

Planning Proposal for residential development along Wyalla Road, Jamberoo

Proposal Title : **Planning Proposal for residential development along Wyalla Road, Jamberoo**

Proposal Summary : **To amend the Kiama LEP 2011 by rezoning rural land at Wyalla Road Jamberoo to residential to provide for an additional supply of residential lots and lots for development under SEPP Housing for Seniors or People with a Disability (SEPP Seniors Housing) and to increase the area of E3 Environmental Management.**

PP Number : **PP_2013_KIAMA_001_00**

Dop File No :

13/10152

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions :
1.2 Rural Zones
1.5 Rural Lands
2.1 Environment Protection Zones
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
5.1 Implementation of Regional Strategies

Additional Information : **The Acting Executive Director, Rural & Regional Planning, as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to the Kiama Local Environmental Plan 2011 to enable residential and seniors housing development on Lot 1 and Lot 100 Wyalla Road Jamberoo should proceed subject to the following conditions:**

1. Further investigations of acid sulfate soils and flooding issues are to be completed. The results of these reports will need to demonstrate that the development can be achieved and is consistent with or justifiably inconsistent with relevant s117 Directions. The reports are to form part of the planning proposal for public exhibition.

2. Council is to prepare draft maps for the subject land prior to exhibition, in accordance with the Department's 'Standard technical requirements for LEP maps'.

3. Community consultation is required under sections 56(2)c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal is to be made publicly available for 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Department of Planning and Infrastructure 2013)'.

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- * Office of Environment and Heritage;**
- * Sydney Water;**
- * Essential Energy; and**
- * NSW Office of Water.**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on

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the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

7. Council be authorised to use its delegation of the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

8. The Director General can be satisfied that the planning proposal is consistent with s117 Directions 2.1 Environment Protection Zones; 3.1 Residential Zones; 3.4 Integrating Land Use and Transport; and 5.1 Implementation of Regional Strategies.

9. The planning proposal is inconsistent with the s117 Directions 1.2 Rural Zones and 1.5 Rural Lands in that it is rezoning agricultural lands for residential development. However, the Director General can be satisfied that the inconsistencies have been justified by local planning studies and the Kiama Urban Strategy.

10. Following further investigation of acid sulfate soils and flooding issues, Council will need to confirm in the planning proposal whether the proposal is consistent with the s117 Directions 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land. Any inconsistencies will need to be justified or be of minor significance.

11. The Director General can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are only of minor significance.

12. No further referral is required for any other s117 Directions whilst the planning proposal remains in its current form.

Supporting Reasons : The conditions are necessary to ensure that the proposed land use is achievable without environmental and economic impacts.

Panel Recommendation

Recommendation Date : 10-Oct-2013

Gateway Recommendation : Passed with Conditions

Panel Recommendation : The planning proposal should proceed subject to the following conditions:

1. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:

- acid sulphate soil
- flooding
- availability of infrastructure and services

Once the above information has been obtained and consultation with public authorities has been undertaken, Council is to update its consideration of S117 Directions 4.1 Acid Sulphate Soils and 4.3 Flood Prone Land to reflect the outcomes of the work and consultation undertaken.

2. Prior to undertaking public exhibition, Council is to update the planning proposal to include existing and proposed land zoning, lot size, height of buildings and floor space ratio maps, which are at an appropriate scale and clearly identify the subject land.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and

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(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage
- Essential Energy
- Sydney Water
- Department of Primary Industries - Office of Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has requested to be issued with delegation for this planning proposal. Council's request to be issued with plan making delegation should be supported.

Signature:



Printed Name:

Sabine Miller

Date:

15 Oct 2013