

# Backsaddle and Wallace Planning Proposal

Old Saddleback Road and Greyleigh  
Drive, Kiama

8201806901



Prepared for  
Backsaddle Pty Ltd and Mr. Chad Wallace

26 September 2018

## Contact Information

**Cardno (NSW/ACT) Pty Ltd**

ABN 95 001 145 035

16 Burelli Street  
Wollongong NSW 2500  
Australia

Phone +612 4228 4133

Fax +612 4228 6811

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Author(s):

Sophie Perry  
Senior Planner

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Approved By:

Daniel Thompson  
Manager - Planning

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## Executive Summary

The Site is located north of Old Saddleback Road and west of Greyleigh Drive, Kiama. The site is mostly cleared and has a long history of low intensity grazing. The land adjoins urban residential land to the north east, east and south east and is within the Spring Creek catchment which includes rural, environmental protection and residential land uses.

A master planned project is being created for the site which takes into account the capabilities of the site and its broader context. The master plan includes restoration and management of heritage items and riparian corridors, long term stewardship of land with environmental assets, new residential land to deliver innovative and diverse housing with exceptional environmental performance targets and a range of public benefits for existing and new community members.

To facilitate the master plan, a Planning Proposal is required to amend provisions of Kiama Local Environmental Plan, 2011 (KLEP 2011). Changes are required to the land use zones and controls for minimum lot size, building height and floor space ratio. Land subject to environmental protection zones is to be increased. These proposed LEP changes have been selected to deliver best practice in planning, environmental management and design based on evidence. A site specific DCP is also proposed to facilitate finer-grained sustainability features, building envelopes best suited to the site and a high standard of public domain infrastructure.

Supporting studies have been undertaken to best inform the master plan and further investigations are anticipated to refine the delivery of an outstanding comprehensive development program. The master plan will set a commendable precedent for greenfield development in Kiama.

A fundamental aim of this project is to deliver real-life, day-to-day benefits to the local community and to the environment. It is clear from the comprehensive nature of this report and supporting studies that this project devotes exceptional effort to demonstrate that it is NOT just another contributor to the sprawling edge of a town.

## Summary of Master Plan and Planning Proposal

The master plan includes:

- > an environmental stewardship lot containing land for ongoing environmental restoration and management
- > new areas of public open space
- > networks of public pathways and new roads integrated with the existing residential neighbourhood
- > a new bus route servicing West Kiama
- > a mix of housing types including medium density, seniors housing, low density and large lot housing

A Concept Plan is contained in **Section 3.13**. The lot size distribution is based on a detailed assessment of land capabilities, the protection of riparian lands and heritage items, benefits and synergies with existing surrounding land uses and efficient layout of infrastructure. Lot size has also been selected to establish a rural-urban interface of long term integrity to set a new standard for Kiama LGA and address the urban design challenge of 'how to define the urban edge'.

The environmental lot will deliver rehabilitation and conservation as part of an innovative and long term stewardship arrangement that is also culturally relevant.

The following intentions are embodied in the preliminary concept plan:

- > Apply Zones E2 Environmental Conservation and a Biodiversity Layer to land ground-truthed as containing vegetation of riparian and habitat value
- > Set separation distances for asset protection zones and heritage listed dry stone walls to make these features into community assets
- > Nominate landscaped setback areas from Old Saddleback Road, Seaview Estate and Greyleigh Drive to improve the public domain and relationship with neighbouring properties
- > Apply Zone R5 Large Lot Residential to establish buffers of high integrity to the rural/urban interface
- > Identify land suitable for a range of lot sizes and housing types suitable to delivery housing diversity and affordability including land suited for an aged care provider and a community wellness centre

- > Establish a perimeter public road for the edges of the site that adjoin rural land and riparian protected lands for:
  - Public access and views of riparian lands and rural lands
  - Installation of design elements that protect outlooks to rural and riparian lands
  - a style of fencing that best fits a rural or environmental interface
  - street trees to enhance and frame the outlook from the public road
  - utilities and services on urban land to protect the edge to rural lands
  - Bushfire hazard management and protection for the broader community
- > Create new public open space reserves with a variety of recreational experiences of exceptional standard
- > Enhance the existing public spaces and broad footpath reserve to Greyleigh Drive with an accessible shared path, street furniture, new landscaping and public assets.

## Enhanced Conservation Outcome

Key elements of the proposal are conservation stewardship and sustainability targets. A Vegetation Management Plan (VMP) implemented by a permanent land stewardship arrangement is intended to apply to an environmental lot to optimise the conservation outcomes. This approach removes the management and funding burden from Council or Government agencies. Stewardship is a robust long term management structure to achieve conservation outcomes. Stewardship is vital to protecting vegetation from future development pressure.

The capital works within the environmental lands would be undertaken by the developer during the civil subdivision works. The extent of works, remediation and planting would be identified through a VMP with a five year establishment period. Planting would be reflective of the endemic ecological communities within and surrounding the site. Costs for the capital works and 5 year maintenance will be incorporated into a Voluntary Planning Agreement (VPA).

## Affordable Housing and Housing Diversity

The Social Economic Assessment (see **Appendix I**) and the Housing Supply Analysis (see **Appendix J**) conducted to inform this Planning Proposal demonstrate housing affordability is a persistent and worsening issue in Kiama LGA.

One intention of this application for a Planning Proposal and the master planned project is to make genuine and innovative long term improvements to address local housing affordability. Mechanisms for delivery include variety in housing form and tenure, partnerships with local providers for discount pricing structures and design guidelines to reduce assessment timeframes and achieve lifetime operational savings.

## Public Benefits

The public benefits from the proposal are to be established by way of a Voluntary Planning Agreement (VPA) in conjunction with the development contributions under Council's adopted Contributions Plan.

A letter of offer to enter into a VPA accompanies the application for a Planning Proposal and a copy of the letter is included in **Appendix L**.

Public benefits to be investigated and negotiated with Council as part of the VPA include:

- > new public open space
- > improvements to existing parks
- > new shared pathways
- > viewing areas
- > street trees and street furniture
- > riparian habitat restoration
- > water quality improvements



- > restoration and protection of heritage items and improvements to the road network
- > road design to include provisions for a new bus route and bus stops
- > improvements to the tourist stop in Old Saddleback Road.

## Summary

The studies undertaken within this Planning Proposal to date show the Site is suitable to accommodate the master planned project. The proposal would facilitate residential development, public spaces and infrastructure and environmental conservation with enhanced community, economic and environmental outcomes for the site and the broader Kiama locality.

The conservation benefits improve the habitat qualities of the site and the broader catchment in terms of biodiversity, visual amenity and water quality. The proposal will transform currently degraded non-native pasture into contiguous areas of high value native vegetation protecting watercourses and improving the Spring Creek landscape.

The lot layout, setbacks and building envelopes manage bushfire risks, make heritage items into community assets, protect views and outlooks from neighbouring properties and establish a robust rural/urban buffer.

Furthermore, the proposal will create outstanding new home opportunities consistent with strategic objectives of the State Government and the anticipated and necessary shifts in the strategic planning of land uses in Kiama.

The Planning Proposal application is a catalyst for a range of positive social, economic and environmental benefits to the local community. It will set an outstanding precedent for Greenfield sites in Kiama LGA.

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<b>Appendix B</b>	Water Cycle Management <a href="#">Report</a>
<b>Appendix C</b>	Aboriginal Due <a href="#">Diligence Advice</a>
<b>Appendix D</b>	<a href="#">Ecological Constraints Assessment</a>
<b>Appendix E</b>	Historical Heritage <a href="#">Assessment</a>
<b>Appendix F</b>	Bushfire Assessment
<b>Appendix G</b>	Landscape and Visual Impact Assessment
<b>Appendix H</b>	Traffic Impacts <a href="#">Assessment</a>
<b>Appendix I</b>	Social Economic Assessment
<b>Appendix J</b>	<a href="#">Kiama</a> Housing Supply Analysis
<b>Appendix K</b>	<a href="#">CONCEPT DRAFT</a> Civil Works and Lot Layout Concept
<b>Appendix L</b>	Voluntary Planning Agreement Letter of Offer
<b>Appendix M</b>	Enclosure Permit 39357
<b>Appendix N</b>	Engagement Plan
<b>Appendix O</b>	Letters of Support

# 1 Introduction

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## 1.1 Purpose of this Report

This report is part of an application for a Planning Proposal to amend Kiama Local Environmental Plan 2011 (KLEP 2011) as it applies to the site. This report presents an analysis of the site and surrounds, presents a concept structure plan and changes to LEP provisions as well as addresses the requirements for a Planning Proposal consistent with:

- > *Environmental Planning and Assessment Act, 1979 and Regulation 2000*
- > Standard Instrument (Local Environmental Plans) Order 2006 and Standard Instrument—Principal Local Environmental Plan
- > A Guide to preparing Local Environmental Plans – Department of Planning and Environment (DPE) (August 2016)
- > A Guide to Preparing Planning Proposals – DPE (August 2016)
- > Various Practice Notes and Planning Circulars issued by the DPE as referenced throughout the report
- > Kiama Council's adopted Planning Proposal Policy.

A range of consultants, including Cardno, have examined the site and surrounds and prepared information for evidence-based decisions on new statutory planning provisions and potential development guidelines.

### 1.1.1 Strategic Purpose

This application has considered the relevance of the proposed changes to land use at local and regional scales and in the context of historic patterns of land use change. The intention is to implement change that best suits the site and surrounds to accommodate:

- > diverse, affordable and sustainable housing
- > inclusive neighbourhood hubs with diverse activities and services for use by new and existing residents
- > new public spaces for health, well being, recreation, social interaction and appreciation of the environment
- > sustained ecological management and water quality improvements
- > long term establishment of a rural-urban interface that best protects and harmoniously manages rural, environmental and residential lands

## 1.2 The Site and Surrounds

### 1.2.1 The Site

The site is located north of Old Saddleback Road and west of Greyleigh Drive in Kiama. The site includes the following properties:

- > Lots 156, 186, 188 and 189 in Deposited Plan 751279
- > Lot 2 in Deposited Plan 1135218
- > Lot 1320 in Deposited Plan 1060995
- > Lot 1 in Deposited Plan 1178500
- > Lot 1 in Deposited Plan 1003719
- > Lot 1 in Deposited Plan 995058
- > Crown Road reserves held under Enclosure Permit 39357
- > Lot 99 in Deposited Plan 1042908 (adjacent to the existing park and owned by Mr Chad Wallace)

The defined site area is approximately 38 hectares and held under the ownership of Backsaddle Pty Ltd, except for Lot 99 DP 1042908 with an area of 5228m<sup>2</sup>, owned by Wallace. Contours indicate that the site elevation varies between approximately 30m Australian Height Datum (AHD) in the base of a gully in the



north western portion of the site, and 135m AHD in the southern portion of the site adjacent to Old Saddleback Road.

The following lots are public reserves adjacent to Greyleigh Drive:

- > Lot 100 in Deposited Plan 1042908 containing a playground and mature Fig tree
- > Lot 199 in Deposited Plan 1042913 being a broad grassed area with mounding and planted Fig trees
- > Lot 300 in Deposited Plan 1059841 including dry stone walls and a mature Fig tree
- > Lot 1319 DP 1060995 being a narrow grassed area.

These public reserves have been dedicated to Council ownership with the subdivision of land and construction of Greyleigh Drive. These lots are within Zone RU2 Rural Landscape (not Zone RE1 Public Recreation which is typical for public reserves). This application for a Planning Proposal recommends the land use zone be amended to best reflect the intended public access to, and use of, the land and to best deliver some of the public benefits proposed by the Bucksaddle project such as shared pathways, street furniture and recreational facilities.

### 1.2.2 Site Context and Setting

**Figure 1-1** shows the location of the site relative to the existing urban settlements of Kiama, Kiama Downs and Minnamurra, Kiama Heights and Jamberoo village. **Figure 1-2** demonstrates the site is:

- > 1.3km straight line distance (1.6km walking distance) to Kiama Railway Station
- > 1.4 km straight line distance (2 km walking distance) to the centre of the Kiama commercial district
- > Less than 1km straight line distance and walking distance to Kiama High School
- > 1km straight line distance (1.8km walking distance and 2.8km driving distance) to Kiama Leisure Centre and sports complex
- > 1.5km driving, walking and straight line distance to Kiama main beaches
- > 1.7km straight line distance (2.3km walking and driving distance) to Kiama Harbour

The Princes Highway and the locally steep topography of the Kiama urban area are major features which restrict the directions of movement and modes of travel throughout the local area. The Princes Highway in particular separates the western residential areas of Kiama from the town centre, rail line, schools and foreshore areas. There is no bus service on the western side of the highway. Walking and cycling from the western residential area is possible via a pathway along Bland Street to Shoalhaven Street and the high school although the pathway is not graded or constructed for wheelchair or mobility assistance use.

Figure 1-1 Locality Plan in the context of surrounding and adjoining towns and villages



### 1.2.3 Site Description

**Figure 1-2** is an aerial photo of the Site. **Figure 1-2** shows the site:

- > is in close proximity to residential zoned land but for the separation created by public owned land along the western side of Greyleigh Drive
- > is within the Spring Creek Valley and has a west to north-west aspect
- > has been partly cleared of native vegetation and used for low intensity grazing
- > includes tributaries to Spring Creek which are steep sided, vegetated drainage channels that do not contain permanent water
- > includes a network of unformed Crown Road Reserves

The topography of the site is undulating with gentle to moderate slopes in the southern and central parts and moderate to steep slopes in the northern part of the site. The site has a long history of clearing and grazing with existing vegetation mostly regrowth and highly disturbed.

The site is within the natural catchment of Spring Creek which has a total catchment area of approximately 5.8km<sup>2</sup> and includes a protected wetland and estuary outletting to the southern end of Bombo Beach. Runoff within the site flows naturally to the north through numerous intermittent drainage channels that drain into Spring Creek. Spring Creek main channel is adjacent to the site in the neighbouring property to the west.

No informal access roads or buildings currently exist on the site. There are several dry stone walls and post and wire fences throughout the site dividing it into grazing paddocks. The site is currently used for grazing of cattle and horses. Paddocks at the site are delineated by fences constructed of timber and steel fence posts and wire strands.

Ground cover is dominated by grass with a scattering of mature trees. Dense shrubs and trees grow in the drainage channels in the western portions of the site. The site contains three agricultural dams located in the central and southern portion of the site. A set of steel stock yards is located in the southern portion of the site.

The site is visible from the north, west and south. Views to the site from the east are more limited due to the existing dwellings constructed in this direction and mounding in the public reserve along the western edge of Greyleigh Drive.

The site is bound:

- > To the north by rural land. Further north is Jamberoo Road, and the Boral Quarry site at Bombo which is located approximately 1.5 km from the site.
- > To the east by residential land and the Princes Highway.
- > To the south by Old Saddleback Road and one rural residential property. Further south is rural land and Saddleback Mountain Road, which is located approximately 1 km south of the site.
- > To the west by rural residential land and the Spring Creek system.

The location at the rural / urban interface lends this site to assisting in the gradation of development density from the coastline and the higher densities of the town centre to rural residential and vegetated conservation areas to the west and south. This Planning Proposal suggests legislative changes and design guidelines that would allow this gradation of densities to be realised.



Figure 1-2 Aerial photo and site layout in current form

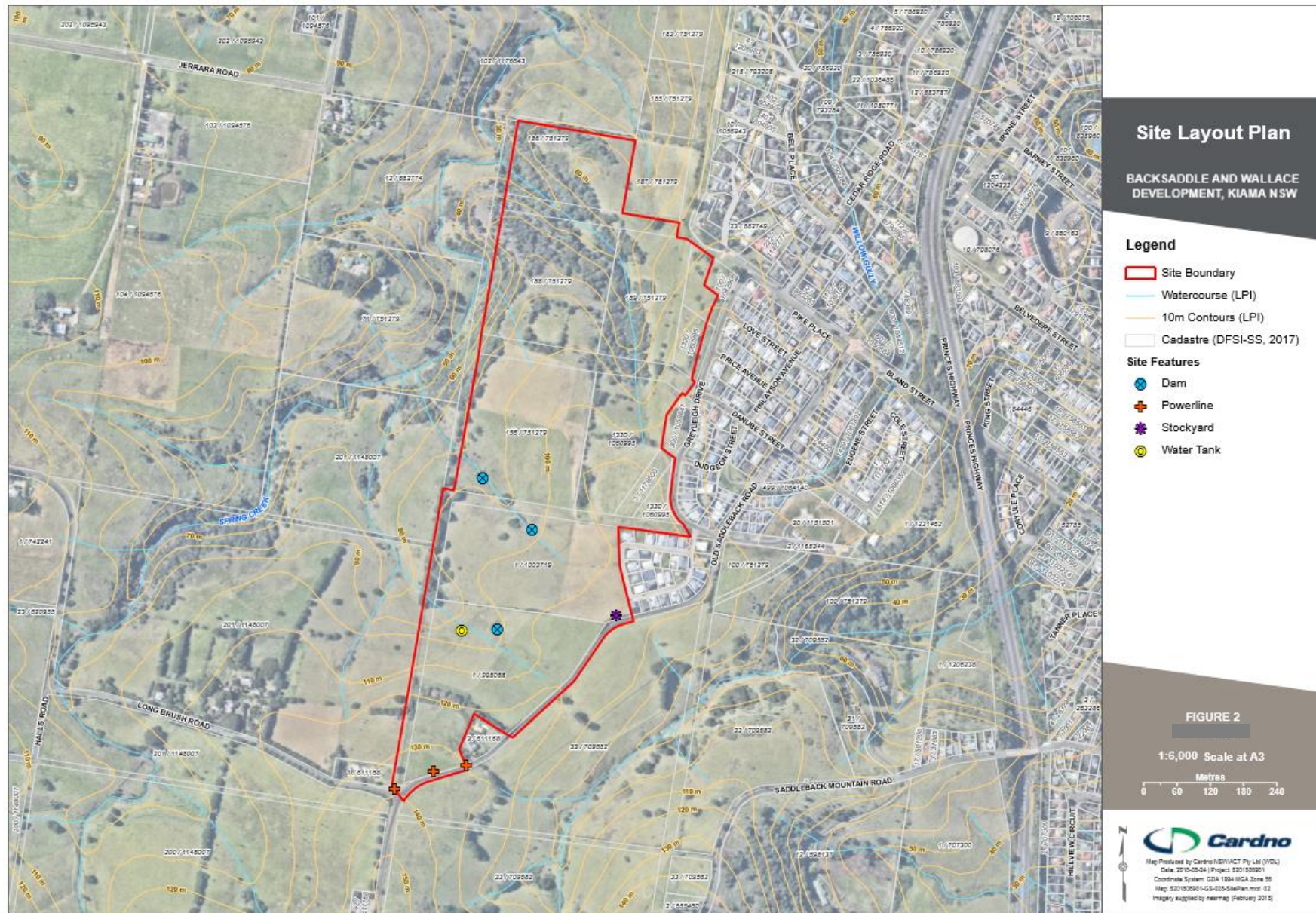






Figure 1-3 Shared pathway in Cuba St road reserve (looking north towards Cedar Grove Stage 2)



Figure 1-4 Shared pathway in Cuba Street road reserve looking south towards the Site



Figure 1-5 Shared pathway in Cuba St road reserve (looking south west towards the Site)



Figure 1-6 Shared pathway in Cuba Street road reserve looking south towards the Site



Figure 1-7 Playground at intersection of Bland Street and Greyleigh Drive



Figure 1-8 Fig trees at the intersection of Bland Street and Cuba Street road reserve as viewed from Bland Street



Figure 1-9 North east section of Site looking south west from west end of Bland Street





Figure 1-10 View from centre of Site looking north east towards large lot housing and Cedar Grove 2



Figure 1-11 Fig tree on western side of Greyleigh Drive



Figure 1-12 View along Greyleigh Drive looking north (Site to the left of the photo)



Figure 1-13 View of part of the central portion of the Site looking west from Greyleigh Drive



Figure 1-14 View from central portion of Site looking north towards large lot residential land and Cedar Grove 2





Figure 1-15 View from central portion of the Site looking north east to Greyleigh Drive



Figure 1-16 View from central portion of Site looking east towards Greyleigh Drive



Figure 1-17 View from central portion of the Site looking to Seaview Estate



Figure 1-18 View from Greyleigh Drive looking south west towards Seaview Estate



Figure 1-19 View of southern edge of Site along Old Saddleback Road looking north east towards Seaview Estate



Figure 1-20 View of southern edge of Site along Old Saddleback Road looking south west towards Long Brush Road





Figure 1-21 Tourist stop in road reserve adjacent to south west corner of the Site as viewed from Long Brush Road

Figure 1-22 View of south west corner of Site looking north to the Spring Creek catchment

### 1.3 Research, Investigations and Studies

Specialist studies provide an evidence base to this application for a Planning Proposal. The intention is to build on these studies as the planning proposal progresses. The following is a table summarising the commitments to progression of these studies:

Table 1-1 Specialist studies to support the Backsaddle and Wallace Planning Proposal

Study Discipline	Pre-Gateway Studies	Post-Gateway Studies for Public exhibition material	Studies specific to future development proposals
Geotechnical and Preliminary Contamination Assessment	Preliminary geotechnical and contamination investigation See <b>Appendix A</b>	Preliminary geotechnical and contamination investigation See <b>Appendix A</b>	Geotechnical investigation Phase 1 Contamination Assessment
Water Cycle and Stormwater Management	Water Cycle Management Study See <b>Appendix B</b>	Water Cycle Management Study coordinated with VPA See <b>Appendix B</b>	Monetary payments and works-in-kind specific to the VPA delivery schedule
Aboriginal Archaeology	See <b>Appendix C</b>	See <b>Appendix C</b>	See <b>Appendix C</b>
Ecology	Ecological Impact Assessment See <b>Appendix D</b>	Ecological Impact Assessment See <b>Appendix D</b>	Ecological Impact Assessment as per <b>Appendix D</b> and a VMP with stewardship
European Heritage	See <b>Appendix E</b>	See <b>Appendix E</b> plus Urban Design Guidelines and Draft Site-specific DCP	Site-specific DCP
Bushfire Hazard Assessment	See <b>Appendix F</b>	See <b>Appendix F</b>	Site-specific DCP and development-specific hazard assessments as required by <i>Rural Fires Act, 1997</i>
Landscape and Visual Impact Assessment	See <b>Appendix G</b>	See Appendix G plus Design guidelines and draft site-specific DCP	Site-specific DCP
Traffic and Transport Impacts	Preliminary assessment based on maximum yield scenario See <b>Appendix H</b>	Preliminary assessment based on maximum yield scenario coordinated with VPA See <b>Appendix H</b>	Development-specific assessment(s) as required by DCP and VPA
Socio Economic Impact Assessment	Detailed analysis of data for Kiama LGA and comparative	Detailed analysis of data for Kiama LGA and	To inform housing design and density for future

	commentary in the context of the Illawarra and NSW See <b>Appendix I</b>	comparative commentary in the context of the Illawarra and NSW See <b>Appendix I</b>	subdivision and dwelling applications
Housing Supply Analysis	Detailed analysis of data for Kiama LGA and comparative commentary in the context of the Illawarra and NSW See <b>Appendix J</b>	Detailed analysis of data for Kiama LGA and comparative commentary in the context of the Illawarra and NSW See <b>Appendix J</b>	To inform housing design and density for future subdivision and dwelling applications To assist in assistance packages for sustainability and affordability
Civil Works and Lot Layout Concept	Preliminary draft layout See <b>Appendix K</b>	Preliminary draft layout See <b>Appendix K</b>	Detailed layout submitted with development applications
Important Agricultural Lands Assessment and mapping	See <b>Section 3.11</b>	DPI IAL criteria applied and mapping completed	DPI IAL criteria applied and mapping completed
Urban Design Guidelines	Preliminary development goals and ideas Yet to be developed.	Draft Site-specific development control plan prior to public exhibition.	Site-specific development control plan
Voluntary Planning Agreement Letter of Offer	Preliminary letter of offer See <b>Appendix L</b>	VPA exhibited with delivery schedule	Monetary payments and works-in-kind specific to the VPA delivery schedule

## 1.4 Intentions

It is intended to amend KLEP 2011 to:

- > apply the most appropriate land uses for the site capabilities, the setting and the contribution to the community, the environment and the functionality of Kiama township
- > enhance the connectivity and interface with surrounding urban and non-urban land
- > achieve long term ecological management, water sensitive urban design measures and urban design guidelines for new housing, roads and ancillary development that achieves sustainability targets and accreditation
- > set a benchmark standard for greenfield development for greenfield sites in Kiama LGA and the broader region
- > address current and emerging trends for best practice strategic land use, diverse and affordable housing, public assets and benefits, environmental enhancement and long term sustainable benefits socially, economically and environmentally.

## 2 Background

### 2.1 Introduction

#### 2.1.1 Subdivision, Use and Ownership of the site

The historic uses and changes to the site are well described in the Aboriginal Due Diligence Advice by Biosis dated 27 April 2018 (Project Ref. 26813) (see **Appendix C**) and the Historical Heritage Assessment by Biosis dated May 2018 (Project Ref. 26813) (see **Appendix E**).

The allotments and Crown Road reserves that comprise the site were registered prior to 1897. The original lots ranged from approximately 3 to 6 hectares and were fragmented into eight (8) separate ownerships. Surrounding land was also subdivided with fragmented ownership prior to 1897.

Based on records of land grants, land ownership patterns and construction of dry stone walls it has been determined that the site was mostly cleared of endemic vegetation and used for dairying and grazing between the 1850's and 1920's.

Various public sector planning strategies have applied to the site and surrounds over time. Strategies ranged from facilitating urban expansion through and beyond the site to imposing limits to the urban footprint. The history of planning policies that apply to the site and surrounds is examined in **Section 2.2**.

Ownership of the site has been consolidated to the maximum extent possible given the location of Crown Road Reserves when the Bucksaddle Pty Ltd company purchased the lots from the neighbour to the south west in 2009. Bucksaddle Pty Ltd has also entered into a permit agreement for the use of the adjoining Crown Road reserves for responsible land management in cooperation with adjoining landowners (see **Section 2.1.2**).

No dwellings or substantial farm buildings have been erected on the site. Development Consent DA/10.2016.327.1 was granted for the erection of a dwelling on the site including Lots 183 and 185 (see **Section 2.1.3** for more details).

#### 2.1.2 Crown Road Reserves

Crown Road Reserves within the site are subject to Enclosure Permit 39357 granted to Bucksaddle Pty Ltd pursuant to Section 67 to the *Crown Lands Act, 1989*. Details of the Enclosure Permit and its most recent modification are included in **Appendix M**. The Enclosure Permit was most recently updated on 26 November 2016 when part of the Crown Road reserves as shown in **Figure 2-1** were transferred to the ownership of Kiama Council by notice in the Government Gazette.

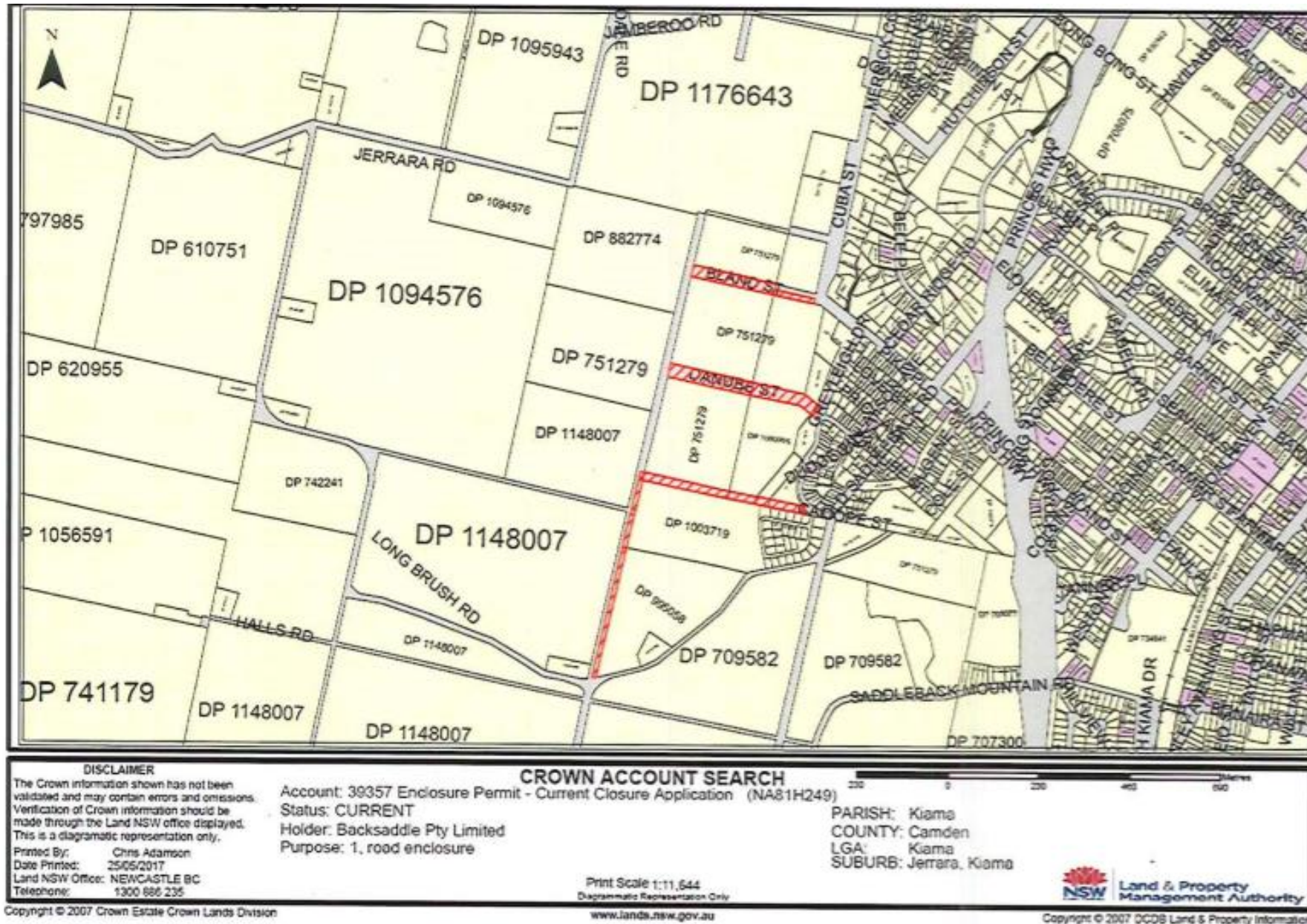
Bucksaddle Pty Ltd have used the Crown Road Reserves as part of the consolidated site for low intensity grazing of cattle and for agistment of horses. The Crown Road reserves currently subject to Enclosure Permit 39357 and also subject to this application for a Planning Proposal are shown in **Figure 2-2**.

It is acknowledged that, should the Planning Proposal proceed, there will be a concurrent process entered into for the purchase and closure of the relevant sections of Crown Road reserves. Subsequent dedication of new public roads that best align with a layout will be agreed by Council as part of future development applications. This is consistent with land management changes underway as part of the *Crown Land Management Act 2016*, which will see Crown land managed by local Councils where that land is not required for State significant purposes.

Road Authority: Kiama Municipal Council  
Crown Lands File Ref: 15/10621 – W560829



Figure 2-2 Crown Road Reserves to which Enclosure Permit No.39357 applies allowing use by Backsaddle Pty Ltd



## 2.1.3 Development History for the Subject Site

### 2.1.3.1 Consent for Dwelling

Development Application for a Single Dwelling DA/10.2016.327.1 was approved for the land owned by Bucksaddle Pty Ltd on 9 May 2017. The consent is subject to a deferred commencement requirement to consolidate allotments (including Lots 183 and 185 which are not part of this Planning Proposal application) and achieve the minimum lot size requirement of the KLEP 2011.

### 2.1.3.2 Previous Planning Proposal

A previous application to rezone a small part of the Site between Bland Street and Greyleigh Drive to Zone R2 Low Density Residential was rejected by Kiama Council pre-Gateway on 22 May 2015. The Department of Planning and Environment (DPE) declined to refer the application for pre-Gateway review on 12 October 2015.

The reasons cited by Kiama Council and the DPE for lack of support are listed in the table below. These reasons have been investigated in studies contained in the Appendices to this application and referred to throughout this report. The Bucksaddle and Wallace project has been designed to deliver solutions to the issues previously raised. These solutions are listed in the table below.

Table 2-1 How this Planning proposal application addresses previous reasons for rejection

Reasons for Rejection of previous Planning Proposal	Solutions demonstrated by this Planning Proposal Application
The land is not identified for urban expansion in Kiama Urban Strategy (KUS), Illawarra Regional Strategy or draft Illawarra Regional Growth and Infrastructure Plan	<p><b>Section 2.2.3</b> explains how the KUS is no longer appropriate for strategic planning of new housing in Kiama LGA.</p> <p><b>Section 2.2</b> explains the KUS is an outdated strategy in terms of evidence-based planning and forward-thinking planning for sustainable communities and in the context of newer strategies.</p> <p>The Illawarra Regional Strategy and Draft Illawarra Regional Growth and Infrastructure Plan has now been superseded.</p> <p><b>Section 2.2.8</b> demonstrates the project is well aligned with the current Regional plan being the <i>Illawarra-Shoalhaven Regional Plan 2015</i> (ISRP)</p>
Not needed for Council's Strategic Direction	<p>Council's "strategic direction" at the time was based on the KUS.</p> <p><b>Section 2.2.3</b> and <b>Appendix I</b> and <b>Appendix J</b> demonstrate the KUS has not delivered the estimated new housing targets. A new local strategic direction is needed.</p> <p>The DPE letter dated 2012 notes the KUS new housing estimates were not adequate to provide sufficient new housing.</p>
Sustainability criteria of the Illawarra Regional Strategy (IRS) not addressed	<p>The IRS has been superseded by the Illawarra-Shoalhaven Regional Plan 2015 (IRS).</p> <p><b>Section 2.2.8</b> demonstrates this proposal is consistent with the current regional strategic plan.</p>
Precedent for changing the western boundary of the town	<p>There are precedents showing the 'western boundary of the town' has been compromised and ineffective. The boundary envisaged by Council has not been achieved. These are explained in <b>Section 2.3</b> and are summarised as follows:</p> <ul style="list-style-type: none"> <li>&gt; Seniors housing development Seaview Estate is located on the western side of Greyleigh Drive (see <b>Section 2.3.1.4</b>)</li> <li>&gt; The visual and scenic landscape integrity of Spring Creek catchment has no impacts on the visual and</li> </ul>

	<p>landscape assets of the Jamberoo Valley (see <b>Section 3.1.3</b> and <b>Appendix G</b>)</p> <ul style="list-style-type: none"> <li>&gt; The visual and landscape integrity of Spring Creek catchment is not a 'rural landscape'. The housing along the eastern side of Greyleigh Drive, at West Kiama and at Seaview Estate is visually intrusive into the Spring Creek visual catchment. The Backsaddle and Wallace Proposal will not be out of character with the quality of the visual landscape of Spring Creek (see <b>Section 3.1.3</b> and <b>Appendix G</b>)</li> <li>&gt; Chapter 20 West Kiama to the Kiama Development Control Plan have not been implemented to achieve a western town boundary in the manner intended by Council (see <b>Section 2.2.5</b>)</li> <li>&gt; The Backsaddle and Wallace Project proposes permanent works, planning controls and urban design guidelines for private development and public assets to establish a permanent interface. These provisions set a high quality benchmark for a long term rural-urban interface with outstanding public benefits (see <b>Section 3.13</b>). Design outcomes include: <ul style="list-style-type: none"> <li>&gt; Colours, materials and finishes of built structures</li> <li>&gt; Fence design and landscaping on private lots and site boundaries</li> <li>&gt; Design specifications for road and footpath reserves, street tree planting, street lighting, street furniture and installation of utilities and services</li> <li>&gt; Density, lot size and building envelope controls</li> </ul> </li> </ul>
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As described throughout this report, circumstances have changed significantly since the rejection of the previous Planning Proposal. Current circumstances make the proposal entirely supportable. The Backsaddle and Wallace project has solutions for current and previous problems.

## 2.2 History of Adopted Planning Provisions and Planning Related Strategies

This section of the report places the Planning Proposal in the context of historical strategies, land uses, contemporary planning evidence and future trends.

The site has a history of inclusion in the Kiama urban settlement area.

Historical land development strategies anticipated and facilitated the site to form part of the Kiama urban area.

Most recently land development and land use changes in Kiama LGA have raised strong, often negative, views in the local community. Kiama Council elected representatives and staff have fostered a conservative view on new housing – particularly greenfield sites – in recent years.

Kiama Council's most recent strategies and approvals for greenfield housing have been dictated by the Kiama Urban Strategy (KUS). The KUS has limited the number, location and timing of greenfield development despite evidence that the KUS is failing to deliver its targets and increasingly divergent from other strategies for the broader region.

Socio Economic and Housing Supply Analysis to inform this Planning Proposal application indicate rapid changes in Kiama and the Illawarra Region in the past 15 to 20 years. These real, current changes and their projected trends show the KUS (last reviewed in 2011) is outdated. Planning decisions strictly dictated by the KUS are having negative consequences for equitable and sustainable planning. The KUS is not consistent with the objects of the *EP&A Act, 1979*.

Recent reports by various statutory authorities and non-government organisations are identifying problems for Kiama particularly in terms of housing affordability and supply.

This Planning Proposal has positive solutions to these problems.



The following is a brief commentary on past strategic plans and urban development intentions. Further commentary on reports and data for the community, housing and the economy of Kiama and the Illawarra are included in **Section 3**.

### 2.2.1 Kiama Parish 1840's to 1920's – Subject Site and Kiama Township as small holdings

As described in the Historical Heritage Assessment by Biosis dated May 2018 (**Appendix E**), land in the Kiama locality including the site, was subdivided for land grants from the 1840's. Land grants were issued rent/lease free subject to a requirement that land was cleared and developed. Land grants were an incentive for changing the pre-settlement land use pattern.

The 1897 Parish Map shows the Backsaddle and Wallace land and land to the north east (now urban land) divided into allotments between 4 and 6 hectares. The Site at the time was in eight (8) different ownerships (see **Figure 2-3**).

The same Parish Map on a broader scale in **Figure 2-3** shows the land subdivision pattern for Kiama. The subdivision pattern anticipated fragmentation and small land holdings extending west of the Site throughout Spring Creek valley with larger rural holdings further west around Jamberoo. The size of land parcels in the Site are comparable to the size of land parcels north and east of the site which have since been subdivided as part of the Kiama urban area.

Original land grants anticipated that larger rural holdings were to be located west of the Spring Creek valley extending from the Jerrera Creek catchment west to the base of the escarpment.

Figure 2-3 Land parcels within the Site and surrounds from Parish Map of 1897 (Site of original study outlined red approx)

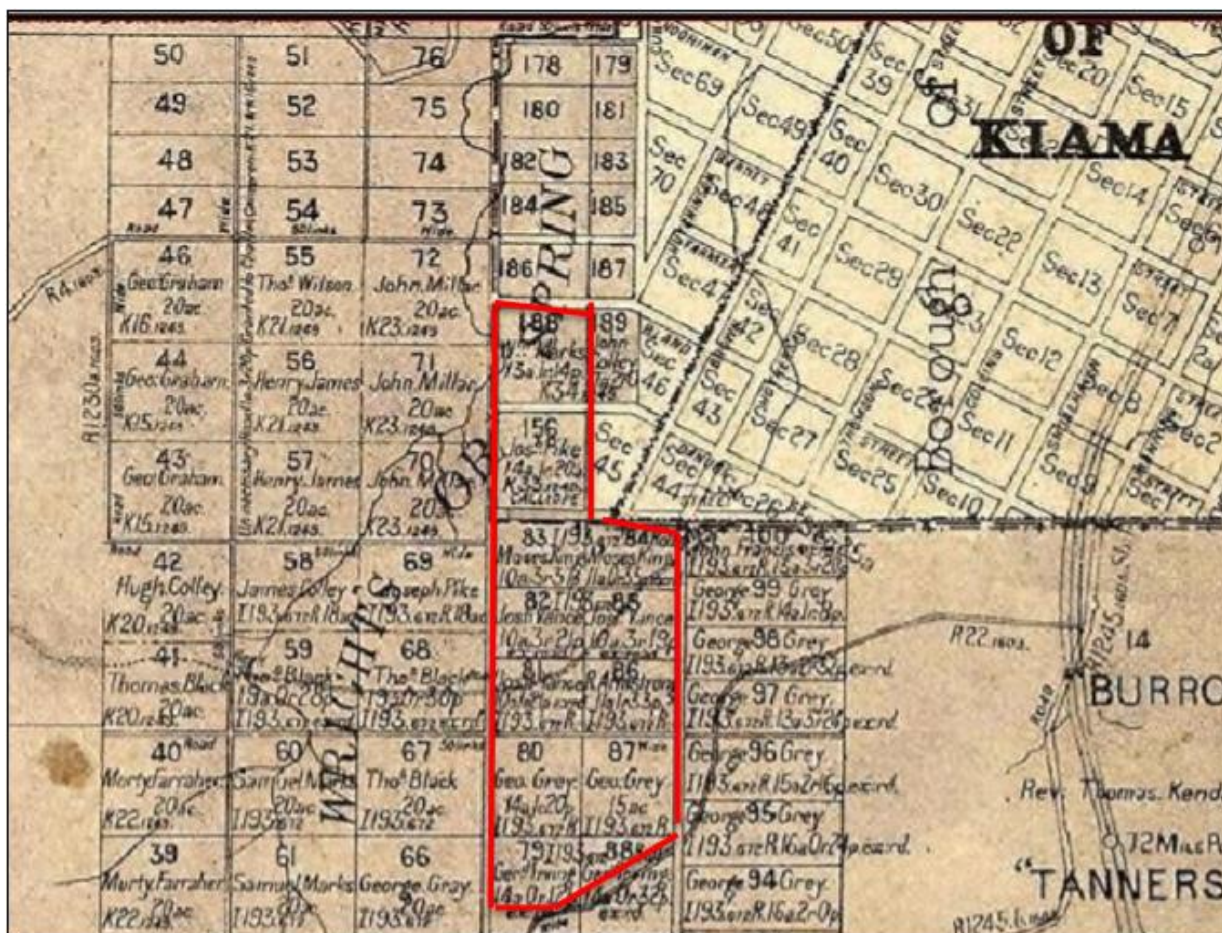
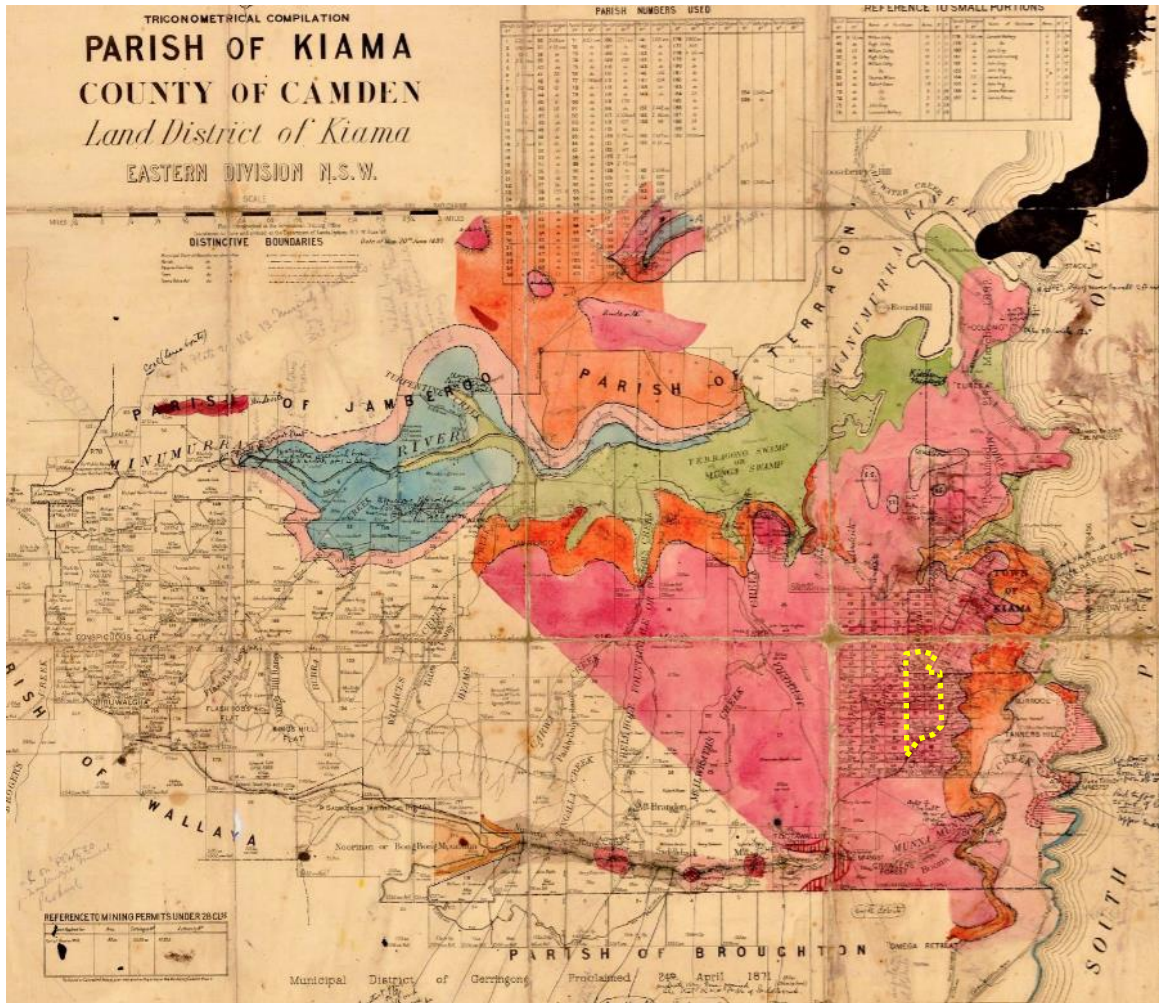




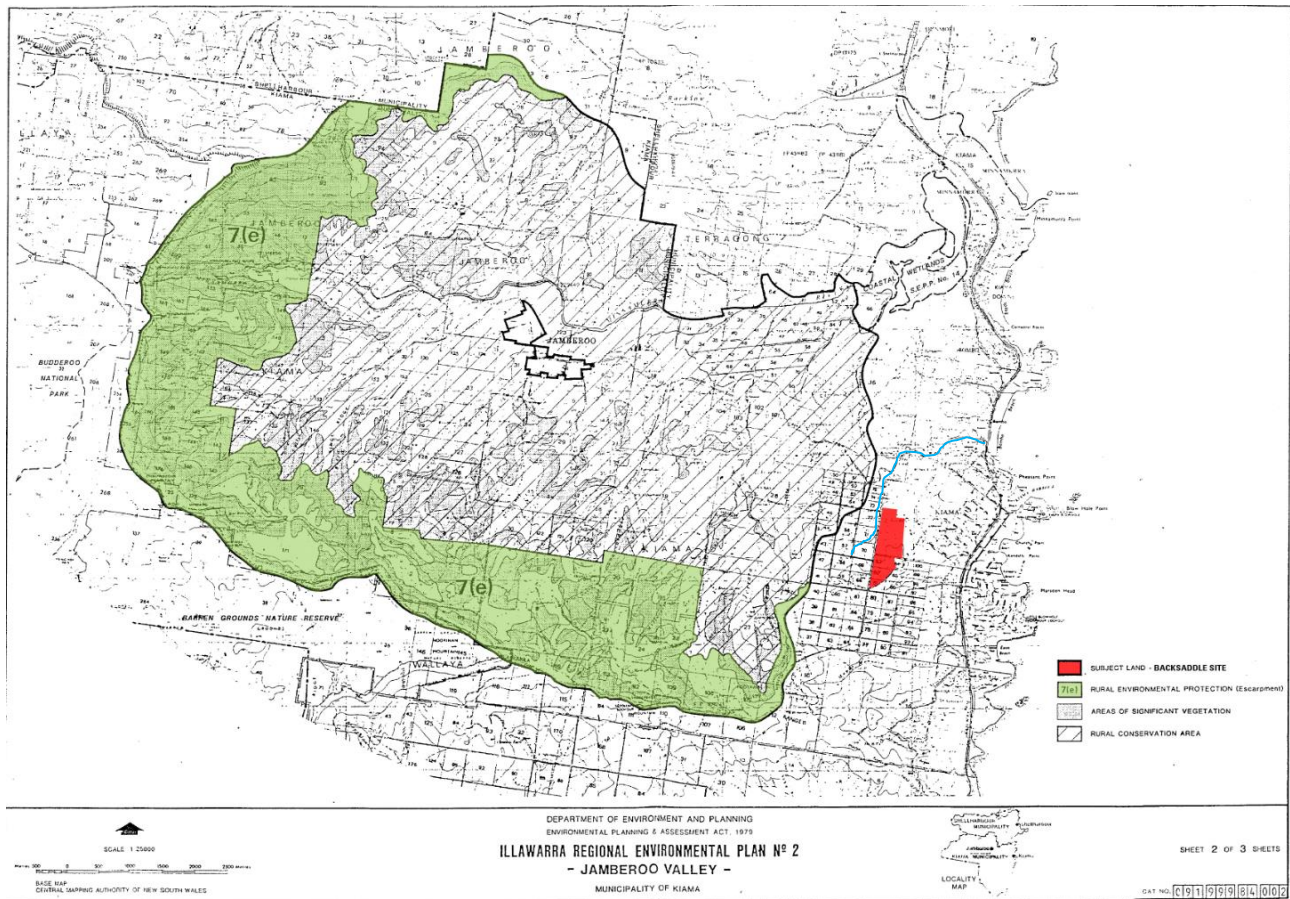
Figure 2-4 Land parcels within the Kiama locality from Parish Map of 1897 (Site outlined yellow approx)



## 2.2.2 Illawarra Regional Plan No.2 – Jamberoo Valley (IREP No.2)

The Illawarra Regional Plan No.2 – Jamberoo Valley (IREP No.2) was effective from 11 September 1987 to 5 August 2016. It applied to land shown edged black on the map in **Figure 2-5** being land west of the Spring Creek catchment (Spring Creek watercourse is partly outlined blue in **Figure 2-5**).

Figure 2-5 Land to which IREP No.2 applies and the limitations to the town boundaries of Jamberoo



The general aim of IREP No.2 was “to conserve the agricultural, environmental and aesthetic values of the Jamberoo Valley.”

The Jamberoo Valley was mapped as the land outlined heavy black in **Figure 2-5**. The eastern boundary was the edge of the Spring Creek catchment. IREP No.2 therefore acknowledged that the land of agricultural, environmental and aesthetic value worthy of protection was the land west of Spring Creek catchment.

The specific aims of the IREP No.2 were:

- “(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 the 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 IREP No.2 contained clauses requiring:

- > All local environmental plans to give effect to the content of the REP
- > Limits to the town boundaries of Jamberoo Village and
- > prevention of the expansion of Jamberoo Village beyond the mapped extent.

The IREP No.2 identified the Jamberoo Valley has outstanding characteristics in terms of:



- > Productive agricultural lands (land hatched in Figure 2-5)
- > Rural landscape with high scenic value (land hatched and land shaded green in Figure 2-5)
- > Remnant native vegetation (shaded grey in Figure 2-5) and heritage items worthy of protection

The geographical extent of the Jamberoo Valley was clearly limited to the mapped land shown in **Figure 2-5** and did not include the Spring Creek valley or the Site.

### 2.2.3 Kiama Urban Strategy (2011)

The *Kiama Urban Strategy* (KUS) was prepared by a Community Panel and adopted by Council in September 2011. The KUS applied concurrently with IREP No.2 until repeal of the IREP No.2 in August 2016.

The KUS considers both urban infill and urban expansion opportunities for the Kiama LGA. It identified Kiama LGA needed a total of 1,890 new dwellings (comprising 812 detached, 1,040 medium density and 38 high density dwellings) to 2025.

#### 2.2.3.1 Aims of KUS

The KUS aimed to deliver more dwellings than needed by increasing infill and medium density dwellings and reducing greenfield housing. The intentions for reducing greenfield housing development were to:

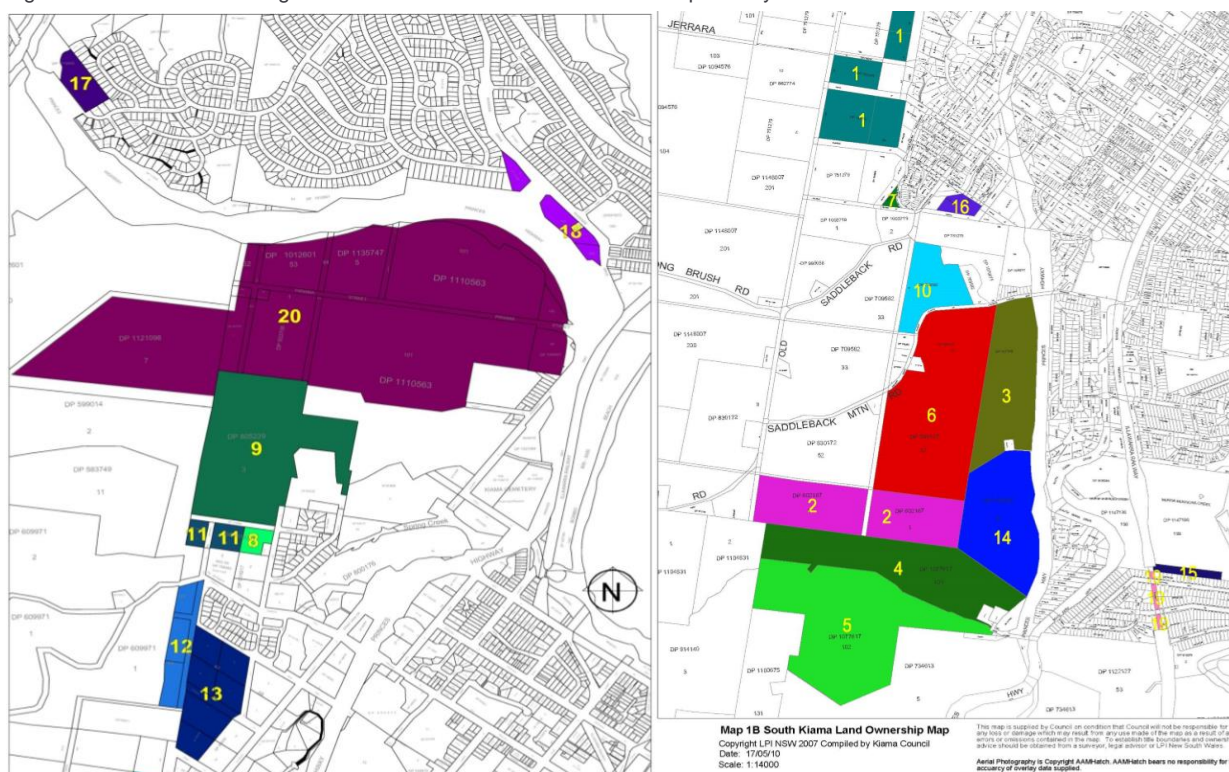
- > Protect agricultural land
- > Limit greenfield releases to sites identified and mapped adjacent to existing urban areas
- > Rely on redevelopment of the Bombo Quarry site for both employment and housing.

The KUS contains a reference to Council establishing a western town edge of Kiama being defined as the the “western edge of West Kiama/Cedar Ridge/Cedar Grove”.

#### 2.2.3.2 Sites considered by KUS

Potential greenfield sites considered in the KUS in the vicinity of the site are shown in **Figure 2-6**. Parts of the site are labelled ‘1’ and ‘7’ and coloured green in **Figure 2-6**.

Figure 2-6 Rural zoned greenfield sites considered in KUS in close proximity to the site

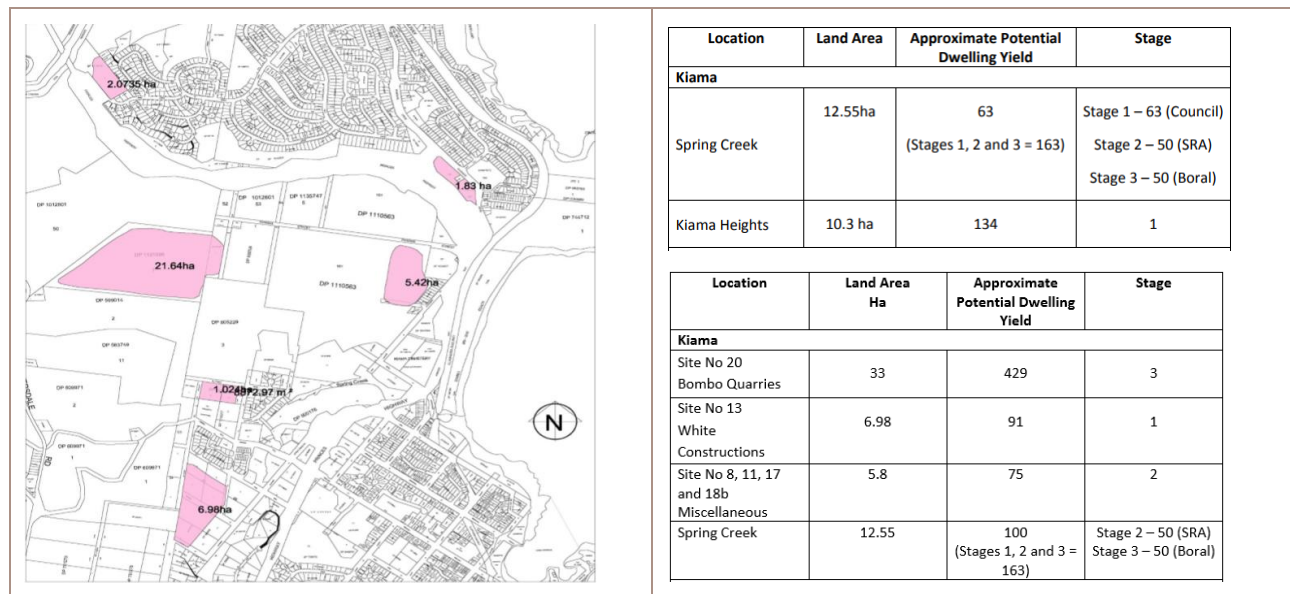


### 2.2.3.3 Sites Supported by KUS

Of the sites indicated in **Figure 2-6**, the KUS recommended as follows:

- > **Western edge of Kiama** - Site 1 (part of land in the Site) was excluded from further consideration as it was west of a town boundary defined by Council (being the “western edge of West Kiama/Cedar Ridge/Cedar Grove”). Site 7 was excluded for the same reason. However, as explained in Section 2.2.5 Council has not consistently applied this ‘western edge’ and a seniors housing development of 30 dwellings has since been constructed on the lot indicated by the red arrow in **Figure 2-6**.
- > **Future residential land** - The sites supported for future residential use are shown in **Figure 2-7** and summarised in the table in **Figure 2-7**. The nominated stages in **Figure 2-7** were intended to deliver the estimated number of lots in Stage 1 (0 to 5 years), Stage 2 (5 to 10 years) and Stage 3 (10+ years). However, evidence to date shows these targets have failed primarily because:
  - Site 20 Bombo Quarries cannot be developed as extraction activities are not compatible with residential use
  - Sites 8, 11, 17 and 18 and ‘Spring Creek’ have not delivered housing in the nominated time frame
  - Site 13 has been developed with 100 lots however outside the Stage 1 nominated timeframe
- > **Western Edge of Kiama** – Sites 2, 6 and 10 were rejected as unsuitable locations. Sites 3, 4, 5 and 14 were recommended in conjunction for inclusion by KMC only if insufficient dwelling numbers were available and subject to the provision of three access locations at Saddleback Mountain Road, South Kiama Drive and Weir Street. DPE however, did not support the inclusion of the sites.

Figure 2-7 Greenfield sites supported for rezoning by KUS in close proximity to the Site



### 2.2.3.4 KUS in conflict with IREP No.2

**Figure 2-8** is a map of Jamberoo Township and shows land identified in KUS for expansion of the village. KUS sought expansion of Jamberoo Village despite the provisions of IREP No.2 seeking to limit the town footprint (see **Figure 2-5**).

Site 26 in **Figure 2-8** has been subdivided to create 50 residential lots. Whilst the KUS nominated Site 26 be used for seniors housing, only 30 of the allotments are subject to a Restriction on the Use of Land registered on the land title for use as seniors housing. Council has recently resolved to amend the KLEP 2011 for Site 27b (see **Section 2.3.1.3**). The estimated timing and yields predicted by KUS have not been realised for sites surrounding Jamberoo Township.

Figure 2-8 Greenfield sites considered by KUS for expansion of Jamberoo township



Jamberoo			
Sites No 22, 24, 25 Miscellaneous	1.94ha	19	1
Site No 27b Simicic	4.7ha	47	2
Site Nos 27 & 27a Numerous owners	5.8ha	58	3

#### 2.2.3.5 KUS not supported by DPE

The KUS was submitted to the DPE seeking endorsement. A letter from the DPE dated 15 February 2012 confirmed that the KUS was not a formally endorsed strategy as it did not provide for sufficient new housing to meet the projected needs for Kiama LGA. The DPE letter made the following specific comments:

- > *“the provision of affordable housing is a key issue for Kiama”*
- > *“potential rezonings (will) contribute to housing supply in Kiama in the short term”*
- > *“the new release sites supported in the Strategy are unlikely to provide sufficient yields to meet the projected housing needs of Kiama”*
- > *“Council has overestimated the development potential of land at Kiama Heights, is counting land already released at Elambra Estate, and has not sufficiently considered the potential delay to develop the Spring Creek lands ... there may be as little as 60% of the yields suggested in the Strategy achieved within the 5 year timeframe. This has the potential to further exacerbate house prices and increase the pressure for consideration of inappropriate sites for urban expansion due to excessive infrastructure and servicing costs, as well as being impracticable to develop because of slope constraints (eg. Sites 3, 4, 5 & 14 located south of Saddleback Mountain Road, west of the Kiama bypass)”*

The Socio Economic Analysis (**Appendix I**) and Housing Supply Analysis (**Appendix J**) shows the KUS has failed in the following ways:

- > Insufficient ‘market-ready’ greenfield lots
- > Supply gap between 930 and 1,100 dwellings
- > Most new infill housing is owned or mortgaged by higher income households leaving severe shortages in:
  - affordable housing
  - housing for smaller households
  - rental housing (especially low cost rental)
  - housing for seniors and people with a disability
- > Rental and mortgage stress is more acute for Kiama than the Illawarra.



Planning approvals issued since the KUS include many examples where the KUS has not been consistently applied (see **Section 2.3**).

There is clear evidence that the KUS is no longer a suitable, effective, evidence-based strategy for delivering new housing to meet current and future community needs.

#### 2.2.4 Kiama Local Environmental Plan 2011

The provisions of Kiama Local Environmental Plan 2011 (KLEP 2011) that currently apply to the Site and surrounds are presented in detail in **Section 4**. This Planning Proposal application examines the conditions of the site and its setting within the broader locality and presents evidence and reasons for adjustments to the current provisions.

#### 2.2.5 Kiama Development Control Plan 2012 (Chapter 20)

Kiama Development Control Plan 2012 (KDCP 2012) was adopted by Council on 31 July 2012. It includes Chapter 20 that specifically applies to land in West Kiama as shown on the left in **Figure 2-9**. Shown on the right in **Figure 2-9** is the real life outcome of redevelopment of West Kiama.

Figure 2-9 West Kiama Urban release area as shown in extracts from Chapter 20 West Kiama to KDCP 2012 and actual development shown in the aerial photo



Chapter 20 to the DCP includes provisions intended to create a 'western boundary' to Kiama urban area. Implementation of the DCP and actual development have failed to achieve the boundary. These failures are shown labelled in the aerial photo to **Figure 2-9** and described as follows:

- 1 Seniors housing development (Seaview Estate) has added new low density housing beyond the perimeter road
- 2 Screening vegetation has not been established on the western side of Greyleigh Drive
- 3 Dwellings fronting Greyleigh Drive are not limited to single storey (most are two storeys)

#### 2.2.6 Illawarra Urban Development Program (from 2010 to 2016)

The *Illawarra Urban Development Program 2016* (IUDP) is the State Government's program for managing land and housing supply in the Illawarra. The IUDP is an ongoing monitor of the planning, servicing and



development for new urban areas in Wollongong, Shellharbour and Kiama. The IUDP is intended to plan for a 25-year pipeline of new housing including greenfield and infill.

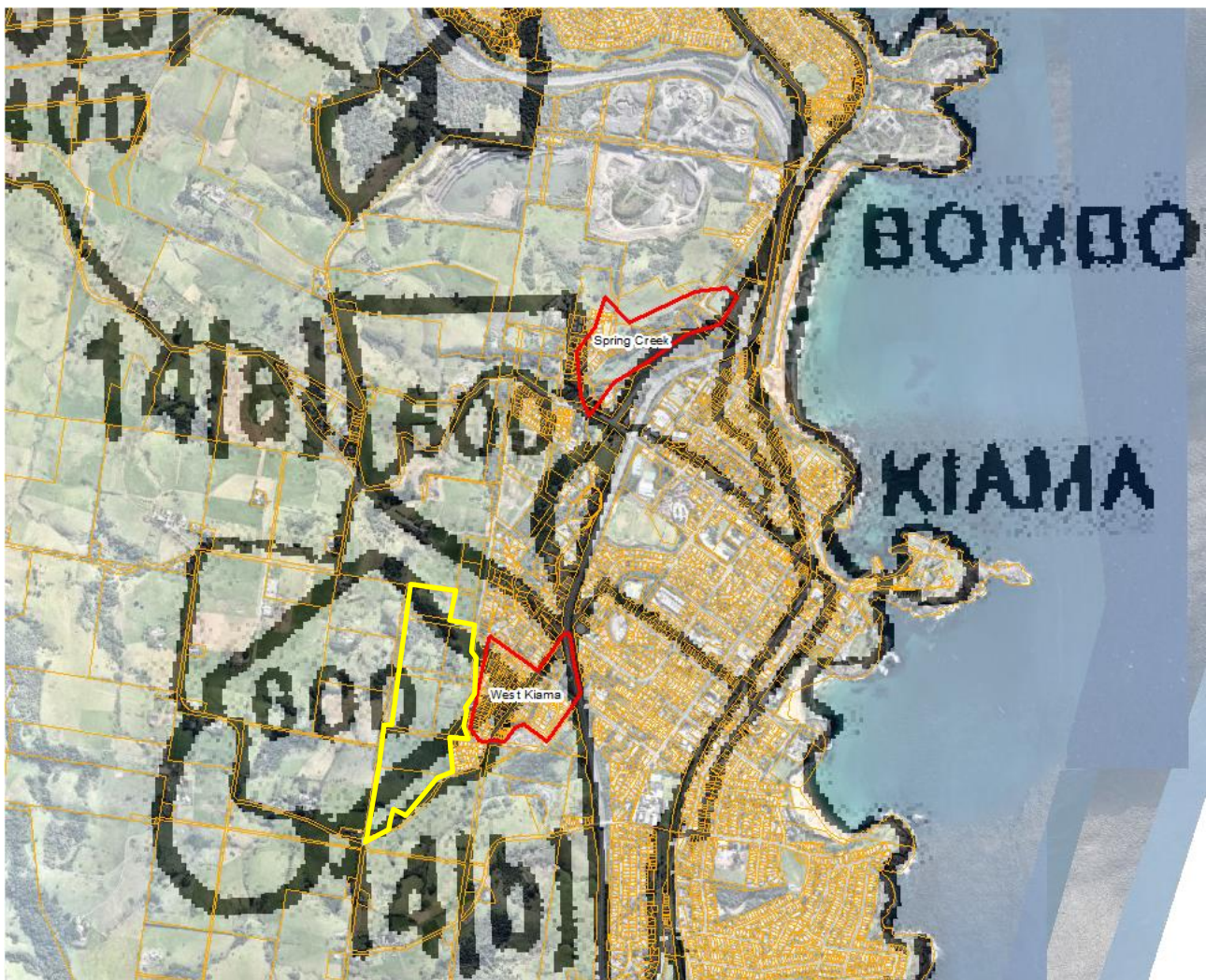
**Figure 2-10** is an extract from the IUDP 2011 and **Figure 2-11** is an extract from the IUDP 2016. Both **Figure 2-10** and **Figure 2-11** show the sites where new housing is anticipated based on Council's approval of development applications and land use zoning changes.

#### 2.2.6.1 IUDP expected 1,200 new dwellings in 2011

**Figure 2-10** shows black text overlaying the map. The black text relates to sub-catchments and the number of new dwellings estimated from those catchments. The Site is roughly outlined dashed yellow in **Figure 2-10**. Catchment areas labelled 14(a) and 14(b) are shown in **Figure 2-10** to be within the Spring Creek valley. Both Catchments 14(a) and 14(b) each have been labelled with an estimated new dwelling yield of 600.

**Figure 2-10** demonstrates that in 2011 (prior to the adoption of the KUS) the IUDP anticipated the Spring Creek catchment (including the Site) would be developed for urban purposes and new dwellings.

Figure 2-10 Extract from the IUDP 2011 showing estimated dwelling yields by location (Site outlined yellow)



#### 2.2.6.2 IUDP expected new dwellings in 2016

**Figure 2-11** is an extract from the IUDP 2016 and shows the locations of new dwellings based on approvals for land use zoning and development changes expected to deliver new dwellings. The Site is outlined dashed black in **Figure 2-11**. The Seniors housing Seaview Estate is indicated with a red arrow.

Of those sites in close proximity to Kiama town centre nominated as Major Sites and Greenfield sites in **Figure 2-11** only the Spring Creek site has the potential to deliver new greenfield housing (the other sites having been subdivided, serviced and/or construction underway). However, as noted in the KUS, Spring Creek housing construction cannot commence until Bombo Quarry is permanently closed. No date of

closure and rehabilitation has been established for Bombo Quarry. Spring Creek cannot be relied upon to deliver new housing in the timeframe identified in the KUS.

The new housing expected in IUDP 2016 will not be delivered in the foreseeable future.

Figure 2-11 Extract from the IUDP 2016 showing sites where new housing is anticipated (Site outlined dashed black)



#### 2.2.6.3 Findings of the IUDP to date

The lack of new housing opportunities created in the Kiama locality inspired comments in the 2016 IUDP that Kiama consistently fails to meet land supply benchmarks for greenfield land releases. Specifically the IUDP states:

*“This LGA does not meet any of the greenfield land supply benchmarks for all three categories: land identified, zoned, and zoned and service ready”.*

The IUDP also states that the NSW Government will:

*“Work with Kiama Municipal Council to monitor and review the potential of the area to accommodate housing demand.”*

The IUDP identifies Kiama and Gerringong as centres for increased housing capacity.



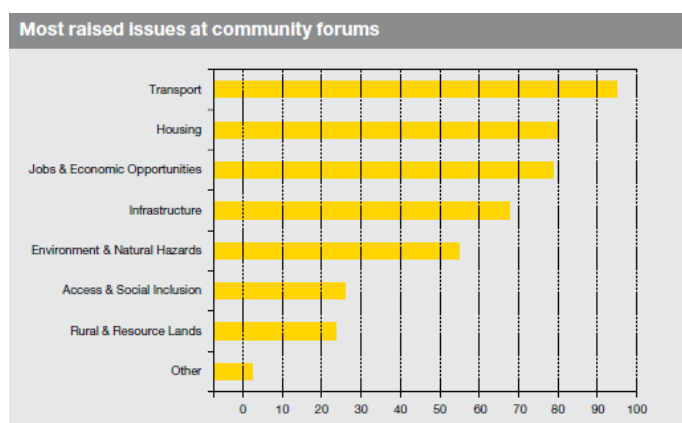
The 2016 IUDP clearly demonstrates that KUS is outdated and ineffective for current strategic planning for housing and infrastructure.

### 2.2.7 The Illawarra Over the Next 20 years: A Discussion Paper AND The Illawarra Over the Next 20 years: A Discussion Paper – Consultation Outcomes Report February 2014

The DPE produced a discussion paper and conducted wide-ranging, multi-faceted community engagement on issues relevant to future planning for the Illawarra region. The outcomes formed the basis of the Illawarra Shoalhaven Regional Plan (see **Section 2.2.8**). The outcomes report has also been used to develop an Engagement Strategy specific to the site and the issues of most concern to Kiama stakeholders.

**Figure 2-12** is a summary of the frequency with which specific issues were raised in the variety of engagement platforms and shows 'housing' to be ranked second highest behind transport.

Figure 2-12 Summary of all responses in consultation on the Discussion Paper 'The Illawarra over the next 20 years'



The frequency with which issues were raised was further broken down into LGAs. Those issues most frequently raised in relation to Kiama LGA were:

- > population and dwelling projections
- > agricultural land
- > biodiversity and
- > aged care.

The Backsaddle and Wallace project has taken this community feedback into account and has been structured to respond positively towards these locally important issues by:

- > improving and protecting biodiversity
- > achieving housing diversity, adaptable housing and creating opportunities for seniors housing
- > protecting important and viable agricultural lands with buffers and by reducing development pressure
- > establishing a long term urban edge of high integrity.

**Figure 2-13** is a summary of the feedback given by different stakeholder groups. These responses have been used to inform and shape the Community Engagement Strategy for the Backsaddle and Wallace project (see **Appendix N**) as well as help inform the preliminary phases of this project.

Figure 2-13 Summary of responses to the Discussion Paper 'The Illawarra over the next 20 years' by stakeholder interest group

#### Top issues raised by each group

GROUP	TOP ISSUES
COMMUNITY OR ENVIRONMENTAL	Agricultural land protection Infill and higher density Open space and parks Protection of significant environmental assets Jobs – tourism
INDUSTRY	Transport – rail Freight – including Maldon to Dombarton rail line Centres Principles that guide our planning (from the Discussion Paper)
LOCAL GOVERNMENT	Population and dwelling projections Affordable housing including social and Aboriginal housing Economic growth and diversification Agricultural land protection
NON GOVERNMENT ORGANISATIONS	Climate change Social inclusion Jobs – tourism Public transport
PROFESSIONAL BODIES	Delivering the plan Employment lands Infrastructure funding Economic growth and diversification Infill and higher density
STATE GOVERNMENT	Delivering the plan Access to a great lifestyle Infill and higher density Social infrastructure Affordable housing including social and Aboriginal housing
INDIVIDUALS	Jobs – tourism Infill and higher density Agricultural land/Urban limit lines Economic growth and diversification Protection of significant assets Walking and cycling

#### 2.2.7.1 Issues raised regarding New Housing

The following issues specific to new housing were recorded in the Discussion Paper and Outcomes Report:

- > *“Urban limit lines – this includes concepts such as green corridors, balancing urban expansion with rural lands, and maintaining the character of towns. These issues were raised as a significant issue by the Kiama community.”*
- > *“Adaptable and seniors housing – with a significant ageing population, many submissions raised the need for more adaptable and seniors housing. There were also concerns raised about the lack of housing for people with a disability.”*
- > *“Impediments to housing delivery in greenfield areas – it was acknowledged that there are a number of impediments to housing delivery such as fragmented land ownership, landowner expectations and the delivery of infrastructure and services.”*

The Backsaddle and Wallace project intends to deliver solutions to the abovementioned community concerns by:

- > Creating green corridors (see **Section 3.7** and **Section 3.13**)
- > Establishing a genuine long term urban-rural edge which is more effective and consistent than the current 'western boundary' of Kiama (see **Section 3.13**)
- > Identifying and protecting Important Agricultural Lands (IAL) (see **Section 3.11**)
- > Maintaining the character of Kiama township by offsetting infill growth with greenfield development (see **Appendix I** and **Appendix J**)

- > Providing adaptable and diverse housing and housing for seniors (see **Section 3.13**, **Section 5.1** and **Section 7.1.4**)
- > Working with land in largely consolidated ownership and with a project team seeking to deliver infrastructure, services and assets that will benefit the broader community (see **Section 7.1**).

The Discussion Paper and Outcomes Report includes the following quotation from Kiama Council with respect to new housing:

***“Kiama Municipal Council:** One of the fundamental issues Council is having in regard to the IRS figures is that Council anticipated that a large percentage of population and dwelling growth could be catered for in the form of urban infill and existing medium density zoned land. This also had the benefit of generally containing existing urban boundaries. However, the figures proposed in the IDP, would realistically require substantial new greenfield development, raising the issues of protection of coastal landscapes, placing a value on and retention of priority food producing lands, servicing, affordability and the extensive investigation required to even consider such an option.”*

The Backsaddle and Wallace project has given serious consideration and high priority to Kiama Council's concern quoted above. The Housing Supply Analysis (**Appendix J**) and the Socio-Economic Analysis (**Appendix I**) contain evidence that reinforce Council's genuine concerns about the need to increase greenfield housing supply. Unfortunately, as yet, Kiama Council has been unable to address this concern through new strategic planning policies to replace the KUS.

This proposal is therefore supported by detailed investigations and evidence-based planning to assist Council in making a well informed decision that this greenfield site is a superior option that will:

- > Protect coastal landscapes (see **Section 3.13** and **Appendix G**)
- > Retain and protect important agricultural land (see **Section 3.11**)
- > Provide new public assets and services to benefit the broader community (see **Section 7.1**)
- > Create affordable housing through a variety of mechanisms (see **Section 5.1** and **Section 7.1.4**).

The Backsaddle and Wallace project will set a positive benchmark for greenfield development in the Kiama LGA in lieu of new strategic planning policies yet to be adopted by Council to replace the outdated KUS. Council's strategic planning decision framework stands to benefit greatly from the example set by the Backsaddle and Wallace project.

#### 2.2.7.2 Issues raised regarding Rural and Resource Lands

Although issues relating to rural and resource lands were less frequently raised (see **Figure 2-12**), the issues in the Discussion Paper and Outcomes Report on rural lands have been considered in the Backsaddle and Wallace Project.

Stakeholders and, in particular, Kiama Council, noted the importance of agricultural land for food security, visual amenity and agri-tourism and the need to consider the current viability and economic value of rural lands.

The Backsaddle and Wallace project responds to these issues by including:

- > A commitment to apply the criteria established by the NSW Department of Primary Industries (DPI) for Important Agricultural Lands (IAL) in the immediate locality to finitely determine those lands important for protection. IAL maps will be part of the public exhibition material (see **Section 3.11**); and
- > Analysis of Visual and Landscape Assessment (see **Section 3.12** and **Appendix G**).

#### 2.2.7.3 Issues raised regarding Social Infrastructure

The Discussion Paper and Outcomes Report noted stakeholders were interested in greater investment and planning effort towards community assets that encourage healthy lifestyles, promote community interaction and physical activity.

The Backsaddle and Wallace project aims to deliver the following community assets that address these specific issues:

- > New areas of public open space
- > A network of new shared pathways and a high quality public road and footpath network



- > A mix of housing forms suited to a range of household types and diversity within the local community including land suited to independent living and assisted care accommodation (see **Section 5.1** and **Section 7.1.4**)
- > Housing that is adaptable to allow aging in place and a strong, long-term connection with place (see **Section 5.1** and **Section 7.1.4**)
- > Improvements to the existing public spaces and new public open space including heritage dry stone walls, playgrounds, pathways, street furniture and street trees and riparian corridors with restored habitats (see **Section 7.1**)
- > A stewardship program managing lands of environmental value and providing a community education facility, bushtucker garden and seed propagation nursery (see **Section 3.13.5** and **Section 7.1.1**)
- > A community hub wellness centre with a variety of land uses (café, recreation facilities, meeting rooms and community gardens) available for use by new and existing residents (see **Section 3.13** and **Section 7.1**).

## 2.2.8 Illawarra-Shoalhaven Regional Plan 2015

The *Illawarra-Shoalhaven Regional Plan 2015* (ISRP) applies to the LGA's of Kiama, Shellharbour, Shoalhaven and Wollongong. The ISRP provides the strategic policy, planning and decision-making framework to guide sustainable growth over a 20-year projection using data for jobs, services and transport, sustainable and healthy communities.

The ISRP contains five (5) goals to which the Bucksaddle and Wallace project is well aligned. The goals are as follows:

- > **Goal 1:** A prosperous Illawarra-Shoalhaven
- > **Goal 2:** A variety of housing choice, with homes that meet needs and lifestyles;
- > **Goal 3:** A region with communities that are strong, healthy and well connected;
- > **Goal 4:** A region that makes appropriate use of agricultural and resource lands; and
- > **Goal 5:** A region that protects and enhances the natural environment

### 2.2.8.1 Bucksaddle and Wallace sites can deliver ISRP priorities

The first monitoring report on the implementation of the ISRP was issued in 2017. It identified 20 priority activities. Those priority activities relevant to the Bucksaddle and Wallace project are listed in **Table 2-2** along with the ways in which the Bucksaddle and Wallace project intends to deliver outcomes consistent with the ISRP priority activities.

Table 2-2 Priority Activities of the ISRP to be delivered by the Bucksaddle and Wallace Project

Priority Activity of the ISRP	To be delivered by the Bucksaddle and Wallace Project
Refresh housing potential calculations using the Urban Feasibility Model	The KUS dwelling targets have not been delivered. The KUS estimates have not been supported by the DPE – see <b>Section 2.2.3</b> New greenfield sites such as the Bucksaddle and Wallace project are required to achieve housing to support community needs.
Improve the functioning and resilience of biodiversity corridors in strategic planning to improve biodiversity values	The Bucksaddle and Wallace Project seeks to increase the area of land in Zone E3. The Ecology Assessment in <b>Appendix D</b> demonstrates measures for protecting biodiversity corridors within the Site. This application for a Planning Proposal seeks to protect corridors through land zoning, layout of infrastructure, controlled public access and Vegetation Management Plans (VMPs) to be registered on land titles. A stewardship agreement is being investigated with the Illawarra Aboriginal Land Council (ILAC) for implementation of a VMP for the riparian areas in perpetuity.

	A Plan of Management (POM) is to be investigated as part of the VPA (see <b>Section 5.2 and Section 7.1</b> )
Improve landscape connectivity, and enhance habitat for threatened species within corridors managing by private and government stakeholders	See above. Landscape improvements are also proposed along Old Saddleback Road and Greyleigh Drive (see <b>Section 3.13</b> ).
Create a consistent approach to protect important riparian areas in planning and development controls	The Bucksaddle and Wallace Project intends to establish a highly effective and entirely practical model for riparian protection through land use zoning, development objectives and controls to apply to all future works, site-specific VMPs in perpetuity and a stewardship agreement with the Illawarra Local Aboriginal Land Council (ILALC) and POM prepared for public land. The Bucksaddle and Wallace Project will set an excellent precedent for management of riparian areas.
Map and Plan for agricultural lands by implementing the Department of Primary Industries guideline on identifying important agricultural land in NSW to inform planning decisions, LEPs and infrastructure investment	DPI IAL mapping is intended to be conducted for the site and surrounds. The mapping is intended to be made available at the public exhibition phase of the Planning Proposal and is anticipated to be a condition of gateway determination.
Use the Illawarra-Shoalhaven Urban Development Program as the key tool to manage the sequential release of new residential land to allow continuation of working extractive activities across the region. For example, the Program recognises that the Spring Creek release area will not generate residential lots until extraction of hard rock at Bombo Quarry ceases	The Bucksaddle and Wallace project is an important site in the delivery of new housing and balancing greenfield with infill development. The Site can accommodate new residential land as readily accessible and connected to the Kiama town centre as the Bombo Quarry and Spring Creek sites and is not impacted by quarrying activities. The Site is well capable of providing new housing in the interim whilst Bombo Quarry is active.
'High environmental value' lands were mapped and included in the Illawarra-Shoalhaven Regional Plan. Ensure all councils apply the mapping criteria for lands of high environmental value consistently. Ultimately, areas of high environmental value will be identified through rezoning processes and new development proposals to avoid, minimise and mitigate the impact of development on significant environmental assets	'High environmental lands value' criteria have been applied in the Ecology Study contained in <b>Appendix D</b> . The Bucksaddle and Wallace project identifies riparian lands to be retained, revegetated and protected which will support local biodiversity and water quality particularly within the Spring Creek catchment.

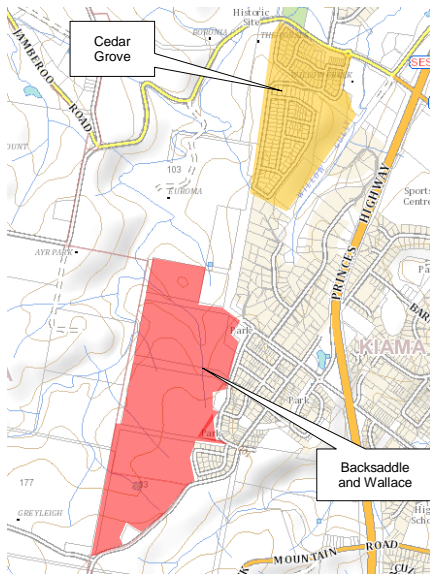
#### 2.2.8.2 KUS cannot deliver ISRP Priorities

Data and conclusions from the ISRP monitoring report for 2017 shows Kiama has failed to meet targets for housing supply and diversity. The ISRP concluded action was required to increase Kiama's housing supply and diversity to meet needs. The ISRP commits the State Government to Action 2.1.1 which is:

*"Collaborate with Kiama Municipal Council to review housing opportunities within the Kiama Local Government Area so it can respond to changing housing needs."*

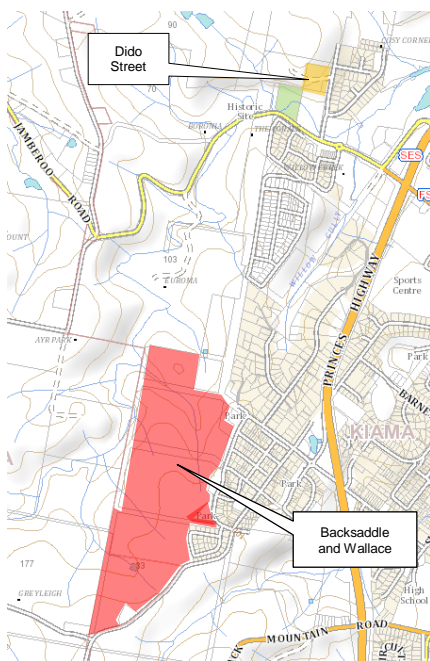
## 2.3 Development History for Surrounding and Nearby Sites

### 2.3.1.1 Cedar Grove Stages 1 and 2, Kiama



- > Land rezoned from Zone RU2 Rural Landscape and Zone E2 Environmental Conservation to Zone R2 Low Density Residential
- > Residents depend upon Kiama town centre for day to day needs
- > Servicing and subdivision is completed. Housing construction well advanced.
- > The 2015 KMC approval and 2017 title registration of 100 lots in Cedar Grove 2 has not countered trends showing lack of housing diversity and lack of housing affordability in Kiama.
- > Site (shaded orange) is immediately north east of the Site (outlined red)

### 2.3.1.2 Planning Proposal Lot 3 DP 1018217 Dido Street, Kiama



- > Rezone 0.887 hectares from Zone RU1 Primary Production to Zone R2 Low Density Residential
- > Residents depend upon Kiama town centre for day to day needs
- > The land is Site 8 in the Kiama Urban Strategy Stage 2 timeframe
- > Supported by Council 20/03/18 to be forwarded for Gateway determination
- > Potential yield limited to approx. 10 lots
- > Elevated steep land, southerly aspect, heavily vegetated, bushfire hazard risk
- > This small lot yield will not impact on trends showing lack of housing diversity and lack of housing affordability in Kiama.

### 2.3.1.3 Planning Proposal for Lot 2 DP 626183 Golden Valley Road, Jamberoo

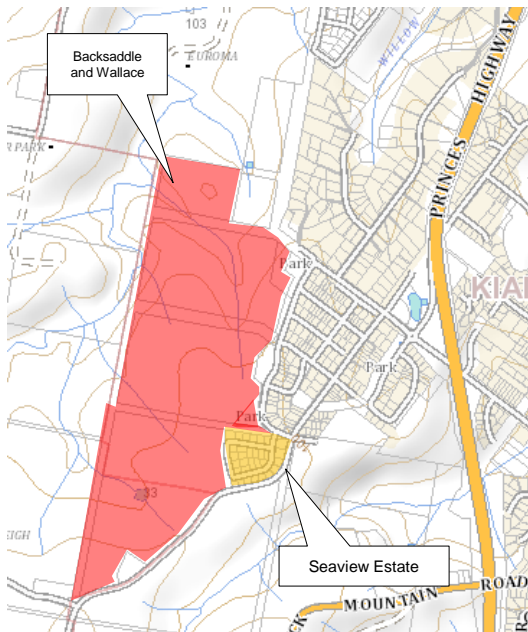


- > Rezone 4.662 ha from Zone RU2 Rural Landscape to Zone R2 Low Density Residential Zone
- > Site 27b in the Kiama Urban Strategy Stage 2 timeframe (5 to 10 years)
- > Rejected by Kiama Council pre-Gateway in December 2016
- > Supported at Gateway by JRPP on 7/08/17
- > Council resolved on 17/04/18 to request the DPE to finalise the LEP amendment
- > Potential yield of 50 lots
- > No housing diversity commitments
- > No affordable housing measures
- > Productive agricultural land in a high rainfall area in current use and adjacent to land mapped as BSAL. Use for residential purposes would remove this resource from agricultural production. However, the area was considered by the DPE to be a relatively small proportion of the BSAL resource in the Kiama LGA
- > No urban design measures were required for establishing a permanent town edge between urban and rural land
- > Visual impact mitigation to be achieved by planting canopy trees along the rural-urban edge and throughout the subdivision



#### 2.3.1.4 Site Compatibility Certificate Seaview Estate 58 Old Saddleback Road, Kiama

- > 2.023 ha in Zone RU2 Rural Landscape
- > Site is west of the “western town boundary” referenced in KUS
- > 30 self-contained detached dwellings and one community lot under a Community Title subdivision approved by JRPP 13 April 2012
- > Site has ground levels of 115.5m AHD to 120m AHD. Backsaddle land maximum surface levels of 116.5m AHD
- > The following are quotes extracted from the Assessment Report considered by the JRPP:



*“Development proposed on the urban fringe can create the potential for land use conflict. In this instance the site adjoins rural land to the west that is of prime crop and pasture potential. However, this land (Lot 1 DP 1003719) is only 5.622 hectares in size and, again, given this relatively small size, has limited agricultural use. The pattern of rural subdivision surrounding the site is also of comparatively small allotments. Aerial image of the site confirms adjoining Lot 1 has been used for the production of fodder for silage, which involves the use of farm machinery. The adverse impact associated with this, namely noise and possibly dust, would be intermittent. It is expected the land is generally used for the light grazing of livestock.”*

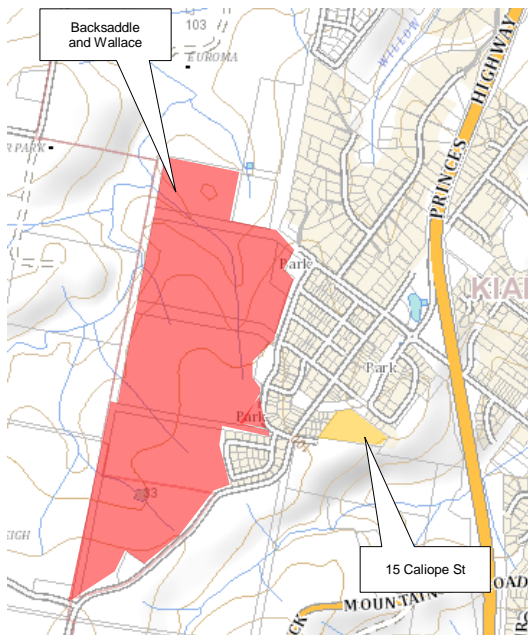
*“There is no cropping, dairying or intensive agricultural use within the immediate vicinity of the site, the pattern of rural subdivision surrounding the site is of comparatively small allotments and hence the potential for land use conflict is not considered to be such that would warrant refusal of the development under the circumstances.”*

*“A visual impact assessment was submitted with the application. The report concludes that “the development has been specifically designed to address the edges and to define them in ways that are compatible with the existing edges of Kiama West”.*

*“Photo montages were also submitted in support of the proposal that suggest that the visual impact of the development is acceptable in the context of the site. Views to the site from Kiama are broken and for the most part it is accepted that the development will form a visual continuation of the West Kiama urban release area. Overall, it is considered that the visual impact of the proposed development is generally acceptable in the context of the site.”*

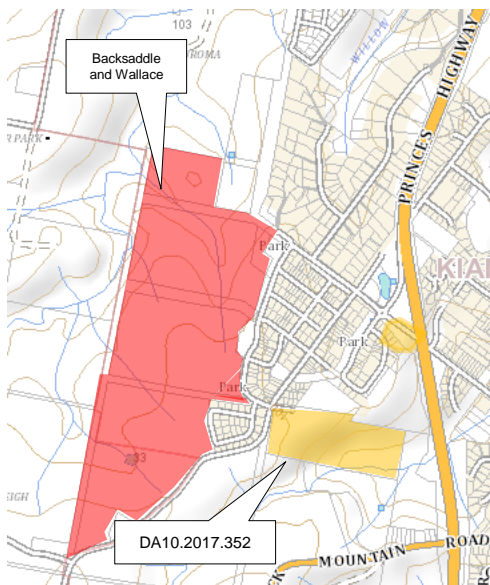


### 2.3.1.5 DA 10.2014.161 Mod 5 No.15 Caliope Street, Kiama



- > 1.006 ha in Zone R2 Low Density Residential
- > Originally 16 (now 17) residential lots ranging from 528m<sup>2</sup> to 909m<sup>2</sup> and one residue lot
- > No requirements for visual mitigation or urban design requirements to establish a distinct urban edge or "town boundary"

### 2.3.1.6 DA.10.2017.352.1 Caliope Street, Kiama



- > 5.88 ha in Zone RU2 Rural Landscape E2 Environmental Conservation
- > 21 seniors housing dwellings plus one community property lot with DPE SCC consent
- > Residual lot located south of the extension to Caliope Street
- > Application not yet determined

## 2.4 Summary

The Site is within the Spring Creek catchment. The Spring Creek catchment has a long history of being included in the anticipated urban footprint of the Kiama settlement.

The Spring Creek catchment is not part of the locality determined to be essential to protecting the scenic landscape value and agricultural productivity of the Jamberoo Valley.

KUS is no longer relevant as an evidence-based strategic planning tool. KUS is not supported by the DPE and is not consistent with the IUDP and ISRP.

Provisions in the West Kiama DCP have not been implemented to establish a long term well defined nor practical western boundary to Kiama urban area.

The IUDP has anticipated delivery of new dwellings which have not eventuated under KUS.

The KUS is not consistent with the ISRP 2015.

The Bucksaddle and Wallace project has been developed with detailed understanding of:

- > contemporary evidence on site capabilities, context of surrounding development, historic and current land use patterns
- > the contemporary outcomes from strategic and statutory decisions on land use
- > issues important to stakeholders
- > high quality case studies and best practice for delivering affordable and diverse housing that is socially, environmentally and economically sustainable.

This Planning Proposal application provides comprehensive analysis and assessment to support an amendment to KLEP. Changes to land use zoning, height of buildings, floor space ratio and minimum lot size controls are well informed by detailed studies and an understanding of the important local and regional planning issues. The Bucksaddle and Wallace project will deliver residential development, active conservation of the site and a long term effective interface with rural land as well as public benefits and infrastructure best suited to the neighbourhood and local community.

#### **2.4.1 Site Inspection Access**

It is noted that the site is used for grazing livestock. Should site inspections be required please contact Cardno on 02 4254 8753 to arrange a site visit.



## 3 Land Capability Analysis

The Site is located at a land use interface. Low density residential subdivision is located to the north east and east and land uses for rural and rural residential purposes to the south, west and north-west. The site itself is used for low intensity grazing.

A variety of studies have been undertaken to examine the characteristics of the site and surrounding area. This section provides a summary of the land capability and development potential of the site and includes information used to compose the Concept Plan and inform draft amendments to the KLEP 2011 and the KDCP 2012.

### 3.1 Land Ownership and Site Boundaries

The site is identified and described in **Section 1.2**. The following is an explanation of the selection of site boundaries with consideration to adjoining land. In preparing this Planning Proposal application, the relationship with adjoining and surrounding land has been considered to the extent possible given constraints of land ownership and participation of, and coordination with adjoining land owners and current and likely future uses to best integrate with the site and surrounds. These matters are explained below.

#### 3.1.1 Lot 187 and Cuba Street Road reserve

Lot 187 DP 751279 is owned by the same landowner as the rural holding (Lot 102 DP 1176643) north and north west of the subject site. The Cuba Street road reserve is owned by Kiama Council and includes a shared pathway linking Bland Street with Cedar Grove. Cuba Street road reserve and Lot 187 fragment land owned by Backsaddle Pty Ltd being Lots 183 and 185 DP 751279.

Lots 183, 185 and 187 were originally considered in the background studies undertaken to date and are shown in maps, figures and text of some supporting studies.

The fragmentation and existing uses of Lot 187 and Cuba Street create barriers to extending the Planning Proposal further north into Lots 183 and 185. For the same reasons the proposed amendments for Lot 186 are limited to establishing a ground-truthed environmental conservation area and limited development on the north east corner that is compatible with adjoining land.

The final content of this application does not apply to Cuba Street road reserve or Lots 183, 185 and 187.

#### 3.1.2 Cuba Street as a new Public Road

In 2016 White Constructions, the developer of Cedar Grove 2, constructed as condition of KMC consent, a shared pathway and a rural post and wire fence within the Cuba Street road reserve extending from Merrick Circuit to the western end of Bland Street. Photos of the shared pathway and fencing are included in **Figure 3-1**.

Figure 3-1 Shared pathway in Cuba Street road reserve



The Cuba Street road reserve was considered for a second public road access for the Cedar Grove residential subdivision as discussed in the Council Meeting Agenda Item 14.7 to the Ordinary Council meeting of 17 October 2017.

Bucksaddle Pty Ltd offered to provide funding and dedicate land to the construction of a public road. The road proposed by Bucksaddle Pty Ltd was to link Bland Street with Merrick Circuit and forming a second public road access for Cedar Grove. The offer was made on the grounds that the new public road would include dedication of land and construction costs at the expense of Bucksaddle Pty Ltd and that expense was to be offset by creating subdivision potential for land owned by Bucksaddle Pty Ltd.

The offer was rejected by Council on the grounds that further residential development west of the current residential zoned land was not consistent with KUS and *“would be on the downslope from a ridgeline exposing residential development (currently not required to meet Council’s housing stock needs) to the detriment of the agricultural and scenic landscape when viewed from the western entry to Kiama”*.

This application for a Planning Proposal supersedes the conclusions of the Agenda Item 14.7 because:

- > It demonstrates the KUS will not deliver the new housing required to meet needs and can no longer be relied upon as an evidence-based strategy aligned with real local housing needs and the ISRP
- > It demonstrates that Council’s intentions for a western town boundary have not been achieved and
- > It demonstrates Cedar Grove and the existing dwellings on the eastern ridgeline of Spring Creek and Seaview Estate have a prominent visual impact on the landscape and scenic value of Spring Creek Catchment.

This application demonstrates the reasons for council rejecting the previous offer of a new road link are not currently valid.

Due to the fragmentation discussed in **Section 3.1.1** this Planning proposal application does not propose Cuba Street as a new public road. However, investigations undertaken with supporting studies indicate that the Cuba Street road reserve is capable of accommodating a new public road including a bus route. This would require minor realignment of the road reserve boundaries with adjoining land at the northern and southern ends and reconstruction of the shared pathway.

### 3.1.3 Public Reserves west of Greyleigh Drive

As explained in **Section 1.2** there are public reserve lots along the western side of Greyleigh Drive owned by Kiama Council. These lots are within Zone RU2 Rural Landscape and are used as publicly accessible space. The reserves include dry stone walls, impressive mature fig trees and a playground. It appears the original intention of these lots was to create a western edge to the urban footprint by:

- > Blocking access to the public road network for land west of the Greyleigh Drive public reserves
- > Preventing seniors housing on land west of Greyleigh Drive by creating a strip of land in Zone RU2. In this way land further west of the public reserves does not meet the requirements of *Clause 4(1) to State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004*.

Consolidation of lots in the same ownership has facilitated multiple points of access to the public road network as detailed in **Section 3.9** and results in the site adjoining land zoned for urban purposes. Therefore the apparent intentions for the public reserve strip do not apply.

The public reserves and the RU2 zoning that applies to this land are not effective in creating a town boundary.

In addition to the matters raised in **Section 2.2** and **Section 2.3** it is clear that these reserves have not been effective in establishing a western town boundary along Greyleigh Drive. Housing exists on, and west of, the ridgeline and has a notable visual impact on Spring Creek Catchment as explained in **Section 3.12**.

For these reasons this Planning Proposal application seeks to apply Zone RE1 Public Recreation to these existing public reserves. This change is most befitting of the intended and current use of the land as explained in **Section 6**. The potential public benefits of this Planning Proposal can be optimised by including these public reserves in the site boundaries as explained in **Section 6** and **Section 7**.

### 3.1.4 Rural Holdings to the west

The rural holdings to the west of the site include riparian land and low intensity grazing land. The continuous dry stone wall running along the western edge of the site north from Old Saddleback Road represents a practical site boundary highly suited to create a long term urban-rural buffer of high integrity as explained in **Section 3.11**, **Section 3.13**, **Section 6.4.5**, **Section 6.4.6** and **Section 6.4.7**. The land use zoning pattern described in Section 6 further reinforces the integrity of the urban-rural buffer.

### 3.2 Topography

Contours indicate that the site elevation varies between approximately 30m Australian Height Datum (AHD) near the base of a gully in the north western portion of the site and 135m AHD in the southern portion of the site adjacent to Old Saddleback Road.

The study area consists of a descending ridgeline from Saddleback Mountain with a southwest-northeast orientation, forming the watershed between Spring Creek and the coastal catchment of the Kiama hinterland. The site has an undulating terrain with gentle to moderate slopes in the southern and central parts of the site and moderate to steep slopes in the northern part of the site. Site contours have a generalised fall to the north through numerous drainage channels that drain into Spring Creek. The Spring Creek watercourse runs adjacent to the site and is located in the neighbouring property to the west.

The topography of the site overlayed with the constraints identified through specialist studies indicates capacity for a low density residential lot layout on the southern portion and large lot residential density on the northern portion and south western edge.

A conceptual subdivision layout has been prepared to test the land capability for layout of roads, utilities, lots, dwelling footprints and water-sensitive urban design (WSUD) (see **Appendix K**). The concept layout will be revised over the life of the master plan. It has been included in this application to verify that residential redevelopment is feasible and can credibly deliver the variety of housing, quality civil works and environmental improvements. It is not a final layout.

Lot sizes and dimensions have been tailored to suit slope and aspect and accommodate generous buffers and setbacks where appropriate. Buffers and setbacks are to be established for:

- > Protection of land with riparian and biodiversity assets
- > Creation of appropriate separation to adjoining rural zoned land to protect amenity and maintain the right to farm
- > Establish asset protection zones
- > Create separations and setbacks to dry stone walls to optimise the visibility, awareness and appreciation of these heritage items in the public domain
- > Establish a high quality road edge treatment for Old Saddleback Road with planting, fencing and setbacks
- > Create a buffer to Seaview Estate (which lacks separation to the Site in its current layout)
- > Opportunities for views and outlooks.

Road locations and alignments have been based on efficient layout, compliant grades and dimensions for the anticipated traffic and pedestrian volumes. The road reserves are inclusive of street tree planting and utility installations and WSUD stormwater management. Road planning has accommodated for a new bus route anticipating the attraction of a new bus service not currently available in West Kiama.

### 3.3 Contamination

A Limited Environmental Assessment was completed by Cardno to identify potential areas of environmental concern and provide recommendations for suitability of proposed land uses. The assessment included a site walkover and a limited review of local and regional geology, hydrogeology, topography, hydrology, groundwater data, acid sulfate soil risk, and historical aerial photographs.

A review of historical aerial images indicates that the site has been used for agricultural purposes since at least 1949 and that the dominant land use has remained low intensity agriculture. Considering the historical land use and based on observations noted during the site inspection, a number of potential areas of environmental concern (PAECs) have been identified that pose a potential risk to human health and/or the environment:

- > Dam Walls (PAEC01): three dams were observed at the site and based on historical aerial imagery were constructed prior to 1970. The dam walls were vegetated at the time of the inspection so the material was unable to be assessed.
- > Laydown Area (PAEC02): a laydown area was observed in the central portion of the site and was used for storage of civil construction building materials including concrete pipe. A stockpile of discarded waste was observed immediately west of the laydown area and contained a mixture of organic waste (branches) and anthropogenic demolition waste. A number of pipes observed at the laydown area and within the stockpile may contain asbestos based on observations.



- > Boundary Filling (PAEC03): an area of landscaping along the site boundary in the south eastern corner of the site appeared to contain demolition rubble including concrete and brick fragments. The deposited material is located in the road corridor of Greyleigh Drive immediately east of the site, however, the fill material appeared to encroach onto the site in some areas.
- > Stockpiles (PAEC04): extensive stockpiling was observed along the eastern boundary in the central and northern portions of the site. The stockpiles were completely vegetated so the nature of the material within each stockpile was unable to be assessed. The extent of stockpiling at this location was inferred utilising historical aerial imagery dating back to 2005.
- > Surficial Dumping (PAEC05): discarded objects and waste were observed on the ground surface in the north western corner of the site including sheet metal, tires, fencing materials (steel and wire) and fragments of cement sheeting (potentially containing asbestos). The extent of dumping was difficult to quantify with accuracy due to a dense cover of vegetation, both grass and shrubs.

Based on the PAECs detailed above, Cardno recommends the following:

- > Intrusive investigations should be undertaken at each PAEC to determine if measurable Contaminants of Potential Concern (COPCs) are present and the suitability of these areas for the proposed land use / redevelopment. Investigations should be undertaken in accordance with relevant regulatory legislation and guidance including the *National Environment Protection (Assessment of Site Contamination) Measure* 1999, as amended 2013 (NEPC 2013).
- > Each PAEC should be assessed for the applicable COPCs. If concentrations of COPCs are identified above the Tier I screening values of the NEMP (NEPC 2013), additional remedial or management actions may be necessary.
- > The proposed intrusive investigation should include a thorough inspection of all drainage channels and overgrown areas. Some areas were inaccessible at the time of the inspection due to a thick cover of Lantana and as such potential contaminant sources were not adequately assessed.
- > Any future works involving soil disturbance should incorporate an unexpected finds protocol to facilitate the identification and management of previously undocumented contamination.
- > The timing of the intrusive investigation is at the discretion of Council, however it is anticipated that the investigation could be undertaken following submission of the Planning Proposal and subsequent DA but before detailed design of the development.

The nature and extent of areas of concern and further investigation can be investigated and remediated (if necessary) with standard methods and would not preclude the proposed LEP amendments.

### 3.4 Geotechnical

A Preliminary Geotechnical Desktop Study and Site Walkover Report was completed by Cardno, which included a review of the available information and a site walkover. Intrusive site investigations were not included as part of these investigations, and all conclusions and recommendations are preliminary in nature.

The Kiama 1:50,000 Geological Sheet (Bowman H.N., 1974) indicates that the site is underlain by Permian Latite of the Bumbo Latite Member. Latite is a porphyritic extrusive volcanic rock with a fine-grained groundmass containing phenocrysts of plagioclase and potassium feldspar. Geoscience Australia describes the Bumbo Latite Member in the vicinity of the site as coarsely porphyritic, locally pillowed and containing phenocrysts of labradorite and augite. Outcrops of Latite were observed at the site.

The site is observed to be underlain by a shallow cover of silty sand topsoil over residual silty clay which overlies moderately to highly weathered latite. Minor amounts of fill were identified on site, and comprised the bunds to dams and stockpiled latite boulders across the site. There is no known or expected acid sulfate soil risk at the site.

No major instability of natural slopes was observed during the site inspection. However, future slope stability considerations will depend on final cut/fill profile, and the subsoil/fill characteristics, specifically where development is planned close to or within the steeper sided drainage channels. It is recommended that during the design and construction stages, care should be taken with earthworks in the proximity of steeply dipping side slopes to ensure any cut or fill is appropriately managed to ensure stability of slopes is maintained.

The underlying latite rock is expected to provide a good foundation for structures and is not expected to provide significant slope stability concerns. Where the latite rock is to be excavated then rock breaking techniques may be required due to the expected moderate to high strength of the rock unit from shallow levels

At this stage no significant constraint for development regarding geotechnical aspects has been identified. Standard engineering practices and designs are anticipated. An intrusive geotechnical investigation should be conducted in the proceeding stages of the development application process to confirm the site suitability for specific subdivision layout.

## **3.5 Surface Water and Flooding**

### **3.5.1 Drainage overview**

The proposed residential development site is located within the Spring Creek Catchment. The Spring Creek Catchment is approximately 5.8km<sup>2</sup> in area and is typified by steep slopes leading into well-defined natural water courses. The catchment consists primarily of dense vegetation (near to the natural flow paths) and pastoral areas. Watershed in the Spring Creek catchment generally flows north easterly and dissipates into the ocean at the southern-most end of Bombo Beach.

Surface water at the site flows to the north through numerous drainage channels that drain north-west into Spring Creek. Spring Creek runs adjacent to the site in the neighbouring property to the west. The site contains three dams. These dams are generally located within drainage channels. Several springs were also observed up gradient of the dams in the southern portion of the site.

### **3.5.2 Water Cycle Management Report**

A Water Cycle Management Report was prepared by Cardno to demonstrate that the proposal is in accordance with the environmental controls of floodplain management, stormwater management and water sensitive urban design with reference to the Kiama Development Control Plan 2012 (KDCP, 2012).

The report indicated that flood water is well contained in the deeply incised main channel of Spring Creek and is outside the extent of floodwaters during the 100 year Average Recurrence Interval (ARI) and Probable Maximum Flood (PMF) events.

Four flow paths are located within the site boundary which are all overland flow or 1<sup>st</sup> order watercourses. These flow paths will potentially be realigned or filled during earthwork and piped in the future storm water network, and are not considered as flood constraints to the site rezoning.

The site development will require the use of a network of treatment devices including bioretention basins, rainwater tanks and GPTs to meet water quality targets, and OSD basins to meet post development flowrate standards. All stormwater management provisions are intended to incorporate Water Sensitive Urban Design (WSUD) methods and techniques.

## **3.6 Services**

The subsections below provide a summary of the service provision and requirements necessary to meet the needs of future uses of the site.

### **3.6.1 Water**

A review of the Sydney Water Hydra database has found that 150mm water mains are in place in Greyleigh Drive. There is also a 3.7m wide easement (created in 2001 by DP 1038973) with an existing connection at the southern end adjacent to Old Saddleback Road. The site can be readily connected to Sydney Water services with standard extension and upgrade works. An underground pipeline from Jerrera Dam runs within a 5m wide easement for water supply shown on Lot 2 DP 1135218 (a former unformed road adjoining Lot 186 to the north) owned by Backsaddle Pty Ltd. These easements can be relocated to be contained in future road reserves once a layout has been resolved. Subject to further investigation the water supply pipeline within the easement shown on Lot 2 DP 1135218 may be suitable for servicing the needs of the north east part of the Planning Proposal site and Lot 186 in particular.

Sydney Water generally permit reticulation to water mains which have a minimum 14m of head from the base of the serving reservoir, which provides adequate mains pressure. However, actual water pressure at the respective dwellings will depend on the vertical relationship of the dwelling to the supply main. The need to include pumps to assist water pressure maintenance will be identified during the detailed design phase.

Consistent with the intention of this Planning Proposal application to deliver housing which is affordable and sustainable in its operational capacity, rainwater collection and re-use as well as greywater re-use systems are to be included in future design guidelines.

### 3.6.2 Sewer

A review of the Hydra Database has indicated that 150mm sewer mains currently service the West Kiama locality. Sewer lines include a line located on the western side of Greyleigh Drive near the south eastern boundary of Lot 1320 DP 1060995.

Sewer reticulation is achievable with standard extension and augmentation work. Upgrade works are likely to be required for sewer pumping stations within the site.

### 3.6.3 Electricity

The adjoining West Kiama residential area is served by Endeavour Energy standard infrastructure and it is considered that this infrastructure can be easily extended to support the proposal.

Consistent with the intention of this application to deliver housing which is affordable and low impact in its operational capacity, photovoltaic cells and battery storage are to be integrated with the recommended design guidelines.

### 3.6.4 Natural Gas

Natural gas connections are currently not available in the immediate neighbourhood. Initial feedback from gas provider Jemena indicates the scale of the planning proposal would prompt consideration of service extension throughout West Kiama.

### 3.6.5 Communications

Telecommunications infrastructure is within the adjacent residential subdivisions. Connection could be made from the existing network to the site with it being common place for NBN Co, to provide cabling and upgrades for developments of this size where common trenching is used and ducting is provided.

## 3.7 Ecology

The Ecological Constraints Assessment is contained in **Appendix D**. The report presents the outcome of literature reviews, database references and field work to identify Plant Community Types (PCTs), Endangered Ecological Communities (EECs), threatened species within the site and habitat likely to support threatened and protected species. The report also evaluates the ecological integrity and condition of the habitat within and adjacent to the site.

The report findings are summarised in **Figure 3-2** and **Figure 3-3**.



Figure 3-2 Map of Ecological Constraints (Source: Ecoplanning dated 6 August 2018)





Figure 3-3 Map of Ecological Constraints (Source: Ecoplanning dated 6 August 2018)



The Ecological Constraints Assessment indicates that the concept plan contained in Section 3.13 will:

- > protect the land containing native vegetation of high ecological value
- > offset the areas of native vegetation proposed to be cleared or disturbed by future residential land development through the restoration of native vegetation within the consolidated area of environmental management zoning.

The concept plan and the Planning Proposal application will optimise protection and avoid impacts to native vegetation of high integrity by:

- > Replacing land in Zone E3 with land in Zone E2 imparting a higher level of land use protection;
- > Increasing the area of the site subject to Environmental Protection zoning to connect the currently isolated patches of E-Zoned land and improve ecological integrity
- > Consolidating land of ecological integrity to a single lot for consistency in future management.
- > Containing as well as to restore connectivity between should future development applications propose clearing of more than 0.25 hectares of native vegetation this would trigger the need for a Biodiversity Development Assessment Report (BDAR).

The ecological constraints recommended by the Eco Planning Report were used by Petersen Bushfire to complete the Bushfire hazard Assessment to ensure asset protection zones do not encroach upon land recommended for environmental management.

### 3.7.2 Backsaddle Environmental Stewardship

A stewardship arrangement is being investigated as part of the master planned project. Eco Planning have provided initial advice on the potential for a stewardship arrangement to restore and manage land to be subject to Environmental Protection zoning.

A stewardship can be established in accordance with the Biodiversity Offsets Scheme coordinated by OEH. The essential steps in establishing a stewardship are listed as follows:

#### *Step 1 – Eligibility Criteria*

Eco Planning is an accredited assessor and determine the site is eligible for credits.

An 'expression of interest' will be registered on the OEH website at such time that the Planning Proposal results in a change to KLEP 2011 which confirms subdivision and use of the land can viably proceed.

#### *Step 2 – Apply Biodiversity Assessment Method (BAM) to generate credits.*

Eco Planning will apply the BAM and produce a Biodiversity Stewardship Site Assessment Report (BSSAR) for the Site. The BSSAR will contain the number of credits and the requirements for a Biodiversity Stewardship Agreement (BSA). A Vegetation Management Plan (VMP) will be prepared for the site.

Although the Biodiversity Conservation Trust is the body responsible for connecting BSAs with land ownership, it is the intention of the planning proposal to connect this BSA to an agreement with the Illawarra Local Aboriginal Land Council (ILALC). Initial feedback from the ILALC is positive (see **Appendix O**).

The details of the agreement can include the following:

- > Creation of a single lot containing all land within the site in Zone E2 Environmental Conservation to be subject to a VMP which includes activities for cultural and educational uses, a bushtucker garden, seed propagation and nursery
- > A single lot within residential zoned land to include a building containing a caretaker's residence and cultural and education facilities
- > A stewardship agreement in place which links the use of the caretaker's residence with management of the land in Zone E2 in accordance with a VMP.

This arrangement would be an outstanding precedent for a greenfield development site in the Illawarra locality. The proposal has potential to deliver:

- > Affordable housing
- > Permanent environmental improvements
- > Cultural and recreational facilities which are inclusive and educational
- > Land management compatible with cultural and environmental values.



## 3.8 Heritage

### 3.8.1 Aboriginal

Aboriginal due diligence advice was sought from Biosis to determine whether the proposed development will involve activities that may harm Aboriginal objects and to determine whether consent in the form of an Aboriginal Heritage Impact Permit (AHIP) is required.

An extensive search of the *Aboriginal Heritage Information Management System* (AHIMS) identified 11 Aboriginal archaeological sites within a 5 kilometre search area. This included artefacts, a burial, a modified tree, shell artefacts, and Potential Archaeological Deposits. However none of these registered sites are located within the study area.

The study area was determined to contain low archaeological potential due to topography and soils of the study area. The topography of the study area mostly consists of large steeply inclined hillslopes, including two ridgelines containing shallow to non-existent topsoils. Shallow soils combined with previous disturbance of the site through the clearing of trees, ploughing and grazing combine to suggest that any potential surface or sub-surface sites have been disturbed or destroyed. A number of drainage lines are present in the study area, however are not easily accessible.

Recommendations for the unlikely discovery of Aboriginal heritage items include:

- > Should any Aboriginal objects be encountered during works, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object, the archaeologist will provide further recommendations.
- > If any suspected human remains are discovered during any activity, all works must immediately cease at the location and the remains must not be further moved or disturbed. In addition, NSW Police and OEH's Environmental Line (131 555) must be notified as soon as practicable and provided with details of the remains and their location.

No place-specific or item-specific caution or constraint measures are required for future works. No further investigation of Aboriginal archaeology is required to support the Planning Proposal.

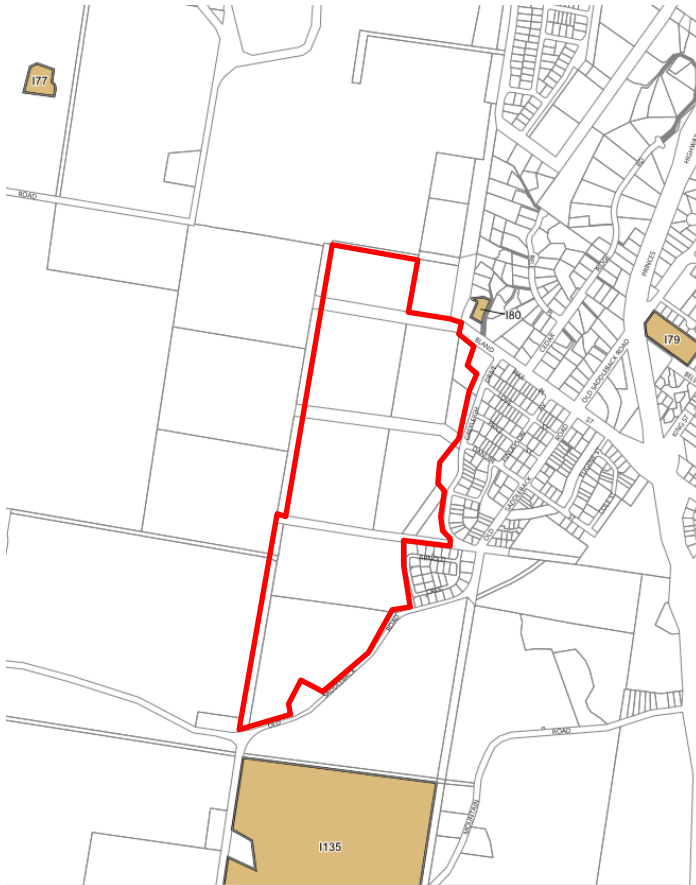
### 3.8.2 European

The study area includes the following items of local heritage significance according to the *Kiama Local Environment Plan 2011*:

- > Dry stone walls (Item No. 64 – various – see below for further details)
- > The Pines Homestead (Item no. I135, located at Lot 33 DP 709582 of local significance)
- > Silver Hill (Item no. I80, located at Lot 101 DP 1076509 No.115 Bland Street of local significance).

**Figure 3-4** shows the location of heritage items No.I135 and I80 as identified in the heritage maps to KLEP 2011.

Figure 3-4 Heritage items listed in KLEP 2011 close to the Site (KLEP 2011 Map HER\_012\_020)



Dry stone walls are located within the site and are the only heritage items likely to be directly impacted by any future works. The original survey of dry stone walls in and around the Site that informed KLEP 2011 is included in **Figure 3-5**. The survey was accompanied by inventory sheets which evaluated the condition and integrity of each wall as numbered on the survey. The inventory comments for walls in the Site are summarised in **Table 3-1**. **Table 3-1** shows walls numbered 12(h), 73(h), 149(h), 54 and 53(h) have sufficient integrity and significance to be retained. These walls have been retained in the concept plan in **Section 3.13**.

Figure 3-5 Dry stone walls as surveyed for KLEP 2011 (parts of Site shaded in blue)

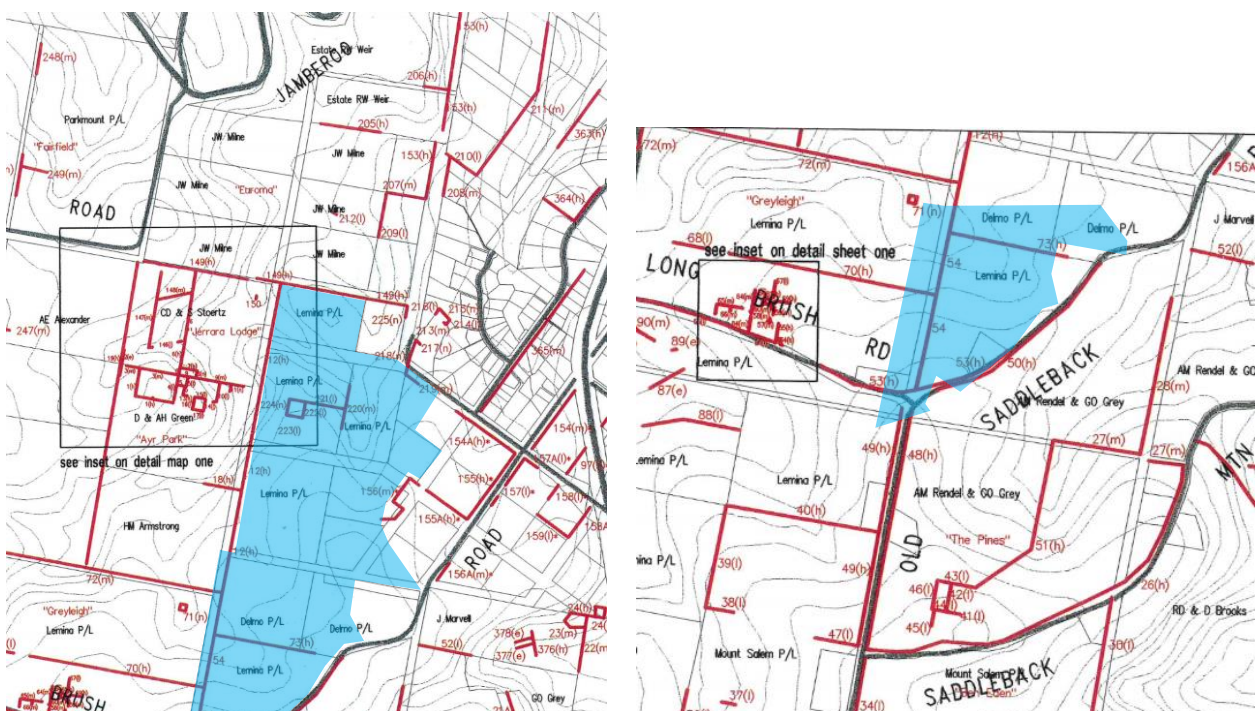


Table 3-1 Inventory of Dry Stone Walls within the Site

Wall Identification No.	Technical Quality and Value	Intactness	Significance
149(h)	Appealing, landmark position, stable	90%	High
220(m)	Weeds and slope have eroded integrity, capping missing	50%	Limited
221(l)	Requires rebuilding and clearing vegetation	10%	Limited. Requires rebuilding and clearing vegetation
222(l)	Unskilled original assembly, deteriorated	40-45%	Not a representative example
223(l)	Unskilled original assembly, deteriorated	<10%	Requires rebuilding and clearing
224(m)	Unskilled original assembly, deteriorated	5 – 10%	Not representative
12(h)	Inaccessible for inventory due to vegetation growth	-	-
73(h)	Inaccessible for inventory due to vegetation growth	-	-
54	Good workmanship, solid, excellent representative example	100%	Restricted by private access and private property
53(h)	Good workmanship, solid, excellent representative example	100%	Restricted by private access and private property

The dry stone walls within the study area intended to be retained were constructed during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries mostly by the Newing family with the exception of wall 54 which was built in 1985 by Ian Downes. They are an important aesthetic characteristic of the dairying landscape within the study area and wider Kiama region. The dry stone walls are a rare feature across NSW and are restricted to Kiama and Lismore. The purpose of the walls was to delineate between paddocks, property boundaries, and agricultural and spiritual places.

The following recommendations were made by Biosis:

- > The KDCP controls are to apply to any development in, near or around the dry stone walls.
- > Any planning proposals should allow for a setback of at least 6 metres from dry stone walls to avoid impacting their condition. While this setback does not include road reserves, an appropriate amount of space can be allocated for verges and pathways, for example.
- > Any rezoning and planning proposals for the study area should accommodate those portions of dry stone walls which have been assessed as being in average to good condition. Where possible, efforts should be made to conserve or improve the condition of those walls (may require seeking consent from Council depending on scale of improvement works), in accordance with the guidelines contained within The Burra Charter.
- > Any rezoning and planning proposals for the study area should establish what impacts are acceptable to portions of walls which have been assessed as being in poor condition, based on their assessed heritage significance. Impacts to walls of high significance should be mitigated where possible, and efforts made to conserve or improve the condition of those areas of highly significant walls assessed as being in poor condition, in line with Recommendation 3. Stone walls assessed as holding moderate significance should be retained where possible, including those walls assessed as being in poor condition. Where impacts to walls of moderate or little significance cannot be mitigated (for example, breaks in walls for roads or driveways), efforts should be made to relocate the portion of wall or repurpose the impacted materials. Walls assessed as being in very poor condition are the most viable option for removal to facilitate roads, driveways and other infrastructure or services, but restoration of these walls should be considered where possible.



- > The proposed works in the study area have the potential to impact the dry stone walls. As such a Statement of Heritage Impact (SoHI) will need to be prepared prior to the approval and commencement of works to guide future management of the dry stone walls. The SoHI should be prepared in accordance with the following guidelines:
  - a. Statements of Heritage Impact (Heritage Office 1996, revised 2002)
  - b. The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance (Australia ICOMOS 2013)
- > If any development is to take place within the study area in the vicinity of a dry stone wall a Conservation Management Plan (CMP) for the dry stone walls must be prepared to inform and manage any potential impacts. The CMP should be formulated in accordance with the following guidelines:
  - a. Assessing Heritage Significance (Heritage Office 2001)
  - b. Conservation Management Documents (Heritage Office 1996, revised 2002)
  - c. The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance (Australia ICOMOS 2013)
  - d. The Conservation Management Plan (National Trust of Australia [NSW] 2000)

A more detailed inventory of the location and condition of the dry stone walls will be conducted with the preparation of a SoHI and CMP to be submitted with future development applications.

The walls of highest integrity have been preserved with the concept lot layout (**Appendix K**) and the Concept Plan (**Section 3.13**). Furthermore the integrity, cultural and social significance of the walls within the site will be greatly enhanced by including them in the public road network and particularly within the urban-rural buffer as demonstrated in the Concept Plan in **Section 3.13**.

### 3.9 Transport & Access

Cardno completed a preliminary Traffic Impact Assessment (TIA) based on a maximum lot yield/maximum traffic generating scenario. The preliminary TIA included Lots 183, 185 and 187 in order to evaluate options for connectivity with Cedar Grove for cars, buses, cycling and walking because such connectivity has been the subject of Council Traffic Committee considerations.

As described in **Section 1.2.1**, the site has been reduced in size since the original scope of the TIA. The TIA in **Appendix H** covers all potential options originally investigated for synergies with surrounding land and is useful in this form for RPA to understand the generous scope of preliminary investigations. The TIA will be revised prior to public exhibition.

The findings of the TIA are summarised below. Further refinement of the TIA will be undertaken with future development applications for specific uses.

#### 3.9.1 Network Capacity

The roads adjacent to the site are classified as Local Roads. The TIA demonstrates that the local road network has the capacity to accommodate additional vehicle, pedestrian and cyclist traffic anticipated to be generated by residential use of the site. Traffic generation from the residential use of the site will not detract from the safety and Levels of Service (Los) at the nearest major intersections.

#### 3.9.2 Site Access

Site access is to be provided as shown in the Concept Plan and is limited by the location and ownership of public road reserves along Greyleigh Drive.

New connections to the existing public road network can be designed to safely and efficiently integrate with existing traffic and pedestrian movements. Sight distances and road design parameters can be established as part of the design guidelines and site-specific DCP provisions to inform development applications.

##### 3.9.2.1 Bland Street Connection

The new connection to Bland Street has capacity for a broad shared zone catering for pedestrian and cyclist activity, buses and cars. This connection point is also a focal point for the West Kiama neighbourhood suitable for a child care centre and small café or neighbourhood shop adjacent to the existing park. Traffic planning can deliver a highly attractive and safe purpose-built public domain in this location with sight lines

extending west to north through Spring Creek Valley. The current termination of Bland Street is shown in **Figure 3-6**.

Figure 3-6 Location of new road connection to Bland Street



### 3.9.2.2 Greyleigh Drive connection

The new connection to Greyleigh Drive will benefit from the broad dimensions of the existing Crown Road reserve and the capacity to align the new intersection to accommodate for buses, waste servicing vehicles, pedestrians and cyclists as well as creating a landscaped buffer to Seaview Estate. The new Greyleigh Drive intersection has the potential to coordinate with the embellishment of land to the north for a broad public reserve with outstanding public landscaping, large canopy trees, pathways and street furniture, a bus stop and active and passive landscaped areas. The current Crown Road reserve intersection with Greyleigh Drive is indicated by the red arrow in **Figure 3-7**.

Figure 3-7 Location of new road connection to Greyleigh Drive



### 3.9.2.3 Old Saddleback Road Connection

The new connection to Old Saddleback Road in the south west corner of the site provides the opportunity to substantially improve the safety and amenity of the existing tourist stop and picnic shelter. The design of this connection is yet to be resolved and may be a low-capacity link for bushfire access and egress only. The existing tourist stop is shown in **Figure 3-8**.

Figure 3-8 Location of new road connection to Old Saddleback Road and tourist stop



A connection to Old Saddleback Road between Long Brush Road and Seaview Estate is also proposed subject to sight distance analysis and intersection design capacity.

### 3.9.3 Internal Road Layout

A new road network with a clear hierarchy of road functions and design incorporating footpaths and cycleways and bus stops can be established within the site. No cul de sacs are proposed except for the access to Lot 186. This will assist with simple way finding and ease of movement through the site.

Provision can be made for three (3) or four (4) new bus stops within the site. This complies with the KDCP requirement for the majority of lots to be within 400m of a bus stop. It is anticipated that a new bus stop will be provided along the western extension of Caliope Street and will have notable benefits for the residents of the seniors housing development Seaview Estate. New bus stops accessible by paved shared pathways will have notable benefits for existing residents of West Kiama in general.

The scale of the development site has the potential to attract a bus route loop through West Kiama by increasing the customer catchment. Currently there is no bus service west of the Princes Highway. Road widths will be selected to facilitate bus routes.

Roads will also be of sufficient width to function as:

- > buffers for asset protection in a manner which optimises protection of vegetated areas
- > buffers between rural and residential land to mitigate potential land use conflicts and support the right to farm
- > areas for the long term protection and appreciation of dry stone walls throughout the site wherever possible by including dry stone walls in the public road reserve wherever practical.

### 3.9.4 Streetscape enhancements

Old Saddleback Road has very high scenic and landscape value. The views to the east, south east and west along Old Saddleback Road are outstanding when travelling in both directions (see **Figure 3-9 to Figure 3-12**).

Figure 3-9 Outlook to the east along Old Saddleback Road





Figure 3-10 Outlook to the north east along Old Saddleback Road



Figure 3-11 Outlook to the east along Old Saddleback Road



Figure 3-12 Outlook to the south west along Old Saddleback Road



Lots sharing a boundary with Old Saddleback Road will have a 10m wide landscaped setback to protect the visual quality of the road reserve. This will:

- > improve safety
- > enhance the aesthetic quality of the road corridor and
- > protect the amenity of future residents.

The landscaped setback will be a distinct improvement on the setbacks, landscaping and fencing established for the Seaview Estate development as shown in **Figure 3-13**.

Figure 3-13 Setbacks to Old Saddleback Road for Seaview Estate



### 3.9.5 Improvements to the existing road network

It is anticipated that a VPA concurrent with the Planning Proposal will apply to the following improvements to the existing public road network:

- > Shared accessible pathway to the western side of Greyleigh Drive linking Seaview Estate to the public park in Bland Street and to the new pathways throughout the Site
- > Works to improve the safety of the road verge along Old Saddleback Road adjacent to the site
- > works to improve the safety and functionality of the picnic rest area in the public road reserve adjacent to the south west corner of the site
- > works to improve the safety of the public reserve areas at Lot 100 DP 1042908 and Lot 1319 DP 1060995 with suitable landscaping works and pathways to safely separate pedestrians, cyclists and vehicles.

## 3.10 Bushfire

Petersen Bushfire were engaged to carry out a Bushfire Assessment of the site (refer to **Appendix F** for the full report). The assessment comprised desk top assessment and field investigations, a review of previous investigations and data associated with the site including:

- > Ecological constraints mapping produced by Ecoplaning (**Appendix D**)
- > Desk-top mapping layers including aerial imagery and contours (2m intervals).

The Bushfire Assessment recommends the following which have been incorporated into the concept lot layout (**Appendix K**) and the concept master plan (**Section 3.13**).

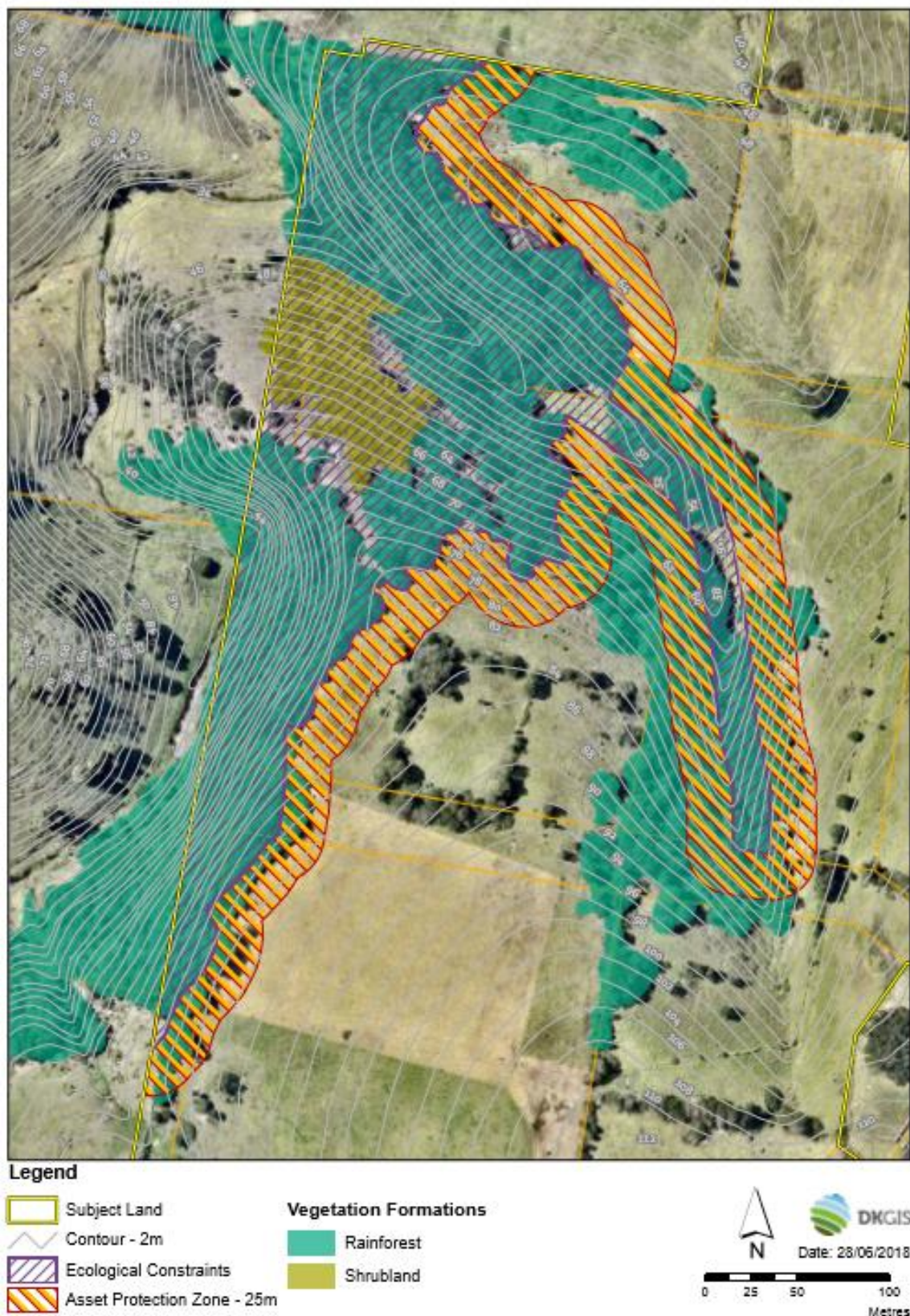
Specifically the site requires:

- > A two way road network
- > Asset protection zones (APZ) typically 25m wide to all outer edges of land identified for ecological management
- > All APZs to be maintained to Inner Protection Zone (IPZ) standards
- > BAL40 construction standards for dwellings on those lots to be burdened by an APZ
- > The riparian zone in the centre of the site is less than 20m wide and not considered a fuel hazard due to discontinuity
- > Public road network connections to Old Saddleback Road, Greyleigh Drive and Bland Street.

The bushfire hazard assessment and nominated APZ lines have been developed in collaboration with Eco Planning to ensure that APZs do not encroach upon land of ecological importance. APZs are shown in **Figure 3-14**.



Figure 3-14 Proposed Asset Protection Zones



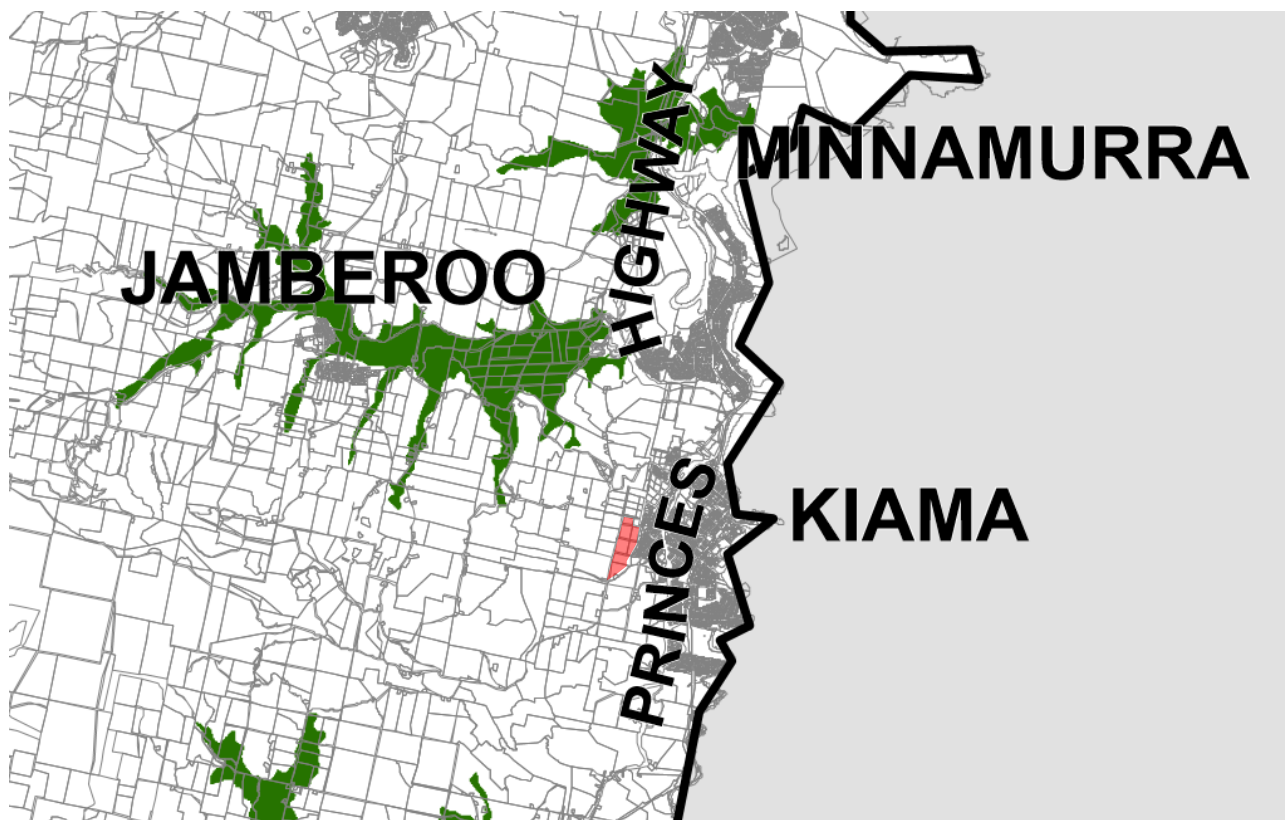


### 3.11 Rural Lands Impact Preliminary Assessment

Biophysical Strategic Agricultural Land (BSAL) has been mapped to inform State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (SEPP MPEI). An extract of the BSAL map for Kiama and surrounds is included in **Figure 3-15**. The map shows the site (shaded in red) and shows the Spring Creek catchment does not contain land that fits the BSAL criteria as set out in the 'Interim Protocol for site verification and mapping of biophysical strategic agricultural land' (DPE April 2013). The criteria are as follows:

- > *properties with access to a reliable water supply, defined by:*
  - rainfall of 350mm or more per annum (9 out of 10 years), OR
  - a regulated river (maps show those within 150m), OR
  - a 5th order or higher unregulated river (maps show those within 150m), OR
  - an unregulated river which flows at least 95 per cent of the time (maps show those within 150m), OR
  - highly productive groundwater sources, as declared by the NSW Office of Water. These are characterised by bores having yield rates greater than 5L/s and total dissolved solids of less than 1,500mg/L and exclude miscellaneous alluvial aquifers, also known as small storage aquifers.
- AND
- land that falls under soil fertility classes 'high' or 'moderately high' under the Draft Inherent General Fertility of NSW (OEH), where it is also present with land capability classes I, II or III under the Land and Soil Capability Mapping of NSW (OEH).
- OR
- land that falls under soil fertility classes 'moderate' under the Draft Inherent General Fertility of NSW (OEH), where it is also present with land capability classes I or II under the Land and Soil Capability Mapping of NSW (OEH).

Figure 3-15 BSAL as mapped in the SEPP MPEI



Furthermore it is noted that Council's assessment report for the Seaview Estate made the following comments regarding the agricultural viability of the site:

*"Development proposed on the urban fringe can create the potential for land use conflict. In this instance the site adjoins rural land to the west that is of prime crop and pasture potential. However, this land (Lot 1 DP 1003719) is only 5.622 hectares in size and, again, given this relatively small size, has limited agricultural use. The pattern of rural subdivision surrounding the site is also of comparatively small allotments. Aerial image of the site confirms adjoining Lot 1 has been used for the production of fodder for silage, which involves the use of*

*farm machinery. The adverse impact associated with this, namely noise and possibly dust, would be intermittent. It is expected the land is generally used for the light grazing of livestock.”*

*“There is no cropping, dairying or intensive agricultural use within the immediate vicinity of the site, the pattern of rural subdivision surrounding the site is of comparatively small allotments and hence the potential for land use conflict is not considered to be such that would warrant refusal of the development under the circumstances.”*

This application for a Planning Proposal makes a commitment to apply the Important Agricultural Lands (IAL) assessment criteria specified by the NSW DPI in ‘A guideline to identifying important agricultural lands in NSW’ (April 2017) to the site and surrounds. IAL is defined as:

*“existing or future location of local or regionally important agricultural industries or resources as mapped that is consistent with the NSW DPI Guideline to Identifying Important Agricultural Lands in NSW”*

This assessment requires implementation of four mapping tools being:

- “1. a current land use map that identifies where agricultural industries are located*
- 2. a simple map of important biophysical resources for agriculture applicable across all agricultural industries*
- 3. an additional extra overlay of socio-economic information also applicable across all agricultural industries*
- 4. an agricultural industry map that identifies the location of specific agricultural industries using critical biophysical criteria, access to infrastructure and socio-economic location criteria.”*

The assessment will be done post-Gateway and prior to public exhibition.

### 3.12 Visual Amenity

The Assessment of the visual impacts of the proposal has followed a conventional process involving:

- > Description of the landscape.
  - Identification of the visual / landscape character of the site and its locality and of the specific attributes of the landscape that contribute to its character;
  - Assessment of the sensitivity of the landscape to change, being the extent to which the landscape can absorb development and retain its identified positive characteristics;
- > Description of the proposal.
- > Description of the planning background of the site and its locality with particular regard to its expected future uses and landscape / scenic quality.
- > Assessment of the visual impacts of the proposed development.
  - Identification of the visual catchment of the proposal – the extent of the surrounding landscape from which the development site would be visible
  - Identification of key or critical viewing points within the visual catchment and assessment of the sensitivity of these viewing points to changes in the landscape
  - Assessment of the impacts of the proposal with regard to:
    - visibility of the proposal from key viewing points within the visual catchment
    - the level of sensitivity to change of the various viewing points
    - the aesthetic quality of the proposed development
- > Conclusions and recommendations for mitigation of impacts.

#### 3.12.1 Physical description of the site and locality

The site is located on the lower reaches of a north facing spur descending from south to north from Saddleback Mountain. The site partially straddles the ridge of the spur in the southern portion, with the central and northern portions of the site located on the south west facing side of the spur.

The southern and central portion of the site has generally low grades, falling approximately 40 metres across an area of 500m (8% slope), with steeper grades associated with the south east/north west aligned gully running through the central, northern portion of the site.

The site has been primarily cleared for agriculture, comprising low intensity cattle grazing and horse agistment. Pockets of native vegetation interspersed with weed species are located within the gully, with isolated stands of vegetation dispersed through the site.

### 3.12.2 Visual / landscape character of the site and locality

The photographs and text below provide a description of the visual character of the site and its locality.

#### 3.12.2.1 Local context

The subject site is located immediately adjacent to the urban area of Kiama with the Pacific Ocean beyond to the east. Land to the north-east and east includes recent residential subdivisions. Further north the land falls to the lower reaches of Spring Creek (targeted in KUS for future residential development) and then rises again, with low density residential subdivision visible on the mid and higher slopes.

Rural lands are located to the west, with large lot rural-residential properties (concessional lots) interspersed with low intensity agriculture. Further west the Illawarra Escarpment creates the dominant visual feature of the broader landscape. To the south the land rises to Saddleback Mountain, with the heavily vegetated irregular shaped ridgeline and telecommunications tower drawing the eye.

The photographic record that follows identifies the general visual / landscape character of the locality. Planned development in the locality includes future residential development on the northern side of Spring Creek to the north, with the development located at higher elevations potentially visible from the site and within Spring Creek catchment more broadly. Other development includes infill medium density construction within Kiama and large standalone dwellings located throughout the area.

Figure 3-16 View from near the northern edge of Lot 183 looking north to Cedar Grove subdivision



Figure 3-17 View from near the north of Lot 183 looking south west across the upper reaches of Spring Creek catchment





Figure 3-18 View from near the north of Lot 183 looking south with large lot housing to the left of view



Figure 3-19 View from the north east corner of Lot 183 looking south with large lot housing left of the pathway



Figure 3-20 View near the Bland St reserve looking south showing low density housing in Greyleigh Drive on the left



Figure 3-21 View from Greyleigh Drive near Dudgeon Street looking north showing mounded public reserve to western edge of road





Figure 3-22 View along Greyleigh Drive near Dudgeon Street looking south showing Seaview Estate seniors housing adjoining the site to the south



Figure 3-23 View from Greyleigh Drive looking east towards the intersection with Old Saddleback Road



Figure 3-24 View along Old Saddleback Road from the intersection with Greyleigh Drive looking south west and showing Seaview Estate Seniors Housing dwellings





Figure 3-25 View along Old Saddleback Road looking east showing Seaview Estate Seniors Housing beyond the Site in the foreground



Figure 3-26 View along Old Saddleback Road looking north east showing Seaview Estate Seniors Housing in the centre of the photo



Figure 3-27 View from south west corner of Site looking north east showing residential developments of Seaview Estate, Greyleigh Drive and Cedar Grove across the eastern edges of Spring Creek catchment



### 3.12.2.2 Sensitivity of the local landscape to change

The existing landscape within the vicinity of the subject site is considered to be of high visual quality. Critical characteristics of the local landscape include:

- > The Escarpment framing the view looking westwards, with the dark patches of vegetation contrasting with the light green fields to create the dominant visual feature.



- > The undulating topography following the ridgelines southwards from the spur on which the site is located towards Saddleback Mountain.
- > The rolling green hills interspersed with limited vegetation to the west and north west.
- > The dispersed Cabbage Tree Palms contrasting with the low rise agricultural lands.
- > The large Figs located on Bland Street and Greyleigh Drive, east of the site.
- > The surrounding low density single and double storey dwellings associated with subdivision adjacent to the north north-eastern boundaries of the subject site.

The above features create a high quality visual catchment on account of the dominant features being the Escarpment and Saddleback Mountain. However, while the broader environment is of high visual quality it is also highly modified at a finer-grained which adds further visual interest and character.

### 3.12.3 Proposed Development

The development comprises residential subdivision, increased areas for environmental management and conservation and new areas of public open space. The intent of the development would be to provide adequate space to accommodate construction in a landscaped setting including landscaped areas within private lots and canopy street trees. Further details of the proposed development are identified at **Section 3.13**.

The subdivision layout would be developed to consider the visual context of the site, with development located and designed to limit visual prominence. Dwellings would be a mix of single and double storey heights of between 3 and 6 metres, with dwellings located off the apex of ridgelines. The site edges abutting rural lands are proposed to contain large lot housing consistent with the objectives of Zone R5 (see **Section 6**).

The eastern ridgelines of Spring Creek catchment have already been developed for housing. Seaview Estate is on land with a higher elevation than the site. Dwellings along Greyleigh Drive and Cedar Grove dominate the eastern ridgelines of Spring Creek Catchment. Three dimensional building envelopes are intended for the lots immediately west of Greyleigh Drive to limit the height and building footprints and retain outlooks towards Spring Creek Catchment from the public domain in Greyleigh Drive.

Landscaping would be used to conceal development from regional views where possible. A boulevard would be created for site access from Bland Street and Greyleigh Drive, providing a buffer to existing residential and a physical and visual connection to the proposed enhancement of the drainage line and associated riparian vegetation running through the site. Indicative landscape plans have been provided. These would be refined during the subdivision DA phase.

A 10m wide vegetated buffer is proposed to the edge of Old Saddleback Road and a 5m vegetated buffer is proposed to the interface with Seaview Estate to enhance the amenity and aesthetics of these spaces.

#### 3.12.3.1 Development Controls

The potential for site-specific development controls are identified at **Section 3.13**. It is proposed to rezone the land and vary the minimum lot size controls to deliver high quality, environmentally sustainable housing in a variety of forms and tenures. A gradation of densities is proposed across the site to reflect the surrounding land use context, neighbouring land uses and site capabilities.

See the concept in **Section 3.13** which shows larger lots to the site edges adjoining rural land which will accommodate avenues of canopy trees with discontinuous canopies to meet APZ requirements.

A landscaped buffer 10m wide will apply to all lots sharing a boundary with Old Saddleback Road to enhance the aesthetics of the road corridor.

Lots along the western side of Greyleigh Drive will be of suitable dimensions to accommodate single storey dwellings. This will allow lines of sight from existing dwellings on the eastern side of Greyleigh Drive over the rooflines of all new dwellings to the distant (western) side to the Spring Creek valley.

Development controls can also be applied for natural colours, materials and finishes to all new dwellings in order for buildings to blend with the natural landscape tones and colours.

### 3.12.4 Visual Assessment

#### 3.12.4.1 *The visual catchment of the proposed development*

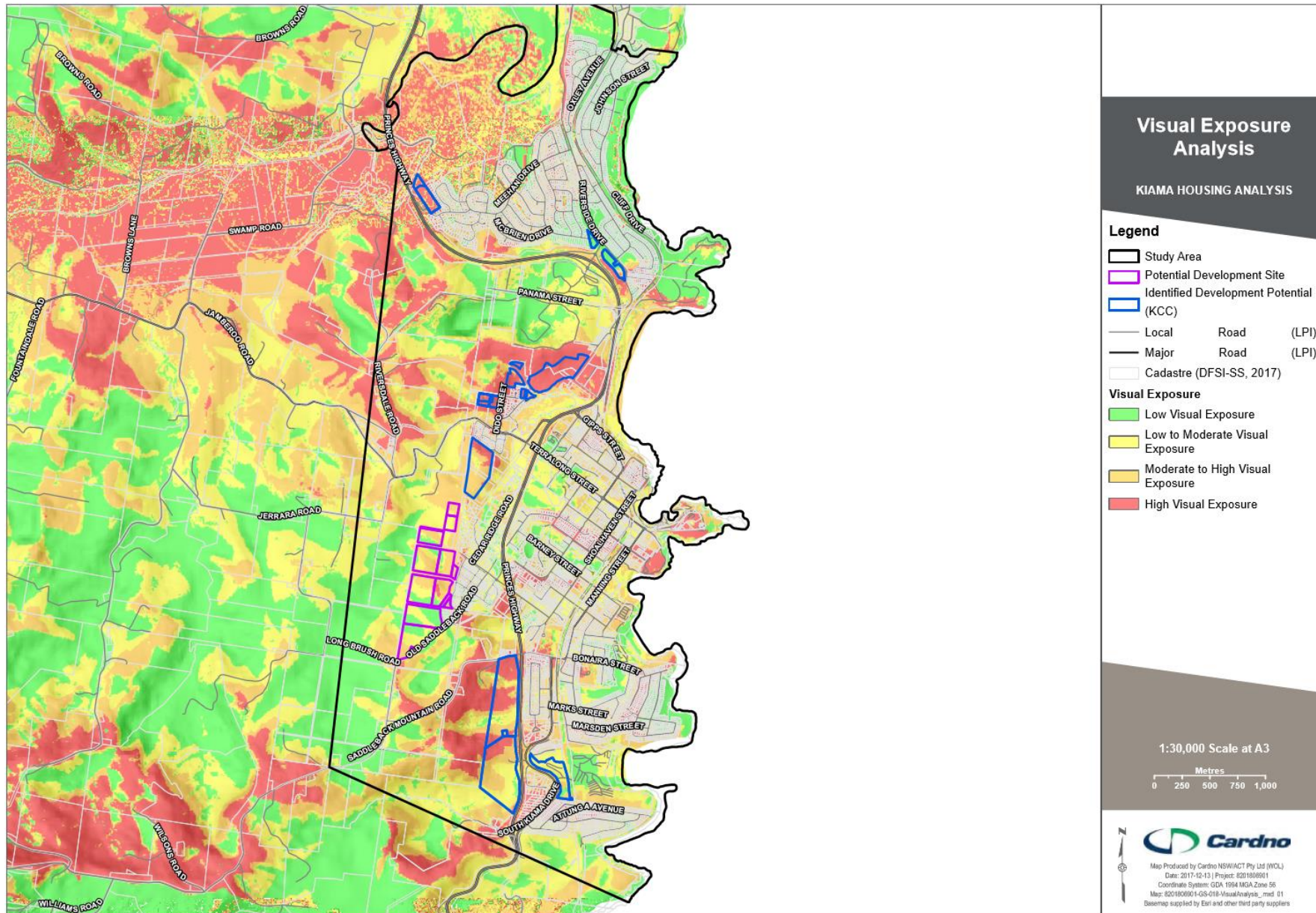
The visual catchment of the proposal describes the extent of surrounding land from which the completed development could potentially be seen. It is based on topography and takes account of elements within the landscape, for example existing buildings or vegetation, that may create a physical screen to views towards the site. The visual catchment of the site has been derived from GIS data and is based on the visibility of a single storey and split level built forms.

The view shed illustrates that due to the location of the development relative to the ridgeline and existing residential development the proposal would have limited visual exposure, with development visible intermittently from the surrounding residential subdivision. Visual impacts would generally be limited views from between existing building and vegetation, with the exception of dwellings that are located immediately adjacent to the site.

Land within 1 – 1.5 km north of the site on the high ground above Spring Creek will have views to the site, however, these views would be partially screened by planting. Furthermore, the views would be set in the context of existing development within Kiama, with development east preventing sky-lining.

The development will be partially visible from the south west at approximately 2 – 4km from the site, in areas on the slopes of Saddleback Mountain, with distant views again to the north west approximately 4km plus from the site. These views will perceive the site as a contiguous part of the Kiama urban landscape.

Figure 3-28 View Shed Analysis for original study area





### 3.12.4.2 *Visibility of the proposal, visual sensitivity and key viewing points*

Notwithstanding the extent of the identified visual catchment of the potential development on the site, there are a range of elements within the landscape that will affect the level of actual visibility of the development. Critically, the site is adjacent to existing residential development comprising single and double storey dwellings to the east. The extent of surrounding development will limit direct views to the site from the surrounding suburbs, other than from the dwellings fronting Greyleigh Drive and dwellings in Seaview Estate, which would receive views of the site. It is noted that street tree planting was intended in Greyleigh Drive but has not become established.

An assessment of the impacts of the proposed development on local visual quality has been undertaken. This assessment addresses the changes to views towards the site from a representative range of local viewing locations within the identified visual catchment.

In order of decreasing sensitivity, locations within the visual catchment that are considered to have significant sensitivity to changes to visual quality include:

- > Residential areas
- > Recognised lookouts or recreational facilities such as walking tracks or scenic points
- > Major regional roads; and
- > Public services and institutions such as schools or transport terminals

To assess the actual visibility of the developed site a number of representative locations (view points) within the identified visual catchment were selected and visited. These viewpoints all fall within the land use categories listed above and were identified as areas with 80 percent plus visibility by the viewshed analysis. These sites comprise:

1. Jamberoo Road, east of the eastern intersection of Jamberoo Road and Jerrara Road located approximately 1km to the north west of the site
2. Riversdale Road located on high ground to the north of the intersection of Jamberoo Road and Jerrara Road that provides access to a number of residential properties, located approximately 1.5km to the north west of the site
3. The Saddleback Mountain Lookout located approximately 3.5km to the south west of the site.

The location of the selected viewpoints is identified within **Figure 3-29** below.

Figure 3-29 Photomontage View Points



### 3.12.4.3 Jamberoo/Jerrara Road

The view shed analysis (**Figure 3-28**) indicates that the site would be visible from Jamberoo Road, which provides connection between Jamberoo and Kiama. The site would be most visible for those travelling eastwards towards Kiama as they crest the rise up to the Jerrara Road turnoff and start to descend towards Kiama as illustrated by **Figure 3-28** and **Figure 3-29**. The site is visible from within the road reserve, with dwellings located on what are currently green pasture interspersed with areas of low level bushland. The extent of existing pasture, along with the farm building in the foreground ensure that this is not a pristine bushland view. The view illustrates the changing character of the landscape over time, with bushland elements generally on steeper slopes around gullies, with pasteurised grazing lands on flatter land.

The view is framed by the western extent of residential development within Kiama. The existing development ensures that the view already includes urban elements, with the proposed development not adding new land use elements to the view, only intensifying elements that already exist. Furthermore, the existing development prevents sky-lining of the proposed development, helping to reduce the visual impact.

The location of the view along Jamberoo Road, a rural road with no footpath, along with the winding nature of the road, would limit views to fleeting glimpses by drivers, limiting the associated impact of the proposed development. The development includes design guidelines to guide dwelling construction, siting and materials, along with landscape treatments including street trees and in lot vegetation.

An indicative landscape concept has been incorporated at **Appendix G** to illustrate the location of mass and canopy planting within the site. The landscape treatment would include the use of appropriate local Australian indigenous species. The landscaping treatment would enhance the existing visual quality of the proposed development, which is primarily grassed paddocks in the elevated and more visible areas, making a positive contribution to local landscape character.

Consequently, views to the site from Jamberoo Road would be limited to fleeting views of a compromised landscape. This assessment considers that while the view to the site would change as a result of the development, the fleeting nature of the view, along with the existing landscape character would ensure that the impact is minimal. See **Figure 3-30** showing the potential visual impact from Jamberoo / Jerrara Road.

Figure 3-30 Jamberoo/Jerrara Road Photomontage



### 3.12.4.4 Riversdale Road

The view shed analysis (**Figure 3-28**) indicates that the site would be visible from Riversdale Road, which provides access to a row of standard residential dwellings, along with large lot rural residential properties. The view is illustrated by the photomontage at **Figure 3-31**. As with the view from Jamberoo Road, the view illustrates the changing character of the landscape over time, with bushland elements generally on steeper slopes around gullies, with pasteurised grazing lands on flatter land.

The view is framed by the western extent of residential development within Kiama that runs down the north east aligned spur of Saddleback Mountain. The existing development ensures that the view already includes urban elements, with the proposed development not resulting in new land use elements, only intensifying elements that already exist. Furthermore, the existing development prevents sky-lining of the proposed development, helping to reduce the visual impact.

The rural location would limit the number of pedestrians in the area, with views primarily from vehicles, moving at lower speeds given the undulating nature of Riversdale Road. The views would be more pronounced than those from Jamberoo Road, due to the north south alignment of parts of Riversdale Road. The site would also be potentially visible from the south east facing portions of existing dwellings. The views from dwellings would be limited by the existing planting within the front and side setbacks of dwellings fronting Riversdale Road, along with the side walls of adjacent dwellings.



The proposed design guidelines and indicative landscape plan would help to reduce the visual impact and enhance the existing visual quality of the subject lands. The limited numbers of people exposed to this view, along with the compromised nature of the landscape would ensure that the impact is minimal.

Figure 3-31 Riversdale Road Photomontage



#### 3.12.4.5 Saddleback Mountain Lookout

The view shed analysis (**Figure 3-28**) indicates that the site would be visible from the Saddleback Mountain Lookout. The view is illustrated by the photomontage at **Figure 3-32**, with the site approximately 3.5km north east of the Lookout and at lower elevation. The Lookout is a public location, with views prized by both the local community and visitors to the region. Consequently, impacts on this view are potentially significant.

The Montage illustrates that the site is only visible as dots of urban form connected with Kiama to the east. The dominant visual features of the view from the Lookout towards the site are the contrasting colours of the dark green bushland and the light green pasture, along with the sky and Pacific Ocean. The site as part of the wider Kiama urban area does not represent a dominant aspect of the visual landscape. The introduction of landscape planting will further reduce the visibility of the site, as will the implementation of design guidelines to ensure development is constructed of low reflectivity material and finished with rural tones.

The distance of the site from the view point, along with the location adjacent to Kiama ensures that the site does not create a dominant visual aspect that impacts on this key view. Consequently, it is not considered that the site would impact negatively on the visual context of this area.

Figure 3-32 Saddleback Mountain Photomontage



#### 3.12.5 The impacts of the proposal on local visual quality

The visual impacts of the proposed residential subdivision that is the subject of this Visual Assessment are considered to be contingent on:

- > The sensitivity of the local visual environment to change
- > The level of visibility of the proposal within the landscape
- > The particular visual character and qualities of the proposed development.

In order to draw conclusions with regard to the potential visual impacts of the proposal, an assessment against each of these criteria has been carried out. Discussion of each of these criteria is provided below.

### 3.12.5.1 Sensitivity to change

The local landscape consists of undulating land, with high points to the south along the Saddleback Mountain ridgeline and to the north in proximity to Riversdale Road. The surrounds include low density residential development to the east, with a patchwork of low level bushland areas on steeper slopes and cleared pasture lands and on flatter lands. The rural lands are interspersed with rural residential properties. The landscape is not pristine bushland, with the majority of the land modified as a result of modern farming techniques.

This complex of visual forms is set against the backdrop of the Illawarra Escarpment to the west, north west and south west; and the Pacific Ocean to the east, which are the dominant visual elements in the wider landscape and are of high visual sensitivity. We consider that the local visual character is of moderate sensitivity to change and that this sensitivity is contingent on:

- > Intrusion on views to the Pacific Ocean
- > Intrusion on the natural hinterland backdrop created by the Escarpment.

Retention of these views will ensure that the visual character of the area will remain substantially the same.

### 3.12.5.2 Visibility of the proposal

The assessment has found that the proposed development would not be substantially visible within the immediate landscape, with existing residential development adjacent to the eastern boundary of the site providing a local visual barrier to the site. Only those houses directly fronting the site along Greyleigh Drive, Bland Street and Arnold Crescent (Seaview Estate) would have direct views to the site, with much of the view obscured by fencing and vegetation given the primarily single storey character of development and the proposed landscaping of the site and public reserves.

As identified by the photomontages, the site would be visible within the local area from the higher ground to the north in proximity to Jamberoo Road, with views from the road fleeting and obscured by future landscaping along with vegetation along the roadside. Additionally, the development would be framed by existing urban form on the ridgeline preventing sky-lining impacts.

The site is also visible from distant views via Saddleback Mountain Lookout. The distance of the view, along with the proximity of the site to existing urban form would reduce the visibility of the site.

### 3.12.5.3 The visual character of the development

The concept layout has been designed with the more intensive development associated with possible aged care and medium density housing in the central eastern and north eastern portions of the site, with lower densities radiating out from this point to create a gradation of density.

The density gradation will help to integrate the eastern portion of the site with the scale of urban development to the east, with the western portion of the site comprising low densities, with dwellings in large lots that will allow extensive vegetation planting.

Landscaping is proposed in public areas, along Old Saddleback Road and adjacent to Seaview Estate to offset the visual impact of the built form with tree canopies.

The proposed subdivision addresses the varied character of the site, with development on the generally flatter areas. The steeper vegetated areas around the watercourse would be rehabilitated to provide added visual interest and break up development across the site.

The site entry from Bland Street would include boulevard style planting, visually softening the development when viewed from both the north and east, as well as creating a clear entry statement.

The introduction of design guidelines for development will ensure a consistent character across the site that reflects the urban/rural interface, with neutral tones and low reflectivity finishes required. The guidelines will also require landscaping in private and public spaces to balance the visual appearance of buildings and landscape elements.

The concept layout, along with the proposed design and landscape treatments will help the development to make a positive contribution to the local visual environment and complement the local landscape.

### 3.12.6 Summary

The landscape in the locality of the proposed development is of variable visual quality. The principal visual elements that contribute positively to visual quality include:

- > Pacific Ocean
- > Illawarra Escarpment.

Within this landscape, the proposed residential development, has been found to be visible from parts of the surrounding residential areas to the east, as well as from elevated locations to the north and from the Saddleback Mountain Lookout to the south west.

Photomontages have been prepared from three identified visually sensitive locations. In these views, the proposed development has been found to be only partially visible, with fleeting views afforded from roads to the north and existing vegetation providing partial screening. To the south west the development is visible from the Saddleback Mountain Lookout as a distant view. The site is framed by existing urban form immediately to the east and south, which limits sky-lining and creates a visual precedent. The existing urban form, along with the extensive clearing undertaken to create the surrounding pasture land ensures that the existing views to the site are not pristine. The proposal would incorporate landscaping and commitments to revegetate the riparian lands in perpetuity.

Design guidelines would be implemented to guide development form and finishes, which along with the proposed landscaping would help to integrate the development with the surrounds. An indicative landscape plan has been provided to illustrate the location of planting within the site. The landscape treatment would include the use of appropriate local Australian indigenous species. We consider that this approach will enhance the visual quality of the proposed development and make a positive contribution to local landscape character.

With the above measures in place it is our opinion that this proposal will have a net positive impact on the visual landscape of the site, surrounds and wider Region.

## 3.13 Concept Plan – Identified Land Capability and future land use layout

### 3.13.1 Overview

A Concept Plan for future layout and land uses has been developed accommodating for all constraints identified in the studies discussed above. The constraints and opportunities specific to the site are as follows:

- > No constraints resulting from geotechnical, contamination or flooding
- > No constraints resulting from essential services extensions and capacity
- > Increase in the area of land for permanent environmental and water quality management
- > New areas of public open space and enhancement of existing public reserves
- > A consolidated greenfield parcel with potential to yield housing that offsets sites that have not eventuated from KUS
- > Parts of the site highly suited to medium density housing and seniors housing (proximity to public open space, low gradients, proximity to bus stops, collector roads and accessible pathways network)
- > Sufficient land area to allow setbacks from site edges for:
  - Buffers to adjoining rural lands
  - Buffers to riparian land management areas
  - Enhancement of the streetscape and public domain
  - Improvements to road, pedestrian and cyclist safety
  - Protection of outlooks and views
  - A rural-urban buffer including dry stone walls of high integrity to be brought into the public domain
- > Land for restoration of riparian vegetation and stormwater management improvements
- > Setbacks and public road networks to protect and enhance dry stone walls of heritage significance



- > New points of connection to the existing road network that do not impact existing public reserves and improve efficient and safe operation of roads
- > New roads and new bus stops to make a bus route feasible in West Kiama benefitting existing and new residents
- > Opportunities to apply design guidelines and DCP controls that harmonise visual impacts with the scenic qualities of the landscape and protect and respect outlooks from existing urban lands (through building envelope and height controls, controls on setbacks and landscaping, colours, materials and finishes)
- > New community assets including recreation facilities, community meeting spaces, paths, play spaces, recreation spaces and community garden in the form of a wellness centre, stewardship cultural and education facility and opportunities for child care centres and neighbourhood shops.

The Concept Plan is included in **Figure 3-33** and is based on the above listed opportunities and constraints and the following principles:

- > Lot sizes to facilitate a diversity of housing
- > Building envelopes and lower density where buffers and constraints are to be accommodated
- > Recreation and public open space areas to protect and enhance riparian areas including stormwater treatment facilities and to protect and enhance dry stone walls and the rural-urban interface.

Figure 3-33 Land use and layout Concept Plan



### 3.13.2 Lot Size and Dwelling Density

- > Smaller lots are nominated where land gradient and aspect are ideally suited to smaller lots and land is in close proximity to public open space, bus stops, collector roads and transport options
- > Lots are proposed on the western and northern edges of the site where the land adjoins rural zoned land to establish a long term rural-urban buffer, accommodate APZs and transition density. Land in Zone R5 does not facilitate seniors housing developments on adjacent land and therefore prevents encroachment into rural land (unlike Seaview Estate). This will maintain the integrity of the rural-urban interface
- > Lots adjacent to Old Saddleback Road will accommodate a 10m wide landscaped setback to the road. This will optimise safety and protect the visual landscape of the road corridor as an important vista to and from Kiama urban area
- > Lots backing onto the western edge of Seaview Estate will accommodate a 5m landscaped buffer
- > Larger lots on the western edge of Greyleigh Drive will be subject to building envelopes of limited height to protect outlooks from existing dwellings along the eastern side of Greyleigh Drive
- > A wellness centre is intended near the western extension of Calliope Street with recreational and service facilities open to the public and adjacent to new public open space integrated with the enhanced public reserves along Greyleigh Drive. Lot size will be determined as the project evolves.

### 3.13.3 Medium density housing adjacent to Bland Street public reserve

Medium density and integrated housing delivering affordable and diverse homes are proposed close to the Bland Street public reserve and along the future bus route. This site is also ideally suited to a child care centre and neighbourhood shop at the interface with the park. These land uses are permitted in Zone R3.

The relationship with the existing public park and playground will be subject to specific design guidelines to:

- > create an interface that complies with CPTED principles particularly with regard to passive surveillance and defining the use and ownership of private and public spaces
- > protect outlooks
- > locate high and low activity generating uses to optimise amenity
- > provide lighting and wayfinding compatible with public and private spaces
- > assist safe movement and use of space with a variety of passive landscaping materials and designs including pavement patterns and planting themes.

A variety of housing types will be facilitated by the Low Rise Medium Density Housing Code to become effective on 6 July 2019. The benefits of new medium density housing opportunities include:

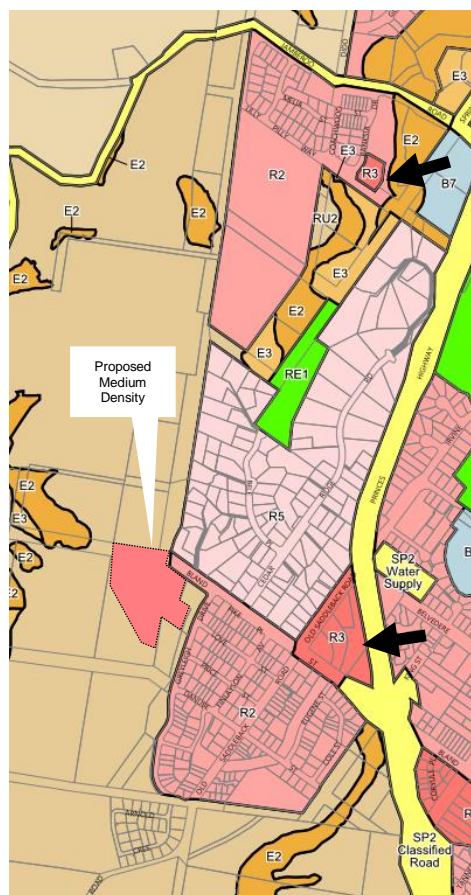
- > increased housing supply and improved housing affordability (see **Section 5.1 and Section 6.4**)
- > housing best suited to the increasingly diverse needs and lifestyles of the local population
- > helping to maintain the local character of neighbourhoods with a storey height limit. This will ensure the size and scale of development will fit into established streetscapes and new release areas.

The application of Zone R3 to this site is consistent with the features that apply to the land in Zone R3 at the northern end of Old Saddleback Road (lower black arrow in **Figure 3-34**) and on the eastern side of Banksia Drive (upper black arrow in **Figure 3-34**). These sites are all:

- > adjacent to collector roads
- > adjacent to public recreational space
- > reasonably unaffected by physical and artificial constraints compared to surrounding land
- > of dimensions and slope suitable to accommodate a variety of dwelling forms.



Figure 3-34 Extract from KLEP 2011 Zoning Map LZN012\_020 showing Zone R3 land close to the site



### 3.13.4 Wellness Centre and Seniors Housing

An area in the centre of the site is highly suited to seniors housing and a wellness centre. This area is shown as a hatched overlay to the Concept Plan. The hatching indicates an area of suitable size and dimensions to contain a seniors housing development constructed and managed by a specialised provider with three stages of care, a wellness centre to provide services to seniors housing residents as well as the general public and torrens lot housing suited to provide multi-generational living opportunities.

Negotiations are currently underway with local specialised seniors housing and aged care providers.

Wellness centre facilities are intended to be available for use by residents and staff of a seniors housing development, visitors and to the broader community. The support facilities are expected to include:

- > recreation and leisure opportunities such as outdoor multi-purpose courts and active spaces, parks, formal gardens and a community garden
- > Indoor recreation and leisure opportunities such as a café and restaurant, swimming pool, gymnasium, multi function rooms for group classes such as meditation, yoga and active fitness as well as meeting spaces and function rooms
- > Accommodation for staff and visitors ancillary to the aged care facility.

These uses are permissible in Zone R2 under the existing provisions of KLEP 2011 and SEPP Seniors Housing.

An integrated seniors housing development could also be serviced by the proposed public bus route. A new bus route will also benefit seniors residents of Seaview Estate (who currently rely on a private bus service).

### 3.13.5 Environmental Stewardship Land

The Ecological Assessment of the site has determined it contains habitat and species worthy of long term protection and management. The Ecological Assessment also recommends applying opportunities for protection and enhancement of the vegetated riparian lands which partly overlap or link land for habitat protection.

This master planned project proposes an environmental stewardship arrangement as explained in **Section 3.7**.

The stewardship arrangement proposes a caretaker's dwelling with cultural and educational facilities and a nursery for seed cultivation and bush tucker.

The stewardship is to be made available to the LALC. The arrangement has the potential to create affordable housing, a cultural and educational facility and legally binding arrangements for the management of the land.

#### **3.13.6 New Public Open Space**

The Concept Plan proposes four (4) new areas of public open space. These areas include land suitable for:

- > active recreation with cleared, grass-covered, gently graded ground surfaces
- > shared pathways, public seating and picnic shelters
- > passive spaces with scattered and dense vegetation including sections of natural drainage channels
- > shared pathways allowing movement through the site with views and outlooks to the Spring Creek valley and adjoining rural lands
- > stormwater treatment areas based on WSUD design principles with low maintenance and cost demands to Council as a future land manager and land owner.

The Concept Plan also proposes to change the zoning of the existing public reserves along the western edge of Greyleigh Drive. This change reflects the true use and intention for the land and enables landscaping and pathways to be installed for community benefit as part of this master planned project.

#### **3.13.7 Upgrade of the tourist stop in Old Saddleback Road**

The potential construction of a new intersection to Old Saddleback Road creates the opportunity to greatly improve the safety and amenity of the tourist stop adjacent to the south west corner of the site as explained in **Section 3.9**.

## 4 Existing Planning Controls

### 4.1 Kiama Local Environmental Plan 2011

KLEP 2011 contains objectives and development controls applicable to the site. The provisions proposed to be amended by this application are summarised in **Table 4-1**.

Table 4-1 Provisions of KLEP 2011 that apply to the Site

KLEP 2011 Provision	Applicable to the Site
Land use zone	Zone RU2 Rural Landscape Zone E2 Environmental Conservation Zone E3 Environmental Management See <b>Figure 4-1</b>
Clause 4.1 Minimum lot size	40 hectares See <b>Figure 4-2</b>
Clause 5.10 Heritage Conservation	The site contains dry stone walls listed as Item I64. Dry stone walls in Kiama have local heritage significance. Dry stone walls of high integrity and good representation are to be protected as recommended in <b>Section 3.8</b> and <b>Appendix E</b>
Clause 6.4 Terrestrial Biodiversity	Applies to parts of the site as mapped (see <b>Figure 4-3</b> ) The clause objective is to maintain terrestrial biodiversity by: <ul style="list-style-type: none"> <li>(a) protecting native fauna and flora, and</li> <li>(b) protecting the ecological processes necessary for their continued existence, and</li> <li>(c) encouraging the conservation and recovery of native fauna and flora and their habitats.</li> </ul> The clause requires future development applications to determine any potential impacts on ecological values and significance of flora and fauna on the land. Any potential adverse impacts anticipated must be satisfactorily avoided, minimised or mitigated.
Clause 6.5 Riparian land and watercourses	Applies to parts of the site as mapped (see <b>Figure 4-4</b> ). The clause objectives are to protect and maintain: <ul style="list-style-type: none"> <li>&gt; water quality within watercourses</li> <li>&gt; stability of beds and banks</li> <li>&gt; aquatic riparian habitats</li> <li>&gt; Ecological processes within watercourses and riparian areas.</li> <li>&gt; The Site contains Category 3 watercourses and:</li> <li>&gt; land that is within 10m from the top of the bank of a Category 3 watercourse; and</li> <li>&gt; land that is within 20 metres from the top of the bank of a Category 2 watercourse</li> <li>&gt; The clause requires future development applications to determine any potential impacts on               <ul style="list-style-type: none"> <li>– water quality and flows within a watercourse</li> <li>– aquatic and riparian species, habitats and ecosystems of the watercourse</li> <li>– bank and bed stability</li> <li>– free passage of fish and other aquatic organisms</li> <li>– any future rehabilitation of a watercourse and riparian areas</li> <li>– increase in extraction of water</li> </ul> </li> </ul>



Any potential adverse impacts anticipated must be satisfactorily avoided, minimised or mitigated.

Figure 4-1 Extract from KLEP 2011 Zoning Map LZN012\_020 (site outlined dashed red)

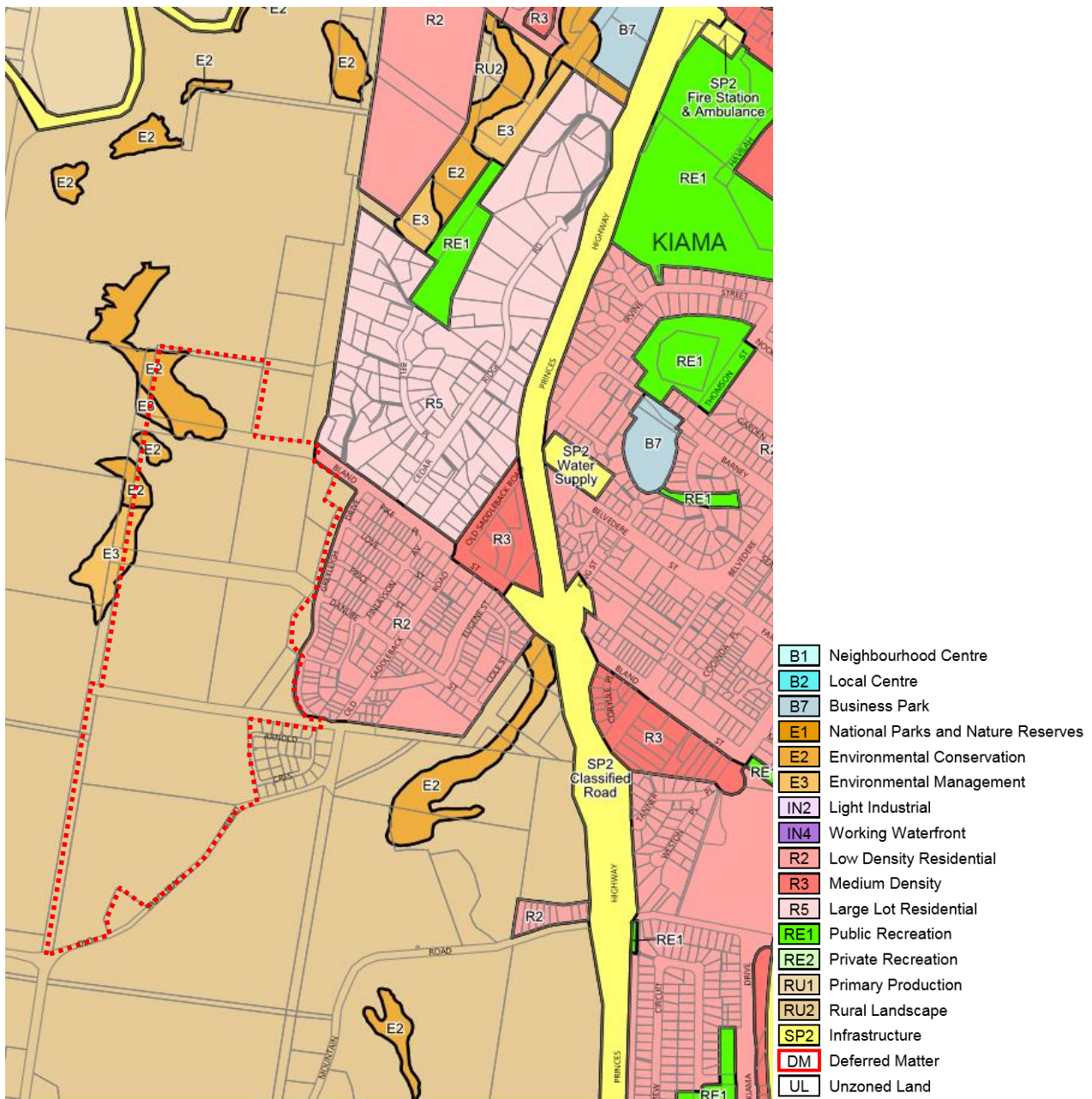


Figure 4-2 Extract from KLEP 2011 Lot Size Map LSZ 012\_020 (site outlined dashed red)

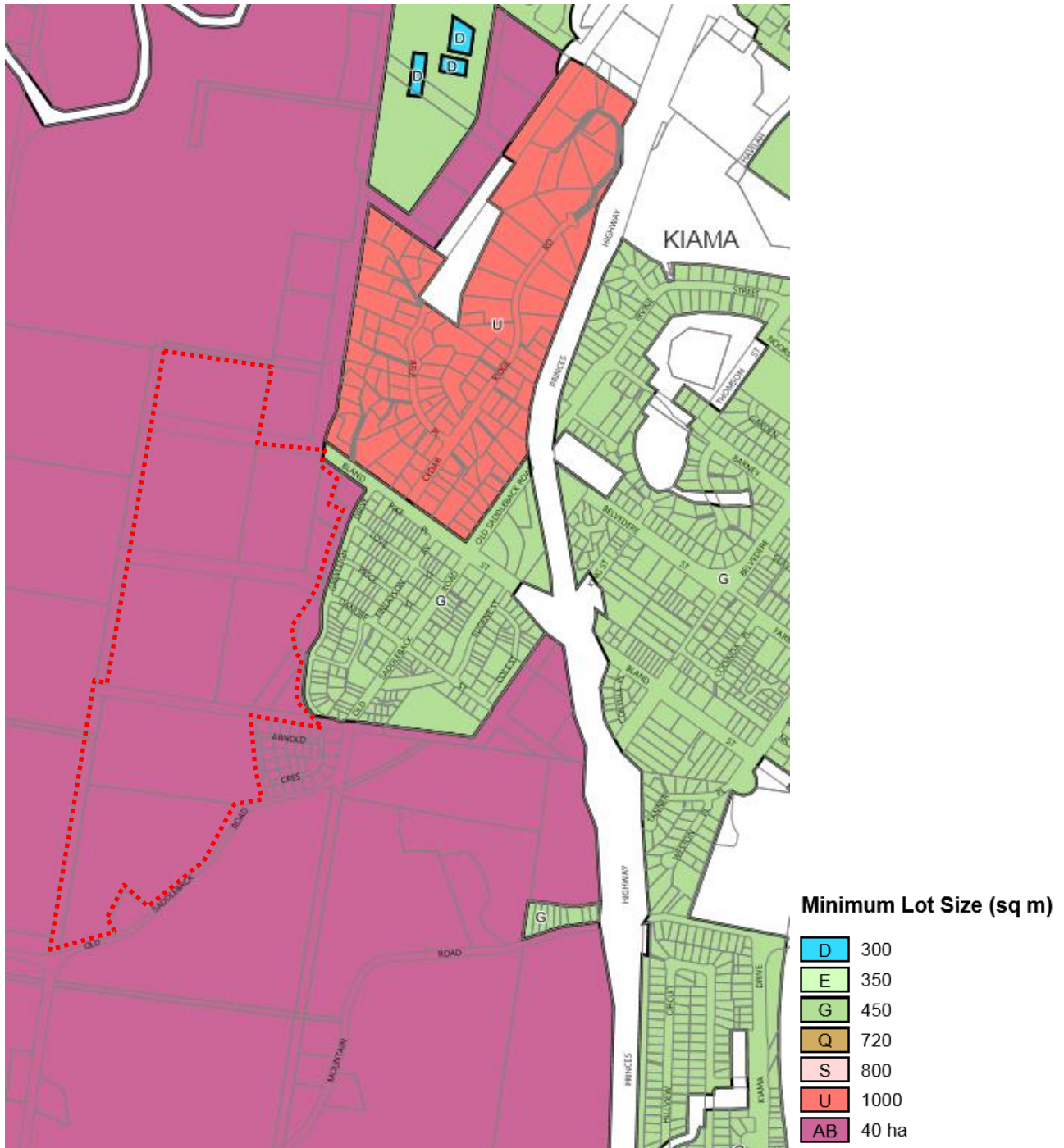


Figure 4-3 Extract from KLEP 2011 Terrestrial Biodiversity Map BIO 012\_020 (site outlined dashed red)





Figure 4-4 Extract from KLEP 2011 Riparian Land and Watercourses Map WCL 012\_020 (site outlined dashed red)



#### 4.1.1 Land Use Zoning

The land use zones that currently apply to the Site are:

- > Zone RU2 Rural Landscape
- > Zone E2 Environmental Conservation
- > Zone E3 Environmental Management

##### 4.1.1.1 Environmental Zones, Biodiversity and Riparian Lands

Zones E2 and E3 were applied to the land without a detailed, ground-truthed ecological assessment. The total area of land within the site in Zone E2 is 2.34 ha and in Zone E3 is 1.09ha.

This application includes a thorough ecological assessment of the entire site including land in Zones E2 and E3. The assessment recommends land identified for environmental protection zoning be contiguous and form a manageable, supportive habitat for species and communities of ecological value as described in **Section 3.7 and Appendix D**. The proposed amendments will greatly increase the area of land subject to environmental protection and mapped as having biodiversity and riparian significance.

#### 4.1.1.2 Rural Landscape Zone

The majority of the site is within Zone RU2. Zone RU2 also applies to:

- > the public reserves along the western edge of Greyleigh Drive
- > neighbouring and nearby rural land and rural-residential holdings to the south, west and north
- > the 21-lot seniors housing development at Seaview Estate
- > the site of DA.10.2017.352.1 on Caliope Street, Kiama which seeks consent for a 22 lot seniors housing development of similar scale to Seaview Estate.

The objectives for development in Zone RU2 are listed in KLEP 2011 as follows:

- > *"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 character of existing development in this area of Zone RU2 includes seniors housing on lots of 430 to 924m<sup>2</sup> which is not consistent with the abovementioned objectives. The Landscape and Visual Analysis undertaken to support this application demonstrates that the visual integrity of the rural landscape as viewed within the Spring Creek catchment has been notably eroded by the ridgetopping urban development along Greyleigh Drive, within Cedar Grove 2 and within Seaview Estate (see **Section 3.12**).

This application also proposes that the fragmented smaller holdings within Spring Creek catchment are not holdings with important potential for primary production. This conclusion has also been made in Council assessment reports for Seaview Estate and Cedar Grove 2 (see **Section 2.3**).

This application makes the evidence-based case that Zone RU2 is no longer appropriate for the Site. Zone RU2 is also not appropriate for the public reserves along the western edge of Greyleigh Drive.

#### 4.1.2 Minimum Lot Size

The minimum lot size applicable to all non-urban land in the Spring Creek catchment is 40 ha (see **Figure 4-2**). There are no individual non-urban allotments within the Spring Creek catchment that can be subdivided as all are less than 80 hectares (in fact all are significantly less than 40 hectares).

Clause 4.2A *Erection of dwelling houses on land in certain rural and environmental protection zones* to KLEP 2011 allows for dwellings to be approved or replaced on lots less than the minimum lot size subject to specific circumstances. The clause also specifies a time limit for consent to be granted for such dwellings. The time limit has now expired.

The number of new dwellings created under Clause 4.2A does not contribute significantly to the dwelling targets of KUS and the ISRP.

This application for a Planning Proposal provides evidence that the site is suitable for redevelopment through application of residential-scale lot sizes and protection of environmental assets in a single stewardship lot. The recommended minimum lot sizes improve on the layout, diversity and affordability created from previous subdivisions in West Kiama. This master planned project will achieve housing diversity and affordability consistent with the current regional strategy and data on local housing demands and set an outstanding new benchmark for environmental management, sustainability and integrity of the rural-urban interface.

#### 4.1.3 Terrestrial Biodiversity and Riparian Lands Protection

As explained in **Section 3.7** this application recommends a VMP apply to the areas of the site in Zone E2 along with a stewardship arrangement for implementation of evidence-based, site-specific measures to

restore and maintain areas of biodiversity and riparian value. These changes ensure that the management of these natural assets will be substantially improved with the implementation of the LEP amendments.

Biodiversity and vegetation management have been given high priority in the preparation of the Backsaddle and Wallace master plan with the methodology for consideration summarised in **Section 3.7**.



## 5 Other Benefits of the Project

### 5.1 Affordable Housing

The Socio-Economic Analysis (see **Appendix I**) and the Housing Supply Analysis (see **Appendix J**) conducted to inform this Planning Proposal demonstrate housing affordability is a persistent and worsening issue in Kiama LGA. One intention of this application for a Planning Proposal is to use a variety of mechanisms to deliver new affordable housing and opportunities to reduce housing costs.

Based on extensive research and case studies the following options are proposed to be included in the project to deliver new affordable housing.

- (i) Promoting new sources of affordable housing through a range of private housing market options that are more likely to meet the needs of households on low and moderate incomes. Approximately 5% to 10% of new lots to be created from the future subdivision are to be of size and dimensions to contain smaller detached housing designs, dual occupancies, semi detached dwellings and multi dwelling housing. Restrictions on the use of land through Section 88B instruments and development applications for land subdivision and dwelling design and construction are mechanisms to ensure delivery of housing that suits lot size, dimensions and orientation.

This approach was supported by Kiama Council in the rezoning and subdivision of land at Sproule Crescent, Jamberoo where 30 out of 50 Torrens Title lots being Lots 221 to 250 are subject to a restriction as to user on the land title limiting the occupation of a dwelling on each lot to the definition of Seniors Housing.

This approach was supported by Kiama Council in the rezoning of land in Cedar Grove 2 where specific sites were nominated for minimum lot size provisions that allow for dual occupancy development.

- (ii) Establishing incentives and discounts to reduce the direct costs of housing construction through partnerships with local designers, builders, tradespeople and fittings and furnishing providers.

This method has been used in the Community title development at Bingara Gorge at Wilton, NSW where Lend Lease facilitates a range of discount packages and pre-lodgement advice services to reduce the overall cost of approvals, construction and fit out. Lend Lease has received several Housing Industry Australia awards for these schemes including: 2007 HIA Greensmart Advanced Estate for sustainability, 2007 HIA Greensmart Concept Award and 2007 HIA Greensmart Partnership Award.

These incentives have also been used in a landmark greenfield integrated housing development at The Cape, Cape Patterson, Mornington Peninsular <https://www.liveatthecape.com.au/>

- (iii) Including planning provisions in Kiama LEP to allow the delivery of affordable housing through site-specific incentives
- (iv) Providing new residential land supply for a variety of residential forms (detached dwellings, secondary dwellings, dual occupancies, multi dwelling housing, seniors housing and shop top housing)
- (v) Providing design guidelines and guidance specific to the site conditions that assist in constructing housing with minimal on-going operational costs through passive thermal energy and light sources, water capture and re-use and low maintenance, durable building materials and design for ageing in place (adaptable housing)

Kiama Council does not have an adopted contributions plan or Planning Agreement Policy for affordable housing and there is no formal mechanism in place for a monetary contribution to Council for affordable housing provisions.

### 5.2 Public Benefits

The public benefits from the proposal are to be established by way of a Voluntary Planning Agreement (VPA) in conjunction with the development contributions under Council's adopted Contributions Plan.

A letter of offer to enter into a VPA accompanies the application for a Planning Proposal and a copy of the letter is included in **Appendix L**.

Public benefits to be investigated and negotiated with Council as part of the VPA include new public open space, improvements to existing parks, new shared pathways, viewing areas, street trees and street furniture, riparian habitat restoration, water quality improvements, restoration and protection of heritage items and improvements to the road network.

- > Dedication of land for public open space
- > upgrading of the existing children's playground and public park facilities in Waabie (Lot 100 DP 1042908) on the corner of Bland Street and Greyleigh Drive
- > Construction of public assets including shared pathways, viewing areas, street furniture and street tree planting within existing road reserves and verges of Lot 1319 DP 1060995, Lot 300 DP 1059841 and Lot 199 DP 1042913 along Greyleigh Drive
- > enhanced biodiversity and improved visual amenity across the subject site with areas currently containing weed species and eroded pasture rehabilitated and replanted with native species contiguous with the local ecological communities and enhancing riparian ecology and water quality
- > a VMP for native and riparian vegetation
- > a Plan of Management (POM) for proposed public open spaces
- > improvements to the local road network and tourist facilities with the upgrading of the look-out tourist stop adjacent to the south west corner of the site
- > restoration and inclusion of dry stone walls into the public road reserve for enhanced cultural awareness and appreciation of heritage assets
- > improvements to the safety of the public road reserve along Old Saddleback Road with road widening, upgrades to the road shoulder and a landscaped setback to the road reserve
- > street tree planting along Greyleigh Drive in accordance with the existing DCP Chapter 20 West Kiama
- > a new bus route and bus stops

The proposed VPA has the potential to result in:

- > improved management of vegetation across the subject site and within public open space
- > improved options for movement through, and use of, public open space
- > safer roads and footpaths
- > aesthetic improvements to the public realm
- > restoration and protection of heritage items
- > improved management of vegetation and installation of essential services to improve asset protection and reduce bushfire risks for existing urban land.

### 5.3 Stormwater and Catchment Improvements

Stormwater management will be improved through the implementation of a stormwater network within the road reserves as well as the installation of water quality and onsite detention surface facilities. The proposed stormwater measures will serve to reduce runoff velocities and improve water quality. The removal of weeds, planting of native species, implementation of sediment and erosion controls and site regrading will reduce sediment laden runoff from the land which is currently exposed to weed invasion and erosion by livestock access.

## 6 Planning Proposal

### 6.1 Overview

This application demonstrates that the proposal has merit to proceed through the Planning Proposal process. Section 3.33 of the EP&A Act contains the requirements that a Planning Proposal must address. These components are listed in **Table 6-1** along with the corresponding sections of this application that provide the relevant information.

Table 6-1 Key Components of a Planning Proposal

Key Components	Response
A <b>statement</b> of the objectives or <b>intended outcomes</b> of the proposed instrument	<b>Section 6.2</b>
An <b>explanation</b> of the provisions that are to be included in the proposed instrument	<b>Section 6.3</b>
The <b>justification</b> for these objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the council and will comply with relevant directions under Section 9.1)	<b>Section 6.4</b>
If <b>maps</b> are to be adopted by the proposed instrument, such as maps for proposed land uses; heritage areas; flood prone land – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument need to be included	<b>Figure 6-1 to Figure 6-5</b>
Details of the <b>community consultation</b> that is to be undertaken before consideration is given to the making of the proposed instrument	<b>Section 6.11</b>

*A Guide to Preparing Planning Proposals* updated in August 2016 by DPE outlines the specific questions that must be addressed for each component listed in **Table 6-1** by a Planning Proposal. These are included in the following sections.

### 6.2 Part 1 - Statement of Objectives and Intended Outcomes

The objectives of this application for a Planning Proposal are listed in **Table 6.2** along with the intended outcomes matched to the objectives. The overall objective is to amend the KLEP 2011 to enable the redevelopment of the site for urban and environmental conservation purposes including new residential land, new public open space and increased areas subject to environmental protection.

Table 6-2 Objectives and Intended Outcomes from the Planning Proposal

Objective	Intended Outcomes
To deliver outstanding new residential, environmental and community assets	Create new land in Zones R2, R3, R5, RE1 and E2 based on evidence of land capability and the strategic and community need for new housing that is diverse, affordable and certified sustainable
Create a permanent environmental asset encompassing riparian land that will be managed in perpetuity	Land in Zone E2 to be subject to a VMP and stewardship arrangement consistent with site-specific ecological investigations (see <b>Section 3.7</b> and <b>Appendix D</b> )
New residential development that is: <ul style="list-style-type: none"> <li>&gt; Diverse</li> <li>&gt; Affordable</li> <li>&gt; Environmentally sustainable</li> <li>&gt; Socially sustainable</li> <li>&gt; Employment generating</li> <li>&gt; Respectful of, and improving on, existing residential areas in West Kiama</li> </ul>	<p>Housing diversity in size, form, tenure and design with medium density, low density, independent seniors living and assisted care seniors housing.</p> <p>Housing affordability through housing design, size, tenure options, discounts and incentives as well as low lifetime operational costs through durable and certified sustainable design.</p> <p>Ancillary support services to assisted care seniors housing that generates employment. Recreational, community-based and neighbourhood scale non-residential uses to serve the daily needs of locals and generate employment.</p> <p>Design guidelines and controls to specify building footprints and envelopes where necessary to maintain</p>



	<p>outlooks and buffers and integrate with existing residential areas.</p> <p>Additional land for environmental and riparian protection subject to a long term stewardship arrangement.</p>
<p>New publicly accessible spaces and improvements to existing public space that are accessible to all, safe, welcoming, useful and durable and represent opportunities for improving community wellbeing through movement and positive social interactions</p>	<p>New public open space areas with a variety of settings, topography and uses.</p> <p>New public roads to include shared pathways for movement choices.</p> <p>New recreational and social facilities integrated with, and supporting, a seniors housing development also available for use by visitors and the general public.</p> <p>New landscaping, street furniture and pathways.</p> <p>A community garden and a variety of recreation spaces.</p>
<p>Improvements to the road and transport network</p>	<p>New roads to include safe intersections with the existing road network reserves.</p> <p>New roads to include a shared pathway network, new bus routes and bus stops.</p> <p>Increasing the customer catchment and providing bus-friendly routes and stops to West Kiama.</p> <p>Potential for upgrading the western end of Bland Street to a pedestrian-friendly shared zone.</p> <p>Enhancing the aesthetics and safety of the regionally important tourist road Old Saddleback Road.</p> <p>Additional traffic has been determined to have no detrimental impact to the Level of Service and safe operating capacity of local roads and intersections.</p>

This project aims to deliver real-life, day-to-day benefits to the local community and to the environment. The project intends to demonstrate that it is not another contributor to the sprawling edge of a town focussed only on maximum yield and profit with little consideration for context and setting.

## 6.3 Part 2 - Explanation of the Provisions and Part 4 - Maps

### 6.3.1 Local environmental plan provisions

The proposed changes to KLEP 2011 as they apply to the Site are listed in **Table 6-3**.

Table 6-3 Proposed Amendments to the LEP Provisions applying to the Site

LEP Provision	KLEP 2011 Current Provision	Proposed Amendment
Land Use Zone	Zone RU2 Rural Landscape	<p>Replace with:</p> <p>Zone R2 Low Density Residential</p> <p>Zone R3 Medium Density Residential</p> <p>Zone R5 Large Lot Residential</p> <p>Zone RE1 Public Recreation</p> <p>Zone E2 Environmental Conservation</p> <p>See draft Land Use Zoning Map in <b>Figure 6-1</b></p>
	Zone E2 Environmental Conservation	<p>Increase the area subject to Zone E2</p> <p>See draft Land Use Zoning Map in <b>Figure 6-1</b></p>
	Zone E3 Environmental Management	<p>Replace land in Zone E3 with Zone E2</p> <p>See draft Land Use Zoning Map in <b>Figure 6-1</b></p>
Clause 4.1 Minimum Lot Size	40 hectares	<p>Replace with:</p> <p>450m<sup>2</sup> for land in Zone R2</p> <p>300m<sup>2</sup> for land in Zone R3</p> <p>1,000m<sup>2</sup> for land in Zone R5.</p> <p>See draft Lot Size Map in <b>Figure 6-2</b></p>

Clause 4.3 Height of Buildings	N/A	<p>Apply Height of Buildings Control of 8.5m to all land in Zones R2 and R3</p> <p>See draft Height of Buildings map in <b>Figure 6-3</b></p> <p><i>* Note: Some lots are to be subject to three dimensional building envelopes in site-specific design guidelines</i></p>
Clause 4.4 Floor Space Ratio	N/A	<p>Apply Floor Space Ratio (FSR) control of 0.45:1 to all land in Zone R2 and Zone R5</p> <p>Apply FSR control of 0.7:1 to all land in Zone R3</p> <p>See draft Floor Space Ratio map in <b>Figure 6-4</b></p>
Clause 5.10 Heritage Conservation	Dry stone walls Kiama Item I64	<p>No additional mapping required</p> <p>No change to KLEP 2011.</p> <p><i>* Note: Dry stone walls to be mapped, surveyed and analysed for their integrity and retention value with a future SoHl and CMP to be submitted with future Development Applications for subdivision</i></p>
Clause 6.4 Terrestrial Biodiversity	Mapped areas as shown in Figure 4-3	<p>Adjustment to location of mapped areas verified by Ecology Report (<b>Appendix D</b>)</p> <p>See draft Terrestrial Biodiversity Map in <b>Figure 6-5</b></p>
Clause 6.5 Riparian Land and Watercourses	Mapped Category 3 watercourses as shown in <b>Figure 4-4</b>	No amendment required.

LEP mapping amendments are proposed to be applied to the site as shown in **Figure 6-1** to **Figure 6-5**

Figure 6-1 Proposed amendment to KLEP 2011 Land Use Zoning Map LZN 012

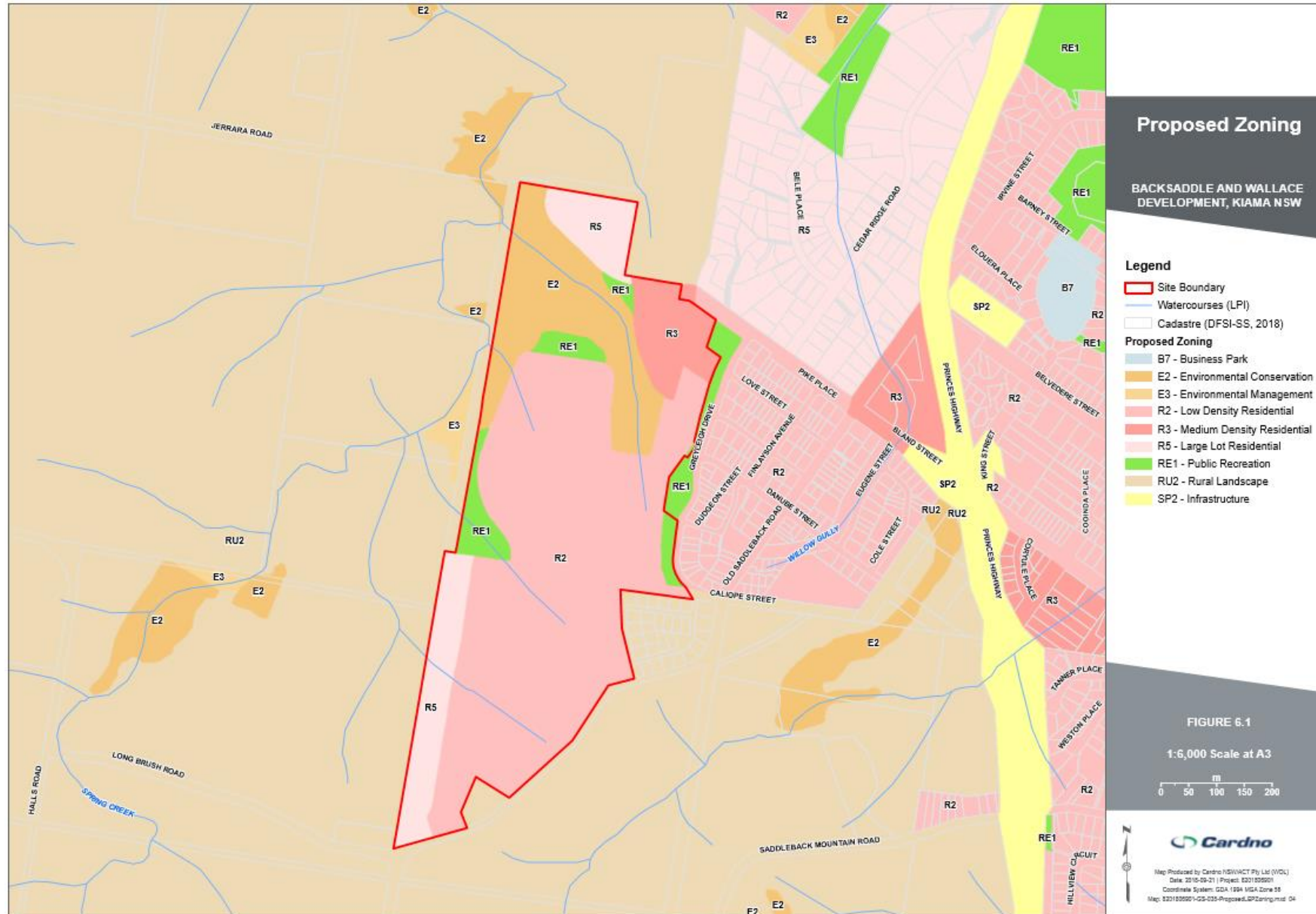




Figure 6-2 Proposed amendment to KLEP 2011 Lot Size Map LSZ 012

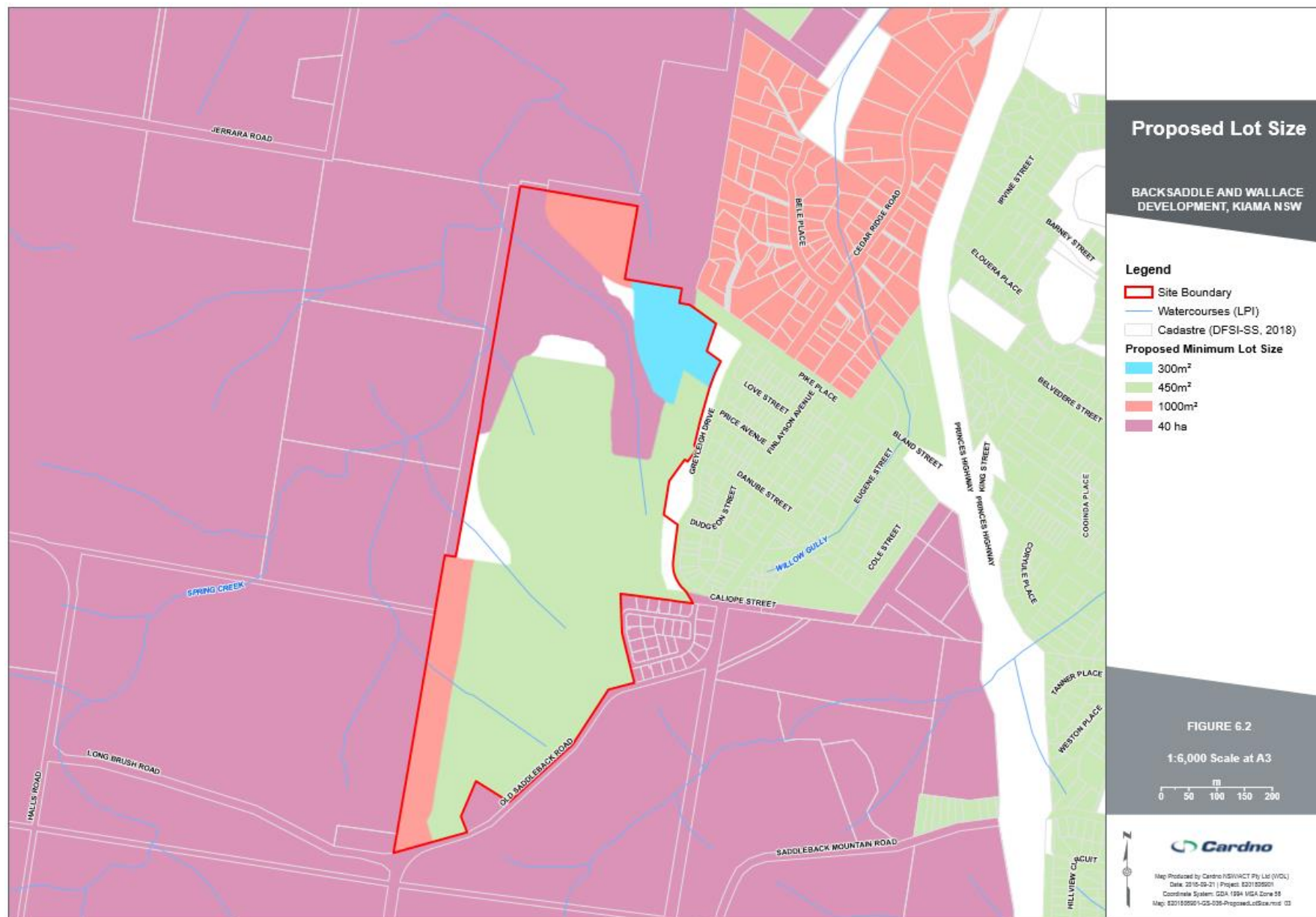


Figure 6-3 Proposed amendment to KLEP 2011 Height of Buildings Map HOB 012

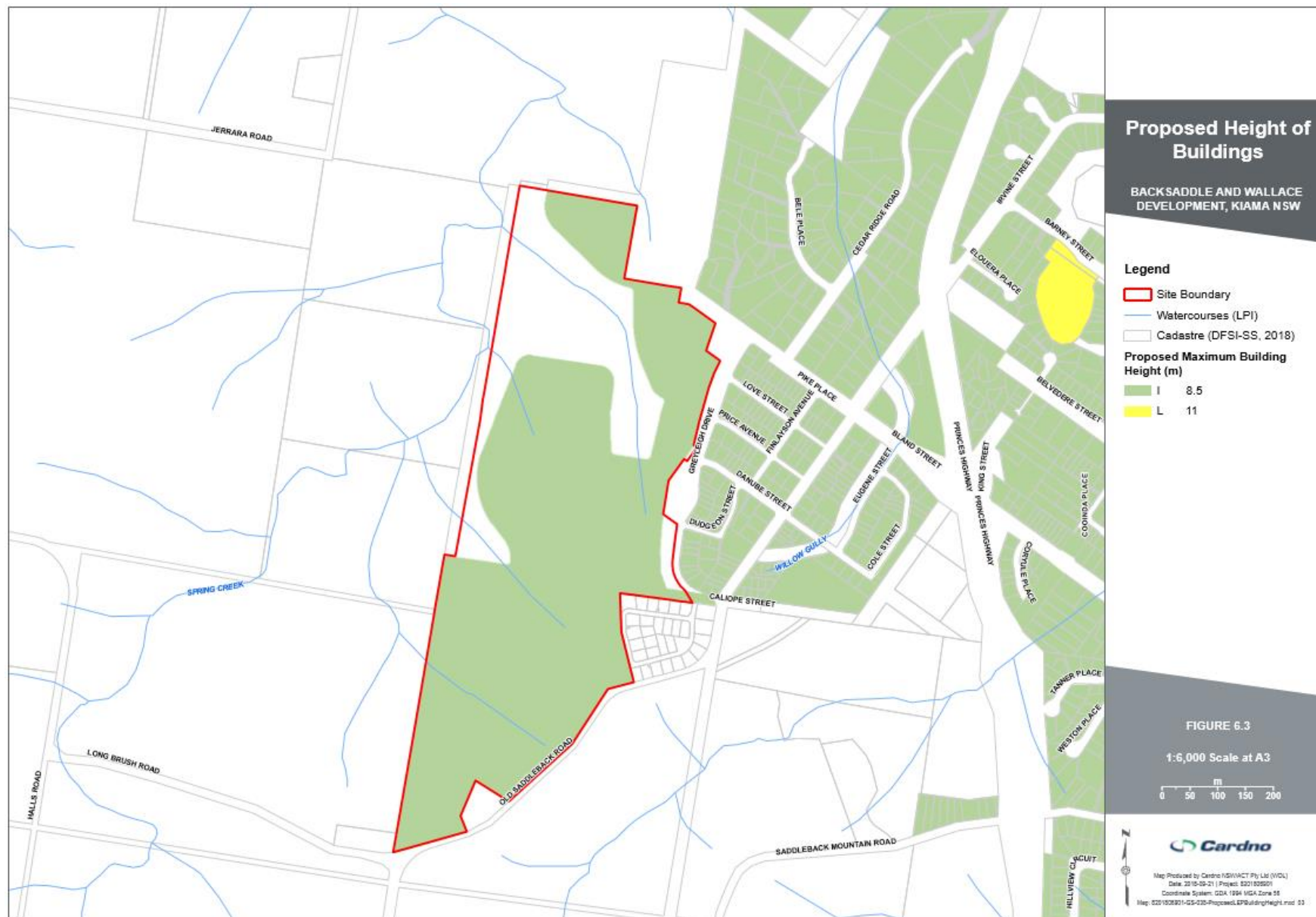




Figure 6-4 Proposed amendment to KLEP 2011 Floor Space Ratio Map FSR 012

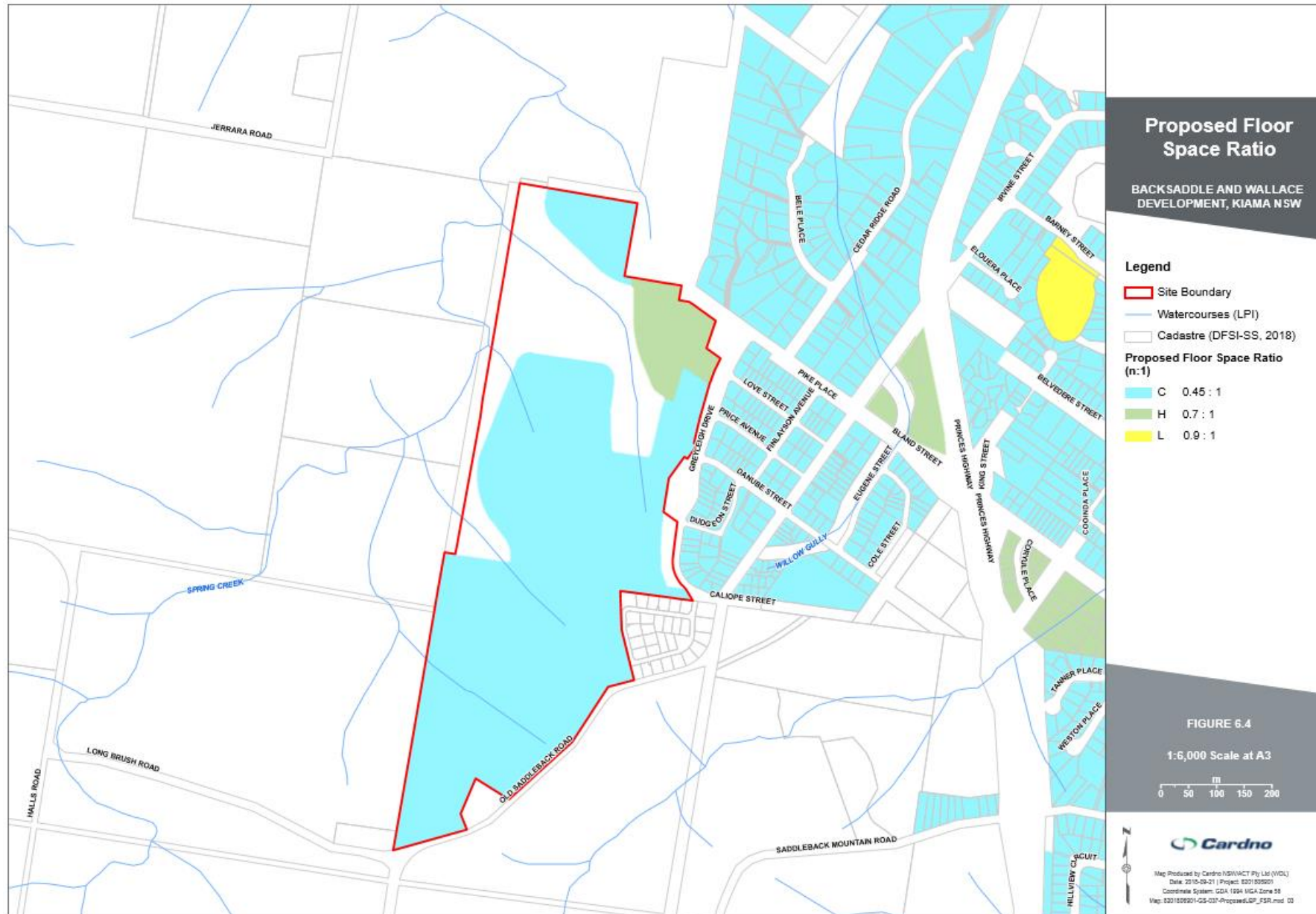
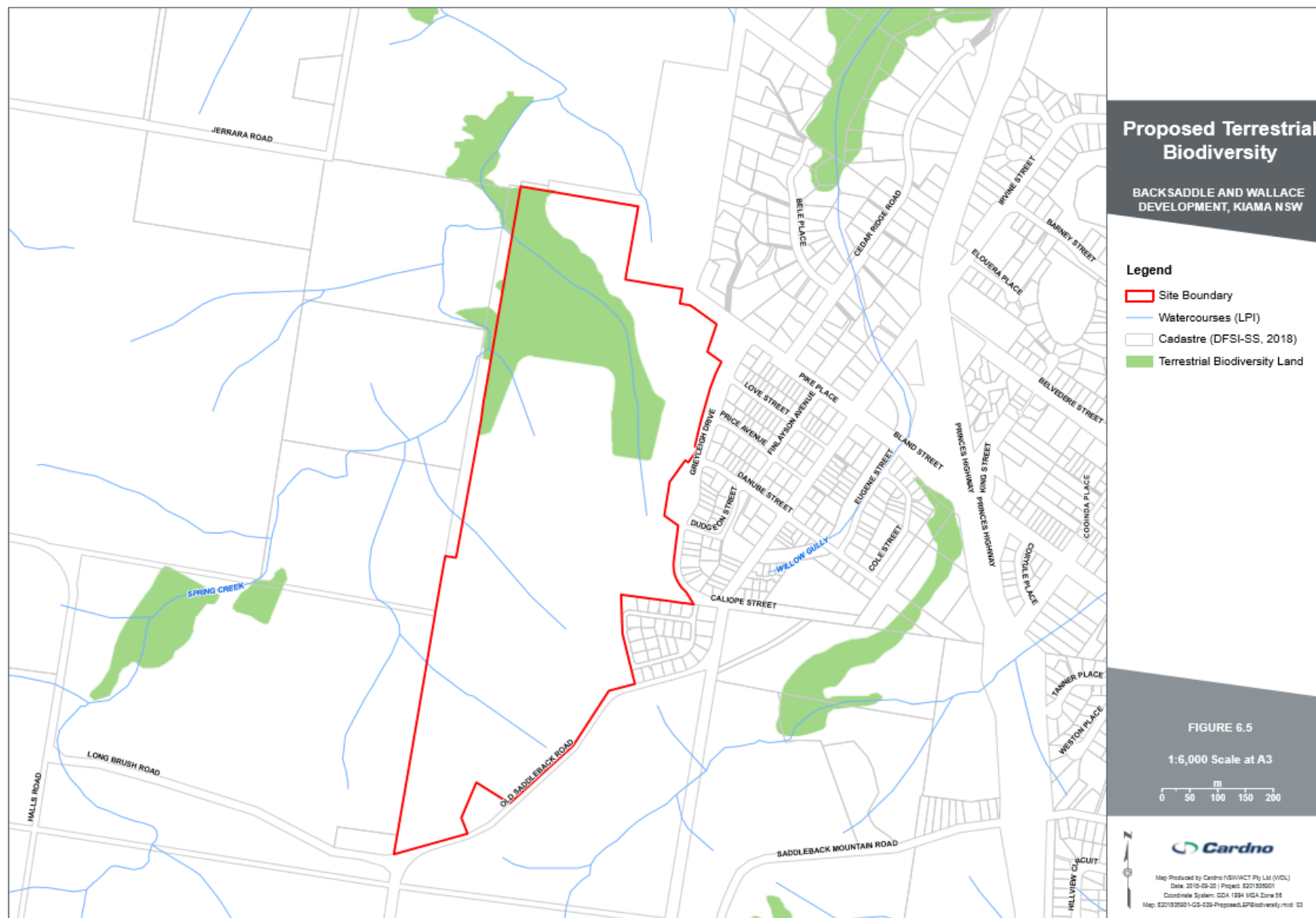




Figure 6-5 Proposed amendment to KLEP 2011 Terrestrial Biodiversity Map BIO 01



## 6.4 Part 3 – Justifications

The overarching principles are summarised in **Table 6-2** and **Section 3.13**. These sections explain how appropriate land uses have been selected based on the evidence of the supporting studies and compilation of environmental planning grounds discussed in **Section 3**.

### 6.4.1 Strategic Importance of this Planning Proposal

In a strategic context, the site is a consolidated greenfield parcel with potential to yield new housing, effective environmental conservation and public open spaces that can offset for sites that have not, and are unlikely to, eventuated from KUS in the immediate and short term timeframe. The proposal is consistent with the most recent environmental planning strategies for the locality.

### 6.4.2 New residential land

The Kiama locality is in need of new, diverse, affordable and sustainable housing and the land selected for residential zoning and new development standards is land highly suited for residential use. The land zoning categories and intended density of future housing will be compatible with the micro-scale site features and the macro-scale context and setting.

There are no geotechnical, contamination or flooding constraints prohibitive to residential development.

Essential services can be extended into the site to an improved standard in comparison to nearby residential land in West Kiama. The increased number of dwellings will attract the capacity for natural gas and a bus route to be extended into West Kiama (there are currently no gas or bus services in West Kiama).

Parts of the site are highly suited to medium density and seniors housing. The sites nominated in the concept plan have proximity to public open space, low gradients, proximity to future bus stops and collector roads and potential to be part of an accessible pathways network. These factors match the locational characteristics of areas of land in Zone R3 and sites used for seniors housing already established in the West Kiama locality. The application of low, medium and large lot zoning categories have been applied with consideration to the guiding principles contained in the Department of Planning Practice Note PN 11-002 *Preparing LEPs using the Standard Instrument: standard zones*. The following are photographs of the site where different residential zones are proposed.

Figure 6-6 Area adjacent to the Bland Street park considered suitable for Zone R3



Figure 6-7 Area west of Greyleigh Drive considered suitable for Zone R2 and/or Seniors Housing





Figure 6-8 Area adjacent to Old Saddleback Road considered suitable for Zone R2 with landscaped buffer to the road edge



Figure 6-9 Area adjacent to neighbouring rural land considered suitable for Zone R5 for an urban/rural buffer



#### 6.4.2.1 Strategic Importance of Proposed Lot Sizes

Under the current lot size controls, there are no existing lots within the Site that can be subdivided.

Amendment 11 was made to KLEP 2011 on 11 May 2018. This amendment facilitated a greater variety of housing and clarified minimum lot sizes in Zones R2 and R3 based on the type of housing form. The amendment also changed subdivision provisions for land in rural and environmental zones to improve opportunities for practical land management. The planning proposal lot sizes proposed are entirely consistent with the intent of Amendment 11.

The proposed lot sizes will achieve:

- > housing diversity with a variety of lot sizes as follows:
  - from 1,000m<sup>2</sup> for Torrens Title lots in Zone R5 (consistent with current KLEP 2011 provisions)
  - from 450m<sup>2</sup> for Torrens Title lots in Zone R2 (consistent with current KLEP 2011 provisions)
  - from 300m<sup>2</sup> for Torrens Title lots in Zone R3 (consistent with the intended dwelling density for medium density development currently proposed by Council's LEP Amendment 'Dual Occupancy and Multi-Dwelling Housing standards in R2 and R3 Zones PP\_2018\_KIAMA\_004\_00 which received a gateway determination on 31 July 2018)
  - from 150m<sup>2</sup> per dwelling for dwellings created from dual occupancy and semi-detached dwelling developments in Zone R2 (consistent with current KLEP 2011 provisions Clause 4.1A and Clause 4.1D)
  - from 150m<sup>2</sup> per dwelling for dwellings created from dual occupancy and medium density housing developments in Zone R2 (consistent with the intended dwelling density for medium density development currently proposed by Council's LEP Amendment 'Dual Occupancy and Multi-Dwelling Housing standards in R2 and R3 Zones PP\_2018\_KIAMA\_004\_00)



- from 100m<sup>2</sup> per dwelling for dwellings created from dual occupancy, manor house and medium density housing developments in Zone R3 (consistent with the intended dwelling density for medium density development currently proposed by Council's LEP Amendment 'Dual Occupancy and Multi-Dwelling Housing standards in R2 and R3 Zones PP\_2018\_KIAMA\_004\_00).
- > Housing affordability through
  - a variety of housing forms facilitated by the lot size diversity
  - lot sizes linked with dwelling designs which achieve high levels of environmental performance and lower life-time operational costs
  - design guidelines and house-and-land packages which reduce the costs of approval and construction phases.

#### 6.4.2.2 Land Capability and Proposed Lot Sizes

The recommended minimum lot sizes improve on the layout, diversity and affordability created from other subdivisions in West Kiama.

Lot sizes match land capability for:

- > slope
- > aspect
- > orientation
- > road environment
- > connectivity to essential services
- > buffers and asset protection
- > the nature of adjoining land uses
- > the dimensions of building envelopes required to respect outlooks

The specific matters for consideration in lot size and dimensions will be applied with a future application for subdivision.

#### 6.4.2.3 High Quality Development achieved from proposed Lot Size Controls

The intended design guidelines will be developed to apply to a wide variety of housing forms to deliver high quality, sustainable design.

#### 6.4.2.4 Public benefits from lot sizes

For all the abovementioned reasons the lot sizes are intended to deliver a range of social, environmental and economic benefits considered to be of outstanding quality and benefit to Kiama's residents, visitors, economy and environment. Lot size has been selected with careful consideration to the content and setting, land capabilities and future uses.

### 6.4.3 New Environmental Conservation Land

The current areas of Zone E2 and E3 within the site are fragmented and do not support the long term protection of land with habitat significance. The proposed application of Zone E2 relates to land ground-truthed as worthy of environmental protection and management.

**Table 6-3** is a comparison of the provisions for Zones E2 and E3 from Kiama LEP 2011. The table is intended to summarise the differences between the zones and assist in an explanation of which zones are more appropriate for the Site.

Table 6-4 Comparison of Zones E2 and E3

	Zone E2	Zone E3
Zone Objectives	> To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.	> To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.

	<ul style="list-style-type: none"> <li>&gt; To prevent development that could destroy, damage or otherwise have an adverse effect on those values.</li> <li>&gt; To ensure adequate environmental buffers are provided, maintained or rehabilitated in the vicinity of high ecological value areas and waterways.</li> </ul>	<ul style="list-style-type: none"> <li>&gt; To provide for a limited range of development that does not have an adverse effect on those values.</li> <li>&gt; To allow limited types of agriculture subject to effective environmental safeguards and sound land management practices.</li> </ul>
Permitted without consent	Environmental protection works	Environmental protection works; Home occupations
Permitted with consent	Environmental facilities, recreation areas, roads	Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Dwelling houses; Environmental facilities; Extensive agriculture; Farm buildings; Farm stay accommodation; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Kiosks; Recreation areas; Roads; Roadside stalls; Secondary dwellings; Viticulture
Prohibited	Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3	Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

The Ecological Assessment and implementation of a VMP for the environmental protection lot is most compatible with the provisions for Zone E2.

Land with environmental management requirements will be contained in a single lot. This will allow practical application of a VPA and stewardship arrangement by one land owner. A stewardship partnership is currently being investigated in consultation with the ILALC for the dedication of an environmental management lot.

A residential development lot within the subdivision is intended to be created in conjunction with ownership and management responsibilities for the environmental land. The development lot size will be selected to accommodate a caretaker's dwelling, a cultural and educational facility, bush tucker garden and seed nursery.

Practice note PN 09-002 *Environment Protection Zones* provides guidance for the application of environmental protection zones and includes the following comments on Zones E2 and E3:

**“E2 Environmental Conservation**

*This zone is for areas with high ecological, scientific, cultural or aesthetic values outside national parks and nature reserves. The zone provides the highest level of protection, management and restoration for such lands whilst allowing uses compatible with those values.*

*It is anticipated that many councils will generally have **limited areas** displaying the characteristics suitable for the application of the E2 zone. Areas where a broader range of uses is required (whilst retaining environmental protection) may be more appropriately zoned E3 Environmental Management.”*

**“E3 Environmental Management**

*This zone is for land where there are special ecological, scientific, cultural or aesthetic attributes or environmental hazards/processes that require careful consideration/management and for uses compatible with these values.”*

The land identified for Zone E2 within the Site has ecological and aesthetic value and warrants the highest level of protection and management consistent with the VPA and stewardship proposal. The change will

greatly increase the area within the Site which is permanently protected and restored to its fundamental ecological integrity.

#### 6.4.4 New Public Open Space

Rezoning of existing public reserves along Greyleigh Drive and creation of four (4) new areas of public open space will deliver high quality, readily accessible public recreational spaces throughout the site. The spaces will be linked by shared walkways. Each area will have a distinctive setting and character and add to the diversity, utility and accessibility of public open space in West Kiama.

New public open spaces are proposed within the site as shown in **Figure 3-13** and **Figure 6-1**.

The Department of Planning Practice Note PN09-002 contains guidance on the application of Zone RE1 as follows:

*“RE1 Public Recreation*

*This zone is generally intended for a wide range of public recreational areas and activities including local and regional parks and open space. The uses may include ‘recreation facilities,’ ‘community facilities’ such as lifesaving clubs, ‘environmental facilities,’ ‘environmental protection works’ and other uses compatible with the primary use of the land.*

*Where land is to be reserved for public recreation purposes (e.g. local or regional open space), the land is to be outlined and annotated on the Land Reservation Acquisition Map, and the relevant acquisition authority identified”*

The areas nominated for Zone RE1 are intended to be dedicated to Council as part of the future subdivision of the land. A Plan of Management (POM) is intended to be prepared to assist Council's understanding and responsibilities in taking care, control and ownership of the land at the nominated time of dedication.

The proposed local parks can accommodate a wide range of public uses including passive and active spaces, grassed areas, canopy trees, stormwater treatment functions and links by shared pathways, riparian areas as well as gently sloping land. The following figures are photos of the proposed sites of new parks.

This application proposes the rezoning of the existing public reserves in Greyleigh Drive to Zone RE1. This land is currently in Zone RU2 Rural Landscape which is entirely inappropriate for its intended use and ownership. Rezoning will facilitate the delivery of embellishment works proposed with the VPA to the project.



Figure 6-10 Area for proposed northern-most park



Figure 6-11 Area for central park viewed from the base of the slope





Figure 6-12 Area for central park viewed from the southern upslope area



Figure 6-13 Area for southern park



#### 6.4.5 Commitments to Outstanding Delivery of Master Planned development

The project is intended to include design guidelines to be translated into site-specific DCP controls. The guidelines intend to deliver new urban development that:

- > harmonises visual impacts with the scenic qualities of the landscape
- > protects and respects outlooks from existing urban lands
- > achieves independent certification for sustainability.

The guidelines will include building envelope and height controls, controls on setbacks and landscaping, colours, materials and finishes, fencing, orientation and streetscape treatments, utility installation requirements and street furniture design requirements.

The project is aiming for certification under the EnviroDevelopment scheme (<http://www.envirodevelopment.com.au/>). Envirodevelopment is a scientifically rigorous assessment scheme that independently reviews development projects with criteria related to Ecosystems, Waste, Energy, Materials, Water and Community. Certification is an independent process that requires a minimum standard of performance in four or more categories and requires developments to be designed and implemented to:

- > protect the environment
- > use resources responsibly and conservatively
- > offer benefits to residents, industry and government.

Cardno has successfully assisted Sheargold to design and deliver 'The Ridge', Vista Park which has received EnviroDevelopment certification ([http://www.envirodevelopment.com.au/01\\_cms/details.asp?ID=62#2](http://www.envirodevelopment.com.au/01_cms/details.asp?ID=62#2) and <http://vistapark.com.au/precinct-plan/the-ridge>).

Located in Tweed Shire, 'The Ridge' is a 70 lot large-lot subdivision which successfully retains views, restored native vegetation and watercourses, created high quality new public open space and shared pathways. The project received the maximum EnviroDevelopment certification by achieving qualifying ratings in all six categories.

The intended design guidelines and project intentions overall for this site have been developed with consideration to achieving EnviroDevelopment certification in all six categories.

#### 6.4.6 Heritage conservation

Dry stone walls have been identified and subject to a preliminary evaluation of integrity. As demonstrated with existing residential subdivisions throughout Kiama, dry stone walls have been incorporated into residential development of land and do not represent a prohibitive constraint or exclude residential use of the Site. The Concept Plan shows those dry stone walls worthy of retention will become enhanced elements of the public domain where possible and also included in the long-term rural-urban buffer.

#### 6.4.7 Site edges compatible with neighbouring land

Sufficient land area is available to allow setbacks and buffers from site edges for rural land, riparian and ecological land management, asset protection, streetscape planting and utilities, buffers to neighbours, shared pathways and protection of outlooks and views.

#### 6.4.8 High quality public domain

Points of connection to the existing road network will not impact existing public reserves or the efficient and safe operation of roads and pathways. The site creates the potential for a bus service in West Kiama enhancing the quality of life for new and existing residents.

New public open space areas are proposed to be subject to more detailed Plans of Management and Landscape Concept Plans to be developed with design guidelines and site-specific DCP provisions to deliver a variety of recreational experiences for new and existing West Kiama residents.

The visual and scenic landscape character of the Spring Creek catchment is not representative of a rural landscape character. The Spring Creek visual catchment includes prominent urban development. The residential development of the Site represents opportunities to improve the visual quality of the landscape along Old Saddleback Road (see **Section 3.13**) and retain outlooks along Greyleigh Drive with building envelope controls. These measures are a substantial improvement on the legacies created from Seaview Estate and West Kiama.

#### 6.4.9 Public Benefits

New community assets will be delivered with the project including recreation space and facilities, cultural and education facilities, community meeting spaces, neighbourhood-scale retail and business premises, paths, play spaces, recreation spaces and community garden.

See **Section 7** for more details on public benefits and the VPA.

#### 6.4.10 Height of Buildings and Floor Space Ratio (FSR)

Development standards for height of buildings and FSR are proposed to be applied to the Site in the same way they apply to residential zoned land elsewhere in West Kiama as shown in **Figure 6-3** and **Figure 6-4**.

Additional controls are intended for specific building envelopes and building footprints on some lots within the site to respect outlooks. These will be refined with the design guidelines and site-specific DCP to be developed in collaboration with Council and subject to community engagement as views and outlooks are important public assets and important to local residents.



#### 6.4.11 Heritage

As detailed in Table 6.1 no amendments are required to KLEP 2011 with regard to heritage provisions.

#### 6.4.12 Terrestrial Biodiversity

The map identifying land with terrestrial biodiversity assets within the Site is proposed to be amended as shown in **Figure 6-5**. These changes have been informed by ground-truthed ecological investigations as presented in **Appendix D**. This application ensures the land with terrestrial biodiversity value overlaps with land in Zone E2 and site-specific justification is provided in **Section 3.7** and **Section 6.4.3**. This ensures the land uses permitted in the environmental protection zones are consistent with the objectives and requirements of clause 6.4 to KLEP 2011.

#### 6.4.13 Riparian Land and Watercourses

As detailed in **Table 6-3** no amendments are required to KLEP 2011 with regard to provisions for protecting riparian land and watercourses. The project has been designed to achieve water sensitive urban design (WSUD) outcomes and includes a VMP and stewardship program for the restoration and ongoing management of riparian land.

#### 6.4.14 Kiama Development Control Plan 2012

The proposed LEP amendments are intended to be accompanied by a site-specific development control plan for the Site. A DCP is intended to be based on the design guidelines to be developed post-Gateway and available for public exhibition.

### 6.5 Part 4 – Maps

Maps identifying the specific LEP amendments sought are included in **Figure 6.1** to **Figure 6.5**.

## 6.6 Section A - Need for the Planning Proposal

#### 6.6.1 Question 1: Is the Planning Proposal a result of any strategic study or report?

This application is, in part, a result of KUS no longer being an effective strategy for the delivery of new housing to meet community needs.

In the absence of any new adopted or endorsed strategy for Kiama LGA, this application provides multi-faceted evidence that this project is well aligned with other endorsed planning strategies and the current evidence base for housing needs, environmental management and the delivery of essential services and new public benefits.

A range of planning-related and land capability assessments have been undertaken for the site and surrounds, as discussed throughout this application. These studies have informed the preparation of a Concept Plan for the Site. The Concept Plan accounts for bushfire and ecological constraints as well as buffers and design controls to respect the interfaces with adjoining land.

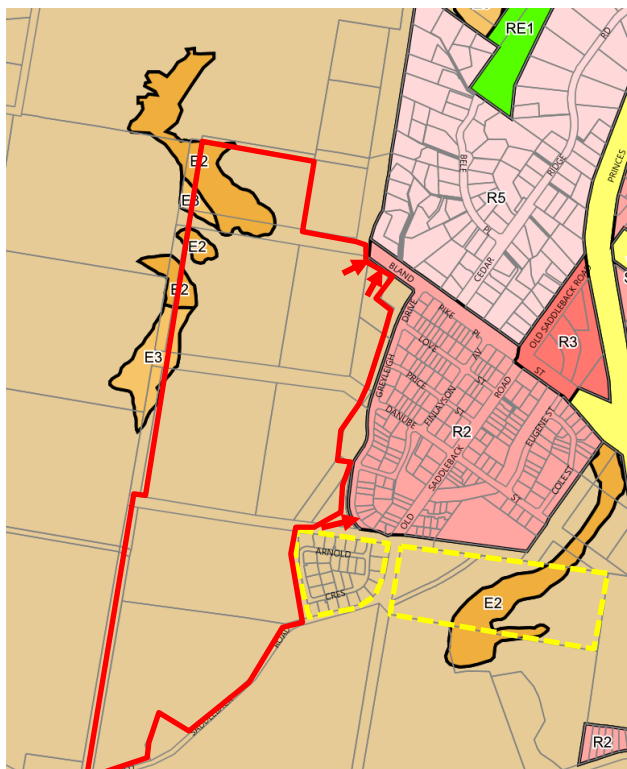
#### 6.6.2 Question 2: Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal is the only way of achieving the redevelopment of the site in the manner proposed by the Concept Plan and master planning process.

An alternative form of development could be achieved for the site by a Site Compatibility Certificate (SCC) process. Two SCCs have been issued in the immediate locality being the Seaview Estate and DA.10.2017.352.1 Caliope Street, Kiama. These sites are shown outlined yellow in **Figure 6-14**.

The Site adjoins land zoned for urban purposes. Specifically Lot 99 DP 1042908 and Lot 189 DP 751279 adjoin land in Bland Street which is within Zone R2 and at Lot 1320 DP 1060995 and the adjoining Crown Road reserve (see red arrows in **Figure 6-14**). *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP) allows for seniors housing on such sites as is the case for Seaview Estate and DA.10.2017.352.1.

Figure 6-14 Extract from KLEP 2011 Land Use Zoning Map LZN 012-020 showing sites subject to SCC outlined yellow



The development controls for Seniors Housing under the Seniors SEPP include:

- > A requirement that the form of housing must be any combination of the following:
  - (a) a hostel,
  - (b) a residential care facility,
  - (c) serviced self-care housing
- > A requirement that the residents must be provided with daily:
  - (a) home delivered meals, and
  - (b) personal care and home nursing, and
  - (c) assistance with housework
  - (d) Daily mini-bus service to a local shopping and service centre (in this case Kiama town centre)
- > 8m (2 storey) maximum building height
- > FSR between 0.5:1 and 1:1

A SCC process would deliver a high yielding, higher density development for the amalgamated site than proposed with this Planning proposal application. However, the project team for this site would prefer to develop the site in a wholistic, well balanced project that best fits with the context and setting of the surrounds and delivers a variety of new housing meeting the broader needs of the community and achieving environmental bonuses and edge buffers and building design controls best suited to the site and setting.

Furthermore, the project team are seeking to create a seniors housing 'village' including:

- > a range of residential options (independent living, assisted care and frail care)
- > on-site recreational and social facilities available to residents and visitors (including local residents in West Kiama)
- > on-site support services without relying on delivered meals and transport to Kiama town centre.

This form of seniors housing integrated with multi-generational housing, restoration of environmental lands and connections and sharing with the surrounding community are the emerging successful models for seniors housing. Examples include the award winning projects such as The Arbor at Berry (<https://www.thearbourberry.com.au/>) and Wivenhoe, Camden (<https://www.wivenhoevillage.com.au/>) and

the outstanding recent example of integrated seniors housing at Warrigal Shell Cove (<http://shellcove.warrigal.com.au>).

Our preliminary discussions with local seniors housing providers indicate that the ideal scale for a seniors housing complex of this nature is approximately 5 hectares which can be accommodated within the hatched area indicated on the Concept Plan in **Section 3.13**.

For these reasons, the Planning Proposal process is the preferred option for the site and the intentions of the project team. A Planning Proposal will deliver better outcomes for environmental assets and for the existing residents of West Kiama who will be able to share the on-site recreation, social and small-scale café and restaurant and convenience facilities of a future senior housing village and the improvements to the public domain. There are potentially positive synergies for the residents of Seaview Estate and DA.10.2017.352.1 (if approved) who otherwise need to rely on transport to Kiama town centre for daily needs and access to a small community lot within the Seaview Estate site.

## 6.7 Section B – Relationship to Strategic Planning Framework

### 6.7.1 Question 3: Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The ISRP is the applicable regional plan for Kiama. As detailed in **Section 2.2.8** the ISRP provides the strategic policy, planning and decision-making framework to guide sustainable growth in Wollongong, Shellharbour, Kiama and Shoalhaven LGAs over a 20-year projection using data for jobs, services and transport, sustainable and healthy communities.

The ISRP contains five (5) goals to which the project is well aligned. The goals are as follows:

- > **Goal 1:** A prosperous Illawarra-Shoalhaven
- > **Goal 2:** A variety of housing choice, with homes that meet needs and lifestyles;
- > **Goal 3:** A region with communities that are strong, healthy and well connected;
- > **Goal 4:** A region that makes appropriate use of agricultural and resource lands; and
- > **Goal 5:** A region that protects and enhances the natural environment

The first monitoring report on the implementation of the ISRP was issued in 2017. It identified 20 priority activities. Those priority activities relevant to the site and this application are listed in **Table 6-5** along with the specific ways in which the Planning Proposal application intends to deliver outcomes consistent with the ISRP priority activities.

Table 6-5 Priority Activities of the ISRP to be delivered by the Project

Priority Activity of the ISRP	Relevance to this Project	To be delivered by this Project
Refresh housing potential calculations using the Urban Feasibility Model	<p>The KUS dwelling targets have not been delivered.</p> <p>The KUS estimates have not been supported by the DPE – see <b>Section 2.2.3</b></p> <p>New greenfield sites such as the subject site are required to achieve housing potential to support community needs.</p>	Specific dwelling yields are yet to be determined for the Site. Estimates are in the range of the equivalent of 400 new dwellings.
Improve the functioning and resilience of biodiversity corridors in strategic planning to improve biodiversity values	The Ecology Assessment in <b>Appendix D</b> demonstrates the appropriate measures for protecting biodiversity corridors within the Site.	<p>Riparian corridors are to be protected and improved through land zoning, layout of infrastructure, controlled public access and Vegetation Management Plans (VMPs) to be registered on land titles.</p> <p>A stewardship agreement is being investigated with the Illawarra Aboriginal Land Council (ILAC) for implementation of a VMP for the riparian areas in perpetuity.</p>



		A Plan of Management (POM) is to be investigated as part of the VPA
Improve landscape connectivity, and enhance habitat for threatened species within corridors managing by private and government stakeholders	See above.	See above.
Create a consistent approach to protect important riparian areas in planning and development controls	The Planning Proposal application intends to establish a highly effective and entirely practical model for riparian protection through land use zoning, development objectives and controls to apply to all future works, site-specific VMPs in perpetuity and a stewardship agreement with the Illawarra Local Aboriginal Land Council (ILALC) and POM prepared for public land.	The Planning Proposal application intends to set an outstanding and practical model for protection of riparian areas through LEP and DCP amendments.  This model can be applied to other sites with riparian areas in need of improvement and protection through either Planning Proposal or Development Application processes.
Map and Plan for agricultural lands by implementing the Department of Primary Industries guideline on identifying important agricultural land in NSW to inform planning decisions, LEPs and infrastructure investment	DPI IAL mapping is intended to be conducted for the site and surrounds. The mapping is intended to be made available at the public exhibition phase of the Planning Proposal and is anticipated to be a condition of gateway determination.	To be undertaken post-Gateway and prior to public exhibition.  IAL mapping has not yet been undertaken for any sites in Kiama LGA and the Planning Proposal intends to set a practical and appropriate precedent.
Use the Illawarra-Shoalhaven Urban Development Program as the key tool to manage the sequential release of new residential land to allow continuation of working extractive activities across the region. For example, the Program recognises that the Spring Creek release area will not generate residential lots until extraction of hard rock at Bombo Quarry ceases	The master plan for the site is important in the delivery of new housing and balancing greenfield with infill development.  The Site can accommodate new residential land as readily accessible and connected to the Kiama town centre as the Bombo Quarry and Spring Creek sites and is not impacted by quarrying activities.	The Site is well capable of providing new housing in the interim whilst Bombo Quarry is active.
'High environmental value' lands were mapped and included in the Illawarra-Shoalhaven Regional Plan. Ensure all councils apply the mapping criteria for lands of high environmental value consistently. Ultimately, areas of high environmental value will be identified through rezoning processes and new development proposals to avoid, minimise and mitigate the impact of development on significant environmental assets	'High environmental lands value' criteria have been applied in the Ecology Study contained in <b>Appendix D</b> .  The Site does not contain land of high environmental value. Nevertheless the project identifies riparian lands to be retained, revegetated and protected which will support local biodiversity and water quality particularly within the Spring Creek catchment.	Not applicable to the Site.

Data and conclusions from the ISRP monitoring report for 2017 shows Kiama has failed to meet targets for housing supply and diversity. The ISRP target for Kiama LGA is 2,850 new homes to 2036. The ISRP concluded action was required to increase Kiama's housing supply and diversity to meet needs. The ISRP commits the State Government to Action 2.1.1 which is:

*"Collaborate with Kiama Municipal Council to review housing opportunities within the Kiama Local Government Area so it can respond to changing housing needs."*

This Planning proposal will increase housing supply and diversity in Kiama in a manner consistent with the ISRP targets.

## 6.7.2 Assessment Criteria (from 'A guide to preparing Planning Proposals')

**Table 6-6** contains the Assessment Criteria to justify the strategic merit of a Planning Proposal as the ISRP does not contain criteria. **Table 6-6** demonstrates the proposal has strong strategic merit.

Table 6-6 Strategic Merit Assessment Criteria applied to the Planning Proposal application

Assessment Criteria	Application to the Planning Proposal
<b>(a) Does the project have strategic merit? Is it:</b>	
Consistent with the relevant regional plan outside the Greater Sydney Region?	Yes – See <b>Section 6.4</b>
Consistent with a relevant local council strategy that has been endorsed by the Department?	<p>The Planning Proposal is consistent with the intent of the KUS by delivering new greenfield housing in balance with medium density infill. The Housing Analysis in <b>Appendix J</b> shows that medium density infill has recently outstripped greenfield new dwellings because greenfield sites identified and anticipated in KUS have not come on-line.</p> <p>The KUS has not been endorsed by the Department and has been constructively criticised by the Department as detailed in <b>Section 2.2.3</b></p>
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls?	<p>Yes.</p> <p>See <b>Sections 2.2 to 2.2.4</b> and <b>Appendix I</b> (Socio-Economic Analysis) and <b>Appendix J</b> (Housing Supply Report) all of which provide clear, evidence based analysis to demonstrate that KUS does not recognise nor appropriately respond to current demographic and housing demand trends.</p> <p>This Planning Proposal application has been informed by current verified trends and data as well as community concerns and site-specific investigations. This context has informed a well balanced planning proposal application that has the potential to deliver environmental, social, cultural and economic changes appropriate for the site and contemporary data.</p>
LEP controls more than 5 years old?	Yes – KLEP 2011 is more than 5 years old (as is KUS)
<b>(b) Does the proposal have site-specific merit, having regard to:</b>	
The natural environment?	<p>Yes – See <b>Section 3.7</b> and <b>Appendix D</b> (Ecology) for the details of the environmental assets of the site and the proposed mechanisms for restorative work and ongoing management and protection of the riparian network.</p> <p>See <b>Section 6.4.2</b> which explains the intention to achieve certification under the EnviroDevelopment scheme for future development works.</p>
The existing uses, approved uses and likely future uses of land in the vicinity of the proposal?	<p>Yes.</p> <p>The existing use of the site has been examined as part of the detailed studies investigating land capability. The site is in a rural zone and has a long history of low intensity grazing. Previous assessments by Council for development on adjoining land have noted that the land is not used for high value primary production.</p> <p>Approved and existing uses of adjoining land to the south and east include low density residential development and seniors housing developments under the SCC process. The proposal will be consistent with these adjoining land uses.</p> <p>Existing uses to the west and north include low intensity grazing and agriculture. The proposal seeks to establish a buffer of high integrity and effectiveness to protect the right to farm these rural holdings as well as establish a low maintenance asset protection zone that does not burden neighbouring properties.</p>
The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?	<p>Yes</p> <p>There are no constraints to the supply and extension of essential services.</p> <p>The proposal has the potential to benefit existing dwellings in West Kiama by creating a threshold serviceable area for the extension of natural gas infrastructure.</p>

The proposal includes a Letter of Offer to enter into a VPA for the provision of public benefits specific to the site and its context (See **Appendix L** and **Section 7.3**).

### 6.7.3 Question 4: Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

See **Section 2.2** which places this application for a Planning Proposal in the context of various strategic plans and demonstrates that the current local strategy, the KUS, has been proven to be out of date and inappropriate to meet the verified housing needs of the community.

Previous feedback from Council included comments that the residential development of the Site would not be consistent with the KUS and maintaining a western boundary to Kiama township. **Section 2.2** also shows that the KUS has not been consistently applied in terms of achieving a western boundary to Kiama. The current pattern and character of development in the neighbourhood does not maintain the integrity of a western boundary.

**Section 2.2** also explains that the KUS has not been endorsed by the DPE.

This Planning Proposal application is consistent with the findings of the Kiama Economic Development Strategy in relation to agricultural production (see **Table 6-7**) and the provision of housing diversity and housing for seniors.

### 6.7.4 Question 5: Is the planning proposal consistent with the applicable State Environmental Planning Policies?

The State Planning Policies applicable to this Planning Proposal application and comments on consistency with these policies are listed in **Table 6-7**.

Table 6-7 Consistency with State Environmental Planning Policies

Policy	Consistency?
State Environmental Planning Policy No.44 – Koala Habitat Protection This Policy aims to encourage preservation of vegetation that meets criteria for koala habitat	The site does not contain Core Koala Habitat and does not support habitat for koalas. The proposal will not have detrimental impacts to the protection of koala habitat.
State Environmental Planning Policy No.55 Remediation of Land This Policy is a mechanism for identification of contaminated land and remediation requirements to minimise risks to the health of humans and the environment.	The Preliminary Contamination Report in <b>Appendix A</b> demonstrates there are isolated spots within the site that contain material that is not likely to be a source of contamination as it is easily removed and disposed at a licensed facility. The site can be made suitable for the proposed uses without substantial remedial work. The Planning Proposal application is consistent with this Policy. The redevelopment of the land will include removal of all materials that have the potential to be contaminants.
State Environmental Planning Policy (Affordable Rental Housing) 2009 This policy aims to provide affordable rental housing through expanded permissibility, facilitating a variety of affordable housing forms, bonus FSR and favourable development standards as well as protect and retain or offset the demolition of existing affordable housing.	This Policy will apply to the land to be zoned for residential use within the Site in the same way it applies to other residential land in Kiama LGA. The Planning Proposal application is consistent with this Policy. See <b>Section 5.1</b> regarding the variety of mechanisms intended to be applied to the Planning Proposal to deliver affordable housing over and above these Policy provisions.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 This Policy sets minimum performance standards for dwelling design to achieve water and thermal efficiencies.	This Policy will apply to the land to be zoned for residential use within the Site in the same way it applies to other residential land in Kiama LGA. The Planning Proposal application is consistent with this Policy. The project is committed to seeking EnviroDevelopment certification to deliver an overall project that exceeds the performance criteria of BASIX.



<p>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</p> <p>This Policy aims to streamline the assessment and approvals process for categories of development that meet specified standards.</p>	<p>This Policy will apply to the land to be zoned for residential use within the Site in the same way it applies to other residential land in Kiama LGA.</p> <p>The Planning Proposal application is consistent with this Policy.</p>
<p>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</p> <p>This Policy aims to apply a consistent planning framework for education and child care developments and associated infrastructure. The Policy applies minimum standards aligned with the National Quality Framework for early education and care services and with the State regulations for education and care services. Joint shared community use of facilities is encouraged.</p>	<p>This Policy will apply to the land to be zoned for residential use within the Site in the same way it applies to other residential land in Kiama LGA.</p> <p>The Planning Proposal application is consistent with this Policy.</p>
<p>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</p> <p>This Policy aims to increase supply and diversity of residential forms to meet the needs of seniors and people with a disability and their households. The Policy includes design and location criteria that override local controls.</p>	<p>This Policy will apply to the land to be zoned for residential use within the Site in the same way it applies to other residential land in Kiama LGA.</p> <p>The Planning Proposal application is consistent with this Policy.</p> <p>The inclusion of a seniors living village with amenities to be shared by the community will improve the quality of life and day to day convenience for existing households in seniors housing developments as Seaview Estate (and DA.10.2017.352.1 if approved).</p>
<p>State Environmental Planning Policy (Infrastructure) 2007</p> <p>This Policy aims to facilitate delivery of infrastructure throughout NSW by applying a standard regulatory framework and greater flexibility in location, allow redevelopment of surplus government land and specify consultation requirements.</p>	<p>This Policy will apply to the land to be zoned for residential use within the Site in the same way it applies to other residential land in Kiama LGA.</p> <p>The Planning Proposal application is consistent with this Policy.</p>
<p>State Environmental Planning Policy (Rural Lands) 2008</p> <p>This Policy aims to achieve orderly and economic use and development of rural land for rural and related purposes. The Policy includes Rural Planning Principles and Rural Subdivision Principles. These are based on land management, protection and development which promotes social, economic and environmental welfare and reduce land use conflicts. (See also Draft Policy below)</p>	<p>The Planning Proposal application is consistent with this Policy – see <b>Section 3.11</b> and <b>Table 6-7</b> for details.</p>
<p>Draft State Environmental Planning Policy (Rural Lands and Primary Production)</p> <p>This draft Policy is expected to replace State Environmental Planning Policy (Rural Lands) 2008 (see above).</p> <p>This draft Policy aims to facilitate orderly, environmentally sustainable and economic use of rural lands and include criteria for intensive and for low impact agricultural uses and identification of State Significant Agricultural Lands.</p>	<p>The provisions of the Draft SEPP that are relevant to the Planning Proposal application will be transferred from the current Rural Lands SEPP.</p> <p>The Planning Proposal application will be consistent with this Policy – see <b>Section 3.11</b> and <b>Table 6-7</b> for details.</p>

The Rural Lands SEPP and draft Primary Production SEPP contain detailed matters for consideration relevant to the Planning Proposal application. Therefore **Table 6-8** has been included below to present the ways in which the provisions of these policies have been considered to achieve consistency.

Table 6-8 Consistency with Rural Lands SEPP

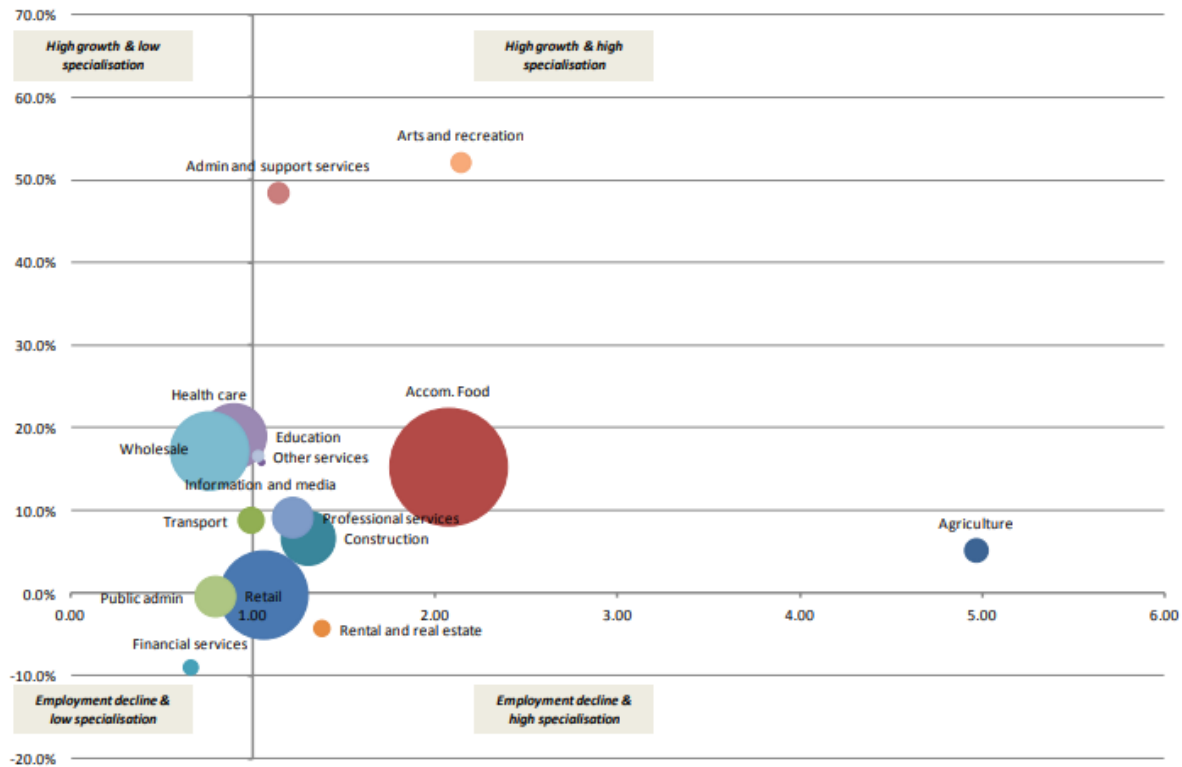
Policy Provision	Consistency?
<b>Rural Lands SEPP</b>	
<b>Clause 7 Rural Planning Principles</b>	
(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas	<p>Yes</p> <p>The Site is not required to be maintained in rural use in order to contribute to agricultural production in the Kiama LGA.</p> <p>As discussed in <b>Section 2.2.2</b>, prime agricultural land in the locality is land identified in Jamberoo Valley as mapped and previously subject to IREP No.2.</p> <p><b>Section 3.11</b> also shows that the site has not been identified as Biophysical Strategic Agricultural Lands.</p> <p>Council assessment reports for the neighbouring Seaview Estate make the following comments regarding the anticipated agricultural use and productivity of land in the Site:</p> <p><i>Development proposed on the urban fringe can create the potential for land use conflict. In this instance the site adjoins rural land to the west that is of prime crop and pasture potential. However, this land (Lot 1 DP 1003719) is only 5.622 hectares in size and, again, given this relatively small size, has limited agricultural use. The pattern of rural subdivision surrounding the site is also of comparatively small allotments. Aerial image of the site confirms adjoining Lot 1 has been used for the production of fodder for silage, which involves the use of farm machinery. The adverse impact associated with this, namely noise and possibly dust, would be intermittent. It is expected the land is generally used for the light grazing of livestock."</i></p> <p><i>"There is no cropping, dairying or intensive agricultural use within the immediate vicinity of the site, the pattern of rural subdivision surrounding the site is of comparatively small allotments and hence the potential for land use conflict is not considered to be such that would warrant refusal of the development under the circumstances"</i></p> <p>The Planning Proposal application intends to establish a permanent buffer of high integrity along the interface with adjoining larger rural land holdings to protect the right to farm, minimize rural land use conflict and enhance appreciation and utility of adjoining rural holdings.</p>
(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	<p>Yes</p> <p>Trends in agricultural uses that are likely to be relevant to rural land in Kiama include diversification, boutique scale of production, niche and speciality products, share economy collaborations and farm-stay, farm-gate and cellar door functions.</p> <p>Kiama Economic Development Strategy includes the following statements regarding local agriculture:</p> <ul style="list-style-type: none"> <li>&gt; <i>Smaller landholdings are expensive and comparatively unprofitable</i></li> <li>&gt; <i>Much of agricultural activity in the Kiama LGA is focussed on dairy and beef cattle farming. Due to structural forces driving change in the agricultural industry, farmers have been forced to increase the size of their operations</i></li> <li>&gt; <i>farm incomes are supplemented by off-farm income</i></li> <li>&gt; <i>(Need for) Separation zones between urban and rural interface</i></li> </ul> <p>The Site is a small land holding adjoining residential land use and including steep lands with intermittent watercourses. It is not suited to intensive or productive agricultural use.</p>
(c) recognition of the significance of rural land uses to the State and rural	<p>Yes</p>

communities, including the social and economic benefits of rural land use and development	The contribution of the Kiama agriculture sector to social and economic benefits locally and at to the State is consistently declining. See <b>Figure 6-15</b> and <b>Figure 6-16</b> from the Kiama Economic Strategy which show employment and financial contributions of agriculture are declining. The Kiama Economic Development Strategy identifies agriculture as the third lowest economic multiplier of 19 industry sectors.
(d) in planning for rural lands, to balance the social, economic and environmental interests of the community	Yes The social, economic and environmental benefits to the community of the Planning Proposal application are greater than retaining the land in its current use. These benefits are identified throughout this application.
(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	Yes The Planning Proposal application identifies and intends to protect and improve vegetation and riparian areas. This is to be achieved with zoning controls, a VMP, stewardship arrangement and creation of a single lot to contain land of environmental importance and to apply consistent land management practices.
(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities	Yes Kiama township is not a rural community and the Planning Proposal application will provide housing of a high quality. Diversity and affordability measures will benefit new residents and the environment. A range of uses to be available in the seniors housing village and improvements to publicly accessible spaces will benefit the broader community.
(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing	Yes Essential services can be extended from the adjoining residential land to the east.
(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General	The Planning Proposal application is consistent with the ISRP.
<b>Rural Lands SEPP</b>	
<i>Clause 8 Rural Subdivision Principles</i>	
(a) the minimisation of rural land fragmentation	The site is fragmented in its current state.
(b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses	A permanent, high quality buffer is proposed between new residential land and adjoining rural holdings. See the Concept Plan in <b>Section 3.13</b> and <b>Figure 6-17</b> below. The Planning Proposal application intends to create a rural buffer which is more effective than the West Kiama town boundary which has been compromised as explained in <b>Section 2.2.5</b> .
(c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands	Important agricultural lands in Kiama are located in the Jamberoo Valley as identified in IRPE No.2 (see <b>Section 2.2.2</b> ) and BSAL mapping (see <b>Section 3.11</b> ).
(d) the consideration of the natural and physical constraints and opportunities of land	The Site has been demonstrated to have capabilities for residential use. See <b>Section 3</b> and Appendices for details.
(e) ensuring that planning for dwelling opportunities takes account of those constraints	The location of new residential-zoned land has been informed by evidence-based investigations of land capability and constraints. See <b>Section 3</b> .



Figure 6-15 Extract from Kiama Economic Development Strategy 2014 industry sectors for Kiama compared to the Illawarra

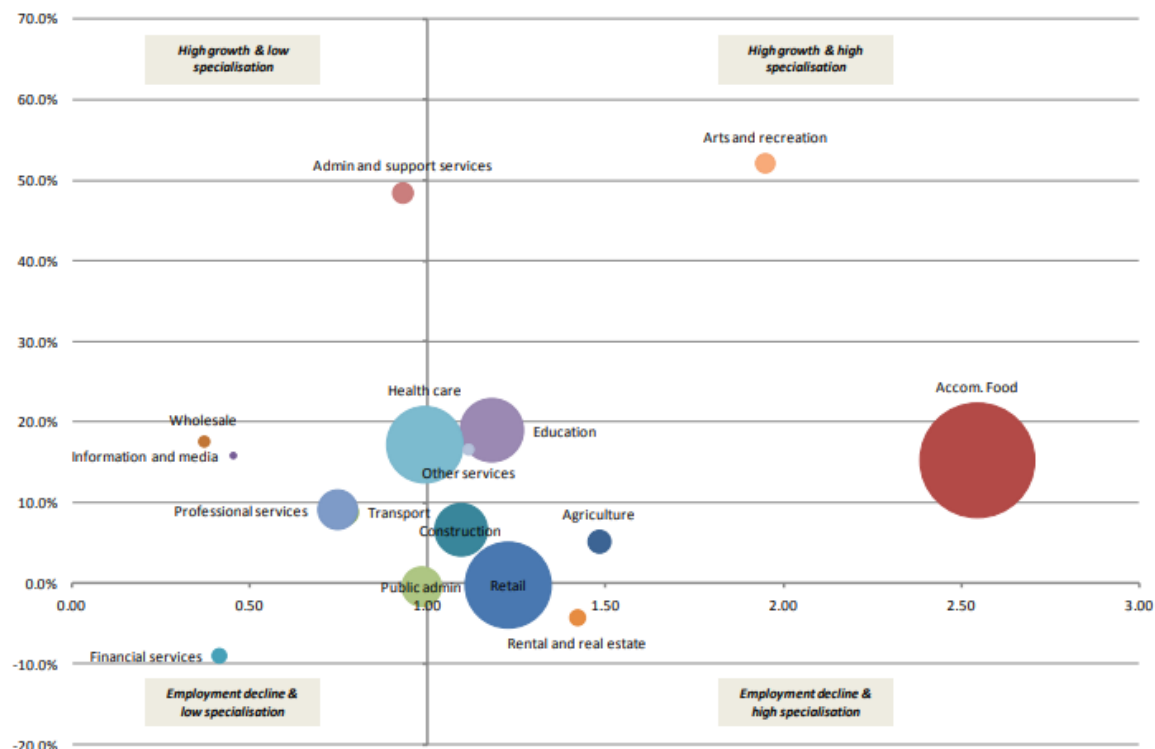
**FIGURE 10. GROWTH SHARE ANALYSIS FOR KIAMA LGA COMPARED TO ILLAWARRA REGION, 2006-11**



Source: SGS Economics and Planning, 2013

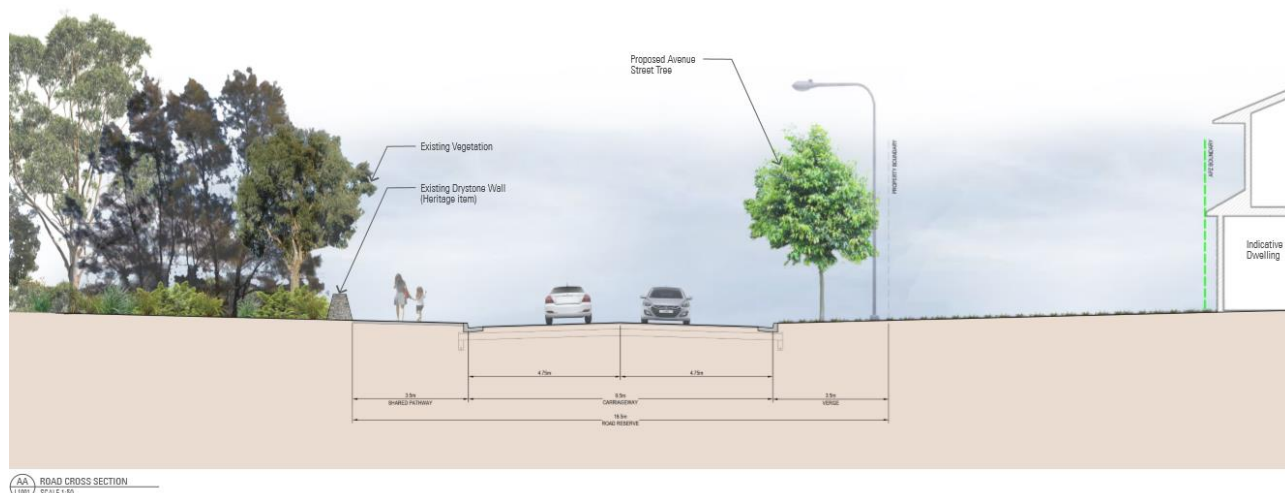
Figure 6-16 Extract from Kiama Economic Development Strategy 2014 industry sectors for Kiama compared to the NSW

**FIGURE 11. GROWTH SHARE ANALYSIS FOR KIAMA LGA COMPARED TO NSW, 2006-11**



Source: SGS Economics and Planning, 2013

Figure 6-17 Schematic design for rural-urban buffer



### 6.7.5 Question 6: Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

**Table 6-9** summarises the Ministerial Directions applicable to the Planning Proposal application and demonstrates consistency with all applicable directions with the exception of Direction 1.2 Rural Zones and Direction 1.4 Rural Zones. The inconsistencies fit the criteria specified in each direction as detailed in **Table 6-9** and the inconsistencies can be supported.

Table 6-9 Consistency with Section 9.1 Ministerial Directions

Direction Title and Number	Direction Objectives & Planning Authority Requirements	Compliance
1.2 Rural Zones	<p>Objective: To protect the agricultural production value of rural land</p> <p>Applies where:</p> <ul style="list-style-type: none"> <li>&gt; Clause 4(a) applies to all relevant planning authorities.</li> <li>&gt; Clause 4(b) does not apply to Kiama LGA.</li> </ul> <p>Applies when: When a planning proposal will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>Requirements: (4) A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (Applies)</li> <li>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</li> </ul> <p>(Does not apply)</p> <p>Consistency: (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <ul style="list-style-type: none"> <li>(a) justified by a strategy which: <ul style="list-style-type: none"> <li>(i) gives consideration to the objectives of this direction,</li> </ul> </li> </ul>	<p>The Planning Proposal application is inconsistent with requirement 4(a). It is requested that the Director-General be satisfied that:</p> <ul style="list-style-type: none"> <li>&gt; In accordance with 5(b) the capabilities of the land to support residential use as well as achieve environmental enhancement, riparian protection and establishment of a long term rural-urban buffer have been well supported by evidence based studies submitted with this application (see Section 3 and Appendices)</li> <li>&gt; In accordance with 5(c) the proposal is consistent with the ISRP</li> <li>&gt; In accordance with 5(d) the inconsistency is minor as the rural zoning of the land does not make a positive contribution to the social, cultural, economic benefits of the environment and the community. By comparison, the Planning Proposal has the potential to result in a variety of social, cultural, economic benefits of the environment and the community.</li> </ul>

Direction Title and Number	Direction Objectives & Planning Authority Requirements	Compliance
	<p>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</p> <p>(iii) is approved by the Director-General of the Department of Planning, or</p> <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>(d) is of minor significance.</p>	
1.4 Rural Lands	<p>Objectives:</p> <p>(a) protect the agricultural production value of rural land,</p> <p>(b) facilitate the orderly and economic development of rural lands for rural and related purposes.</p> <p>Applies where:</p> <p>To all LGAs to which Rural Lands SEPP applies.</p> <p>Applies to Kiama LGA</p> <p>Applies when:</p> <p>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</p> <p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>Requirements:</p> <p>(4) A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.</p> <p>(5) A planning proposal to which clause 3(b) applies must be consistent with <i>the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008</i>.</p>	<p>The Planning Proposal application is consistent with Direction 1.4.</p> <p>The proposal is consistent with requirements (4) and (5) as detailed in <b>Table 6-6</b> and <b>Table 6-7</b>.</p>
2.1 Environment Protection Zones	<p>Objective:</p> <p>(1) The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>Applies where:</p> <p>To all relevant planning authorities.</p> <p>Applies when:</p> <p>A planning proposal is prepared.</p> <p>Requirements:</p> <p>(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development</p>	<p>The planning proposal is consistent because:</p> <p>It increases the area of land in Zone E2 it improves provisions for protection and conservation of environmentally sensitive areas in accordance with (4) it improves the environmental protection standards that apply to the land in accordance with (5) as explained below.</p> <p>This proposal is intently designed to facilitate the protection and conservation of environmental assets.</p> <p>The existing boundaries of Zones E2 and E3 have been ground truthed (where previously they were not). Zoning is proposed to accurately reflect evidence-based investigations of the ecological significance of the land.</p>



Direction Title and Number	Direction Objectives & Planning Authority Requirements	Compliance
	standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".	<p>The project is seeking EnviroDevelopment Certification.</p> <p>The riparian network is to be contained in a single allotment under stewardship management and a VMP for long term improvements and maintenance.</p> <p>See <b>Section 3.7</b> and <b>Appendix D</b> for details.</p>
2.3 Heritage Conservation	<p>Objective:</p> <p>(1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies where: To all relevant planning authorities.</p> <p>Applies when: To all planning proposals.</p> <p>Requirements: (4) A planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> <li>a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</li> <li>b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</li> <li>c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</li> </ul>	<p>The planning proposal is consistent with (4)(a).</p> <p>European heritage investigations recommend further SoHI and CMP for the dry stone walls within the site.</p> <p>The Planning Proposal application has accounted for protection and preservation of those dry stone walls of high integrity by inclusion of walls in the road reserves and setback areas visible from the public domain.</p> <p>The planning proposal is consistent with (4)(b) and (c) to the extent practicable.</p> <p>Due diligence searches have been conducted and conclude:</p> <ul style="list-style-type: none"> <li>&gt; no places or items of significance to Aboriginal culture and heritage are likely to be impacted by the proposal and</li> <li>&gt; further investigations are required (see <b>Section 3.8</b> and <b>Appendix C</b>).</li> </ul>
2.4 Recreation vehicle areas	<p>Objective:</p> <p>To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles</p> <p>Applies where: To all relevant planning authorities.</p> <p>Applies when: To all planning proposals.</p> <p>Requirements: A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area</p>	<p>The planning proposal is consistent with this Direction.</p> <p>In accordance with the requirements, the land within the site identified for environmental protection and management will be subject to a VMP and a stewardship agreement.</p> <p>The land will be consolidated to a single allotment and managed responsibly as private land with public access.</p> <p>The VMP and stewardship arrangement will not allow recreational vehicle use of the environmentally sensitive land.</p>
3.1 Residential Zones	<p>Objectives:</p> <p>The objectives of this direction are:</p>	<p>This proposal is consistent with this Direction.</p> <p>The proposal meets the objectives by:</p>

Direction Title and Number	Direction Objectives & Planning Authority Requirements	Compliance
	<p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p> <p>Applies where:</p> <p>To all relevant planning authorities.</p> <p>Applies when:</p> <p>To all planning proposals.</p> <p>Requirements</p> <p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>	<ul style="list-style-type: none"> <li>&gt; implementing measures for housing diversity (see Section 6.4, Section 3.13 and Appendix J)</li> <li>&gt; efficiently extending existing essential services and infrastructure from adjoining residential land</li> <li>&gt; applies a variety of mechanisms for protection and enhancement of riparian land</li> <li>&gt; although located on the urban fringe of Kiama township – the site is in a comparable location to other greenfield subdivisions supported by Council including Cedar Grove and Spring Creek which are also urban fringe sites</li> <li>&gt; the proposal seeks to implement design guidelines and EnviroDevelopment certification to ensure a high standards of housing design</li> </ul> <p>The proposal anticipates implementation of requirements for installation of all essential services prior to residential development.</p> <p>The proposal does not reduce residential densities. The proposed residential densities are comparable to the existing density of residential development in West Kiama.</p>
3.2 Caravan Parks and Manufactured Home Estates	<p>Objectives:</p> <p>(a) to provide for a variety of housing types, and</p> <p>(b) to provide opportunities for caravan parks and manufactured home estates</p> <p>Applies where:</p> <p>To all relevant planning authorities but does not apply to Crown Land or land dedicated under National Parks and Wildlife Act, 1979.</p> <p>Applies when:</p> <p>A planning proposal is prepared.</p> <p>Requirements:</p> <p>(4) Identify suitable zones, locations and provisions for caravan parks in a planning proposal</p> <p>(5) Identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal</p>	<p>The planning proposal is consistent with this direction.</p> <p>It does not change the current provisions of KLEP 2011 in any way that would reduce land available for caravan parks and MHE.</p>
3.3 Home Occupations	<p>Objectives:</p> <p>To encourage the carrying out of low-impact small businesses in dwelling houses.</p> <p>Applies where:</p> <p>To all relevant planning authorities.</p> <p>Applies when:</p> <p>To all planning proposals.</p>	<p>The planning proposal is consistent with this direction.</p> <p>It does not change the current provisions of KLEP 2011 regarding home occupations being permitted without consent in a dwelling house.</p>

Direction Title and Number	Direction Objectives & Planning Authority Requirements	Compliance
	<p>Requirements:</p> <p>Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent</p>	
3.4 Integrating Land Use and Transport	<p>Objectives:</p> <p>(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:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p> <p>Applies where:</p> <p>To all relevant planning authorities.</p> <p>Applies when:</p> <p>To a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes</p> <p>Requirements:</p> <p>(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</p>	<p>This proposal is consistent with this Direction.</p> <p>The proposal provides homes close to Kiama town centre and efficiently and safely connected to local roads and pathway networks.</p> <p>The proposal will facilitate a new bus route and three new bus stops. There is currently no bus service in West Kiama.</p> <p>New shared pathways are proposed throughout the site and adjoining the site (see <b>Section 3.13</b> and <b>VPA proposal Section 7</b> and <b>Appendix L</b>).</p>
4.4 Planning for Bushfire Protection	<p>Objectives</p> <p>(1) The objectives of this direction are:</p> <p>(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</p> <p>(b) to encourage sound management of bush fire prone areas.</p> <p>Applies where:</p> <p>In any LGA to which a bushfire prone land map has been prepared.</p> <p>Applies when:</p> <p>When a planning proposal affects land in or affected by bushfire risk.</p> <p>Requirements</p> <p>(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of</p>	<p>The proposal is consistent with this Direction.</p> <p>The proposal includes creation of a buffer to the perimeter of the site and to the edge of lands identified for environmental protection.</p> <p>The buffer distances has been determined by a Bushfire Risk Analysis (see <b>Section 3.10</b> and <b>Appendix F</b>).</p> <p>The Bushfire Risk Analysis has been prepared with reference to Planning for Bushfire Protection 2006 and imminent changes to this document.</p> <p>The design guidelines apply the necessary controls for building standards and landscaping.</p> <p>The VMP for the environmental lands includes management of that land to asset protection standards that have</p>



Direction Title and Number	Direction Objectives & Planning Authority Requirements	Compliance
	<p>the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,</p> <p>(5) A planning proposal must:</p> <p>(a) have regard to Planning for Bushfire Protection 2006,</p> <p>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</p> <p>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</p> <p>(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <p>(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</p> <p>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p>	<p>been developed in collaboration with the Bushfire consultant and the Ecological consultant (see <b>Section 3.7</b> and <b>Appendix D</b> and <b>Section 3.10</b> and <b>Appendix F</b>).</p> <p>Fire fighting measures, hazard reduction management and evacuation provisions will be improved for existing West Kiama residents.</p>
5.10 Implementation of Regional Plans	<p>Objective</p> <p>To give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>Applies where:</p> <p>To land subject to a regional plan released by the Minister for Planning.</p> <p>Applies when:</p> <p>What a planning proposal is prepared.</p> <p>Requirements</p> <p>(4) Planning proposals must be consistent with a regional plan released by the Minister for Planning.</p>	<p>The proposal is consistent with this Direction.</p> <p>The proposal is consistent with the ISRP as explained in detail in <b>Section 2.2.8</b> and is aligned with the priority actions of the Plan as follows:</p> <ul style="list-style-type: none"> <li>&gt; will deliver new dwellings to make an effective contribution towards the dwelling targets</li> <li>&gt; will offset the delay to Spring Creek new dwelling creations</li> <li>&gt; sets a practical and effective standard for improving biodiversity corridors, landscape connectivity and riparian conservation through consolidation of land, implementation of a VMP and stewardship agreement</li> </ul>

Direction Title and Number	Direction Objectives & Planning Authority Requirements	Compliance
		<ul style="list-style-type: none"> <li>&gt; commits to applying DPI criteria to map IAL</li> <li>&gt; the environmental value of land within the site has been determined using BAM and contemporary assessment methods.</li> </ul>
6.1 Approval and Referral Requirements	<p>Objective: To ensure that LEP provisions encourage the efficient and appropriate assessment of development</p> <p>Applies where: To all relevant planning authorities.</p> <p>Applies when: To all relevant planning authorities.</p> <p>Requirements: (4) A planning proposal must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <ul style="list-style-type: none"> <li>(i) the appropriate Minister or public authority, and</li> <li>(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),</li> </ul> <p>prior to undertaking community consultation in satisfaction of section 57 of the Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <ul style="list-style-type: none"> <li>(i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</li> <li>(ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act</li> </ul>	<p>The proposal is consistent with this Direction.</p> <p>The proposal does not invoke concurrence, consultation and referrals in addition to those already applicable.</p> <p>Does not identify development as designated development.</p>
6.2 Reserving Land for Public Purposes	<p>Objectives: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition</p> <p>Applies where: To all relevant planning authorities.</p> <p>Applies when: To all relevant planning authorities.</p>	<p>The proposal is consistent with this Direction.</p> <p>In accordance with (4) the proposal does not create, alter or reduce existing land for public purposes.</p> <p>Existing public reserves along the western edge of Greyleigh Drive are in Zone RU2. Council as the RPA may consider applying Zone RE1 to best reflect their intended use and for consistency with their setting. This</p>

Direction Title and Number	Direction Objectives & Planning Authority Requirements	Compliance
	<p>Requirements:</p> <p>(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</p> <p>(5) (Not applicable)</p> <p>(6) (Not applicable)</p> <p>(7) (Not applicable).</p>	<p>application recommends Zone RE1 be applies to these existing public reserves.</p> <p>(5), (6) and (7) are not applicable to the proposal.</p>

## 6.8 Section C: Environmental, social and economic impact

### 6.8.1 Question 7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal?

**Section 3.7 and Appendix D** report on the ecological investigations and constraints affecting the site. Habitat for the threatened species and endangered ecological community identified within the site will be protected with greater effectiveness and integrity than the current LEP provisions by:

- > Increasing the area of land within Zone E2 to include habitat of ecological significance;
- > Consolidating the area of land in Zone E2
- > Increasing the standards for land use protection and management to better reflect the ecological importance of the land subject to Zone E2.

As a result of the proposed amendments, habitat, communities and species will receive greater protection than is currently available.

### 6.8.2 Question 8: Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The net environmental impacts of the project are positive and will be achieved through the following;

- > Implementation of a long term stewardship arrangement to apply the VPA
- > Creation of new public open spaces supported by POMs
- > Improvements to existing public reserves through a VPA
- > Opportunities for health and outdoor recreation with shared pathway networks linked to existing pathways and public roads
- > Improved stormwater management and water quality
- > New essential services and home design guidelines to achieve ecocertification
- > Bushfire asset protection measures that improve safety for existing residential areas
- > Protection and enhancement of dry stone walls
- > New bus stops and bus routes to service West Kiama
- > Traffic and pedestrian movement patterns compatible with the safe operating capacity of the existing network
- > Improvements to the public domain including the tourist stop along Old Saddleback Road and the public reserves adjacent to the site.

These positive environmental impacts will be managed with the following methods:

- > Land use zones and development standards more appropriate to the constraints and capabilities of the site and surrounds
- > Design guidelines and site-specific DCP provisions for micro-scale performance of dwelling design, infrastructure installation and WSUD



- > Plans of Management for public open spaces
- > Stewardship and VMP for land in Zone E2
- > Envirodevelopment Certification.

### 6.8.3 Question 9: Has the Planning Proposal adequately addressed any social and economic effects?

The proposal provides the following social and economic benefits:

- > Dwelling density matched to accessibility and land capability with land in Zone R3 in close proximity to established infrastructure, commercial and recreational services and facilities,
- > Job creation resulting from the works associated with the subdivision and servicing of the site and the provision of seniors housing
- > Job creation resulting from the development of housing on the site
- > Provision of a cultural and educational facility, seed propagation and bushtucker nursery and housing linked to a stewardship arrangement
- > Housing to suit a wide variety of household needs and day-to-day support services and facilities for recreation and neighbourhood-scale retail
- > Protection and enhancement of dry stone walls to be brought into the public domain.

See the Socio-economic analysis in **Appendix I** for further details.

## 6.9 Section D: State and Commonwealth Interests

### 6.9.1 Question 10: Is there adequate public infrastructure for the Planning Proposal?

The site is currently un-serviced. **Section 3.6** demonstrates all essential services can be connected to the future residential uses on the site through standard extension and augmentation of infrastructure in Greyleigh Drive.

The subdivision will include the construction of water, sewer, electricity and communication services to connect the site into the surrounding network.

The scale of the development will trigger a threshold for provision of reticulated gas (which is presently not available in West Kiama).

The traffic generated by future residential development will not detrimentally impact on the safe and efficient operation of the local road network (see **Section 3.9**).

As stated in 'A guide to preparing planning proposals', "(f)for planning proposals likely to place additional demands on public infrastructure, this section will be developed following gateway determination and consultation with the public authorities responsible for the provision of that infrastructure".

The Planning Proposal application intends to implement a concurrent VPA. As the public benefits to be delivered are expected to be developed in consultation with Council and the community, the specific details are not included in this application. Ideas for public benefits are discussed in **Section 7.1**.

### 6.9.2 Question 11: What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?

State and Commonwealth Public Authorities have not yet been consulted.

The Engagement Plan in **Appendix N** includes recommended stakeholder consultation and includes State and Commonwealth Authorities.

Further discussion with agencies would occur as directed by the Gateway process.

It is anticipated that consultation with the following agencies would be required:

- > NSW Roads and Maritime Service
- > Office of Environment and Heritage
- > NSW Heritage Office
- > Utility and service providers.

## 6.10 Part 4 – Mapping

For maps of the proposed amendments to KLEP 2011 see **Figure 6-1** to **Figure 6-5**.

## 6.11 Part 5 - Community Consultation

There is a long history of community engagement on strategic planning for the local area and the region as explained in Section 2.

An Engagement Plan is contained in **Appendix N** providing details of the manner in which it is intended to engage with the wide variety of stakeholders with potential interest in the planning proposal.

The engagement procedures identified in Kiama Council's adopted Policy for Planning Proposal Applications includes a pre-lodgement notification and Councillor consultation process prior to a Council consideration of the gateway process.

Post-Gateway it is anticipated the statutory 28 day notification period will be undertaken by Kiama Council to allow the community to engage with the proposal if Council has the role as a RPA.

Should the application require a Pre-Gateway Review application, it is anticipated the Gateway process will prescribe a 28 day notification period.

If the version of the Planning Proposal supported by Gateway includes rezoning of the existing public reserves to the more appropriate Zone RE1 then a public hearing will be required as part of the public exhibition and consultation process.

## 6.12 Part 6 – Project Timeline

	Timeframe	Possible dates
Submit application for Planning Proposal to Kiama Council	Week 1	September 2018
Council resolution on Planning Proposal application	Week 13 (90 days)	End November 2018
Submit planning proposal to NSW Department of Planning and Environment seeking Gateway determination	Week 14	Start December 2018
Receive gateway determination	Week 18	Start January 2019
Preparation of any additional studies and pre-exhibition consultation (if required)	Weeks 18 to 22	Start February 2019
Exhibition of Planning Proposal and supporting studies	Weeks 23 to 27	End March 2019
Date of Public Hearing	During public exhibition	End March 2019
Review of submissions and prepare post-exhibition report to Council	Weeks 28 and 29	Mid-April 2019
Report to Council post-exhibition	Weeks 30 to 34	Mid-May 2019
Submission to Parliamentary Counsel Office for draft LEP amendment	6 weeks from date of submission to Parliamentary Counsel	Start July 2019
Anticipated date for LEP finalised and published	6 weeks from date of submission to DPE and Minister	Start July 2019

## 7 Conclusions and Recommendations

The key environmental aspects affecting the site have been assessed against environmental and planning criteria to ensure that the proposal has local and broader strategic merit. The site specific geotechnical, bushfire, flooding, traffic, servicing, visual and ecological assessments illustrate that the land has the capacity to support a subdivision to provide approximately 400 new dwellings. The lots would be spread across the site, with the lot allocation identified below:

- > Large residential lots (from 1,000m<sup>2</sup>) – approximately 20 lots
- > Torrens title lots (From 450m<sup>2</sup>) – approximately 200 lots
- > Mix of Torrens lots and integrated housing lots – approximately 150 to 180 dwellings
- > Environmental stewardship lots – 1 land management lot and 1 development lot.

A revised suite of planning controls are proposed to:

- > Apply land use zones E2, R2, R3, R5 and RE1
- > Apply lot size, height of building and FSR controls consistent with existing standards in KLEP 2011 and standards proposed with PP\_2018\_2018\_KIAMA\_004\_00 the subject of Gateway 31-7-2018.
- > Protect areas for ecological management.

Enhanced environmental outcomes will be achieved by:

- > Increasing the area of the site in Zone E2
- > Creating new public open space areas with POM
- > Installing essential services that will be independently eco-certified
- > Setting design guidelines and DCP controls to be independently eco-certified
- > Establishing a VPA to deliver public benefits.

### 7.1 Public Benefits

#### 7.1.1 Ecology

The proposal would result in increased biodiversity across the subject site, with weed removal and eroded pasture rehabilitated and replanted with native species contiguous with the local ecological communities. Areas of the site that either contain remnant vegetation, riparian corridors or are located adjacent to wider areas of vegetation off site have been selected for conservation. These areas have a higher chance of achieving a successful ecological outcome and will create contiguous vegetated movement corridors for fauna. The VMP and stewardship arrangements represent an exceptional opportunity with cultural and social benefits linked to environmental management.

#### 7.1.2 Bushfire Protection

The proposed scheme will result in improved management of vegetation on the subject site. Additionally, new access roads and provision of fire hydrants will support the work of emergency service providers, allowing them to control future fires and fire risks more appropriately. Consequently the proposal will reduce bushfire risks to the established urban areas around the subject site and improve the effectiveness of firefighting actions.

#### 7.1.3 Water Quality Improvements

Stormwater management will be improved through the implementation of a stormwater management network within the roads, as well as the installation of water quality and onsite detention. The proposed stormwater measures will serve to reduce runoff velocities and improve downstream water quality. The planting of native species, implementation of sediment and erosion controls and site regrading would help to reduce sediment laden runoff from the lands, which are currently being eroded by the ongoing agricultural use.

#### 7.1.4 Housing Opportunities

The proposal would create a range of lot sizes and housing densities suitable for a variety of housing forms and tenures as explained in detail in **Section 6.4**.



## **7.2 Employment and Economic Development**

The construction of the lots, infrastructure and subsequently dwellings will generate employment in the building sector of the Illawarra's economy. The proposal would have additional knock on effects for the wider service industry.

Specific partnerships with local builders, construction and fitout material providers will be investigated for the potential to deliver housing construction bonuses and discounts to improve affordability and efficiency of construction.

## **7.3 Summary**

This Planning Proposal illustrates that the Concept Plan is entirely suitable for the site. The proposal would facilitate residential development that achieves and enhanced conservation outcome. The conservation outcome would result in benefits both directly on site and regionally, via improved biodiversity, visual amenity and water quality.

The proposal is supported by detailed environmental assessments informed by a detailed knowledge of stakeholder concerns raised in the past regarding strategic land use planning.

The application for a Planning Proposal is entirely consistent with strategic objectives at regional and State Government levels and accords with the guidance provided in the Ministerial Directives associated with local plan making.

The proposed master planned development would help to provide the catalyst for a range of positive social, environmental and economic benefits to the local community. This application will set an outstanding precedent for urban redevelopment projects in the Illawarra and South Coast.

## **7.4 Recommendation**

It is recommended that Kiama Council submit this documentation with the formal Planning Proposal to NSW Department of Planning and Environment with a request for a Gateway determination.

# APPENDIX

# A

LIMITED ENVIRONMENTAL ASSESSMENT AND  
PRELIMINARY GEOTECHNICAL STUDY

APPENDIX

# B

WATER CYCLE MANAGEMENT PLAN



# APPENDIX

# C

ABORIGINAL DUE DILIGENCE ADVICE

# APPENDIX

# D

## ECOLOGICAL CONSTRAINTS ANALYSIS

# APPENDIX

# E

## HISTORICAL HERITAGE ASSESSMENT



# APPENDIX

# F

## BUSHFIRE ASSESSMENT

# APPENDIX

# G

## LANDSCAPE AND VISUAL IMPACT ASSESSMENT

# APPENDIX

# H

## TRAFFIC IMPACTS ASSESSMENT



# APPENDIX

## I

### SOCIAL ECONOMIC ASSESSMENT

# APPENDIX

# J

## KIAMA HOUSING SUPPLY ANALYSIS

# APPENDIX

# K

DRAFT CONCEPT CIVIL WORKS AND LOT  
LAYOUT



# APPENDIX

# L

VOLUNTARY PLANNING AGREEMENT LETTER  
OF OFFER

# APPENDIX

# M

ENCLOSURE PERMIT 39357

APPENDIX

N

ENGAGEMENT PLAN



APPENDIX

# O

LETTERS OF SUPPORT