



Planning Proposal

Amendment to KLEP 2011 to
Reclassify and Rezone Land

Iluka Reserve, Kiama Downs
Part Lot 34 DP28122 and Part Lot 243 DP30200

20 June 2016
Reference: L103162

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AMENDMENT TO KIAMA LOCAL ENVIRONMENTAL PLAN 2011 TO RECLASSIFY AND REZONE PART LOT 34 DP28122 AND PART LOT 243 DP30200 - ILUKA RESERVE, KIAMA DOWNS

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This report has been prepared for and in accordance with the scope of services provided by Kiama Municipality Council for the purpose of preparing a Planning Proposal in accordance with Section 55 of the Environmental Planning and Assessment Act 1979. The Planning Proposal seeks to reclassify and rezone Part Lot 34 DP28122 and Part Lot 243 DP30200 located within Iluka Reserve, Kiama Downs.

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1 Statement of Objectives or intended outcomes

The objective of this planning proposal is to amend the Kiama Local Environmental Plan (LEP) 2011 to rezone and reclassify land currently owned by Council but deemed surplus to Council's needs. This would enable development and/or sale of the sites for residential purposes in order to provide an income for Capital Works and/or assist in the long term financial sustainability of the Council. The Planning Proposal is consistent with a Master Plan which has been prepared by *Site Plus*¹ for the remaining portion of Iluka Reserve. The Planning Proposal together with the Master Plan will result in overall improvements to the quality of public open space as identified in the Master Plan to be adopted by Council following further community consultation.

The land to which this planning proposal applies is located on the higher northern portion of Iluka Reserve described as Part Lot34 DP28122 and Part Lot243 DP30200.

2 Explanation of Provisions

The proposed outcome will be achieved by amending the Kiama LEP as detailed below.

2.1 Reclassification

The proposal will amend the classification from 'community' to 'operational land' by including the sites under Part 2 of Schedule 4 of the Kiama LEP 2011 as detailed in Table 1 below.

Column 1 Locality	Column 2 Description	Column 3 Any trusts etc not discharged
<i>Iluka Reserve, Kiama Downs</i>	<i>Part Lot34 DP28122 and Part Lot243 DP30200</i>	<i>Nil</i>

Table 1: Reclassification

2.2 Rezoning and Provision of Principal Development Standards

The proposal will amend the Kiama LEP 2011 by rezoning the portion of the land which is currently zoned for recreational use to residential use and providing principal development standards to this portion of the land which is consistent with the remaining

¹ Iluka Reserve Master Plan prepared by Site Plus Pty Ltd Project Number 15156 February 2016 Revision 2.
(Extract of Landscape Master Plan provided in Appendix 7.3)

portion of the land which is already zoned for residential development and has principal development standards consistent with adjoining residential land.

Specifically the Kiama LEP will be amended in the following manner:-

1. Amend the Land Zoning Map – Sheet LZN_012 applying to Part Lot 34 DP28122 and Part Lot 243 DP30200 from zone RE1 to zone R2.
2. Amend the Lot Size Map – Sheet LSZ_012 applying to Part Lot 34 DP28122 and Part Lot 243 DP30200 to apply a minimum lot size of G 450 sqm.
3. Amend the Floor Space Ratio Map – Sheet FSR_012 applying to Part Lot 34 DP28122 and Part Lot 243 DP30200 to apply an FSR of C 0.45:1.
4. Amend the Height of Buildings Map – Sheet HOB_012 applying to Part Lot 34 DP28122 and Part Lot 243 DP30200 to apply a maximum height of I 8.5m.

Table 2 outlines the current and proposed land classification, zones and principal development standards.

	Current	Proposed
Land Classification	Community	Operational
Zoning	Part R2 (Low Density Residential) and Part RE1 (Public Recreation)	R2 (Low Density Residential)
Floor Space Ratio	Part 0.45:1 and Part unspecified	0.45:1
Minimum Lot Size	Part 450sqm and part unspecified	450sqm
Height Restrictions	Part 8.5m and part unspecified	8.5m

Table 2: Proposed changes to land classification, zones and principal development standards

3 Justification

3.1 Need for a Planning Proposal

3.1.1 Is the Planning proposal the result of any strategic study or report?

On 8 May 2014 Council's Revenue Sub-committee considered whether part of Iluka Reserve should be included in the rezoning and reclassification processes which Council had resolved to undertake at Ordinary Meeting of 15 April 2014 for three (3) other sites within the LGA.

Following its meeting on 8 May 2014, Council's Revenue Sub-committee reported to Council's Ordinary meeting of 20 May 2014 that "Iluka Reserve is not heavily used and there are ongoing maintenance costs for the community" and that "future reclassification an subdivision of the land will retain large areas of public open space at this location." The Revenue Sub-Committee recommended to Council that it *"commence the reclassification / rezoning process in relation to land surplus to Council's needs and which if sold will provide income for Capital Works and / or assist in long term financial sustainability."* This planning proposal is a result of Council adopting the recommendation to *"commence the re-classification/re-zoning process in relation to the subject lands"*.

Further to the above recommendation, the Kiama Urban Strategy (KUS) adopted by Council on 20 September 2011 aims to protect agricultural land from urban expansion through the provision of additional housing in suitable locations within existing townships of the Kiama Local Government Area (LGA). The planning proposal is consistent with the aims of the KUS.

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

The land is currently classified as Community Land. In accordance with the provisions of the NSW Local Government Act 1993 Council is therefore unable to sell the land. Amending the Kiama LEP to reclassify the land is the only avenue available to achieve the objective of the Planning Proposal.

The land is partly zoned for public recreation. The portion of the land zoned for public recreation is without principal development standards which currently apply to the portion already zoned residential and other adjoining residential land. The best way to achieve the outcome of Council being able to develop or sell the sites for residential purposes is to amend the Kiama LEP such that the land in its entirety will be zoned to clearly reflect the intended land use and to have suitable development restrictions applied consistently across the site.

3.2 Relationship to Strategic Planning Framework

3.2.1 Is the planning proposal consistent with objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan and exhibited draft strategies)?

The land is located within the Kiama LGA. The Kiama LGA falls outside the scope of the Sydney Metropolitan Plan known as the ‘A Plan For Growing Sydney’ released in December 2014.

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

This shortfall was previously noted in the 2014 Illawarra Urban Development Program Update prepared by the NSW Government. This update (and earlier updates) raised concern that the Kiama LGA does not meet any of the greenfield land supply benchmarks although “Kiama Council has identified a number of sites under its Urban Strategy that will be investigated for rezoning in the short term to address this shortfall.”³ This update also states that Kiama is also relying on the up zoning of land with the Kiama and Gerringong town centres to further address this shortfall.

This Planning Proposal will assist Kiama Municipal Council meet housing demand identified in the ISRP. The Planning Proposal would provide an additional 9 (approximate) residential lots suitable for either detached dwellings or dual occupancies under the proposed zoning.

² NSW Government Planning & Infrastructure *Illawarra Shoalhaven Regional Plan* Published November 2015, p34

³ NSW Government Planning & Infrastructure *Illawarra Urban Development Program Update 2014* Published September 2014, p6

These residential allotments would be located within an existing urban area and is consistent with Direction 2.2 of the ISRP. Furthermore this Planning Proposal will not adversely impact on the regions natural or cultural assets as identified in the ISRP.

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

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

The land affected by this Planning Proposal was not specifically identified or explored in the KUS. The Planning Proposal is consistent with the Community Panel's recommendation stated in the KUS that "Council's aim should be to accommodate growth as much as possible by infill development to increase the density of the existing built-up areas."⁴

The core factors driving the KUS were the need to meet housing targets identified in the IRS and the desire to protect rural land in the Municipality and maintain separate towns and villages within the LGA. While the IRS has been superseded by the ISRP, the housing demand remains evident (see Section 3.2.1 above). This Planning Proposal provides additional residential lots within existing residential areas without impacting upon rural land or expanding townships closer to each other. The planning proposal is consistent with the KUS.

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

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

SEPP 55 – Remediation of Land

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

⁴ Kiama Municipal Council *Kiama Urban Strategy* Adopted 20 September 2011, p5.

Iluka Reserve contains areas of fill. A natural gully containing a creek line and other low lying sections of the reserve were filled during the 1980's. This Planning Proposal relates to the higher northern portion of the site. To clarify the extent (if any) that the fill encroaches onto the subject land, a Stage 1 Site Contamination Assessment was undertaken in accordance with the Contaminated Land Management Act. This report found it likely that the fill which had been placed on the southern portion of Iluka Reserve had encroached onto the northern portion of the Reserve (the area subject to this Planning Proposal). As a result, a more detailed Stage 2 Contamination Assessment was recommended and subsequently undertaken. This report was carried out in accordance with the Planning Guidelines SEPP 55 – Remediation of Land and Contamination Land Management Act 1997. This detailed assessment investigated whether fill on the portion of land subject to this Planning Proposal was contaminated. The investigation found that from a land contamination perspective, the subject land was suitable for the proposed rezoning and residential subdivision.

The Stage 1 and Stage 2 Contamination Reports are provided in Appendix 7.4 and 7.5 respectively.

SEPP 71 – Coastal Protection

SEPP 71 aims:-

- to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and
- to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and
- to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and
- to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and
- to ensure that the visual amenity of the coast is protected, and
- to protect and preserve beach environments and beach amenity, and
- to protect and preserve native coastal vegetation, and
- to protect and preserve the marine environment of New South Wales, and
- to protect and preserve rock platforms, and
- to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the *Protection of the Environment Administration Act 1991*), and

- to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and
- to encourage a strategic approach to coastal management.

All the sites are within the SEPP 71 Coastal Zone. None of the proposed sites are within a 'sensitive coastal location' as defined by SEPP 71. Matters to be considered when preparing a draft Local Environmental Plan are detailed under Clause 8. These are addressed in the table below.

Matters for consideration	Consistency with Planning Proposal
a) aims of the policy set out in clause 2,	The Planning Proposal is consistent with the aims set out in Clause 2 of the SEPP.
b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,	The land is well setback from foreshore areas and does not provide any direct public access paths to or along the foreshore. Indicative subdivision layouts indicate that existing public access paths would be retained. Specifically a path from Iluka Reserve to Iluka Crescent is be retained.
c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,	No significant opportunities given the setback of the land from the coastal foreshore area.
d) the suitability of development given its type, location and design and its relationship with the surrounding area,	The planning proposal involves the reclassification and rezoning of land to a classification and zone consistent with the surrounding residential area.
e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,	Given the setback of the land from the coastal foreshore and the topography of the land, there will be no overshadowing of the foreshore. Distant views of the ocean are gained from or across portions of the land. Some of these views will be impacted. These views are not of the coastal foreshore.
f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,	Given the setback of the land from the coastal foreshore and the topography of the land, future residential development

Matters for consideration	Consistency with Planning Proposal
	in a manner similar to the surrounding area will not affect the scenic qualities of the coast.
g) measures to conserve animals (within the meaning of the <u>Threatened Species Conservation Act 1995</u>) and plants (within the meaning of that Act), and their habitats,	The land is not mapped as Biodiversity land. It is dominated by open mowed grass land. A small number of trees in two clusters are located near the existing playground equipment. Potentially some trees along the eastern boundary are located on the subject site. An assessment of significance in accordance with Section 5A of the Environmental Planning and Assessment Act 1979 will be prepared if required by the Gateway determination.
h) measures to conserve fish (within the meaning of Part 7A of the <u>Fisheries Management Act 1994</u>) and marine vegetation (within the meaning of that Part), and their habitats	The Planning Proposal is unlikely to impact on fish, marine vegetation or their habitats. The land is significantly setback from areas of marine life. A Category 2 watercourse is mapped under the Kiama LEP as flowing through the Iluka Reserve to the south of the subject land. This is a piped watercourse.
i) existing wildlife corridors and the impact of development on these corridors,	The land is not mapped as Biodiversity land. The majority of the land is dominated by open mowed grass land. The two small clusters of trees are not connected to larger pockets of vegetation. An assessment of significance in accordance with Section 5A of the Environmental Planning and Assessment Act 1979 will be prepared if required by the Gateway determination.
j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,	Given the setback of the land from the coastal foreshore, development of the land for a residential uses will not adversely impact on coastal processes and coastal hazards.

Matters for consideration	Consistency with Planning Proposal
k) measures to reduce the potential for conflict between land-based and water-based coastal activities,	The Planning Proposal will not result in any conflicts between land and water based coastal activities.
l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,	The proposal will not impact on any items of known cultural importance of Aboriginals.
m) likely impacts of development on the water quality of coastal waterbodies,	Future residential development would be subject to development assessment with sediment control and waste management measures required where necessary.
n) the conservation and preservation of items of heritage, archaeological or historic significance,	The land contains no items of known heritage, archaeological or historic significance.
o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,	The Planning proposal aims to reclassify and rezone land to allow for additional residential development in existing residential areas. This supports the generation of compact towns.

Table 3: SEPP 71 Matters for consideration

3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

The following table identifies the proposal's consistency with the relevant Ministerial Directions.

s.117 Direction Title	Consistency of Planning Proposal
<u>2.1 Environmental Protection Zones</u> A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including	The land is not zoned for Environmental Protection Zone. The Planning Proposal does not seek to alter the provisions made for Environmental Protection Zones. The Planning Proposal is consistent with Direction 2.1 – Environmental Protection Zones.

s.117 Direction Title	Consistency of Planning Proposal
by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “Rural Lands”.	
<u>2.2 Coastal Protection</u> A planning proposal must include provisions that give effect to and are consistent with: a) the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, and b) the Coastal Design Guidelines 2003, and c) the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990).	The land is within the Coastal Zone. Clause 5.5 of KLEP contains provisions relating to development within the coastal zone. Clause 5.5 is consistent with the relevant Coastal policy, guidelines and manual. The Planning Proposal does not seek to alter the provisions of Clause 5.5. The Planning Proposal is consistent with Direction 2.2 – Coastal Protection.
<u>2.3 Heritage Conservation</u> A planning proposal must contain provisions that facilitate the conservation of: a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, b) Aboriginal objects or Aboriginal places that are protected under the	The land is not listed at having heritage significance. Clause 5.10 of KLEP contains provisions relating to heritage conservation. The Planning Proposal does not seek to alter any heritage listings under the KLEP nor the provisions of Clause 5.10. The Planning Proposal is consistent with Direction 2.3 – Heritage Conservation.

s.117 Direction Title	Consistency of Planning Proposal
National Parks and Wildlife Act 1974, and c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	
<u>3.1 Residential Zones</u> A planning proposal must include provisions that encourage the provision of housing that will: a) broaden the choice of building types and locations available in the housing market, and b) make more efficient use of existing infrastructure and services, and c) reduce the consumption of land for housing and associated urban development on the urban fringe, and d) be of good design. A planning proposal must, in relation to land to which this direction applies: a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and	The Planning Proposal would result in land being zoned for residential purposes with controls under the KLEP matching that of the surrounding residential land. The land is located within an existing residential area with access to appropriate existing infrastructure and services. The Planning Proposal is consistent with Direction 3.1 – Residential Zones.

s.117 Direction Title	Consistency of Planning Proposal
b) not contain provisions which will reduce the permissible residential density of land.	
<u>3.3 Home Occupations</u> Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	The Planning Proposal would rezone portions of the land not currently zoned residential to Residential R2 (Low Density). Home Occupations are permitted without consent within the R2 zone under the KLEP. The Planning Proposal would not alter this permissibility. The Planning Proposal is consistent with Direction 3.3 – Home Occupations
<u>3.4 Integrated Land Use and Transport</u> A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and b) The Right Place for Business and Services – Planning Policy (DUAP 2001).	The Planning Proposal provides additional residentially zoned land within an established residential area with existing transport systems. The additional land will lead to increased viability of these existing transport systems. The Planning Proposal is consistent with Direction 3.4 – Integrated Land Use Transport.
<u>4.1 Acid Sulfate Soils</u> The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present. When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate	The land is not mapped as being affected by Acid Sulfate Soils. Clause 6.1 of the KLEP contains provisions relating to acid sulphate soils. The Planning Proposal does not seek to alter the provisions of Clause 6.1. The Planning Proposal is consistent with Direction 4.1 – Acid Sulfate Soils.

s.117 Direction Title	Consistency of Planning Proposal
soils, those provisions must be consistent with: - the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or - such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines. A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act. Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).	

s.117 Direction Title	Consistency of Planning Proposal
<u>4.3 Flood Prone Land</u> A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. A planning proposal must not contain provisions that apply to the flood planning areas which: a) permit development in floodway areas, b) permit development that will result in significant flood impacts to other properties, c) permit a significant increase in the development of that land, d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.	The land has not been identified by Council as Flood Prone Land. Clause 6.3 of the KLEP contains provisions relating to flood planning. The Planning Proposal does not seek to alter the provisions of Clause 6.3. The Planning Proposal is consistent with Direction 4.3 – Flood Prone Land.

s.117 Direction Title	Consistency of Planning Proposal
A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General). For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).	
<u>5.1 Implementation of Regional Strategies</u> Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	The Planning Proposal is consistent with the Illawarra-Shoalhaven Regional Plan (see Section 3.2.1 of this report). The Planning Proposal is therefore consistent with Direction 5.1 – Implementation of Regional Strategies.
<u>6.1 Approval and Referral Requirements</u> A planning proposal must: a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and b) not contain provisions requiring concurrence, consultation or	The Planning Proposal does not include any additional provisions to the LEP which would require the concurrence, consultation or referral of future development applications to a Minister or public authority.

s.117 Direction Title	Consistency of Planning Proposal
referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in	The Planning Proposal is consistent with Direction 6.1 – Approval and Referral Requirements.

s.117 Direction Title	Consistency of Planning Proposal
satisfaction of section 57 of the Act.	
<u>6.2 Reserving Land for Public Purposes</u> A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General). When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must: a) reserve the land in accordance with the request, and b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and c) identify the relevant acquiring authority for the land. When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must: a) include the requested provisions, or	The Planning Proposal seeks to rezone and reclassify public land currently reserved for public purposes. Council is the relevant public authority. The Director-General's concurrence is sought through this Planning Proposal. The land proposed to be rezoned and and/or reclassified is owned by Council but deemed superfluous to Council's needs. The rezoning would enable development and/or sale of the land for residential purposes in order to provide an income for Capital Works and/or assist in the long term financial sustainability of the Council. This income would also be the catalyst to implement improvements to the quality of public open space located immediately to the south of the subject land. This Planning Proposal is justifiably inconsistent with Direction 6.1 – reserving land for public purposes. Concurrence is sort from the Director General.

s.117 Direction Title	Consistency of Planning Proposal
b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired. When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.	
<u>6.3 Site Specific Provisions</u> A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: a) allow that land use to be carried out in the zone the land is situated on, or b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those	The Planning Proposal does not contain any site specific planning controls. The development standards which would apply to the land are consistent with those applied on similarly zoned land. The Planning Proposal is consistent with Direction 6.3 – Site Specific Provisions.

s.117 Direction Title	Consistency of Planning Proposal
already contained in the principal environmental planning instrument being amended. A planning proposal must not contain or refer to drawings that show details of the development proposal.	

Table 4: Applicable s117 directions

3.3 *Environmental Social and Economic Impact*

3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Kiama LEP contains Biodiversity and Riparian maps and Clause 6.4 Terrestrial Biodiversity and Clause 6.5 Riparian Land and Watercourses contain controls for development occurring on or within close proximity of land so mapped. Clause 5.9 also provides controls for the preservation of trees and vegetation. The planning proposal does not seek to change the Biodiversity and Riparian maps nor Clause 5.9, 6.4 or 6.5 of the Kiama LEP. These clauses would apply to any future development of the land.

The land is also not mapped as containing a water course or Riparian Land. A Mapped Category 2 watercourse is located within Iluka Reserve on land to the south of the land subject to this Planning Proposal. This water course has been piped and is buried under fill brought to the site in the 1980's. The piping of this watercourse has reduced the potential for this Planning Proposal to result in any adverse impact on the any habitats or communities associated with this watercourse.

The land is not mapped as affected on the Terrestrial Biodiversity Map. The land is predominately mowed grass. A small number of trees in two clusters are located near the existing playground equipment. Potentially some trees along the eastern boundary are located on the subject site. An assessment of significance in accordance with Section 5A of the Environmental Planning and Assessment Act 1979 will be prepared if determined necessary by the Gateway determination.

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

The land is not known or mapped as affected by bushfire, flooding, landslip or acid sulphate soils. The land is located within an established urban area and adjoins residential uses to the north, west and east. The Development Assessment (DA) process required to be undertaken in accordance with the Environmental Planning and Assessment Act 1979, to subdivide and develop the land for residential purposes provides the appropriate legislative framework through which environmental effects associated with any future residential development of the land would be assessed.

Flooding

There have been no recent flood studies carried out over this area. The subject land is located on the higher portion of Iluka Reserve. A piped watercourse runs through Iluka Reserve to the south of the subject land. Given the topography of the Reserve and the surrounding land forms it is likely that overland flow through the reserve may be evident during extensive or heavy periods of rain. It is understood that this water is either absorbed into the generally impervious reserve area or flows to the east where it can connect into established Council infrastructure. Any increase in runoff or drainage impact associated with a residential subdivision of the subject land would be assessed as part of the DA process and drainage infrastructure required in accordance with Council's requirements.

Traffic

Vehicle access to the land would be gained from Riverside Drive. Riverside Drive reaches a crest to the north of the future potential intersection of Riverside Drive and any proposed subdivision road. A Preliminary Intersection Review was undertaken to consider the feasibility of a potential intersection as would be likely to be required for any residential subdivision resulting from the Planning Proposal. A copy of this Review is provided in Appendix 7.6. The Review finds that the design of a basic left in and left out intersection with a deceleration and acceleration lane is likely to be achievable for this site and be capable of satisfying the extended design domain of the Austroads Standards. This would require the widening of Riverside Drive but would not require the acquisition of private land. A detailed traffic study and intersection design should be undertaken as part of the DA for any subdivision.

Geotechnical

A Preliminary Geotechnical Assessment was undertaken. This report provides recommendations for the type of construction of any future residential development on the land and also for any earthworks undertaken as part of a residential subdivision. A copy

of this report is provided in Appendix 7.4. The recommendation in this report should be considered prior to any works occurring on the land and should be made available to any future purchaser of the property.

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

General Effects

The Planning Proposal is consistent with the Illawarra-Shoalhaven Regional Plan (ISRP) and the Kiama Urban Strategy (KUS) with regards to assisting to provide additional housing within existing and well established residential areas thereby reducing the housing pressure on rural and agricultural land.

The Planning Proposal does not apply to land identified as needing protection. The Planning Proposal aims to reclassify and partly rezone land to allow for the northern portion of Iluka Reserve to be subdivided and developed for residential purposes in a manner consistent with surrounding residential uses.

Activation

Iluka Reserve has been identified as having low usage. The northern portion has been deemed surplus to Council's needs. The majority of properties adjoining the reserve have been designed to primarily address their street frontages with rear yards and high timber or colourbond fencing presented to the reserve. The proposal would create the opportunity for residential development which would directly overlook and assist to activate and improve surveillance to the remaining reserve area. Furthermore, as outlined in Section 1 above, the Planning Proposal is consistent with a Master Plan which has been prepared for the remaining portion of Iluka Reserve. The Planning Proposal together with the Master Plan will result in overall improvements to the quality of public open space as identified in the Master Plan to be adopted by Council following further community consultation.

Access

A public pedestrian access path exists between Iluka Crescent and Iluka Reserve. The reserve also has pedestrian connections to North Kiama Drive, Flinders Avenue and Riverside Drive. The retention of pedestrian access between Iluka Reserve and Iluka Crescent would be important for continued public access in the area generally and should be provided for in any further subdivision of the site.

There is no formed vehicle access to the land. Vehicle access is provided to the lower portion of Iluka reserve via Flinders Avenue. The Planning Proposal would provide the opportunity to create an additional vehicle access point to the remaining portion of the reserve.

A number of private residential properties have gates along their rear boundaries which allow for direct access of residents onto the Iluka Reserve. This private access would be lost if the land was developed in accordance with the proposed zoning. These access routes are informal and it would be unreasonable to expect their on-going retention.

Views and Outlook

Residential development of the land has the potential to impact on some existing views from surrounding dwellings. The Planning Proposal applies development standards to the sites which are consistent with the surrounding residential areas. Any issues that may arise regarding views would be addressed during the assessment of any future development application(s) for the sites.

3.4 State and Commonwealth Interests

3.4.1 Is there adequate public infrastructure for the planning proposal?

The Planning Proposal seeks to rezone and reclassify land to fully residential and operational and as a result future development of the land for residential proposes is expected. The land would generate nine (9) residential lots. Under the R2 zoning proposed, dwellings, dual occupancies and secondary dwellings are all permitted uses.

Development of the land for residential purposes would result in a minor increase in demand for facilities relative to the existing demand generated by the established residential population of the areas. The land is located within existing residential areas where all utility services are available. It is not expected that there would be issues connecting to existing services nor for there to be any issues as a result of the minor increase in demand. As such, it is proposed that detailed investigation not be required until an application is prepared or considered for subdivision of the land.

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

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

It is requested that the Gateway determination confirm the following list of State authorities to be consulted and nominate any other State or Commonwealth authorities required for consultation.

- NSW Department of Planning and Infrastructure;

3.5 *Director General's Requirements for Reclassifying Public Land*

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

As outlined in Section 3.1.1 above, on 20 May 2014 Council's Revenue Sub-Committee report to Council that *"Iluka Reserve is not heavily used and there are ongoing maintenance costs for the community"* and that *"future reclassification and subdivision of the land will retain large areas of public open space at this location."* The sub-committee recommended to Council that it *"commence the reclassification / rezoning process in relation to land surplus to Council's needs and which if sold will provide income for Capital Works and / or assist in long term financial sustainability."* This planning proposal is a result of Council adopting the recommendation to *"commence the re-classification/re-zoning process in relation to the subject lands"*.

3.5.2 Is the planning proposal consistent with the local Council's community plan, or other local strategic plan?

As outlined in Section 3.2.2 above, the Planning Proposal is consistent with Kiama Urban Strategy (KUS).

3.5.3 If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided.

No interests in the land have been found that will require extinguishing as part of the Planning Proposal.

Planning Proposal – to Rezone and Reclassify Part Lot 34 DP28122 and Part Lot 243 DP30200 located within 26 Iluka Reserve, Kiama Downs.

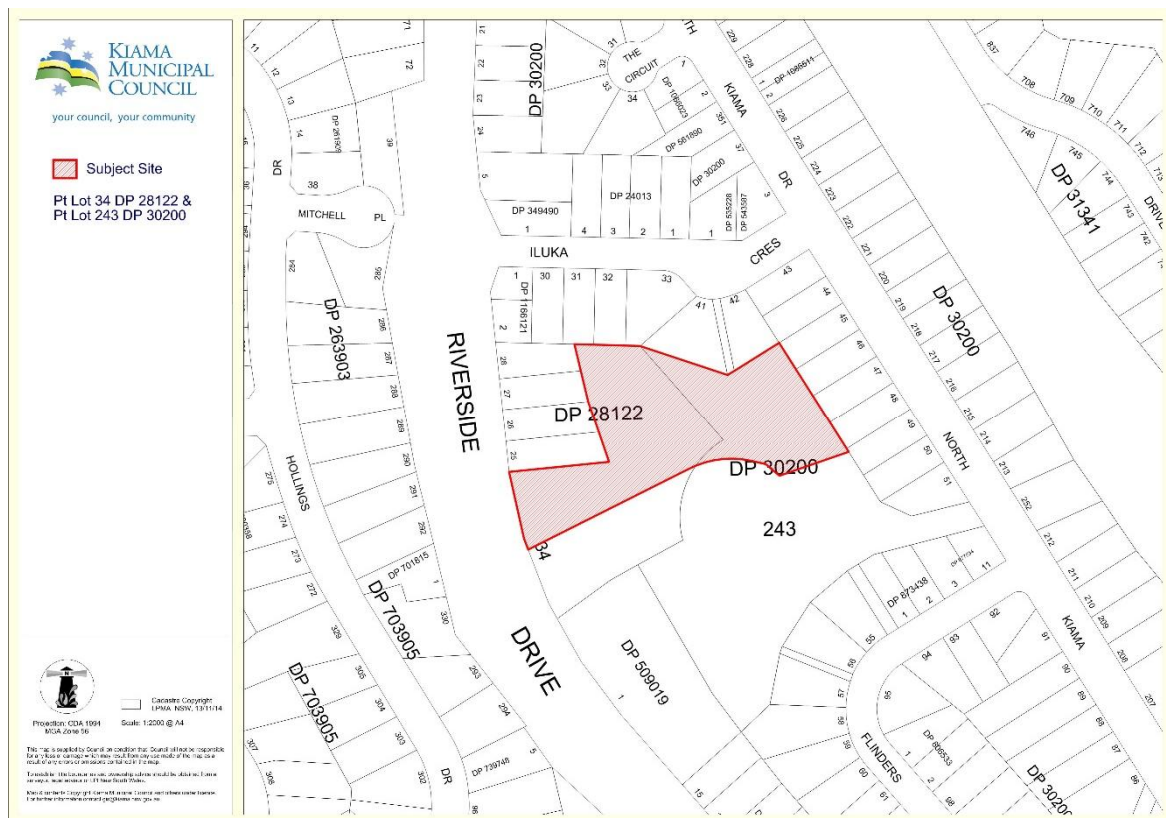
3.5.4 The concurrence of the landowner, where the land is not owned by the relevant planning authority.

Council is the landowner and endorsed the preparation of this Planning Proposal at its meeting 20 May 2014.

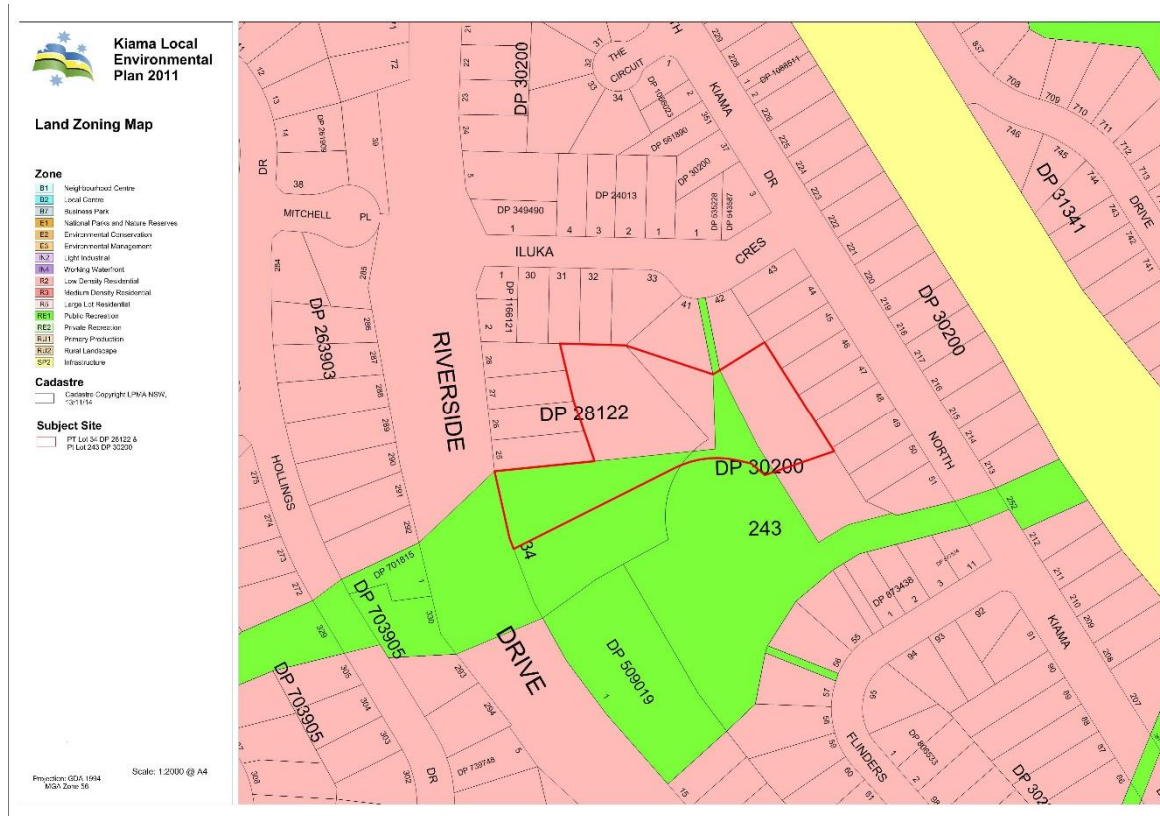
4 Mapping

The following illustrates the subject land, current land use zoning and proposed land use zoning map amendments to the Kiama LEP 2011. Changes to the Principal Development Standards are outlined in Section 2.2 and Table 2. These changes will be mapped after the gateway determination. The maps below are reproduced in Appendix 7.1 on the paper size mentioned on the scale. Aerial photographs of the sites are also included in the Appendix 7.1.

4.1 Land the subject of the Planning Proposal

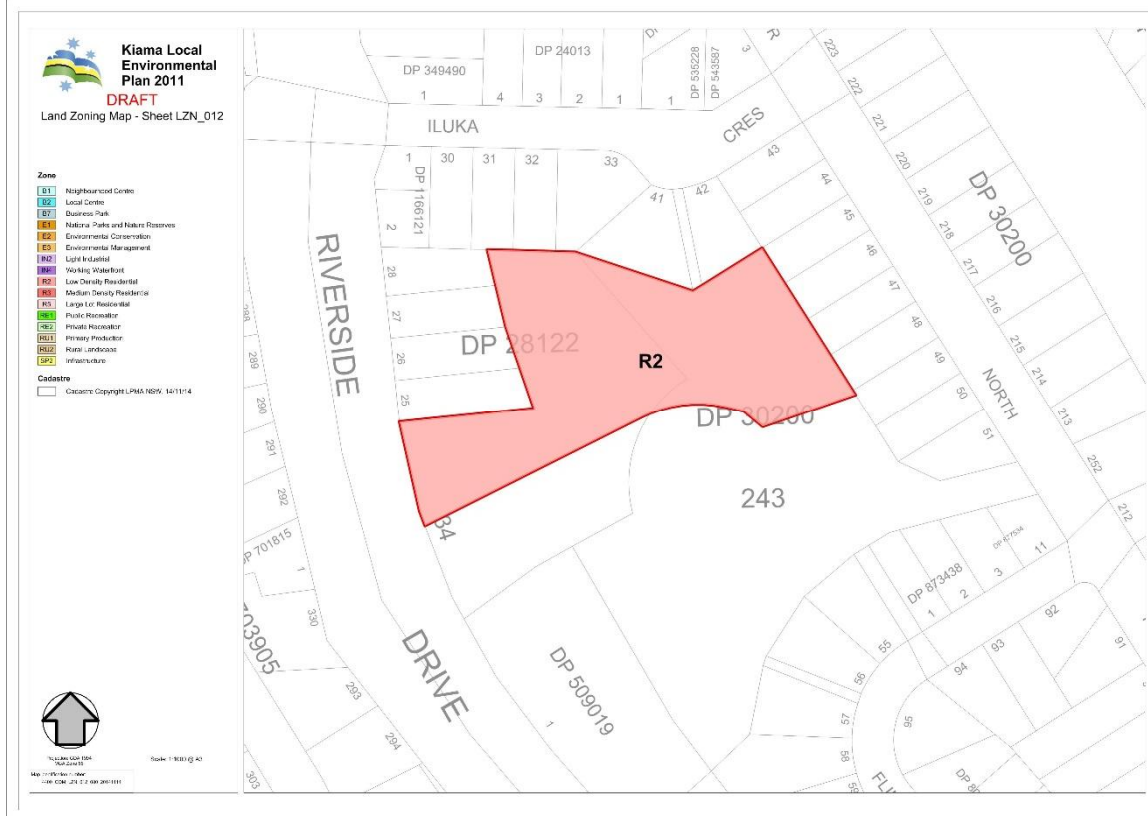


4.2 Current Land Use Zone under the Kiama Local Environmental Plan 2011



Planning Proposal – to Rezone and Reclassify Part Lot 34 DP28122 and Part Lot 243 DP30200 located within 28 Iluka Reserve, Kiama Downs.

4.3 Proposed Land Use Zone under this Planning Proposal



5 Community Consultation

Following the Gateway determination and approval from the Director-General (or delegate), the Planning Proposal will be exhibited for a minimum period of 28 days and include:

- Notification 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;
- Letters to any State and Commonwealth Public Authorities identified in the gateway determination; and
- any other consultation methods deemed appropriate for the proposal.

Following the public exhibition period a public hearing will be held. Notice of the public hearing will be made in a local newspaper at least 21 days prior to the hearing date.

6 Project Timeline

The following table outlines the anticipated timeline for the project. This timeline has been established on the basis of commencement by Council in July 2016.

Stage	Anticipated Timeframe	Possible Dates
Planning Proposal to the Department	Following Council meeting July 2016	July 2016
Gateway determination	4 weeks from Council forwarding the Planning Proposal to the Minister	End September 2016
Completion of technical information or studies as determined by Gateway	4 – 6 weeks from the gateway determination	Mid November 2016
Consultation with State / Commonwealth agencies	4 weeks from the completion of any technical information or studies	December 2016
Exhibition of Planning Proposal (assuming Director General's approval for community consultation was issued with the Gateway determination)	4 weeks	December 2016
Notification of Public hearing date.	Immediately after the exhibition period.	Early January 2017 (unless holiday period is to be avoided)
Review of submissions	Immediately after the exhibition period.	January 2017
Public hearing	21 days after notification made.	Early February 2017
Review of Public Hearing report and preparation of report to Council.	4 weeks.	February / March 2017
Report to Council	First available Council meeting after review of hearing and report preparation.	March 2017
Submission to the department to finalise	4weeks from Council meeting	April 2017
Anticipated date LEP will be notified		May 2017

Planning Proposal – to Rezone and Reclassify Part Lot 34 DP28122 and Part Lot 243 DP30200 located within 30 Illuka Reserve, Kiama Downs.

Table 5: Project Timeline

7 Appendix

7.1 *Maps and Aerial Photographs*

[illegible]



Subject Site

Pt Lot 34 DP 28122 &
Pt Lot 243 DP 30200



Projection: GDA 1994
MGA Zone 56

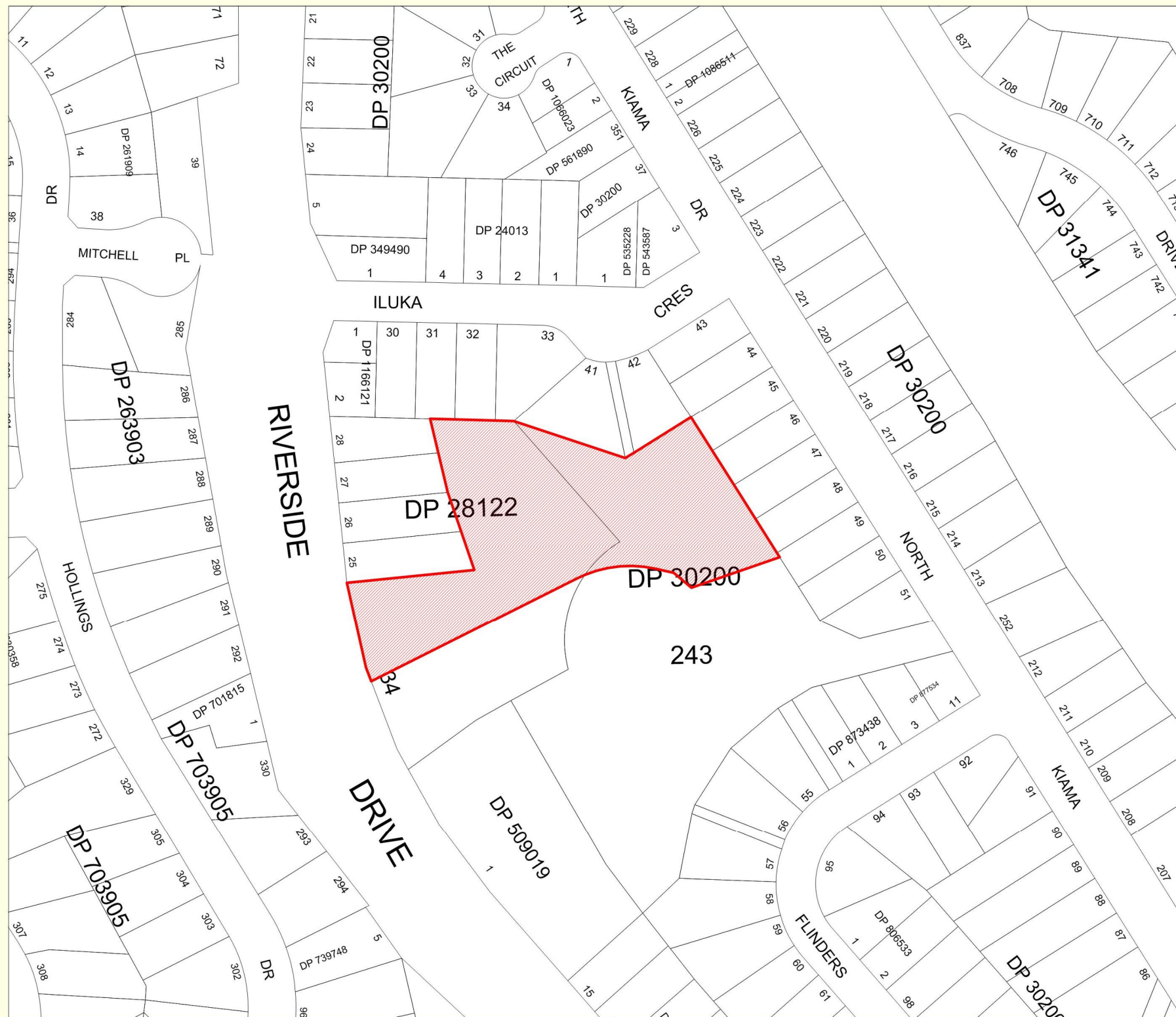
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Scale: 1:2000 @ A4

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To establish title boundaries and ownership advice should be obtained from a surveyor, legal advisor or LPI New South Wales.

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For further information contact gis@kiama.nsw.gov.au





Kiama Local Environmental Plan 2011

Land Zoning Map

Zone

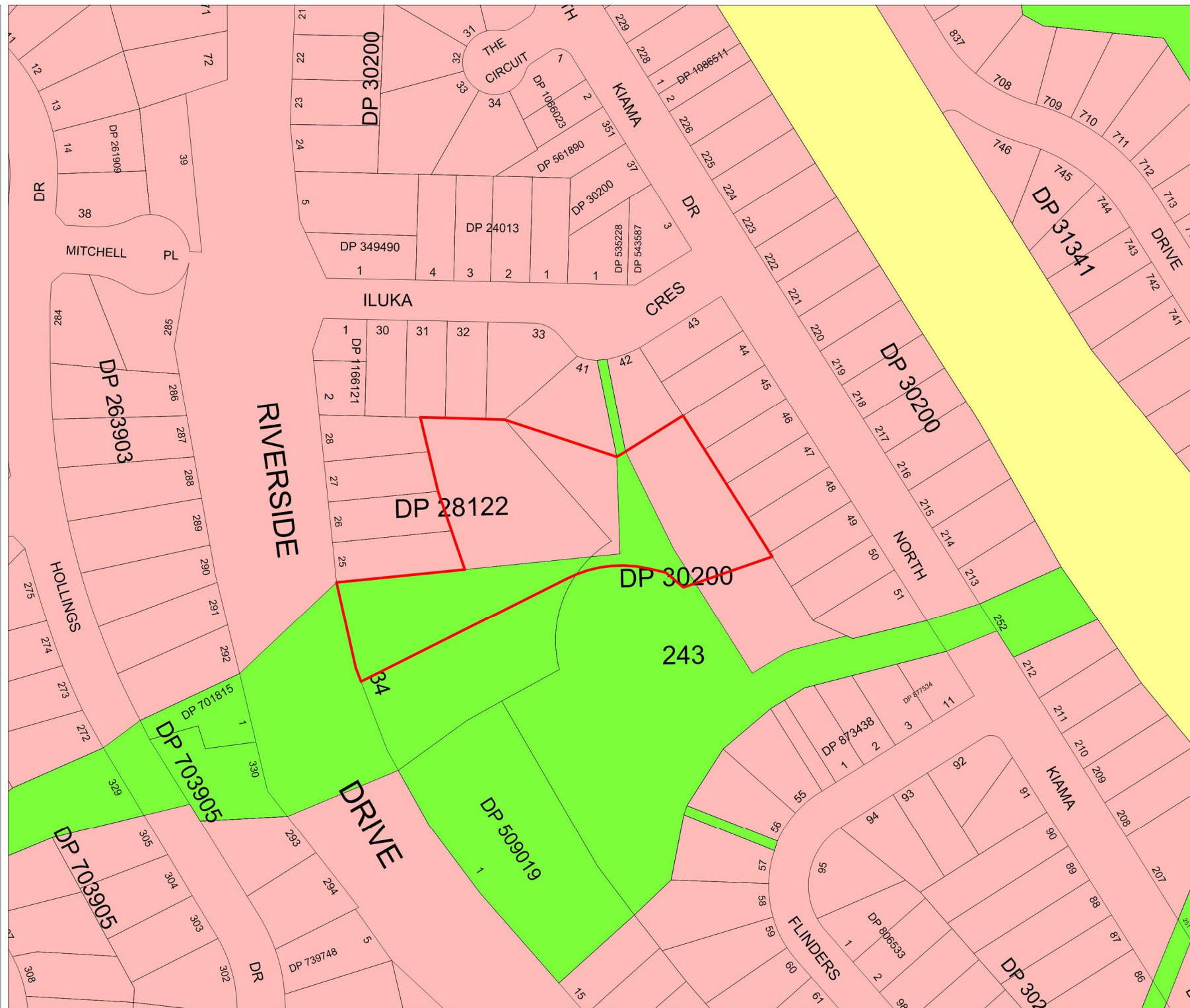
- B1 Neighbourhood Centre
- B2 Local Centre
- B7 Business Park
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- IN2 Light Industrial
- IN4 Working Waterfront
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- SP2 Infrastructure

Cadastre

- Cadastre Copyright LPMA NSW, 13/11/14

Subject Site

- PT Lot 34 DP 28122 & Pt Lot 243 DP 30200





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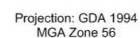
Land Zoning Map - Sheet LZN_012

Zone

B1	Neighbourhood Centre
B2	Local Centre
B7	Business Park
E1	National Parks and Nature Reserves
E2	Environmental Conservation
E3	Environmental Management
IN2	Light Industrial
IN4	Working Waterfront
R2	Low Density Residential
R3	Medium Density Residential
R5	Large Lot Residential
RE1	Public Recreation
RE2	Private Recreation
RU1	Primary Production
RU2	Rural Landscape
SP2	Infrastructure

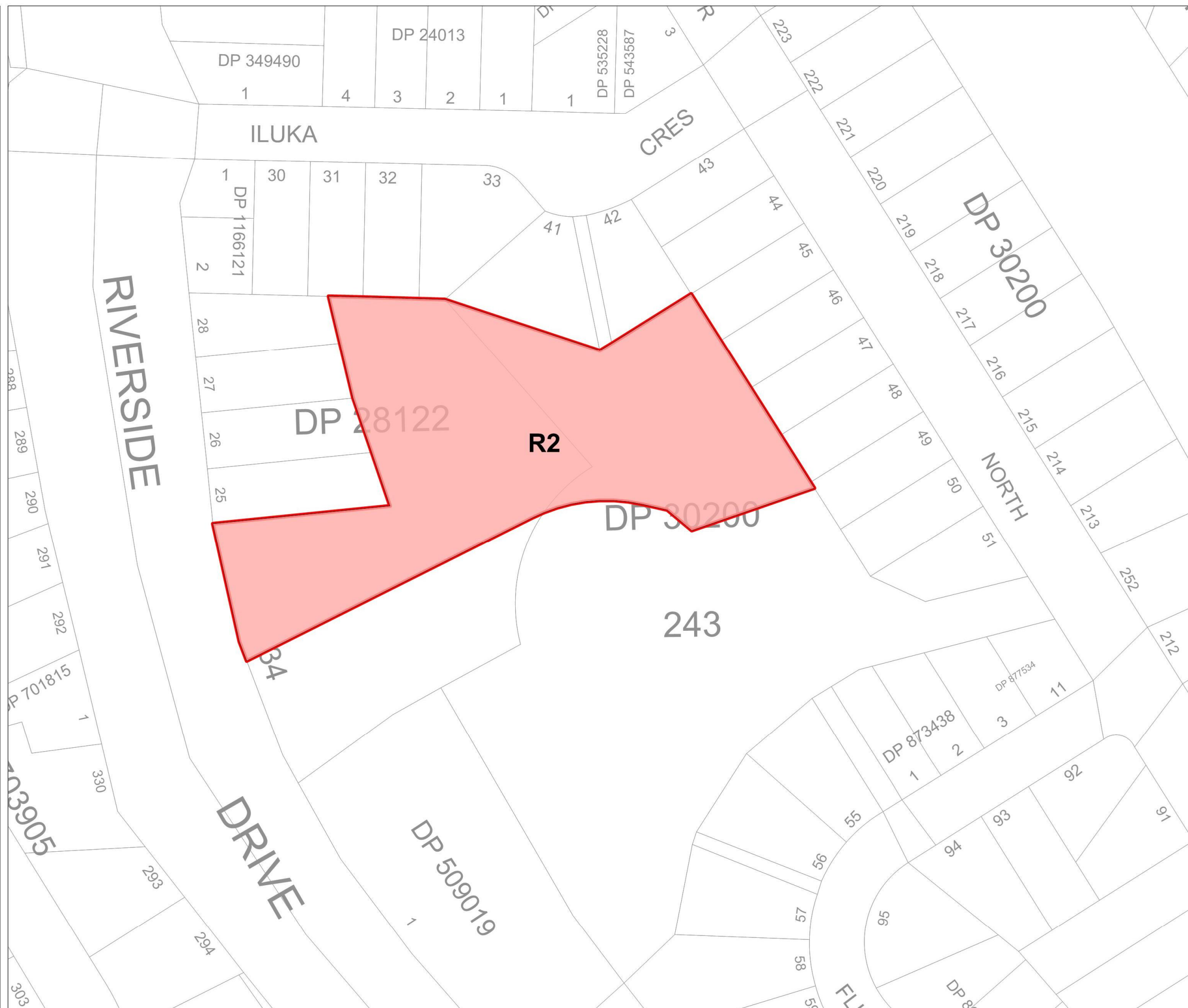
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 Cadastre Copyright LPMA NSW, 14/11/14



Scale: 1:1000 @ A3

Map identification number:
4400 COM LZN 012 080 20141114



Planning Proposal – to Rezone and Reclassify Part Lot 34 DP28122 and Part Lot 243 DP30200 located within 31 Iluka Reserve, Kiama Downs.

7.2 *Photomontage*

Appendix - Site Photographs of Iluka Reserve, Kiama Downs



Figure 1: View to northern boundary



Figure 2: View of western and northern boundary.



Figure 3: Western boundary



Figure 4: Existing playground and trees

Job No: 103162

Appendix - Site Photographs of Iluka Reserve, Kiama Downs



Figure 5: North and eastern boundary



Figure 6: Existing trees



Figure 7: View from southern side of Iluka Reserve (tennis courts and land proposed to be retained as Community Land)



Figure 8: Public access way from Iluka Crescent to Iluka Reserve

Job No: 103162

Appendix - Site Photographs of Iluka Reserve, Kiama Downs



Figure 9: Riverside Drive and access to Iluka Reserve



Figure 10: View across the reserve from Riverside Drive

Planning Proposal – to Rezone and Reclassify Part Lot 34 DP28122 and Part Lot 243 DP30200 located within 32 Iluka Reserve, Kiama Downs.

7.3 Extract from Master Plan prepared by Site Plus Pty Ltd

Drawing No. 5 – Iluka Reserve Landscape Master Plan



KEY

PROJECT AREA	FILL / PLANTING AT BOTTOM OF EMBANKMENT
PROPOSED FUTURE RESIDENTIAL OPTIONS	EXISTING TREES
PROPOSED CAR PARKING / ROAD IMPROVEMENTS	GARDEN BED
PROPOSED WALKWAY	STREET TREES
TURF	SHADE TREES
POSSIBLE LOCATION FOR PLAYGROUND	ADVANCED TREE PLANTING ALONG BOUNDARY
KICKABOUT AREA	EVERGREEN TREE PLANTING
EXISTING EMBANKMENT	

NOTES:

1 Proposed future residential options.

2 Existing playground to be removed.

3 Earthworks - use fill to upper open space & corner embankment.

4 Vehicular access constructed as part of the proposed residential development should be designed with consideration to access to the reserve and proposed car parking.

5 Kickabout area. Level where necessary (fill only). Coordinate levelling of the upper open space in association with the proposed residential development to ensure reuse of any excavation material. Issues regarding drainage etc. to be solved during subdivision design & development. Opportunity for dog-off leash area.

6 Opportunity to fill lower embankment to reduce embankment gradient in co-ordination with proposed residential development. Install trees and shrubs at bottom of embankment to maintain ocean views from elevated areas.

7 Car parking area to accommodate 8 cars. Evergreen trees provide shade. Car park allows for easy access to reserve (e.g. playground or picnic areas).

8 New walkway to provide access to reserve.

9 Possible access point to potential future subdivision.

10 Garden bed with tree planting provides a buffer between proposed subdivision and reserve.

11 Large evergreen trees provide buffer between adjoining lots and reserve. Ensure adequate setback from boundary.

12 New walkway to provide access to reserve from Flinders Avenue.

13 Opportunity for new bench seating.

14 Opportunity for street trees along Riverside Drive to embellish the area. Species to be selected to allow for ocean views.

15 Opportunity for playground area (3% slope), Little Park or bike track.

16 Small groups of trees to provide shade for picnic tables / bbqs.

17 Steep embankment.

- opportunity to remove existing weeds & revegetate with low maintenance groundcover (to maintain ocean views).

18 Improve existing walkway and connect to proposed walkway.

19 Improve vehicular access from Flinders Avenue.

20 Construct and formalise car parking for tennis courts (4 spaces).

21 Existing trees. Remove weeds and install low maintenance species.

22 Tennis Club House Conversion

- opportunity for men's shed or community garden.

23 Tennis Court Reuse. Encourage a community-led approach to manage and maintain the tennis court site as a community garden or multipurpose hard court.

24 Formalise access from North Kiama Drive with garden bed with low maintenance trees, shrubs and groundcover. Trees and shrubs provide screen to neighbouring properties.

Source: Siteplus 2016