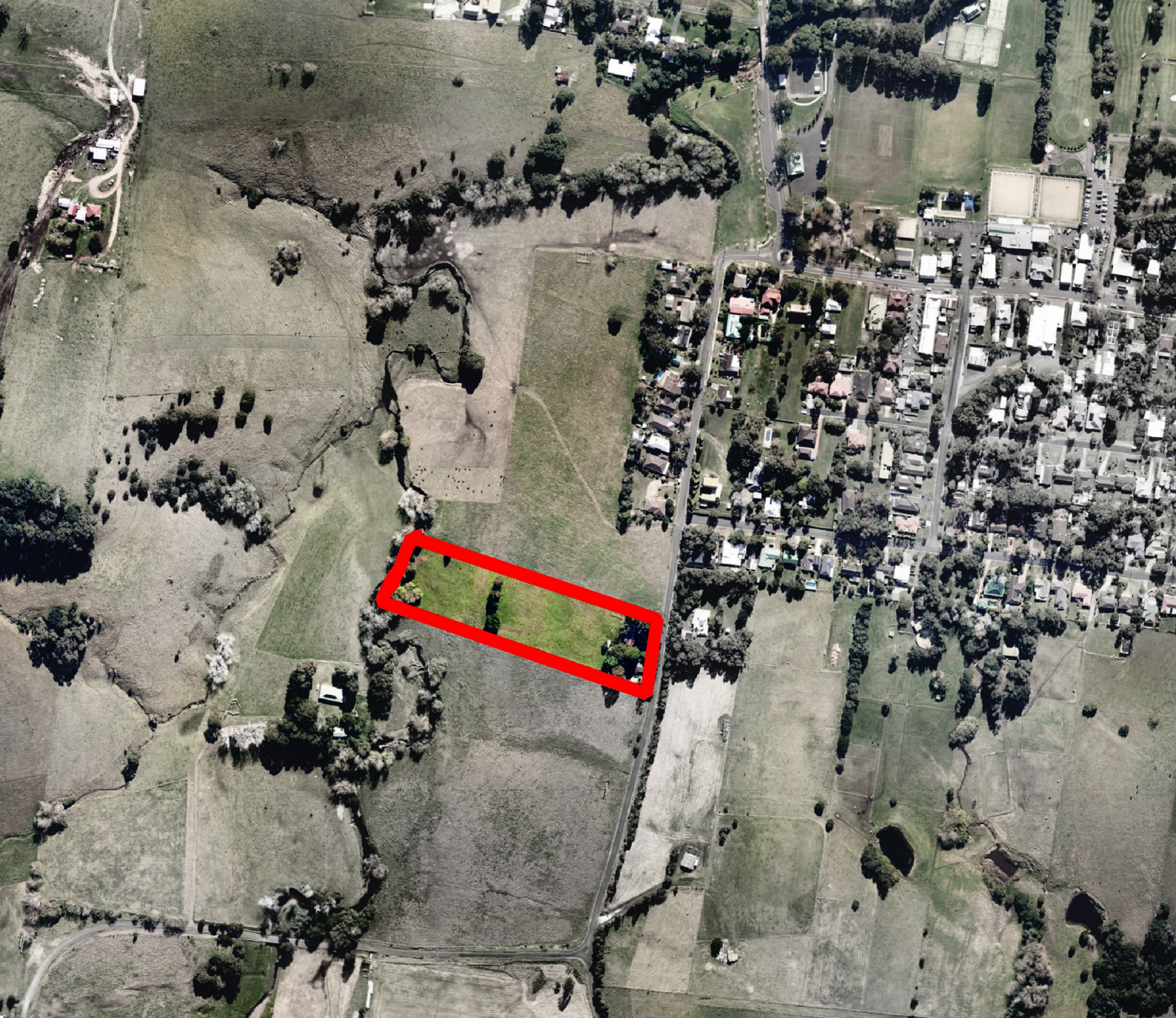




31 WYALLA ROAD, JAMBEROO

Lot 1 DP781781

Amendment to
Kiama Local Environmental Plan 2011

Prepared for: C. Camarda
As amended February 2013

urbis

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Executive Summary

This Planning Proposal is for the rezoning of the site at 31 Wyalla Road, Jamberoo for low density residential development and for the expansion of the existing E3 Environmental Management zone. Ms Colleen Camarda, the owner and applicant for the subject site seeks to develop 31 Wyalla Road.

This Planning Proposal seeks to rezone a portion of the site currently zoned RU2 Rural Landscape to R2 Low Density Residential, and to expand the existing E3 Environmental Management portion of the site by rezoning a portion of the RU2 Rural Landscape, and subsequently amend the Kiama LEP 2011.

A concept plan for the development is included at **Appendix A**. This concept plan also includes the adjoining property at Lot 100 Wyalla Road which is subject to a separate Planning Proposal by that land owner.

The proposed rezoning will enable a residential development on the fringe of Jamberoo village that creates a natural extension to the urban area of Jamberoo. The proposed rezoning is considered appropriate for the following reasons:

- The subject site is identified in the Kiama Urban Strategy as a site for which a Planning Proposal should be prepared for future residential development.
- Although the site is currently identified as a rural land zone, it is not actively used for agricultural production and is of minimal value as rural land.
- The site is only a small parcel of rural land in the context of the wider rural area and its location on the fringe of the Jamberoo town presents an opportunity for the natural expansion of the town to meet the demand for housing within the Illawarra Region.
- The proposed residential development will contribute to meeting the housing needs of future populations as set out in the Illawarra Regional Strategy. The development of the subject site will provide eight additional detached residential dwelling lots.
- The subject sites proposed residential development meets the sustainability criteria as outlined in the Illawarra Regional Strategy for areas outside of the identified urban release areas.
- The proposal includes a variable development buffer zone to ensure the riparian nature and ecological values of the Hyams Creek frontage are maintained and preserved through the expansion of the existing E3 zone.
- The close proximity of the site to Jamberoo town centre provides the opportunities for future residents to access existing bus public transport links to Kiama as a larger local centre.
- The proposal will result in high quality buildings that will enhance the Wyalla Road frontage and create a natural extension to Jamberoo town.
- The results of a Flood Study prepared to support this Planning Proposal indicate that in a 1:100 year event a portion of the site is currently inundated. However the balance of the site is free of flooding and therefore suitable for development. The flood prone portion of the site will be contained within the variable development buffer proposed to be zoned E3 Environmental Management.
- The proposed development will provide additional construction jobs throughout the course of construction within the local government area which will be beneficial to the local economy and town of Jamberoo.

The subject site is considered appropriate for the proposed rezoning of the majority of the site from RU2 Rural Landscape to R2 Low Density Residential, and the expansion of a portion of the site zoned E3 Environmental Management.

Introduction

1.1 SITE BACKGROUND

This Planning Proposal is for the rezoning of the site at 31 Wyalla Road, Jamberoo for residential development. Colleen Camarda, the owner of the site, seeks to develop a portion of the site for low density residential dwellings. The adjoining site to the north (Lot 100 Wyalla Road, Jamberoo) is subject to a separate application seeking rezoning to provide a mixture of seniors housing and low density residential development.

Ms Camarda and Huntingdale (owner of the adjoining site) have engaged with Kiama Council recently to discuss the potential for rezoning this site from RU2 Rural Landscape to R2 Low Density Residential and expanding a portion of the existing E3 Environmental Management zone.

Council and the applicant have agreed the appropriate path forward to facilitate this type of development on site is to lodge a planning proposal with Kiama Council that proposes the rezoning of the site from RU2 to R2, and expanding the existing E3 zone.

FIGURE 1 – SITE AERIAL



1.2 DEVELOPMENT PROPOSAL

This Planning Proposal seeks to rezone the site from RU2 Rural Landscape to R2 Low Density Residential, and rezone a portion of the site from RU2 Rural Landscape to E3 Environmental Management. This proposal is in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and recognises that the Kiama LEP 2011 is the applicable principle planning instrument applying to the site.

The proposed development, involving the construction of residential dwellings on the site is considered a natural extension to the low density residential town of Jamberoo. The development will contribute to providing for a range of housing types of appropriate densities, location and suitability that are capable of meeting the housing demands of the Kiama Local Government Area (LGA) and the Illawarra Region.

The proposed expansion of the E3 Environmental Management zone will contribute to protecting and enhancing the riparian environment along Hyams Creek and create an appropriate development buffer zone.

This planning proposal is supported by a site specific DCP to ensure the appropriate built form and development controls are provided for the future development of the site.

1.2.1 DEVELOPMENT OVERVIEW

The proposed development would involve the subdivision of the site, excluding the existing two dwellings fronting Wyalla Road and creating eight new residential allotments and associated access roads.

The key features of the proposed development are summarised below.

TABLE 1 – DEVELOPMENT OVERVIEW

SPECIFICATION	DETAILS
Uses	Dwelling houses
Height	8.5m
FSR	0.45:1
No. Dwellings	10 (including two existing dwellings)
Car Parking	On street

1.2.2 SITE SPECIFIC DCP

Urbis have prepared a draft Site Specific Development Control Plan (draft DCP) for adoption with the approval of this planning proposal. The draft DCP includes built form and environmental controls related to the proposed residential development. Specifically the draft DCP includes controls relating to:

- Subdivision including access and movement, open space and landscaping, stormwater and water quality management, utility services, allotment form, fencing and hazard management.
- Residential allotments including built form and setbacks, materials and finishes, waste management, parking and traffic.

A copy of the draft DCP is included at **Appendix H**.

1.2.3 RELATIONSHIP WITH ADJOINING PROPERTIES

The proposed dwelling houses will form part of a wider subdivision for the adjoining Lot 100 Wyalla Road, Jamberoo. Lot 100 Wyalla Road is subject of a separate planning proposal submitted concurrently with this planning proposal. Concept sketches for parts of the proposed development layout, prepared by C Robson and Associates, are provided at **Appendix A**.

2 Site Analysis

2.1 DESCRIPTION OF THE SITE

The subject site is located at 31 Wyalla Road Jamberoo and is legally described as Lot 1 DP 781781. The site has the following characteristics:

- The site has an area of approximately 1.3 hectares and slopes down from Wyalla Road to Hyams Creek, which forms the site's western boundary.
- Two residential dwellings are currently located in the eastern part of the site fronting Wyalla Road.
- A row of trees, acting as a windbreak, is located in the centre of the site.
- A corridor of riparian vegetation exists on the western edge of the site along Hyams Creek.
- The remainder of the site is predominantly cleared rural landscape, which has been used for grazing.
- Vehicular access to the site is currently provided from Wyalla Road via driveways to the two existing residential dwellings on the site.

FIGURE 2 – THE SITE



PICTURE 1 – VIEW EAST LOOKING UPHILL AT EXISTING DWELLING



PICTURE 2 – VIEW EAST LOOKING UPHILL AT EXISTING DWELLING



PICTURE 3 – VIEW WEST LOOK DOWN TOWARDS HYAMS CREEK



PICTURE 4 – VIEW NORTH WEST TOWARDS HYAMS CREEK ACROSS LOT 100 WYALLA ROAD, THE ADJOINING SITE

2.2 LOCAL CONTEXT

The site is located on the south-western edge of the village of Jamberoo. The Jamberoo township is the heart of a coastal rural area with its primary agricultural use being dairy farming. The precinct is characterised by rolling hills, providing hinterland views, and in combination with good access to the coast, the area has excellent amenity.

The town is characterised by small scale urban development, residential development and institutional facilities (such as pre-schools, recreational facilities and churches). The site is located at a convenient distance (approximately 500m) from the main street, which contains local shops and services including a small supermarket, community facilities and access to public transport.

The land to the north, south and west of the site generally consists primarily of rural land with scattered minor dwellings and ancillary structures.

The site immediately to the north (Lot 100 DP 1063277) is subject to a separate Planning Proposal for future residential development. When considered in this context, the subject site is a logical choice to provide additional residential development to meet the current and projected future needs of the Jamberoo community.

FIGURE 3 – SITE LOCAL CONTEXT



SITE LOCATION CONTEXT PLAN



2.3 REGIONAL CONTEXT

2.3.1 LOCAL FACILITIES

Jamberoo is located 9km inland of Kiama on the south-east coast of NSW and 115km south of Sydney. Jamberoo is located in the Kiama LGA which is located between Shellharbour LGA to the north, the Wingecarribee LGA to the northwest and the Shoalhaven LGA to the south.

Kiama is the closest regional centre in proximity to Jamberoo and the site. Facilities within Kiama consist of:

- Major and minor retail stores including major supermarkets.
- Restaurants and cafes.
- Healthcare facilities consisting of a hospital, GPs, dental and other healthcare clinics.
- Sporting and recreation facilities including golf club, bowling club, and nature reserves.
- A range of hotel and motel accommodations.
- Walking trails, paths and swimming facilities.

Jamberoo is linked to Kiama town centre by existing public transport services consisting of a bus service running between Jamberoo and Kiama two times a day in the mornings and once a day from Kiama to Jamberoo in the afternoon, Monday to Friday. The Saturday service runs one return service between Jamberoo and Kiama.

2.3.2 DEMOGRAPHICS

The site is located within the Illawarra Region.

The Illawarra Regional Strategy 2006 estimated 281,000 people were living in the Illawarra region and that the population is expected to grow by 47,600 people to 328,600 people by 2031.

The Draft Illawarra Regional Strategy identified as a key action of its housing and settlement strategy that *'Councils will plan for a range of housing types of appropriate densities, location and suitability that are capable of adapting and responding to the ageing population'*.

2.4 OPPORTUNITIES AND CONSTRAINTS

The site presents a number of opportunities and constraints which have been considered and incorporated in the design process.

The key opportunities for the site are:

- The site's location on the fringe of Jamberoo village in close proximity to local shops, services and community facilities.
- Although identified as rural land, the site is not currently used for agricultural purposes and is not of a sufficient size to allow for future productive agricultural uses.
- The site's gently sloping topography is appropriate for residential development.
- The site has been identified for future residential development in Kiama Urban Strategy. It will result in high quality dwellings that will create a natural extension to Jamberoo town.
- The proposal, which expands a portion of the site as E3 Environmental Management zoning, will maintain and enhance the environmental values of Hyams Creek.
- The need to provide a variable width development buffer due to flood and bushfire risk presents an opportunity to provide a substantial amount of publically accessible open space along Hyams Creek.
- The concurrent planning proposal to rezone and develop the adjoining site to the north presents an opportunity for a logical, consolidated expansion to the residential area of Jamberoo.

Identified constraints applying to the site include:

- A riparian corridor affects the western part of the site which includes environmentally sensitive features, recognised by the existing E3 Environmental Management zoning of this area. A Flora and Fauna Impact Assessment has been prepared by OMVI Ecological and is included in **Appendix B**.
- The western part of the site is affected by flood risk associated with Hyams Creek, which was required to be taken into account in the design of the proposed development, including a 65m wide development buffer. A Flood Study has been prepared by Rudy van Drie and is included in **Appendix C**.
- The existence of riparian vegetation along Hyams Creek results in potential bushfire risk which was required to be taken into account in the design of the proposed development. A Bushfire Constraints Assessment has been prepared by Australian Bushfire Protection Planners and is included in **Appendix D**.
- The size and shape of the site does not lend itself to development in isolation, influencing the proposal to rezone and develop this site in conjunction with the adjoining site to the north.

3 Planning Context

3.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

3.1.1 OBJECTS OF THE ACT

A Planning Proposal must consider the objects of the Environmental Planning and Assessment Act 1979 (the Act). The objects are:

- a) *to encourage:*
 - i. *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - ii. *the promotion and co-ordination of the orderly and economic use and development of land,*
 - iii. *the protection, provision and co-ordination of communication and utility services,*
 - iv. *the provision of land for public purposes,*
 - v. *the provision and co-ordination of community services and facilities, and*
 - vi. *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - vii. *ecologically sustainable development, and*
 - viii. *the provision and maintenance of affordable housing, and*
- b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The proposed rezoning of the subject site is considered to be consistent with the objects of the Act, as addressed in various sections of this report and summarised as follows:

- The rezoning of the site will encourage the orderly expansion of the Jamberoo village, responding to demand for residential development in this area as indicated in various strategic studies.
- The proposal will create additional housing choices to meet current and future demand and will enable people to live within a well serviced local area.
- The future use of the land will improve existing levels of accommodation within the area, which will deliver better economic outcomes to the local community.
- The site is substantially cleared and its development will not result in the loss of a site which contributes significantly to the visual or ecological environment of the surrounding area.
- The retention of a portion of the site zoned as E3 Environmental Management will encourage the protection, conservation and enhancement of riparian land and associated flora and fauna.
- The proposal intends to retain the creek frontage as publicly accessible land for the benefit of the wider community.

3.2 SECTION 117 DIRECTIONS

The Section 117 Ministerial Directions (under Section 117(2) of the Environmental Planning and Assessment Act 1979) provide local planning direction and are to be considered in a rezoning of land. An assessment of the relevant Section 117 considerations is included in **Appendix E** and the proposal is considered compliant with the S117 directions.

3.3 ILLAWARRA REGIONAL STRATEGY

The Illawarra Regional Strategy is the key strategic policy document applying to the local government areas of Kiama, Shellharbour and Wollongong. The primary purpose of the Regional Strategy is to ensure that adequate land is available and appropriately located to sustainably accommodate the projected housing and employment needs of the region to 2031.

The Regional Strategy identifies Jamberoo as a village. Villages and their key functions are described as:

Smaller centres with some residential uses, local retail and specialty tourism retail. Villages service the daily needs of local residents and tourists. While renewal may occur in villages over the next 25 years, this will occur at an appropriate scale to protect and enhance the character of these centres.

The strategy sets housing and employment targets for the Illawarra region. It projects that 38,000 new dwellings will be required to accommodate a population increase of 47600 to 2031, and specifies that an appropriate mix generally would be 50% detached housing and 50% higher density housing. Within the Kiama LGA the suggested mix is 43% detached houses, 55% medium density and 2% high density housing.

The proposed development of the site for residential development is of an appropriate scale and density for its location on the fringe of Jamberoo village. The development of the site will maintain the existing village character of the site and is a natural extension to the fringe of the village.

The site is not specifically identified as a future urban release area in the Illawarra Regional Strategy. The strategy specifies that release areas outside of the identified areas need to demonstrate compliance with the sustainability criteria identified in the Strategy. The proposals assessment of compliance with the Illawarra Regional Strategy is included in **Appendix F**.

3.4 KIAMA URBAN STRATEGY

The Kiama Urban Strategy was prepared by Kiama Council to inform the preparation of the Kiama Local Environmental Plan 2011. This strategy addresses rural and environmental planning to maintain and protect agricultural land and ecologically sensitive areas, and options of urban expansion and infill to cater for the housing needs of future populations as set out in the Illawarra Regional Strategy.

The strategy aims to identify and prioritise options for greenfield urban release areas to meet the housing targets set by the Illawarra Regional Strategy. The subject site is identified in the Kiama Urban Strategy as a site for which a Planning Proposal should be prepared for future residential development.

The strategy notes that village character, heritage and agricultural issues will be important considerations in determining the boundaries of Jamberoo.

The proposal is consistent with the Kiama Urban Strategy for the following reasons:

- Although the site is identified as a rural land use zone, it is not actively used for agricultural production and is of minimal value as rural land.
- The flooding constraints of the site limit the agricultural value of the land.
- The proposed redevelopment of the site for residential development is of an appropriate scale and density for its location on the fringe of Jamberoo village.
- The site is only a small parcel of rural land in the context of the wider rural area and its location on the fringe of the Jamberoo town presents an opportunity for the natural expansion of the town to meet the demand for housing within the Illawarra Region.

- The proposed residential development provides additional housing within Jamberoo within close proximity to the community services available to future occupiers.
- The proposal will provide for up to 8 additional residential dwellings to meet demands identified in regional and local planning strategies.

3.5 KIAMA NEEDS AND DIRECTION STUDY 2006

This document is a background study on the housing needs and subsequent recommended measures for the Kiama LGA. The study forecasts an additional demand for 1,583-1,700 dwellings to be generated between 2006 and 2021 for the LGA.

This study suggests potential yields of approximately 70 dwellings on existing residentially zoned vacant land, approximately 70 seniors housing dwellings on the adjoining site (Lot 100 Wyalla Road), and approximately 200 dwellings on other non-urban sites (including the subject site) subject to site constraints. We consider that the proposed yield is appropriate to the site area and constraints.

3.6 LOCALITY BASED RESIDENTIAL STRATEGY FOR JAMBEROO (2004)

This document consists of the results of a three element community consultation process intended to inform the review of the planning controls applying to Jamberoo. These elements were:

- A community survey.
- A public information evening.
- An intensive workshop session.

This consultation process informed the development of a desired future character statement for Jamberoo including elements such as:

- Maintenance of the rural setting/context.
- Maintenance of village/town size and scale.
- Preservation of existing open space and promotion of pedestrian friendly linkages around the town.
- Retention of large lot sizes.
- A spread of redevelopment and housing/building styles.
- Limits on multi-unit development.
- Retention of the architectural character of the town centre.

The location and scale of the proposed development is considered to be compatible with this stated desired future character and will form a natural extension to the existing village. The proposed R2 zoning will ensure consistency with existing development in Jamberoo. The proposed lot sizes range from 842.1-1,229sqm, which is consistent with the existing pattern of large lots on the fringe of the village. The proposal includes an area of publically accessible open space along Hyams Creek and will link to the existing pedestrian network of Jamberoo.

3.7 STATE ENVIRONMENTAL PLANNING POLICY 55 (REMEDIATION OF LAND)

SEPP 55 introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed in accordance with certain standards and requirements.

The site is not subject to any known contamination. A preliminary contamination report has been submitted to Council under separate cover to this Planning Proposal for consideration during assessment

3.8 STATE ENVIRONMENTAL PLANNING POLICY (RURAL LANDS) 2008

SEPP Rural Lands aim to ensure the following planning principles are applied in relation to development of rural lands:

(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,

(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,

(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,

- Although the site is identified within a rural land use zone, it is not actively used for agricultural production. The small size of the site, its location on the fringe of the urban area and environmental constraints such as flooding limit the future agricultural potential of the site.
- The site is only a small parcel of rural land in the context of the wider rural area and its location on the fringe of the Jamberoo town presents an opportunity for the natural expansion of the town to meet the identified demand for housing.
- The loss of the site as rural land would not have a negative impact on the wider rural lands in the area and the proposed residential development would provide more social and economic benefit to the village of Jamberoo.

(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,

- The proposed rezoning of the site to R2 Low Density Residential would still maintain the existing balance of social, economic and environmental interests of the locality. The proposal would enhance the social benefits for local residents and future occupiers with increased housing opportunities close to existing services.
- The proposal intends to maintain the environmental and ecological values of Hyams Creek and ensure that is publicly accessible for the benefit of the wider community.
- The proposed expansion of the E3 Environmental Management zone would ensure the existing environment and ensure a greater area of environmental protection.

(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,

- Part of the subject site fronting Hyams Creek is zoned E3 Environmental Management under the Kiama LEP 2011. The proposal intends to maintain the environmental value of the creek frontage and proposes a development buffer zone to ensure the riparian nature of the creek is conserved.
- The proposed expansion of the E3 Environmental Management zone would ensure the existing environment and ensure a greater area of environmental protection.
- The proposed development buffer zone will also ensure the ecological values of the creek frontage are maintained and preserved.

(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,

- The proposed development on the fringe of rural zoned land would contribute to the overall objective of a rural lifestyle with the economic and social benefits of the village of Jamberoo within close walking distance of the site.

(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,

- The proposed yield of the development would provide up to eight additional dwellings. The proposed yield would not present significant impacts on existing services and infrastructure already existing in Jamberoo.
- The proposal would increase the economic benefits to the small businesses contained within Jamberoo.
- The type and nature of the residential development is also considered to place minimal impacts on the local road infrastructure and services given the close proximity of the site to the town centre.

(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

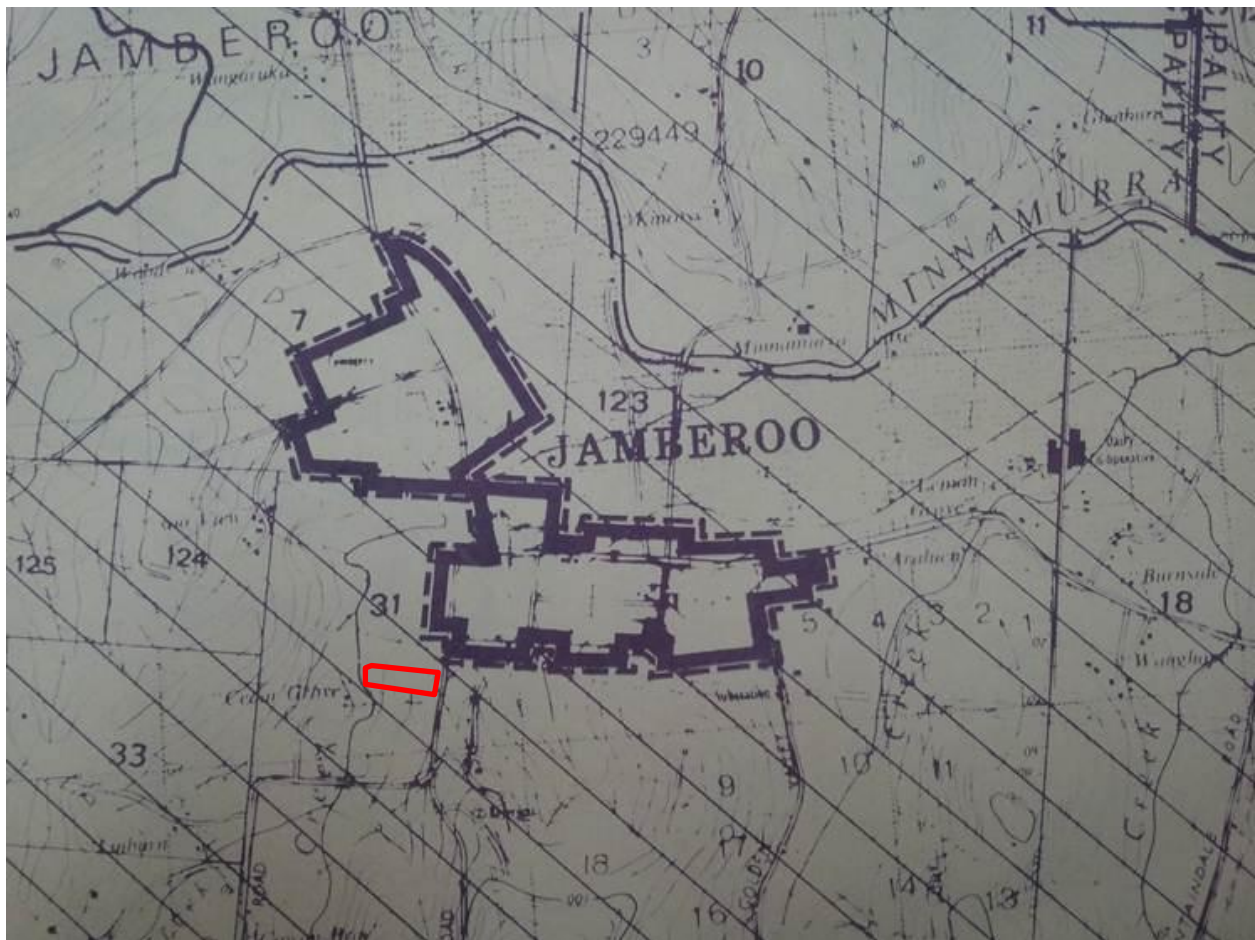
- The proposal is consistent with the aims and objectives of the Illawarra Regional Strategy (refer Section 3.3) and the Kiama Urban Strategy (refer Section 3.4).

3.9 ILLAWARRA REGIONAL ENVIRONMENTAL PLAN NO. 2 JAMBEROO VALLEY

The Illawarra Regional Environmental Plan No. 2 Jamberoo Valley was introduced in 1987 with the primary aim to conserve the agricultural, environmental and aesthetic values of the Jamberoo valley. Since 2009 this policy has the status of a 'deemed SEPP'.

Clauses 10 and 11 of the REP act to limit development outside of the existing boundaries of the Jamberoo village. Clause 11 states that "a draft local environmental plan shall not make provision for the expansion of Jamberoo Village beyond the boundaries referred to in clause 10" (illustrated in Figure 4 below). The subject site is located outside of the boundaries of Jamberoo Village as indicated in the REP.

FIGURE 4 – ILLAWARRA REP NO. 2 JAMBEROO VILLAGE



The specific aims of the plan are:

- a) to conserve the agricultural potential of the Jamberoo Valley,
- b) to protect the rural environment and scenic amenity of the Jamberoo Valley Escarpment Area,
- c) to conserve areas of native vegetation,
- d) to conserve items of environmental heritage and to encourage and promote their restoration and enhancement,
- e) to conserve the scenic quality of the Valley,
- f) to encourage re-forestation with appropriate species of trees and the eradication of undesirable exotic weed species, and
- g) to ensure that future development, including tourist development, in the valley is sited, designed and of such a scale and nature so as not to compromise other conservation objectives.

The proposed rezoning of the site for residential development is considered to be consistent with these aims for the following reasons:

- The site, although zoned for rural purposes, is not currently used for agricultural purposes. The site is not suited to future productive agricultural uses due to its small area, proximity to the urban area of Jamberoo and environmental constraints such as flood risk.
- The proposal will actively conserve and enhance environmentally sensitive areas and native vegetation through its expansion of the E3 Environmental Management zoning in the western portion of the site.
- The site is located on the fringe of the existing urban area and will form a natural extension to the Jamberoo village. The size and scale of development on the site will be consistent with the existing low density urban form and will not compromise the scenic quality of the area or any conservation objectives.

- A number of studies and strategies, including the Kiama Urban Strategy, have identified the need for residential expansion in Jamberoo in order to meet housing targets set by the Illawarra Regional Strategy. The Kiama Urban Strategy specifically identifies the site as suitable for future residential development and recommends a planning proposal be prepared for this purpose.

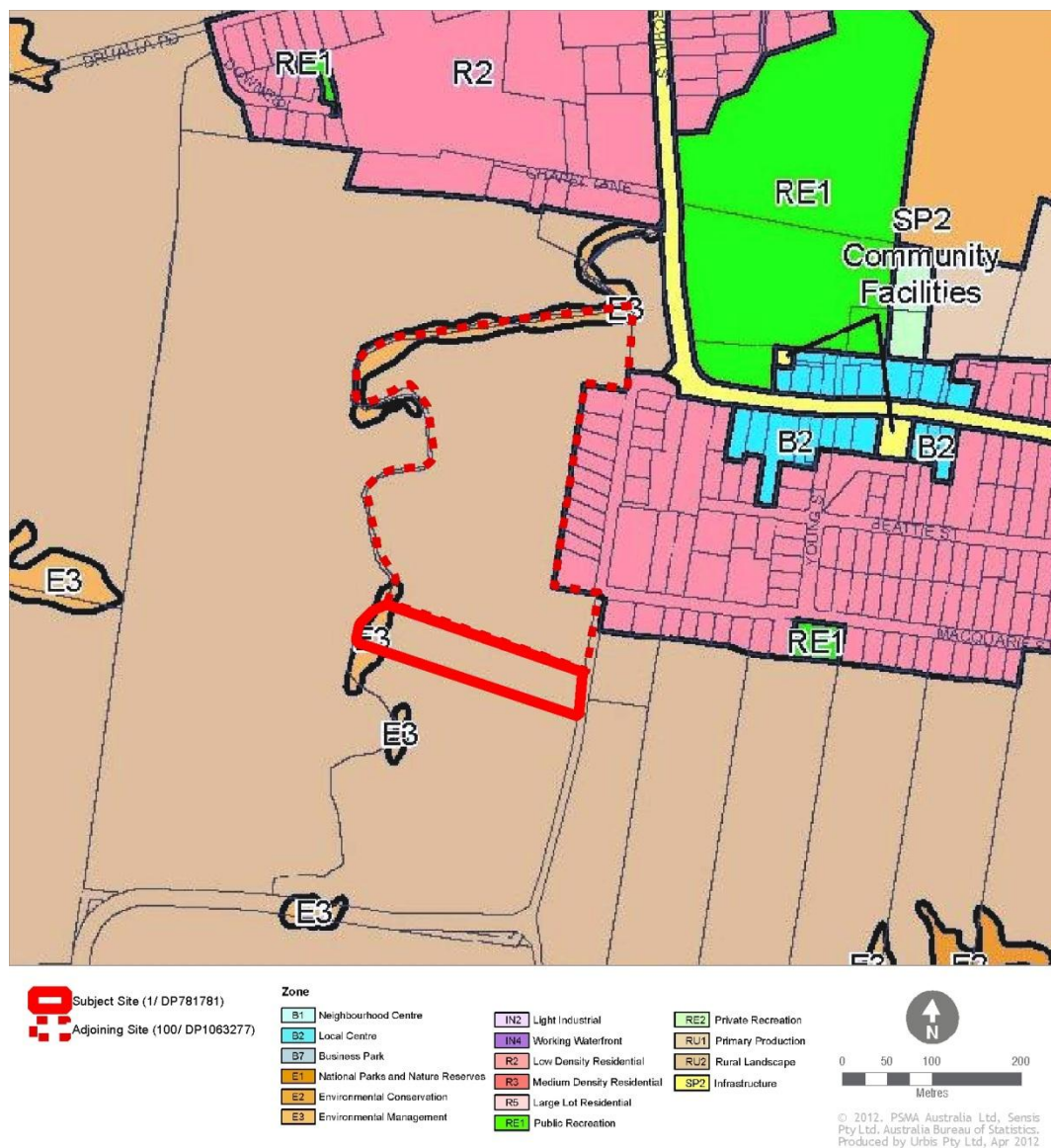
Given the age of the controls in this REP (introduced 25 years ago) and the clear strategic direction for increased residential development in the Jamberoo area to meet growth targets set by recent regional level strategic planning, it is suggested that the REP controls are out-dated. It would be appropriate to allow expansion of the village when it can be demonstrated a proposal is consistent with the objectives to conserve the agricultural, environmental and aesthetic values of the Jamberoo valley.

3.10 KIAMA LOCAL ENVIRONMENTAL PLAN 2011

3.10.1 EXISTING ZONING

The Kiama LEP 2011 is the principal local planning instrument applying to the site. The site is currently zoned part RU2 Rural Landscape and part E3 Environmental Management under the Kiama LEP 2011.

FIGURE 5 – EXISTING ZONING



RU2 Rural Landscape Zone - Objectives

The objectives of the RU2 Rural Landscape zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To protect agricultural land for long term agricultural production.*
- *To provide opportunities for employment-generating development that adds value to local agricultural production through food and beverage processing and integrates with tourism.*

The proposed development is not entirely consistent with the objectives of the RU2 zone. Whilst the proposed development would seek to retain the rural character of the site towards Hyams Creek and the surrounding rural landscape the proposal will ultimately result in a more urban character as a natural extension to Jamberoo village.

The proposal will result in a net loss of agricultural land however the loss is considered minimal given the limited agricultural value of the site and the abundance of surrounding agricultural land.

RU2 Rural Landscape Zone – Permissible Uses

Under the RU2 zone the following is **permitted** without development consent.

Environmental protection works; Extensive agriculture; Home occupations

Under the RU2 zone the following is **permitted** with development consent:

*Agricultural produce industries; Air transport facilities; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dairies (restricted); **Dwelling houses**; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Industrial retail outlets; Information and education facilities; Intensive plant agriculture; Recreation areas; Roads; Roadside stalls; Secondary dwellings; Water supply systems*

Any development not listed as permitted above is prohibited in the RU2 zone.

Dwelling houses are permissible under the current rural zoning of the site, however development standards in the LEP 2011 (such as minimum subdivision lot size) limit the scale of residential development that is possible.

E3 Environmental Management Zone Objectives

The objectives of the E3 Environmental Management zone are:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To allow limited types of agriculture subject to effective environmental safeguards and sound land management practices.

The proposal does not seek to reduce the existing E3 zoning of the western portion of the site but rather seeks to expand the E3 zone to maintain and enhance the ecological and riparian values of the E3 zoned parts of the site and gives provision of a development buffer zone to ensure there are no adverse impacts on these values.

3.10.2 PROPOSED ZONING

It is proposed to alter the zoning of part of the site currently zoned RU2 Rural Landscape to R2 Low Density Residential under the Kiama LEP 2011. The Planning Proposal also seeks to expand the existing E3 Environmental Management zone to include the proposed development buffer zone.

R2 Low Density Residential Zone Objectives

The objectives of the R2 Low Density Residential zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*
- *To increase the supply of secondary dwellings for affordable rental housing stock.*
- *To provide economic and employment opportunities for people who conduct business activities from their homes where these will not adversely affect the amenity of neighbours or the neighbourhood.*

The proposal is considered consistent with the objectives of the R2 Low Density Residential zoning for the following:

- The proposal will create additional housing choices to meet current demand and needs and will enable people to live within a well serviced local area.
- The proposal contributes to meeting the demand for additional housing stock identified in the Illawarra Regional Strategy, the Kiama Urban Strategy and other strategic land use studies used to inform the Kiama LEP 2011.
- The future use of the land will improve existing levels of accommodation within the area, which will deliver better economic outcomes to the local community.
- The proposed mix of dwelling types will provide affordable housing options within close proximity of existing services.

R2 Zone Permissibility

The following uses are **permitted** with consent in the R2 zone.

*Bed and breakfast accommodation; Boarding houses; Boat sheds; Business identification signs; Child care centres; Community facilities; Dual occupancies; **Dwelling houses**; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hospitals; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings*

The proposed rezoning of the site to R2 Low Density Residential, including the development standards applying to the site, would allow for the proposed development of the site for low density residential development.

3.10.3 OTHER RELEVANT KIAMA LEP 2011 CLAUSES

Other relevant controls in the LEP 2011 are detailed in **Table 2**.

TABLE 2 – LEP CONTROLS

CLAUSE	DETAILS
4.1 Minimum Subdivision lot sizes	A 40ha minimum lot size currently applies to the site, consistent with its current rural zoning. A minimum lot size of 800sqm applies to the adjacent R2-zoned lots under the Kiama LEP 2011. The planning proposal would comply with this control.
4.2 Rural Subdivision	As above.
4.3 Height of Buildings	No height controls are specified in the LEP 2011 relating to the site. Adjoining sites zoned R2 Low Density Residential are constrained to 8.5m building heights. The planning proposal would comply with this control. The site Specific DCP accompanying this planning proposal also gives provision of an 8.5m maximum building height applying to residential development.
4.4 Floor Space Ratio	No FSR controls are outlined in the LEP 2011 relating to the site. Adjoining sites zoned R2 Low Density Residential are constrained to an FSR of 0.45:1. The planning proposal would comply with this control.
5.9 Preservation of Trees or Vegetation	The future development of the site would require the removal of a number of trees. Consent for tree removal will be sought as part of future DAs for the subdivision and development of the site, which will include an assessment of the impact of any tree removal.
5.11 Bushfire Hazard Reduction	A Bushfire Study was undertaken by ABPP and is included at Appendix D . Bushfire is also addressed at Section 5.3.7 of this report.
6.3 Flood Planning	A Flood Level Assessment was undertaken by Rudy Vandrie and is included at Appendix C . The report provides hydrologic analysis of the catchment to determine the flow crossing the site in both a 1:100 year event and a PMF event.

CLAUSE	DETAILS
6.5 Riparian Land and Watercourses	Hyams Creek is also identified in the Kiama LEP 2011 as a Category 1 Riparian Watercourse. As such the proposal has had to comply with the requirements of Category 1 Watercourses that requires land within 40m of the watercourse to be included as a riparian zone and worthy of protection. The proposed development provides an appropriate development buffer to the watercourse and provides a development buffer of approximately 65m.

4 Planning Proposal

The following section is structured generally in accordance with the document “*A Guide to Preparing Planning Proposals*” (Department of Planning and Infrastructure 2009).

4.1 OBJECTIVES AND INTENDED OUTCOMES

The key objective of this Planning Proposal is to obtain the necessary rezoning of the subject site to R2 Low Density Residential by amending the provisions of the Kiama LEP 2011 to facilitate its development for low density residential development.

The intended outcomes of this Planning Proposal are to amend the Kiama LEP 2011 to zone part of the site to R2 low density residential and retain and expand the existing E3 Environmental Management zone on the site. The expanded E3 zone will include the proposed development buffer zone.

A conceptual design for future development of the site for a residential development has been prepared and accompanies this Planning Proposal in **Appendix A**. The scheme will be refined as part of the Environmental Impact Assessment process once the Planning Proposal has been endorsed by the Department of Planning and Infrastructure (DPI) that supports the preparation of an LEP amendment.

4.2 EXPLANATION OF PROVISIONS

The objective of this Planning Proposal can be achieved through the inclusion of the following amendment to the Kiama LEP 2011:

LAND	AMENDMENT
Lot 1 DP 781781	Rezoning of a portion of the site from RU2 Rural Landscape to R2 Low Density Residential and expansion of the existing E3 Environmental Management zone through the rezoning of a portion of the site from RU2 Rural Landscape to E3 Environmental Management.

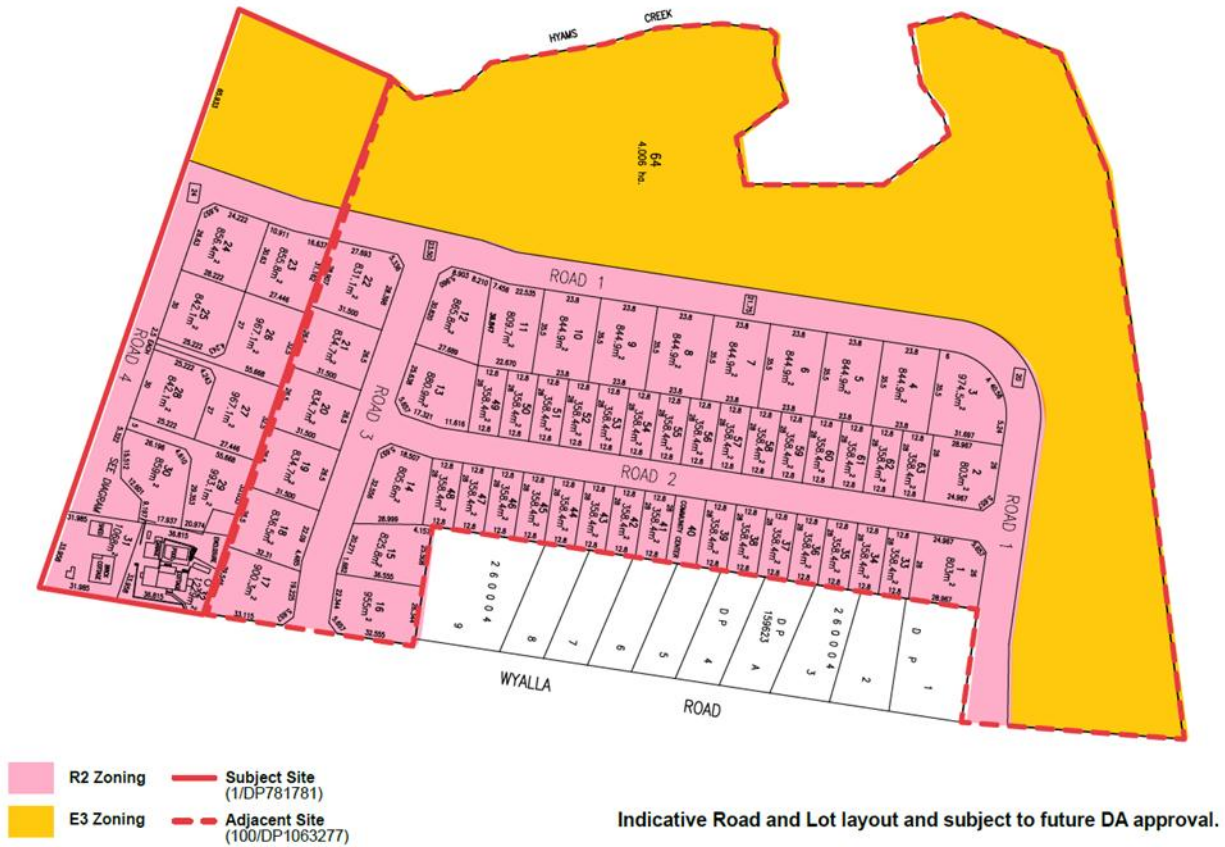
These amendments will support the development of the subject site for a residential development which is generally consistent with the indicative scheme and achieves the key objective and intent of this Planning Proposal.

4.3 LAND TO WHICH THE PLAN WILL APPLY

The subject site is 31 Wyalla Rd, Jamberoo, legally described as Lot 1 DP 781781.

Figure 6 indicates the site to which the proposal applies.

FIGURE 6 – PROPOSED ZONING MAP



4.4 SAVINGS PROVISIONS

It is not considered necessary to include a savings provision.

5 Rezoning Justification

5.1 NEED FOR THE PLANNING PROPOSAL

The Department of Planning document “*A Guide to Preparing Planning Proposals*” includes the following questions in describing the need for the Planning Proposal.

5.1.1 IS THIS PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT?

The proposed rezoning of part of the site from RU2 Rural Landscape to R2 Low Density residential is directly or indirectly supported by a range of strategic studies.

5.1.1.1 ILLAWARRA REGIONAL STRATEGY

- The strategy sets housing and employment targets for the Illawarra region. It projects that 38000 new dwellings will be required to accommodate a population increase of 47600 to 2031. The proposed residential development will contribute to providing the identified need for additional dwellings.
- The proposed housing typology of ‘detached dwellings’ is consistent with the identified housing need outlined in the strategy for the Kiama LGA that suggests that additional housing within the LGA should consist of up to 43% detached houses.
- The development of the site will maintain the existing village character of the site identified in the strategy and is a natural extension to the fringe of the village.
- The site is not specifically identified as a future urban release area in the Illawarra Regional Strategy. The proposal demonstrates compliance with the sustainability criteria of the strategy as identified in **Table 3** of this report.

5.1.1.2 KIAMA URBAN STRATEGY

This strategy addresses rural and environmental planning to maintain and protect agricultural land and ecologically sensitive areas, and options of urban expansion and infill to cater for the housing needs of future populations as set out in the Illawarra Regional Strategy.

The Kiama Urban Strategy identifies the site to be included in the urban expansion of Jamberoo and was mentioned as a possible site for R2 Low Density Residential.

The proposed residential development is consistent with the Kiama Urban Strategy for the following:

- The primary use of the site although identified as a rural land zone is not for agricultural production and is of minimal value as rural land.
- The location of the site is appropriate to facilitate an expansion of Jamberoo village to meet future housing demand.
- The flooding constraints of the site limit the agricultural value of the land.
- The site is only a small parcel of rural land in the context of the wider rural area and its location on the fringe of the Jamberoo town presents an opportunity for the natural expansion of the town to meet the demand for housing and seniors housing within the Illawarra Region.
- The proposed redevelopment of the site for residential development is of an appropriate scale and density for its location on the fringe of Jamberoo village.
- The proposed residential development will provide additional housing within Jamberoo within close proximity to the community services available to future occupiers.
- The proposal will provide for eight additional detached residential dwellings to meet demands identified in regional and local planning strategies.

5.1.1.3 OTHER STRATEGIC STUDYS

Section 3.4, 3.5 and 3.6 of this report outline the recommendations of the following strategic studies that were used to inform the Kiama LEP 2011 and the proposed land uses appropriate to the site.

- Kiama Urban Strategy.
- Kiama Needs and Direction Study 2006.
- Locality Based Residential Strategy for Jamberoo 2004.

The proposals consistency with recommendations and findings of these reports are addressed in the relevant sections of this report.

5.1.2 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVE?

It is considered that the Planning Proposal is the best means of achieving the objectives stipulated in Section 4.1, as was confirmed in the Kiama Urban Strategy.

The proposed residential subdivision to contain detached dwellings at the scale proposed is not permissible under the current RU2 zoning. Therefore an amendment to the Kiama LEP 2011 is required to permit the residential development concept on the site.

The proposed expansion of the E3 Environmental Management zone is the best use of the land to ensure protection of the riparian zone.

5.1.3 IS THERE ANY NET COMMUNITY BENEFIT?

Table 3 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.

TABLE 3 – NET COMMUNITY BENEFIT TEST

EVALUATION CRITERIA	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)?	The proposal is consistent with key elements of the Illawarra Regional Strategy as discussed in Section 3.3 .
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The Illawarra Regional Strategy is the key strategic policy document applying to the local government areas of Kiama, Shellharbour and Wollongong. The primary purpose of the Regional Strategy is to ensure that adequate land is available and appropriately located to sustainably accommodate the projected housing and employment needs of the region to 2031. The strategy sets housing and employment targets for the Illawarra region. It projects that 38000 new dwellings will be required to accommodate a population increase of 47600 to 2031, and specifies that an appropriate mix generally would be 50% detached housing and 50% higher density housing. Within the Kiama LGA the suggested mix is 43% detached houses, 55% medium density and 2% high density housing.

EVALUATION CRITERIA	COMMENT
	The Regional Strategy identifies Jamberoo as a village. The proposed redevelopment of the site for residential development is of an appropriate scale and density for its location on the fringe of Jamberoo village. The development of the site will maintain the existing village character of the site and is a natural extension to the fringe of the village. The site is not specifically identified as a future urban release area in the Illawarra Regional Strategy. The strategy specifies that release areas outside of the identified areas need to demonstrate compliance with the Strategies sustainability criteria as demonstrated in Appendix F.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The proposed rezoning is unlikely to create a precedent or change the expectations of landowners as its location provides a unique opportunity to deliver a residential development which acts as a natural extension to the fringe of the Jamberoo town centre. Similar opportunities are otherwise deficient within the locality.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	There are no other known spot rezonings in the locality that are currently being considered, with the exception of the adjoining site (Lot 100 Wyalla Road) which is subject to a separate but concurrent planning proposal for rezoning for residential and seniors housing.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The sites proposed use for residential development will not provide many ongoing employment opportunities on the site however will provide additional housing to support projected increases in employment on a regional scale. Given Jamberoo's limited economic and employment role within Kiama and the Illawarra, it is considered that more ongoing employment and economic opportunities will be available in Wollongong, Shellharbour and Kiama. The proposed rezoning of the site to R2 will assist local businesses in Jamberoo expand their trade base. The proposed development will also provide additional construction jobs within the local government area which will be beneficial to the local economy.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The proposal will increase the supply of residential lands to potentially provide a yield of eight additional dwellings that will contribute to meeting regional and local housing supply targets for additional dwellings.
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?	The site is located on the frontage of Wyalla Road that is well serviced by local services connecting to the village of Jamberoo. The site of the proposed residential development is also adjacent the existing pedestrian network that connects the village of Jamberoo. Access to local buses connecting to Kiama is approximately 500m from the site at the bus shelter located within Jamberoo.

EVALUATION CRITERIA	COMMENT
	Vehicular access to the site will be provided through the adjacent residential subdivision. A future DA for the residential development will determine the potential impact of the proposed development on existing utilities. Adequate sewer, water, electricity, and telecommunications connections are already available to the site boundary.
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?	The location of the residential development on site in close proximity to Jamberoo's existing services will assist in reducing travel for future residents by providing for convenient accommodation close to nearby services. To the extent that the use will provide for additional car travel, the amount of car parking is consistent with Council provisions. This car parking provision will be complemented with a reasonable standard of public transport accessibility in the town centre of Jamberoo.
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 known significant government investments are being undertaken in the area. The proposal does not require further government investment in public infrastructure, it will utilise the existing infrastructure and services beyond the property boundaries.
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?	The proposal will not impact on land that the government has identified a need to protect. Part of the site is presently zoned E3 Environmental Management and the proposed development will expand the E3 zone to include a development buffer zone to protect the existing riparian corridor along Hyams Creek. The site is affected by flooding and bushfire risk. A development buffer zone has been implemented to ensure that 1:100 year flood levels do not compromise the development or safety of future occupants.
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?	The rezoning of part of the site to R2 low density residential is consistent with the existing adjoining zoning of the site to the east that is zoned R2. The majority of residential areas within Jamberoo itself are also R2 zoning and therefore the proposed zoning would not be out of character with the surrounding area. The scale and type of density allowed within the R2 zone is consistent with the scale and type of development proposed. The development would be compatible with surrounding land uses and further consideration on amenity and design will be included at the lodgement of future DAs. The proposed expansion of the E3 zone is complementary to the portion of the site already zoned E3 and will provide an appropriate buffer adjoining the proposed R2 zone.

EVALUATION CRITERIA	COMMENT
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal will not impact upon retail and commercial premises in the area. The proposed development is 100% residential uses that will rely upon existing services available within Jamberoo.
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 proposed residential development on the fringe of Jamberoo has no potential to develop into a centre in the future.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The development will improve competition and diversity of accommodation within the Illawarra region and the Kiama local government area which will lead to better prices and services to customers. Additionally, the proposed development concept will generate additional jobs during construction.

5.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

5.2.1 IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVE AND ACTIONS CONTAINED WITHIN THE RELEVANT REGIONAL STRATEGY?

As previously discussed at **Section 3.3** and **Appendix F**, the Planning Proposal is generally consistent with the Illawarra Regional Strategy.

5.2.2 IS THE PLANNING PROPOSAL CONSISTENT WITH THE LOCAL COUNCIL'S COMMUNITY STRATEGIC PLAN OR OTHER LOCAL STRATEGIC PLAN?

As previously discussed at **Sections 3.4, 3.5, 3.6**, the Planning Proposal is generally consistent with the following:

- Kiama Urban Strategy.
- Kiama Needs and Direction Study 2006.
- Locality Based Residential Strategy for Jamberoo 2004.

5.2.3 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

The Planning Proposal is consistent with the applicable State Environmental Planning Policies as summarised in the **Table 4**.

TABLE 4 – CONSISTENCY WITH SEPPS

SEPP TITLE	CONSISTENCY	CONSISTENCY OF PLANNING PROPOSAL
SEPP 55 – Remediation of Land	Yes	A Phase 1 Environmental Site Assessment will be prepared as part of a future DAs for the residential development.
SEPP – Rural Lands (2008)	Yes	As discussed previously in Section 3.9 the proposal is consistent with the objectives of the SEPP.
SEPP Illawarra Regional Plan No.2 Jamberoo Village	Yes	As discussed in Section 3.9, the proposal is also consistent with the objectives of 'deemed SEPP' Illawarra Regional Plan No. 2 Jamberoo Village, although not strictly compliant with this policy's controls. The SEPP Illawarra Regional Plan No.2 Jamberoo Village is considered to be outdated and superseded by more recent strategies and controls.

As previously discussed at **Section 3.2** and **Appendix E**, the Planning Proposal is generally consistent with the relevant s.117 Directions.

5.3 ENVIRONMENTAL AND SOCIAL IMPACT

5.3.1 IS THERE ANY LIKELIHOOD CRITICAL HABITAT OR THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES, OR THEIR HABITATS, WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?

OMVI Ecological undertook a Flora and Fauna Impact Assessment for the proposed rezoning of the subject site and the adjoining site (Lot 100 DP 1063277). The assessment report is contained in **Appendix B** of this report.

The assessment concludes the following:

Two threatened microbat species, the Greater Broad-nosed Bat and Large-footed Myotis were potentially recorded within the subject site. The subject site was also found to contain a small heavily disturbed remnant of the endangered ecological community the Illawarra Subtropical Rainforest, along part of Hyams Creek. No other threatened populations, communities or species listed on the schedules of the NSW Threatened Species Conservation Act 1995, Fisheries Management Act 1994 or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 were detected in the study area.

'7 part tests' under Section 5A of the NSW Environmental Planning and Assessment Act 1979, were conducted for the two threatened microbats and Illawarra Subtropical Rainforest as required by the NSW Threatened Species Conservation Act 1995 and the NSW Fisheries Management Act 1994 and all concluded that that a future residential development proposal is not likely to have a significant effect on threatened biota or their habitats. A Species Impact Statement is not required for the proposal.

Following consideration of the administrative guidelines for determining significance under the Commonwealth Environment Protection & Biodiversity Conservation Act 1999, it is concluded that a future residential development proposal is unlikely to have a significant impact on matters of National Environmental Significance, and a referral to the Commonwealth Environment Minister is not necessary.

A number of impact mitigation and amelioration strategies have been recommended that should be adopted for a future residential development proposal. These strategies would mitigate the effects of such a proposal on threatened species or their habitats and minimise the impacts on the flora and fauna values of the subject site in general and may improve the available habitat and would certainly aid in the recovery of the Rainforest Community along Hyams Creek.

Potential Conservation Outcome

It is considered that the likely limited adverse impacts of any future development on the subject site would be adequately offset and possibly improved through the retention and management of the Hyams Creek Riparian Corridor for conservation purposes, which currently only extends to 1 or 2 metres beyond the top of the channel at best. Improvements, such as planting of indigenous plant endemic to Illawarra Subtropical Rainforest within a much broader corridor (5- 10 metres) and through works detailed in a suitable Vegetation Management Plan, would over time, improve the existing state of the Illawarra Subtropical Rainforest in Hyams Creek adjacent to Lots 1 and 100 and may also aid in promoting this community further up and down stream than currently occurs through natural vectors. The long term managed and natural repatriation of this community along the riparian areas would improve water quality, improve bank stability as well as improve habitat for locally occurring native flora and fauna species.

The removal of high intensity grazing as currently occurs and installation of engineered water quality controls may also improve local water quality. The establishment of a buffer without grazing along Hyams Creek managed by a VMP has the potential to result in a net increase in the total area of Native vegetation locally and to improve the condition and connectivity of areas of currently modified woodland and riparian habitats (where appropriate) hence making a positive contribution to the conservation of biodiversity on the study site and the wide

In light of the above conclusions no adverse impacts to critical habitats and threatened species would occur as a result of the proposed development.

5.3.2 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

5.3.2.1 FLOODING

The site contains a watercourse and as such it is necessary to identify the extent of potential flooding in order to determine the developable portion of land.

A Flood Level Assessment was undertaken by Rudy Vandrie and is included at **Appendix C**. The report provides hydrologic analysis of the catchment to determine the flow crossing the site in both a 1:100 year event and a PMF event. This information along with site specific survey (used to create a 3D terrain model of the site) has been used in conjunction with the ANUGA model (a 2D hydrodynamic model).

The proposed design for the residential development of the site has given consideration of the findings of the Flood Level Assessment.

The post developed flood analysis shows that the proposed roadway is flood free in a 1:100 year event. The PMF analysis resulted in identifying an impact to lots that with some site terrain changes (filling) has been shown to be flood free for all events up to the PMF.

Comparing the pre and post developed PMF flood surface shows that the proposed development reduces the flood level between ~130-300m and has a localised increase between ~300-750m. The maximum decrease is around 400mm whilst the maximum localised increase is around 300mm tapering off to zero at around 750m.

It is clear that the proposed site can be developed in a manner that leaves the site flood free for all events including the PMF.

It is recommended that the proposed roadway design levels be amended such that the levels adopted in this report be used to design the final roadway levels.

5.3.2.2 BUSHFIRE

A Bushfire Report has been prepared by ABPP and is attached at **Appendix D**. The Bushfire Report recommends that:

- The land is currently not mapped in the Kiama Bushfire Prone Land Map as containing bushfire prone vegetation or being impacted by the buffer zone to bushfire prone vegetation, however it is likely that the rehabilitation of the riparian corridor to Hyams Creek will introduce unmanaged vegetation which has the potential to generate a bushfire hazard to the north and west of the future residential and seniors living development within the rezoning precinct.
- An asset protection zone is proposed in the E3 environmental buffer zone to the west and north of the future residential development. The width of this buffer varies between 50 and 65 metres and it is proposed that except for a narrow corridor of Gallery Subtropical Rainforest (approximately 5-10 metres wide), the buffer zone will contain managed grassland across the Hyams Creek floodplain.
- Proposed internal roads will provide adequate access for fire fighting operations in the asset protection zone.
- Bushfire construction standards pursuant to A.S. 3959 - 2009 shall be applied to the future buildings constructed on the lots located within 100 metres of the revegetated riparian corridors.

5.3.3 HERITAGE AND ARCHAEOLOGY

The existing site does not contain any state or locally significant heritage items however the overall impact of the proposed residential development on heritage items within the vicinity of other local heritage items surrounding the site will be addressed as part of future DAs.

A preliminary Aboriginal Archaeology study was undertaken by Mary Dallas Consulting (**Appendix G**). The study concludes the following:

No in situ Aboriginal sites or areas of potential archaeological deposit were identified by the survey. The area under investigation has therefore been assessed as having negligible Aboriginal archaeological sensitivity with little or no potential for Aboriginal archaeological remains to occur.

Both the steep and low-lying terrain of the paddock renders it highly unlikely to retain undisturbed or substantial archaeological deposit. Historic disturbances to the area such as land clearing, drainage and animal grazing, also contribute to the low probability of the area yielding significant undisturbed archaeological material.

Therefore there are no Aboriginal archaeological constraints to the re-development of the study area. Further Aboriginal archaeological works, such as additional ground survey or subsurface testing are not required prior to development of the subject lands.

5.3.4 CONTAMINATION

The site is not subject to any known contamination. A preliminary contamination report has been submitted to Council under separate cover to this Planning Proposal for consideration during assessment.

Refer to **Appendix I**.

5.3.5 TRAFFIC, PARKING AND ACCESS

- The development will generate additional traffic and as such has the potential to result in impacts on the surrounding public road network. The future DAs will be accompanied by an assessment of traffic impacts to determine the net traffic effects of the development and consequential actions required to manage traffic impact.
- Vehicular access to the site will be provided through the adjoining subdivision.

- The level of parking proposed will be determined with regard to relevant parking standards of Kiama Council. The proposed development will seek to promote the use of sustainable modes of transport in preference to car use and will provide connection to the existing pedestrian network of Jamberoo.
- A detailed analysis of access and parking capacity relative to the proposed use will be undertaken as part of a future DA for residential development of the site.

5.3.6 ACCESSIBILITY

Accessibility within and around the proposed residential development site will be addressed as part of future DAs.

5.3.7 UTILITIES AND INFRASTRUCTURE

- The existing adjacent water, sewer, electricity and telecommunications systems will be utilised and upgraded as necessary. Consultation will be undertaken with the relevant service agencies to ensure that infrastructure and capacity are appropriately addressed.
- An infrastructure and services report addressing all servicing needs as well as stormwater will form part of the future DAs.
- All services are at the boundary or on the site at present.

5.3.8 WASTE MANAGEMENT

A comprehensive Waste Management Plan will be prepared as part of the future DAs. This plan will aim to minimise waste and will detail measures to address waste disposal through the construction and on-going occupation of the residential dwellings.

5.3.9 HOW HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

The proposed development is considered to generate the following positive social and economic effects:

- The proposal will provide a mix of affordable housing choices. These dwelling types will contribute to meeting the recognised shortfall in housing across the Kiama local government area and the Illawarra region.
- Increased residents on the fringe of Jamberoo will contribute to the economic enhancement of existing commercial services within Jamberoo and the wider locality.
- The proposed development will provide additional construction jobs within the local government area which will be beneficial to the local economy.
- Given Jamberoo's limited economic and employment role within Kiama and the Illawarra, it is considered that more ongoing employment and economic opportunities will be available in Wollongong, Shell Harbour and Kiama.

A social and economic impact analysis will form part of the future DAs for the site.

5.3.10 DRAFT SITE SPECIFIC DEVELOPMENT CONTROL PLAN

Urbis have prepared a draft Site Specific Development Control Plan (draft DCP) for adoption with the approval of this planning proposal. The draft DCP includes built form and environmental controls related to the proposed residential development.

A copy of the draft DCP is included at **Appendix H**.

5.4 STATE AND COMMONWEALTH INTERESTS

5.4.1 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

It is understood that the existing infrastructure has the capacity to accommodate development on the site. Accordingly, it is not anticipated that it will place unnecessary or additional demands on public infrastructure. Any upgrades to infrastructure to support a future development on the site would be investigated and potentially form a condition of consent for the development.

5.4.2 WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION, AND HAVE THEY RESULTED IN ANY VARIATIONS TO THE PLANNING PROPOSAL?

No consultation with State or Commonwealth authorities has been carried out to date in regard to the Planning Proposal.

5.5 DETAILS OF THE COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN ON THE PLANNING PROPOSAL

No formal public community consultation has been undertaken to date in regard to this Planning Proposal. It is expected that this Planning Proposal will be formerly exhibited and that direction as to the nature and extent of the public exhibition will be given by the Gateway Determination.

6 Conclusion

The proposed rezoning of the parts of the site currently zoned RU2 Rural Landscape to R2 Low Density Residential and E3 Environmental Management will enable a residential development consisting of up to eight additional detached dwelling houses. The proposed rezoning has demonstrated that it is appropriate for the following reasons:

- The proposed residential development will contribute to meeting the housing needs of future populations as set out in the Illawarra Regional Strategy through the provision of an additional eight residential lots. The proposed rezoning is also supported by local planning strategies as outlined in this report.
- The site is only a small parcel of rural land in the context of the wider rural area and its location on the fringe of the Jamberoo town presents an opportunity for the natural expansion of the town to meet the demand for housing and seniors housing within the Illawarra Region.
- The primary use although identified as a rural land zone is not for agricultural production and is of minimal value as rural land.
- The proposal will result in high quality buildings that will enhance the Wyalla Road frontage and create a natural extension to Jamberoo town. This planning proposal is supported by a site specific DCP to ensure the appropriate built form and development controls are provided for the future development of the site.
- The proposal intends to maintain the environmental value of the creek frontage and expand the E3 zone. The E3 zone and development buffer zone will ensure the riparian nature of Hyams Creek is conserved.
- The close proximity of the site to Jamberoo town centre provides the opportunities for future residents to access by walking existing bus public transport links to Kiama as a larger local centre.
- The results of a Flood Study prepared to support this Planning Proposal indicate that in a 1:100 year event a portion of the site is currently inundated. However the balance of the site is free of flooding and therefore suitable for development.
- Although the land is not currently recognised as bushfire prone, rehabilitation of the Hyams Creek riparian corridor will necessitate an asset protection zone which is proposed to apply to the area zoned E3 Environmental Management. This is adequate distance to the proposed residential subdivision areas.
- The proposed development will provide additional construction jobs throughout the course of construction within the local government area which will be beneficial to the local economy. The proposal will also increase the trade base of the local economy.

It is not considered that any additional studies are required to demonstrate the capability of the site to accommodate the proposed residential use. The issue of local amenity impact will be addressed in the context of the future DAs upon approval of the proposed rezoning amendment.

Appendix A

Concept Lot Layout

Appendix B

Flora and Fauna Study

Appendix C

Flood Study

Appendix D

Bushfire Assessment

Appendix E

Section 117 Compliance

TABLE 5 – STATEMENT OF CONSISTENCY WITH SECTION 117 DIRECTIONS

STATEMENT OF CONSISTENCY WITH SECTION 117 DIRECTIONS	RESPONSE
1. Employment and Resources	
1.2 Rural Zones	
(1) The objective of this direction is to protect the agricultural production value of rural land.	The site is presently used as additional land for surrounding farms to graze cattle. Although the site is identified as a rural land zone it is not actively used for agricultural production and is of minimal value as rural land. The flooding constraints of the site limit the agricultural value of the land. The site is only a small parcel of rural land in the context of the wider rural area and its location on the fringe of the Jamberoo town presents an opportunity for the natural expansion of the town to meet the demand for housing within the Illawarra Region. The subject site is identified in the Kiama Urban Strategy as a site for which a Planning Proposal should be prepared for future residential development. This strategy addresses rural and environmental planning to maintain and protect agricultural land and ecologically sensitive areas, and options of urban expansion and infill to cater for the housing needs of future populations as set out in the Illawarra Regional Strategy.
1.5 Rural Lands	
(1) The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes.	See response to Direction 1.2 above.
2. Environment and Heritage	
2.1 Environment Protection Zones	
(1) The objective of this direction is to protect and conserve environmentally sensitive areas.	Part of the subject site fronting Hyams Creek is zoned E3 Environmental Management under the Kiama LEP 2011. The Planning Proposal seeks to expand the E3 zone and intends to maintain the environmental value of the creek frontage. A variable width development buffer of up to 65m is proposed on some parts of the site to ensure the riparian nature and ecological values of the creek frontage are maintained and preserved.

STATEMENT OF CONSISTENCY WITH SECTION 117 DIRECTIONS	RESPONSE
	Hyams Creek is also identified in the Kiama LEP 2011 as a Category 1 Riparian Watercourse. As such the proposal has had to comply with the requirements of Category 1 Watercourses that requires land within 40m of the watercourse to be included as a riparian zone and worthy of protection. The proposed development provides an appropriate 65m development buffer to the watercourse.
3. Housing, Infrastructure and Urban Development	
3.4 Integrating Land Use and Transport	
(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and providing for the efficient movement of freight.	The proposed residential development would provide additional housing within Jamberoo within close proximity to community services and the limited employment opportunities within Jamberoo. The close proximity of the site to Jamberoo town centre also provides the opportunities for future residents to access existing bus public transport links to Kiama as a larger local centre. The proposed layout of the site provides connection to the adjoining site to the north and the wider pedestrian network proposed.
4. Hazard and Risk	
4.3 Flood Prone Land	
(1) The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	The proposed development and layout has been designed to provide an appropriate buffer to flood prone land in accordance with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>. The owner of the land has also undertaken a Flood Study to support this planning proposal and inform the overall layout of the design. The Flood Study prepared by Rudy Vandrie is included at Appendix C.

STATEMENT OF CONSISTENCY WITH SECTION 117 DIRECTIONS	RESPONSE
4.4 Planning for Bushfire Protection	
(1) The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	The owner of the land has undertaken a Bushfire Study to support this planning proposal and inform the overall layout of the design. The Bushfire Study prepared by ABPP is included at Appendix D. The Bushfire Study concludes that an Asset Protection Zone of 35-50m should be provided with the future development of the site. This buffer zone would contain managed grassland across the Hyams Creek floodplain.
5. Regional Planning	
5.1 Implementation of Regional Strategies	
(1) The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The Illawarra Regional Strategy is the key strategic policy document applying to the local government area of Kiama. The proposed development of the site for residential development is of an appropriate scale and density for its location on the fringe of Jamberoo village. The site is not specifically identified as a future urban release area in the Illawarra Regional Strategy. The strategy specifies that release areas outside of the identified areas need to demonstrate compliance with the sustainability criteria contained within Table 3 of this report. Table 3 demonstrates the proposals compliance with the sustainability criteria of the Illawarra Regional Strategy (See Section 3.3).
6. Local Plan Making	
6.3 Site Specific Provisions	
(1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	This planning proposal is supported by a site specific DCP to ensure the appropriate built form and development controls are provided for the future development of the site. The planning controls proposed are generally consistent with those applying to the remainder of residential land within Jamberoo village and within the R2 Low Density zone.

Appendix F

Illawarra Regional Strategy Sustainability Criteria Compliance

TABLE 6 – ILLAWARRA REGIONAL STRATEGY SUSTAINABILITY CRITERIA

SUSTAINABILITY CRITERIA	RESPONSE
1. Infrastructure Provision	
Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.	The site is located on the edge of the existing Jamberoo village, which will allow for the efficient provision of infrastructure and services.
2. Access	
Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.	The site is located within 500m of Jamberoo's main street from where public transport services are available to Kiama as a larger local centre. The proposed layout of the site provides a pedestrian pathway link connecting to the existing Jamberoo pedestrian layout.
3. Housing Delivery	
Provide a range of housing choices to ensure a broad population can be housed.	The site is proposed to provide 10 lots (including the two existing dwellings fronting Wyalla Road), ranging in size from 842-1,229sqm which will be capable of accommodating a range of housing choices to meet demands identified in regional and local planning strategies.
4. Employment Lands	
Provide regional/local employment opportunities to support the Illawarra's expanding role in the wider regional and NSW economies.	The sites proposed use for residential development will not provide many ongoing employment opportunities on the site, however will provide additional housing to support the expected expansion of employment opportunities in the region. Given Jamberoo's limited economic and employment role within Kiama and the Illawarra, it is considered that more ongoing employment and economic opportunities will be available in Wollongong, Shellharbour and Kiama. The proposed development will also provide additional construction jobs within the local government area which will be beneficial to the local economy.

SUSTAINABILITY CRITERIA	RESPONSE
5. Avoidance of Risk	
Land use conflicts, and risk to human health and life, avoided.	The subject site is at risk of flooding and bushfire hazards. The proposed development and layout has been designed to provide an appropriate buffer to flood prone land and bushfire hazards in accordance with state and local government policy requirements. The owner of the land has undertaken a Flood Study and Bushfire Study to support this planning proposal and inform the overall layout of the design. Both studies are included at the appendices of this report.
6. Natural Resources	
Natural resource limits not exceeded/environmental footprint minimised.	Not applicable
7. Environmental Protection	
Protect and enhance biodiversity, air quality, heritage and waterway health.	Part of the subject site fronting Hyams Creek is zoned E3 Environmental Management under the Kiama LEP 2011. The proposal intends to expand the existing E3 zone to include the proposed development buffer zone. The proposal also intends to maintain the environmental value of the creek frontage and proposes a substantial development buffer zone of variable width to ensure the riparian nature of the creek is conserved. The proposed development buffer zone will also ensure the ecological values of the creek frontage are maintained and preserved. Hyams Creek is also identified in the Kiama LEP 2011 as a Category 1 Riparian Watercourse. As such the proposal has had to comply with the requirements of Category 1 Watercourses that requires land within 40m of the watercourse to be included as a riparian zone and worthy of protection. The proposed development provides an appropriate development buffer to the watercourse and provides a 65m development buffer.
8. Quality and Equity in Services	
Quality health, educational , legal, recreational, cultural and community development and other Governments services are accessible.	The site is within walking distance of the Jamberoo town centre which provides some services as well as public transport links to the wider range of services available in Kiama. The proposal also intends to maintain the environmental and ecological values of Hyams Creek and ensure that it is publically accessible for the benefit of the wider community.

Appendix G

Aboriginal Archaeology Report

Appendix H

Draft Site Specific Wyalla Road Development Control Plan

Appendix I

Contamination Report



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