 DP 758563

Jamberoo Road,
Kiama NSW 2533

Planning Proposal to amend LEP 2011 with respect to:
Lots 1 & 2 DP 797732, Lot 1, 2, 3 & 4 Sec 67 DP 758563 Jamberoo Road, Kiama , NSW 2533

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Name of Planning Proposal:
Planning Proposal to amend LEP 2011 with respect to:
Lots 1 & 2 DP 797732, Lot 1, 2, 3 & 4 Sec 67 DP 758563
Jamberoo Road, Kiama 2533.

Part 1 – Statement of objectives or intended outcomes

The location of the Planning Proposal Lots 1 & 2 DP 797732, Lot 1, 2, 3 & 4 Sec 67 DP 758563 Jamberoo Road, Kiama, NSW 2533.

The objective of this Planning Proposal is to:

- To rezone the site from RU2 Rural Landscape and E2 Environmental Conservation to an R2 Low Density Residential zone to provide for an additional supply of residential lots in accordance with Kiama Council's adopted Urban Strategy.

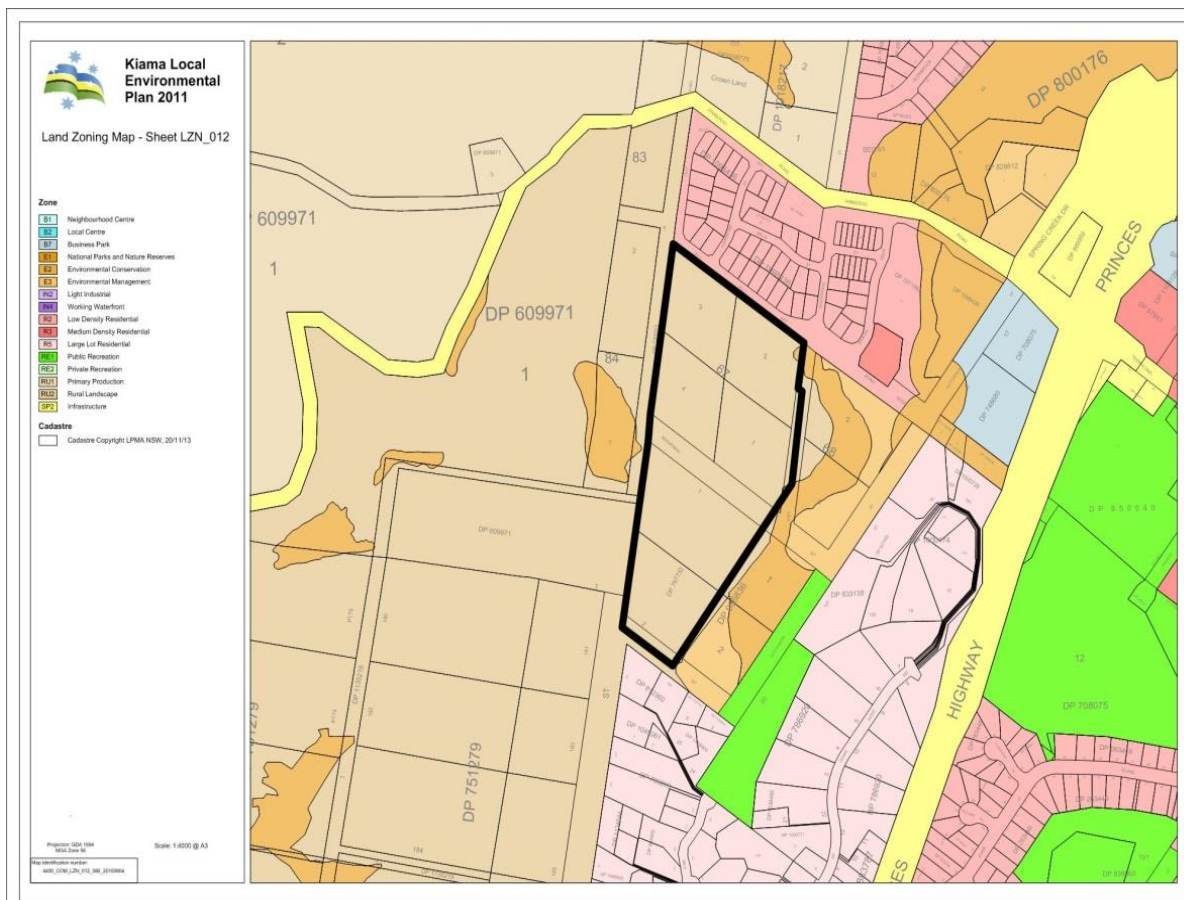
Part 2 – Explanation of provisions

The provisions will apply to Lots 1 & 2 DP 797732, Lot 1, 2, 3 & 4 Sec 67 DP 758563 Jamberoo Road, Kiama. The site is located between the Cedar Ridge Estate and Cedar Grove Estate and is located on the western edge of the Kiama township. The subject site is currently zoned RU2 Rural Landscape and E2 Environmental Conservation under Kiama LEP 2011 which requires a minimum lot size of 40ha for a dwelling.

The aim of the Planning Proposal is to rezone a remnant portion of agricultural land zoned RU2 Rural Landscape and E2 Environmental Conservation to R2 Low Density Residential development in order to meet the Department of Planning and Infrastructures' greenfield housing targets for the Kiama Local Government Area. The subject site is currently adjacent to residential development on two sides and forms an 'in fill' between these two sites. The site is within the 'western edge' for the Kiama Town Centre and is expected to yield approximately 98 lots.

The following excerpt maps from Kiama LEP 2011 and context plan illustrate the current situation and location in relation to Subject site:

Kiama LEP 2011 Zoning Map Sheet LZN_008 (Current Zoning)





LEGEND

- LOT BOUNDARY
- ROAD RESERVE
- RESIDENTIAL
- LARGE RESIDENTIAL

**MASTERPLAN IN CONTEXT WITH
 SURROUNDING DEVELOPMENT
 "FIGURE 2"**

LOTS 1 & 2 DP 797732 &
 LOTS 1, 2, 3 & 4 SEC 67 DP 758563
 JAMBEROO ROAD
 KIAMA

(Draft Map prepared by Unicom Development Services Pty Ltd)

The proposal will amend Kiama LEP 2011 in the following manner:

1. Amend the Land Zoning Map - Sheet LZN_012 applying to Lots 1 & 2 DP 797732, Lot 1, 2, 3 & 4 Sec 67 DP 758563 from zone RU2 and zone E2 to zone R2.
2. Amend the Lot Size Map - Sheet LSZ_012 applying to part of Lots 1 & 2 DP 797732, Lot 1, 2, 3 & 4 Sec 67 DP 758563 to introduce minimum lot sizes of D 300 sqm.
3. Amend the Lot Size Map - Sheet LSZ_012 applying to part of Lots 1 & 2 DP 797732, Lot 1, 2, 3 & 4 Sec 67 DP 758563 to apply a minimum lot size of D 450 sqm.
4. Amend Height of Buildings Map - Sheet HOB_012 applying to Lots 1 & 2 DP 797732, Lot 1, 2, 3 & 4 Sec 67 DP 758563 to apply I 8.5m.
5. Amend Floor Space Ratio Map - Sheet FSR_012 applying to Lots 1 & 2 DP 797732, Lot 1, 2, 3 & 4 Sec 67 DP 758563 to incorporate an FSR of C 0.45:1.

Part 4 of this Planning Proposal illustrates the proposed map amendments to Kiama LEP 2011.

Part 3 – Justification

Q1: Is the planning proposal a result of strategic study or report?

The Planning Proposal has been facilitated by the Kiama Urban Strategy.

The Kiama Urban Strategy (KUS)

This planning proposal has resulted from the KUS where the subject site is referred to as Site 13.

The KUS strategy assessment for this site stated:

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

The site was endorsed as a stage 1 site by Council giving the applicants the ability to prepare a planning proposal within 1-5 years (from adoption of KUS) for Councils consideration.

In relation to the subject site, the KUS states:

“6.1.3 Sites 8,11,13,18(b) and 20 as identified in the Table, the Kiama North and Kiama South Maps on pages 42 & 43 should be assessed further in a Planning Proposal. The Planning Proposal should at a minimum:

6.1.3a assess whether land within these sites is suitable for residential zoning having regard to traffic & transportation, flooding, land stability, natural environment, aboriginal and European cultural heritage, and scenic landscape considerations,

6.1.3b establish a more accurate lot yield potential and density,

6.1.3c assess infrastructure servicing availability and amplification needs,

6.1.3d propose a priority for release, and

6.1.3e identify any environmental and physical constraints to development and town services and social infrastructure requirements which should be met.”

It is to be noted the KUS indicated an approximate potential dwelling yield on the subject site of 91 lots.

Q2: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

To achieve the desired outcomes of providing for an additional supply of residential lots in accordance with Kiama Council's adopted Urban Strategy the following options were available to Council:

Option A

- To rezone the site from zone RU2 Rural Landscape and zone E2 Environmental Conservation to zone R2 Low Density Residential to provide for an additional supply of residential lots in accordance with Kiama Council's adopted Urban Strategy.
- Amend the Land Zoning Map - Sheet LZN_012 applying to the subject site from zone RU2 and zone E2 to zone R2.
- Amend the Lot Size Map - Sheet LSZ_012 applying to part of Lots 1 & 2 DP 797732, Lot 1, 2, 3 & 4 Sec 67 DP 758563 to introduce minimum lot sizes of D 300 sqm.
- Amend the Lot Size Map - Sheet LSZ_012 applying to part of Lots 1 & 2 DP 797732, Lot 1, 2, 3 & 4 Sec 67 DP 758563 to apply a minimum lot size of D 450 sqm.

- Amend Height of Buildings Map - Sheet HOB_012 applying to Lots 1 & 2 DP 797732, Lot 1, 2, 3 & 4 Sec 67 DP 758563 to apply I 8.5m.
- Amend Floor Space Ratio Map - Sheet FSR_012 applying to Lots 1 & 2 DP 797732, Lot 1, 2, 3 & 4 Sec 67 DP 758563 to incorporate an FSR of C 0.45:1

Comment

This is considered the best means of achieving the desired outcomes as the zoning of the land will reflect the residential land use proposed in the adopted Urban Strategy.

Option B

- Retain the current RU2 Rural Landscape and zone E2 Environmental Conservation and amend “Schedule 1 Additional Permitted Uses” to allow for residential development in line with the findings of the KUS utilising this clause.

Comment

This option is not seen as appropriate by KMC. It is preferable to have zones reflect the intended land use.

Q3: Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The Planning Proposal is consistent with the Illawarra Regional Strategy (IRS). The Planning Proposal will assist in delivering a range of housing types within a ‘greenfield’ context. The planning proposal will also assist KMC meet development targets identified in IRS.

Q4: Is the Planning Proposal consistent with a council’s local strategy or other local strategic document?

The planning proposal is consistent with Kiama’s Urban Strategy (KUS) and is identified in this study as Site 13. KUS identifies Kiama’s overarching strategy to meet housing targets identified in the Illawarra Regional Study.

The KUS strategy assessment for this site stated:

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

The site was endorsed as a stage 1 site by Council giving the applicants the ability to prepare a planning proposal within 1-5 years (from adoption of KUS) for Councils consideration.

Q5: Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning policy is consistent with applicable State Environmental Planning Policies, in particular:

State Environmental Planning Policy	Statement of Compliance
State Environmental Planning Policy No 55 – Remediation of Land	Consistent. <u>Comment</u> A Preliminary Contamination Assessment Report has been prepared on behalf of the applicants. This report concluded that the potential for contamination on the subject site is low and recommended that the 'unexpected finds protocol' be included in the sites 'Construction Environmental Management Plan' during earthworks and construction for any subsequent stages.
State Environmental Planning Policy (Rural Lands) 2008	Consistent. <u>Comment</u> The site is a small parcel of land (9ha) that is adjacent to residential development to the north and to the south. The proposal to rezone this site for residential development is consistent with the principles of this SEPP in particular the ability to consider land for the "provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities" cl 7(f).
(a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,	Consistent. <u>Comment</u> As the land proposed for rezoning is adjacent to two residentially zoned areas, its ability to carry out some agricultural activities has been compromised. KMC also is required to consider rezoning some appropriate sites in line with IRS housing targets for greenfield development. In order to meet these targets, KMC has endorsed this site for consideration.

State Environmental Planning Policy	Statement of Compliance
(b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,	Rural Planning Principles are identified below. Rural Subdivision Principles do not apply to this proposal.
(c) to implement measures designed to reduce land use conflicts,	Consistent. <u>Comment</u> The proposal will improve any land use conflict that currently exists as the site is currently bounded to the north and south by existing residential development. A perimeter road separating the rural and residential land has been included in the draft lot layout incorporated into this planning proposal.
(d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,	N/A
(e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.	N/A
Section 7 – Rural Planning Principles	
(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,	Consistent. <u>Comment</u> As the land proposed for rezoning is adjacent to two residentially zoned areas, its ability to carry out some agricultural activities has been compromised. KMC also is required to consider rezoning some appropriate sites in line with IRS housing targets for greenfield development. In order to meet these targets, KMC has endorsed this site for consideration through the KUS as it falls within the identified town boundary.

State Environmental Planning Policy	Statement of Compliance
(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,	Consistent. <u>Comment</u> See comment in Section 7(a).
(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,	Consistent. <u>Comment</u> See comment in Section 7(a).
(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,	Consistent. <u>Comment</u> See comment in Section 7(a).
(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,	Consistent. <u>Comment</u> See comment in Section 7(a).
(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,	Consistent. <u>Comment</u> The proposed residential development will support existing services and business along with providing a housing choice for long term residents, particularly those from the rural sector wishing to 'downsize' but stay in the locale.
(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,	Consistent. <u>Comment</u> These factors have been considered in the planning proposal. In addition see 7(f) above.
(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.	Consistent. <u>Comment</u> The proposal is consistent with the Illawarra Regional Strategy. The proposal will assist in delivering a range of housing types and some controlled green field urban growth in Kiama.

Q5a: Is the planning proposal consistent with applicable deemed State Environmental Planning Policies?

The Planning Proposal is consistent with applicable deemed State Environmental Planning Policies, in particular:

Deemed SEPP - Illawarra Regional Environmental Plan No 1

The relevant sections of this deemed SEPP have been addressed below:

Deemed SEPP - Illawarra Regional Environmental Plan IREP	Statement of Compliance
9 Preparation of draft local environmental plans A consent authority shall, in the preparation of a draft local environmental plan, give effect, in so far as is possible, to the objectives, policies and principles specified in Parts 2–16.	Consistent
Part 2 Provisions relating to rural lands 11 Objectives The objectives relating to rural lands are:	
(a) to retain the productive capacity of prime crop and pasture lands,	Inconsistent <u>Comment</u> The site is mapped as prime crop and pasture under Illawarra Regional Environmental Plan No 1, (as is a significant proportion of the Kiama LGA). Whilst it is not ideal to propose rezoning an area mapped as prime crop and pasture, the Proposal can be supported as it: (a) Proposes to rezone only a small proportion of KMC's Prime Crop and Pasture land available for agricultural purposes.

Deemed SEPP - Illawarra Regional Environmental Plan IREP	Statement of Compliance
(a) to retain the productive capacity of prime crop and pasture lands,	(b) The site is located adjacent to existing residential development on two sides (the north and south) and will form the western edge of urban development for the Kiama township. Due to its location and size the parcel is not productive at this time. (c) The site had been investigated, publically exhibited and supported by Council with the adoption of the Kiama Urban Strategy. (d) The Proposal does not further fragment agricultural land. The Proposal is inconsistent but of a minor nature
(b) to protect valuable natural environments, as identified on sheets 1–10, 14, 15 and 17 of the map,	Consistent <u>Comment</u> The Applicant commissioned Eco Logical to carry out a Flora and Fauna assessment. This assessment found that the site is predominantly cleared of native vegetation and contains “few flora and fauna values” and has “generally poor” habitat connectivity. With the exception of the prime crop and pasture, the site is not impacted by other valuable natural environments as identified by this clause.
(c) to provide for wildlife movement between major protected wildlife habitats,	Consistent <u>Comment</u> The Applicant commissioned Eco Logical to carry out a Flora and Fauna assessment. This assessment found that the site is predominantly cleared of native vegetation and contains “few flora and fauna values” and has “generally poor” habitat connectivity.

Deemed SEPP - Illawarra Regional Environmental Plan IREP	Statement of Compliance
(d) to effectively manage the development of rural lands having regard to flood potential, bushfire risks, salinisation, soil degradation, erosion and weed infestation,	Consistent <u>Comment</u> These issues have been addressed by the applicants in the Planning Proposal and associated specialist consultant reports.
(e) to allow for the development of small rural holdings in appropriate locations,	Consistent <u>Comment</u> The development of small rural holding is not proposed.
(f) to prevent uneconomic demand for State Government services,	Consistent <u>Comment</u> Servicing will be provided utilising existing infrastructure.
(g) to allow for future urban expansion,	Consistent <u>Comment</u> Proposal is consistent with Council's adopted Urban Strategy (KUS).
(h) to retain the scenic attributes of rural areas, and	Consistent <u>Comment</u> Proposal is located within the existing urban boundary adopted by Council.
(i) to provide for developments which by virtue of their character require siting away from urban areas.	Consistent
Division 3 Draft local environmental plans—rural lands	
16 (Repealed)	N/A
17 Wildlife corridors	Consistent

Deemed SEPP - Illawarra Regional Environmental Plan IREP	Statement of Compliance
18 Valuable natural environments A draft local environmental plan applying to land shown on the map as land with landscape or environmental attributes shall be prepared having regard to recommendations contained in the <i>Illawarra Region Landscape and Environmental Study</i> published by the Department of Environment and Planning in August 1981.	Consistent
19, 20 (Repealed)	N/A
21 Small rural holdings	N/A
27 Multiple occupancy of farms	N/A
28 Flood prone lands	N/A

Q6: Is the planning proposal consistent with applicable Ministerial Directions (s 117 directions)?

A Section 117 Ministerial Directions - Compliance Checklist has been compiled by Kiama Council and is included in Appendix 1. Unicomb Development Services, on behalf of the applicant, has also compiled a response to the 117 directions and this is included as Part 3.2.4 of their Planning Proposal report included with the documentation attached to this Planning Proposal.

The proposal is consistent with all directions.

Q7: 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 Flora and Fauna Assessment was prepared by Eco Logical as a part of the Planning Proposal's supporting studies. The report found that the site is predominantly cleared of native vegetation and contains "few flora and fauna values" and that habitat connectivity on site was judged as "generally poor". However, there are areas of native vegetation with high conservation values including threatened plants and an Endangered Ecological Community on properties adjoining the subject site. The consultants recommended that future development of the subject site should incorporate strategies to protect the conservation values on adjoining lands.

The report states that the proposed rezoning utilizes cleared land. It is recommended that the Proposal and any subsequent DAs will need to ensure that:

“appropriate site design, site controls and ongoing management should adequately mitigate impacts upon endangered ecological communities, threatened species, habitats and connectivity.”

The report concluded that no threatened Flora or Fauna will be removed by the Proposal, and that there is a small proportion of a disturbed Illawarra Subtropical Rainforest on an adjacent property that will unavoidably need to be removed to construct water and sewerage service facilities. In order to address this issue, the consultants carried out an Environmental Planning and Assessment Act, Assessment of Significance for the Proposal. The consultants indicated that the Proposal is: *“unlikely to significantly impact on those threatened species or EEC’s assessed provided a range of measures are implemented [in subsequent stages]. ... A small loss in ISR [Illawarra Subtropical Rainforest] is likely to be required for the subdivision stage, although the proposal also has the potential to substantially improve habitat condition for ISR ...”*

Council staff raised concern over the proposed impacts on the Illawarra Subtropical Rainforest on the adjacent property as a result of the service infrastructure corridor. It is noted that a test of significance has been carried out in relation to the EEC which stated that the Proposal is unlikely to significantly impact on those threatened species or EEC’s assessed providing a range of measures are implemented in subsequent DA stages.

Q8: Are there any likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

In order to carry out due diligence with respect to processing this proposal Kiama Council requested that the applicant obtain a number of technical studies. A review of these technical studies has indicated that there will be no significant impact on any critical habitat, threatened species, populations or ecological communities or their habitat.

A summary of the technical studies as well as any major findings has been reiterated below.

Amended LEP and Masterplan Maps - prepared by Unicomb Development services

The Masterplan contains an indicative lot layout, road network, etc. Whilst it is noted that this is an indicative lot layout only, it assists in providing a concept for the proposal. A number of issues were raised with the applicant including the impacts of the nominated APZs on the development potential of a number of lots and building access guidelines on smaller lots. These issues however can be dealt with at subsequent DA stages if the Proposal is successful.

Water Cycle Management Report - prepared by Brown Smart Consulting

The report included a concept plan for storm water management. Council staff raised a number of issues and sought further clarification on some of the catchment discharge information contained in this report. Additional information was requested from the applicant. This additional information was provided by the applicant and was deemed by staff as acceptable for this stage of the Planning Proposal.

The consultants highlighted that the report would need to be reviewed and further details provided in any future DAs. The report concluded that all storm water components of the development would be designed to:

- ensure that peak flows are maintained at a rate not exceeding existing conditions,
- improve water quality of storm water discharging from the site such that pollutant loads are no worse than existing conditions and meet the removal targets specified by council,
- manage environmental flows of Spring Creek and Willow Gully Creek, and
- promote Water Sensitive Urban design.

Road Access Design Plans and Photomontage - prepared by Brown Smart Consulting

Council had discussed the need to have regard to the visual nature of any subsequent development on the subject site, including the impact of the proposed new access road. This photomontage was requested by Council in order to demonstrate what the proposed new access road would look like viewed from the direction of Jamberoo Road. This photomontage will need to be included with any exhibition material.

Rock Survey Report - prepared by Douglas Partners

The report summarized that the subject site is generally comprised of topsoil overlying clay, gravelly clay, boulder overburden and latite bedrock. The rock depths across the site range from the surface (at rock outcrop) to 1.2m.

Geotech Report regarding Acid Sulfate Soils - prepared by Douglas Partners

The report concluded that “there is negligible potential for estuarine acid sulfate soils conditions to be present within the natural soil profiles on the site.”

Preliminary Contamination Assessment Report - prepared by Douglas Partners

This report concluded that the potential for contamination on the subject site is low and recommended that the 'unexpected finds protocol' be included in the sites 'Construction Environmental Management Plan' during earthworks and construction for any subsequent stages. Staff assessed that the study and subsequent report had been carried out in accordance with relevant guidelines. Staff concluded that all recommendations contained in this report including the "unexpected finds protocol" be included in any subsequent DAs.

Bushfire Assessment Report - prepared by Eco Logical

Whilst the majority of the site is not mapped as Bush Fire Prone Land, there are vegetated portions of the western and eastern boundaries (and adjacent parcels of land) that will have an impact on bushfire protection requirements. The report proposes Asset Protection Zones (APZ) on the eastern and western boundaries of the site to provide protection from these vegetative portions. The report also recommends extending the APZ to the neighboring privately owned properties formalized through an 88B instrument. The report raises the issue of the development potential of some lots given the extent of the proposed APZ on site. The report concludes that the proposed rezoning of the site to low density residential development has; *"the capacity to comply with Planning for Bushfire Protection 2006."* However, subsequent DAs will need to revisit this issue to ensure continued compliance. Council staff concluded that there were a number of lots that may need to be redesigned to ensure a useable developable portion of land that is free from any APZ however this can be addressed in subsequent DAs. There are potential issues arising from locating APZs on neighboring property controlled through 88B instruments which will need to be addressed by the applicants. Any subsequent DAs will need to address appropriate bushfire protection measures including any changes in bushfire associated legislation. The Section 117 Direction 4.4 - Planning for Bushfire Protection, requires that the Planning Proposal be referred to NSW Rural Fire Service for comment post Gateway Determination.

Archaeological Due Diligence Report - prepared by Godden Mackay Logan

The report concluded that the study area was assessed as having no Aboriginal archaeological potential; that the site had no subsurface historical archaeological potential, and that existing Dry Stone Walls (currently protected by the LEP and REP) will require specific controls be included in any subsequent DAs. The consultants recommended that *"future work can proceed with caution without a Section 90 Aboriginal Heritage Impact Permit Application"*. The Illawarra Aboriginal Land Council was invited and participated in the site inspection for the report. Council staff recommended that any future DA works on site will be required to incorporate appropriate conditions to ensure that unexpected finds are identified and conserved.

On advice from Council's Aboriginal Liaison officer this study was referred to the Illawarra Local Aboriginal Lands Council study for peer review.

Flora and Fauna Assessment - prepared by Eco Logical

The Flora and Fauna Assessment found that the site is predominantly cleared of native vegetation and contains “few flora and fauna values” and has “generally poor” habitat connectivity. However, there are areas of native vegetation with high conservation values including threatened plants and an Endangered Ecological Community on properties adjoining the subject site. The consultants stated that future development of the subject site will need to incorporate strategies to protect the conservation values on adjoining lands.

It is recommended that the Proposal and any subsequent DAs will need to ensure that:
“appropriate site design, site controls and ongoing management should adequately mitigate impacts upon endangered ecological communities, threatened species, habitats and connectivity.”

The report concluded that no threatened Flora or Fauna will be removed by the Proposal, and that there is a small proportion of a disturbed Illawarra Subtropical Rainforest on an adjacent property that will unavoidably need to be removed to construct water and sewerage service facilities. In order to address this issue, the consultants carried out an Environmental Planning and Assessment Act, Assessment of Significance for the Proposal. The consultants indicated that the Proposal is: *“unlikely to significantly impact on those threatened species or EEC’s assessed provided a range of measures are implemented [in subsequent stages]. ... A small loss in ISR [Illawarra Subtropical Rainforest] is likely to be required for the subdivision stage, although the proposal also has the potential to substantially improve habitat condition for ISR ...”*

Traffic and Transport Planning Statement - prepared by Unicomb Development Services

This report overviewed the proposed road access points, the road network access and the potential traffic and transport movements from the subject site to surrounding areas. The subject site will gain access to Jamberoo Road from Banksia Street and Lilly Pilly Way, and has been assessed as capable of a public transport bus route if required. The consultants indicated that all road construction will be in accordance with Council’s Development Control Plan 2012 requirements.

Council staff requested that the applicant undertake additional traffic generating data taking into consideration the potential for dual occupancies/secondary dwellings being developed on a proportion of lots. The applicant prepared revised modeling which indicated that even at full development capacity the proposed road networks could adequately cater for this development.

Q9: Has the planning proposal adequately addressed any social and economic effects?

The proposal has adequately addressed social and economic effects. The proposal is consistent with key elements of the Illawarra Regional Strategy and has been identified in the Kiama Urban Strategy. The proposal will have a positive impact on housing supply for the Local Government Area..

The proposal will not impact on land that the government has identified a need to protect. The proposed Zone R2 Low Density Residential is consistent with surrounding adjoining residential zones.

In order to demonstrate compliance a Net Community Benefit test has been prepared by Council and attached as Appendix 2.

Q10: Is there adequate public infrastructure for the planning proposal?

The applicant has provided details of the ability to obtain servicing on site. This has included the following information:

Electrical Reticulation

“Transelect submitted an enquiry regarding power supply to Endeavour Energy on the 9 March 2012. Endeavour Energy replied to the enquiry on the 12 April 2012. Copies of Transelects enquiry and Endeavour Energy’s response are attached in Appendix 10 Endeavour’s response was

- (i) a padmount substation would need to be established within the subdivision*
- (ii) the padmount substation should be connected to the substation in Melia Street and the substation in Bland Street, and*
- (iii) the existing 11kva network has capacity to supply the padmount substation(s) established for the subdivision*

Endeavour Energy’s aims are to provide looped networks where possible. The connection proposed along Cuba Street may not be possible or required when detailed electrical design works are finalised for the subdivision. The critical issue is that the existing 11kva network adjacent to the site has the capacity to supply power to the subdivision.”

Sewer and Water Reticulation

“Sydney Water Coordinators have completed a preliminary sewer design for the masterplan of the site. [shown as Appendix 10 of the Applicants Planning Proposal]. Sydney Water Coordinators are approved Water & Sewer coordinators for Sydney Water works.”

“Sydney Water has confirmed that the site can be serviced with reticulated sewer and water services.”

Copies of information provided by Sydney Water to the applicant have been included in the information accompanying this Planning Proposal.

Telecommunication Reticulation

“Telecommunication services can be extended into the development from the existing underground services within the Cedar Grove Estate. All pit and pipe works in the new development would be compliant with the requirements of NBN. However retrospective works would need to be constructed in the Cedar Grove Estate that was developed before NBN requirements were introduced.”

Q11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Pre Gateway consultation

No government authorities were consulted pre gateway determination.

Post Gateway consultation

It is proposed that the following State authorities would be consulted following Gateway determination.

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

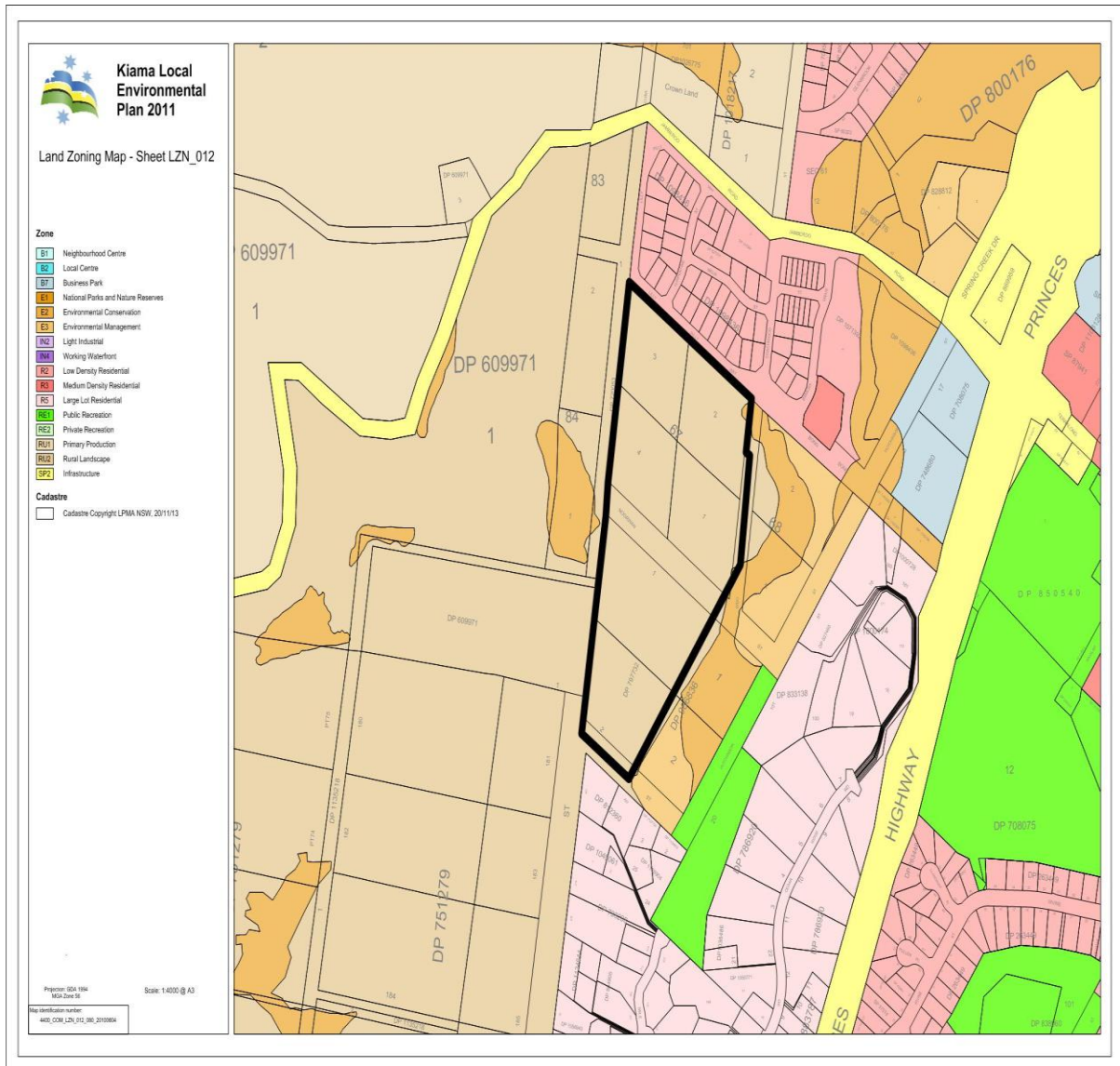
Council requests that Gateway nominates any other State or Commonwealth authorities required for consultation. All identified authorities/stakeholders will be notified during the exhibition period.

Part 4 – Mapping

The following illustrate the current situation and proposed map amendments to Kiama LEP 2011:

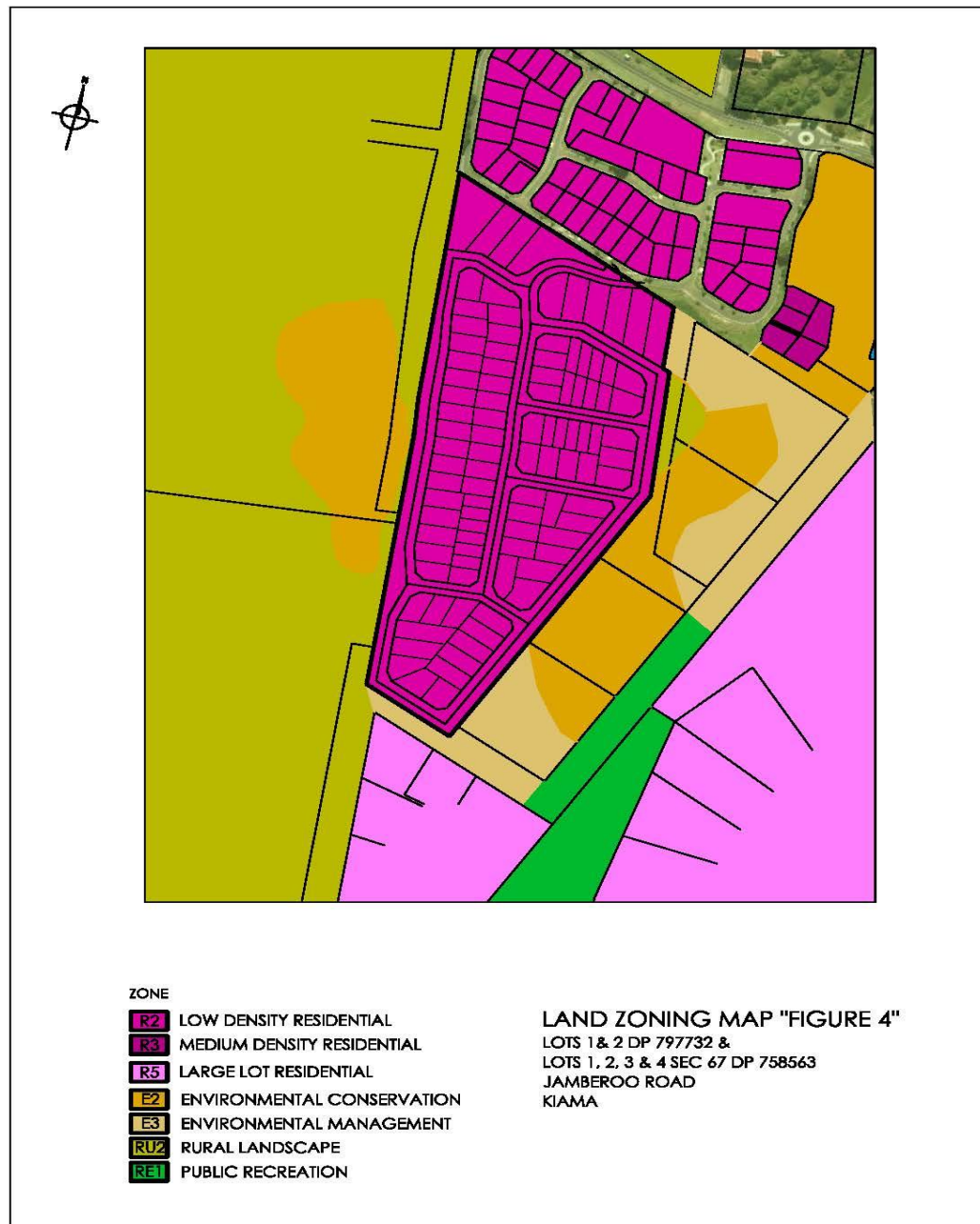
Land Zoning Map sheet LZN_012 - Current

The Land Zoning Map - Sheet LZN_012 applying to the subject site showing current zone RU2 and zone E2.



Land Zoning Map sheet LZN_012 - Proposed

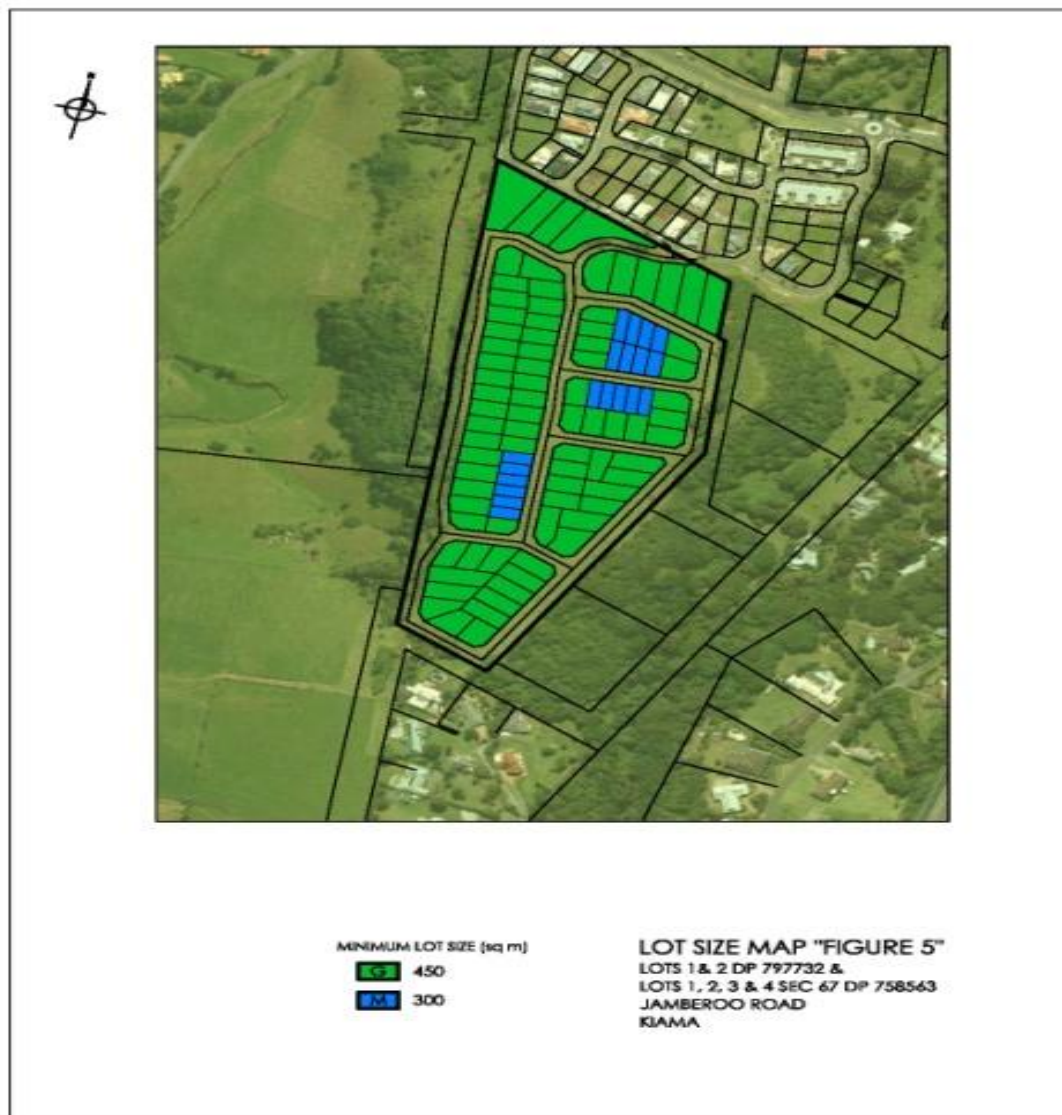
1. Amend the Land Zoning Map - Sheet LZN_012 applying to the subject site from zone RU2 and zone E2 to zone R2.



(Draft Map prepared by Unicom Development Services Pty Ltd)

Lot Size Map sheet LSZ_012 - Proposed

2. Amend the Lot Size Map - Sheet LSZ_012 applying to part of Lots 1 & 2 DP 797732, Lot 1, 2, 3 & 4 Sec 67 DP 758563 to introduce minimum lot sizes of D 300 sqm.
3. Amend the Lot Size Map - Sheet LSZ_012 applying to part of Lots 1 & 2 DP 797732, Lot 1, 2, 3 & 4 Sec 67 DP 758563 to apply a minimum lot size of D 450 sqm.



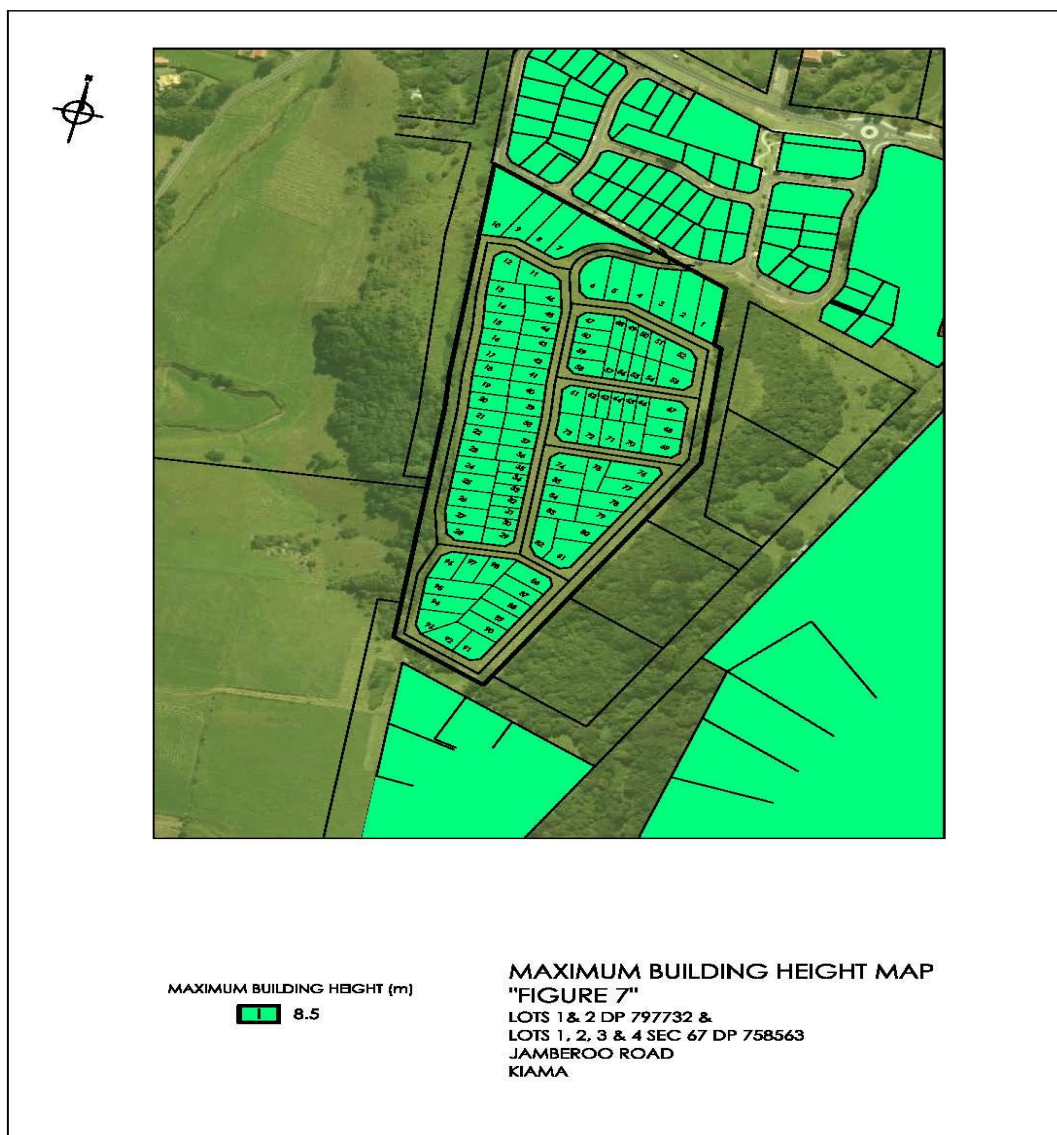
(Draft Map prepared by Unicom Development Services Pty Ltd)

Height of Buildings Map sheet HOB_012 - Current

No Height of Buildings controls currently apply to the site under LEP 2011.

Height of Buildings Map sheet HOB_012 - Proposed

1. Amend Height of Buildings Map - Sheet HOB_012 applying to Lots 1 & 2 DP 797732, Lot 1, 2, 3 & 4 Sec 67 DP 758563 to apply 8.5m.



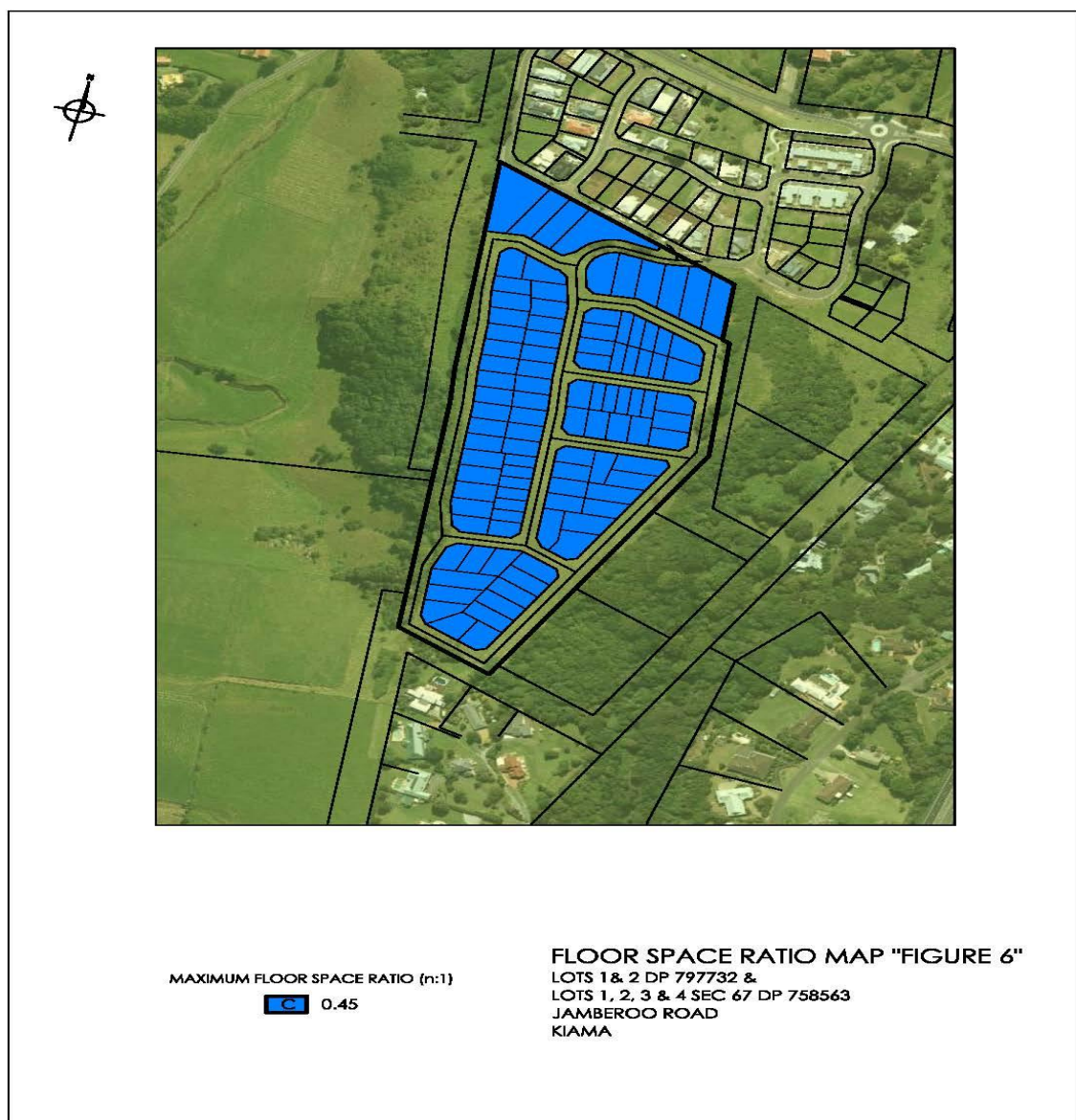
(Draft Map prepared by Unicom Development Services Pty Ltd)

Floor Space Ratio Map – Sheet FSR_012 - Current

No Floor Space Ratio controls currently apply to the site under LEP 2011.

Floor Space Ratio Map – Sheet FSR_012

1. Amend Floor Space Ratio Map - Sheet FSR_012 applying to Lots 1 & 2 DP 797732, Lot 1, 2, 3 & 4 Sec 67 DP 758563 to incorporate an FSR of C 0.45:1.



(Draft Map prepared by Unicom Development Services Pty Ltd)

Part 5 – Community Consultation

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

- Advertisement in Local Newspaper,
- Hard copies made available at the Council Administration Building and relevant libraries,
- Electronic copy on Council's website,
- Notification letters to adjoining and surrounding property owners,
- Notification letters to relevant State agencies and other authorities/agencies nominated by the Department of Planning and Infrastructure.

Part 6 – Timeframe

The timeframe for the Planning Proposal is that, from date of Gateway determination to date of submission to DoPI, to finalise the LEP is a period of 12 months. It should be noted that Council has not sought delegations for this Planning Proposal.

	Timeframe	Possible dates assuming Gateway determination by end December 2013	Responsibility
Anticipated commencement date (dependant on Gateway determination)	Expected by end of December 2013	End of December 2013	DoPI
Preparation of any outstanding studies (if required)	6 weeks from notification of Gateway determination.	Mid February 2014	Applicant
Consult with State/Commonwealth agencies	4 weeks from completing review of any outstanding studies	Mid March 2014	Agencies
Exhibition of PP and technical Studies (assuming no requirements to return to Gateway post additional studies)	4 weeks from completing review of any outstanding studies	Mid March 2014	Council

	Timeframe	Possible dates assuming Gateway determination by end December 2013	Responsibility
Date of Public Hearing (if applicable)	N/A	N/A	Council
Review of Submissions and Preparation of report to Council	4 weeks	Mid April 2014	Council
Report to Council following exhibition	First available round after completion of review of submissions (allow 8 weeks)	June 2014	Council
Submission to DoPI for finalisation of LEP. Note Council has not sought delegations for this Planning Proposal.	4 weeks from Council meeting	July 2014	Council
Anticipated date LEP will be notified.	Unknown		Parliamentary Counsel and DoPI

Appendix 1
Section 117 Ministerial Directions – Compliance Checklist
prepared by Kiama Municipal Council

Ministerial Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	N/A
1.2 Rural Zones	Inconsistent but of minor significance. <u>Comment</u> The subject site has been identified in a number of studies/strategies endorsed by Council as suitable for consideration for future development. Rezoning this site would also assist Council meet its obligations under the Illawarra Regional Strategy.
1.3 Mining, Petroleum Production and Extractive Industries	N/A
1.4 Oyster Aquaculture	N/A
1.5 Rural Lands	Inconsistent but of minor significance. <u>Comment</u> The subject site has been identified in a number of studies/strategies endorsed by Council as suitable for consideration for future development. Rezoning this site would also assist Council meet its obligations under the Illawarra Regional Strategy.
2. Environment and Heritage	
2.1 Environment Protection Zones	Consistent
2.2 Coastal Protection	N/A
2.3 Heritage Conservation	N/A
2.4 Recreation Vehicle Areas	N/A

Ministerial Direction	Comment
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent
3.2 Caravan Parks and Manufactured Home Estates	N/A
3.3 Home Occupations	Consistent
3.4 Integrating Land Use and Transport	Consistent
3.5 Development Near Licensed Aerodromes	N/A
4. Hazard and Risk	
4.1 Acid Sulfate Soils	N/A
4.2 Mine Subsidence and Unstable Land	N/A
4.3 Flood Prone Land	N/A
4.4 Planning for Bushfire Protection	Consistent <u>Comment</u> A Bushfire Assessment Report has been prepared on behalf of the applicants. All recommendations from this report will be incorporated into any subsequent applicants for this site. The Planning Proposal is also recommended to be referred to RFS.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent
5.2 Sydney Drinking Water Catchments	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A

Ministerial Direction	Comment
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.8 Second Sydney Airport: Badgerys Creek	N/A
6. Local Plan Making	
6.1 Approval and Referral Requirements	N/A
6.2 Reserving Land for Public Purposes	N/A
6.3 Site Specific Provisions	N/A
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A

Appendix 2

Net Community Benefit

prepared by Kiama Municipal Council

The following addresses the evaluation criteria for conducting a “net community benefit test” within the Draft Centres Policy (2009) as required by the guidelines for preparing a Planning Proposal.

NET COMMUNITY BENEFIT TEST

EVALUATION CRITERIA	Y/N	COMMENT
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Yes	The proposal is consistent with the Illawarra Regional Strategy.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	No	The proposal is not specifically identified in the Illawarra Regional Strategy however, the proposal will assist KMC meet regional greenfield targets for outlined in the Illawarra Regional strategy.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	No	KMC has an endorsed Urban Strategy and Planning Proposal Policy which clearly identifies possible urban development sites.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes	There are no other known spot rezoning in this locality.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No	
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Yes	The proposal will lead to additional supply of residentially zoned lots in Kiama.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	Yes	There is sufficient public infrastructure to service the site, the proposal has also considered bicycle and pedestrian access routes. The proposal has included the design of roads capable of supporting public transport.

EVALUATION CRITERIA	Y/N	COMMENT
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	No	The site is located on the edge of the Kiama township.
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	No	There are no known significant government investments or infrastructure that will be impacted by this proposal.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No	The proposal will not impact on land that the government has identified a need to protect.
Will the LEP be compatible/complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community? Will the public domain improve?	Yes	The proposed land use is consistent with surrounding adjoining land uses.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No	The proposal will lead to an increase in the population which may lead to increased commercial choice and competition. However the proposal is for residential development only.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	No	The site is a small infill site located on the edge of the Kiama township but within the nominated town boundary.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?		The proposal has been facilitated by the endorsed Kiama Urban Strategy. This strategy outlines how Kiama will meet the housing targets outlined in the Illawarra Regional Strategy.