

**APPENDIX 2 –RESPONSE TO MATTERS RAISED BY KIAMA MUNICIPAL COUNCIL 8 JULY 2019**

MATTERS RAISED BY COUNCIL:	RESPONSE:
1. The Site Compatibility Report makes references to attached correspondence from Dial Before You Dig and LandTeam Engineers and an Agreement from Kiama Mini Coaches. These documents are not included as part of the information submitted with the application.	Correspondence from DBYD and LandTeam Engineers no longer forms part of the revised package. An updated agreement for the provision of transport services has been provided as part of the revised package (refer to <b>Appendix 7</b> ).
2. The Site Plan, contained in Appendix 3, is inconsistent with the Architectural Plans, contained in Appendix 13.	An updated site plan is provided as part of the revised package (refer to <b>Appendix 1</b> ).
3. The Architectural Plans do not include floor plans or elevations. This restricts Council's ability to comment on the consistency of the proposed development with the criteria referred to in clause 25(5)(b) of the SEPP (refer to relevant comments below).	Elevations and floor plans have been provided as part of the revised package (refer to <b>Appendix 1</b> ). A detailed assessment of the bulk, scale, built form and character of the proposal is provided in Section 6.6 of the Site Compatibility Report.
<ul style="list-style-type: none"> <li>The natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,</li> </ul>	<p>The four (4) mature Moreton Bay figs located within the site are to be retained. The proposal will result in the clearing/modification of no more than 0.18 ha of existing vegetation to facilitate the establishment of the APZ. 60% of the area to be cleared/modified comprises weed species. The proposal will not result in any adverse impact on the PCT 906, Lilly Pilly - Sassafras - Stinging Tree subtropical/warm temperate rainforest. Weed species invading the edges of this rainforest will be removed, resulting in an improved outcome for vegetation within the E2 Environmental Conservation zone.</p> <p>Refer to Section 6.1.2 of the Site Compatibility Report for a more detailed summary of vegetation impacts.</p>
<ul style="list-style-type: none"> <li>The impact that the proposed development is likely to have on the uses that, in the opinion of the relevant panel, are likely to be the future uses of that land,</li> </ul>	The site contains a mixture of managed grassed areas and remnant natural vegetation. The cleared land has been used for farming activities in the past. The land surrounding comprises domestic gardens expanding out to the rural landscape. The area along the escarpment contains remnant natural vegetation due to the slope of the land making it unsuitable for farming development. The surrounding area has experienced extensive development in recent years with new dwellings completed on the adjoining

	<p>residential subdivision.</p> <p>Surrounding lands to the north of the site have been developed into urban subdivisions containing houses which include single and double storey, dual occupancies and multiple unit development. To the east and south of the land the dominant form is rural with some scattered farm dwellings. The west of the site is rural zoned land with construction underway on a seniors living development consisting of 31 single storey separate dwellings.</p> <p>The site presents as a logical extension to the existing residential curtilage of Kiama, along Old Saddleback Road. The site sits at the top of the ridge and has ocean views to the east. Given its surrounding residential context, the future use of the land is likely to be residential considering the new 2 storey residential product that is being built along Caliope Street and Old Saddleback Road (to the west of the site). The proposed development is a compatible use. The likely use of the site is residential, consistent with surrounding development. The impact of the proposed development on likely future use of the site is acceptable.</p>
<ul style="list-style-type: none"> <li>The services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,</li> </ul>	<p>The site can be serviced through extension of existing infrastructure in the area from Old Saddleback Road. A draft agreement has been made between the developer and Ledale Pty Ltd t/as Cantys Bus Rentals (refer to <b>Appendix 7</b>) for the provision of shuttle bus services to and from Kiama Town Centre effectively connecting the site to retail, medical, community facilities and other local amenities.</p>
<ul style="list-style-type: none"> <li>The impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,</li> </ul>	<p>The proposal comprises 19 single storey seniors dwellings in a low-density residential environment. The proposal in terms of bulk and scale is consistent with surrounding existing and future residential development. The proposal will not result in any unacceptable view loss, create an overbearing relationship or adversely impact on the existing or future amenity or use of land in the vicinity of the development.</p>
<ul style="list-style-type: none"> <li>If the development may involve the clearing of native vegetation that is subject to the requirements of section 12</li> </ul>	<p>The development does not involve the clearing of native vegetation that is subject to the requirements of section 12 of the Native</p>

of the Native Vegetation Act 2003—the impact that the proposed development is likely to have on the conservation and management of native vegetation,	Vegetation Act 2003 and therefore will not impact on the conservation and management of native vegetation.
<ul style="list-style-type: none"> <li>The impacts identified in any cumulative impact study provided in connection with the application for the certificate.</li> </ul>	<p>N/A – Cumulative impact studies are only required where the development site is located within one kilometre of two or more other SCC sites which could be either:</p> <ul style="list-style-type: none"> <li>Current (but DA has not been determined); or</li> <li>The SCC application has been lodged and is under assessment.</li> </ul> <p>There are no other SCC applications within one kilometre of the site. Accordingly, no cumulative impact study is required.</p>
4. Council is unsure if recommendations of the Accessibility Report, contained in Appendix 9, have been incorporated into plans.	The Accessibility Report by Accessibility Solutions (refer to <b>Appendix 10</b> ) includes an assessment of the proposal against the requirements of <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the Seniors SEPP)</i> . The recommendations set out throughout the report are detailed design issues to be addressed and conditioned as part of a future DA.
5. The Architectural Plans do not include the fire trails recommended by the Bushfire Report in Appendix 10.	The recommendations of the Bushfire Assessment (refer to <b>Appendix 8</b> ) – in particular the proposed fire trails have been incorporated into the site plans.
6. The Feasibility Letter from Sydney Water, contained in Appendix 4, is not specific to the proposal as it refers to a different development and is seriously outdated.	An updated letter from Sydney Water is provided as part of the revised package (refer to <b>Appendix 5</b> ).
7. Council is unsure what is meant by 'Residual Lot'. The submitted Architectural Plans are inconsistent with the Site Compatibility Report as they do not refer to a 'Residual Lot' but rather 'residue land'. From the Architectural Plans it would appear that the 'residue land' will form the 'Development Lot'.	The Development Lot and Residue Land/Lot is to be retained in the ownership of the landowner whilst the Communal Lot will become an asset of, once formed, the Community Association which will raise funds via levies to maintain the lot as part of community facilities.
8. The Traffic Assessment, contained in Appendix 8, and the Accessibility Report, contained in Appendix 9, are inconsistent. Each report states that a different number of dwellings will obtain access off the proposed internal road.	Of the 19 proposed dwellings, Dwellings 1, 10 and 19 are directly accessible from Caliope Street. The remainder are accessible from the one-way loop road extending from Caliope Street.
9. <u>Consistency with subclause (b)(i)</u>	The exact location of bus stops is to be

<p>Neither the Architectural Plans, Agreement for Provision of Bus Services, Traffic Assessment, nor the Accessibility Report show the location of the proposed bus pick up. Council are unable to comment on the proposal's compatibility with the natural environment and existing and approved uses in the vicinity.</p>	<p>determined during DA stage. Bus services are to run daily from the bus stops and from the front of dwellings (by appointment) in accordance with the agreement provided as part of the revised package. Additional services will be provided by appointment as a hail and ride type service with pick up and return of passengers to the front of their dwellings.</p>
	<p>The exact location of the bus stops does not preclude compliance with clause 26(2)(c). A detailed assessment of the proposal's compatibility with the natural environment and existing and approved uses in the vicinity is provided in Sections 6.1 and 6.3 of the Site Compatibility Report.</p>
<p>10. <u>Consistency with subclause (b)(ii)</u> It is noted that the Site Compatibility Report indicates that the proposed dwellings will be single storey. Council requests that elevation plans are provided to ensure that this is the case and to enable Council to comment on potential view sharing issues.</p>	<p>Elevations and floor plans have been provided as part of the revised package (refer to <b>Appendix 1</b>). A detailed assessment of view sharing is provided in Section 6.6 of the Site Compatibility Report.</p>
<p>11. <u>Consistency with subclause (b)(iii)</u> Neither the Architectural Plans, Agreement for Provision of Bus Services, Traffic Assessment, nor the Accessibility Report show the location of the proposed bus pick up. Council are unable to comment on the proposal's compliance with clause 26(2)(c) without this information.</p>	<p>The exact location of bus stops is to be determined during DA stage. Bus services are to run daily from the bus stops and from the front of dwellings (by appointment) in accordance with the agreement provided as part of the revised package. Additional services will be provided by appointment as a hail and ride type service with pick up and return of passengers to the front of their dwellings.</p>
	<p>The exact location of the bus stops does not preclude compliance with clause 26(2)(c). A detailed assessment of the proposal's compatibility with the natural environment and existing and approved uses in the vicinity is provided in Sections 6.1 and 6.3 of the Site Compatibility Report.</p>
<p>12. The Agreement for Provision of Bus Services does not outline where the bus will travel to. In this regard, Council are concerned that the Agreement Transport does not ensure compliance with clause 26(2)(c) as the facilities/services listed in 26(1) have not been referenced.</p>	<p>The proposal includes a private bus service operated by Ledale Pty Ltd t/as Cantys Bus Rentals between the site and the Kiama Town Centre. Services are to run twice daily, seven days per week, fifty-two weeks per year; once in the morning between 8am and 12pm and once in the afternoon between 12pm and 6pm or otherwise. Additional services will be provided by appointment as a hail and ride type service</p>

	<p>with pick up and return of passengers to the front of their dwellings.</p> <p>It is anticipated that the consent for the development at the DA stage would incorporate a condition of consent requiring that the proposed transport services will travel to the Kiama Town Centre for the lifetime of the development.</p>
13. Council has concerns with the wording of point 3 in Agreement for Provision of Bus Services. It would appear that if the residents decide that the transport services are no longer required this service will cease.	<p>An updated agreement has been provided as part of the revised package (refer to <b>Appendix 7</b>). It is anticipated that the consent for the development at the DA stage would incorporate a condition of consent requiring that provision of transport services are provided for the lifetime of the development.</p>
14. The Agreement for Provision of Care Services refers to a different development. Council has concerns with the wording of point 2 in Agreement for Provision of Care Services. It would appear that if the residents decide that the services are no longer required this service will cease.	<p>An updated agreement has been provided as part of the revised package (refer to <b>Appendix 6</b>). It is anticipated that the consent for the development at the DA stage would incorporate a condition of consent requiring that provision of care services are provided for the lifetime of the development.</p>
15. <u>Consistency with subclause (b)(v)</u> Council are unable to comment on bulk scale, built form and character of the proposed development as no elevations, floor plans etc. have been submitted.	<p>Elevations and floor plans have been provided as part of the revised package (refer to <b>Appendix 1</b>). A detailed assessment of the bulk, scale, built form and character of the proposal is provided in Section 6.6 of the Site Compatibility Report.</p>
16. The rear and side yards of Dwellings 1-6 Rear yards will face Old Saddleback Road. For the Senior Living Development at 58 Old Saddleback Road Council requested a highly permeable boundary fence treatment to ensure the character of the development was consistent with the prevailing rural character of the area.	<p>Dwelling 6 has been removed as part of the revised proposal to facilitate the provision of an APZ to mitigate bushfire impacts arising from grassland hazard in the adjoining lot to the south. Only Dwellings 1-5 now have frontage to Old Saddleback Road. As demonstrated in <b>Figure 17</b> in the Site Compatibility Report, the 30 metre length of the 2 metre-high fence will only extend a few metres along the common boundary of Dwelling 5 and Old Saddleback Road. The remaining 87.24 metres of the western boundary will be fenced with rural fencing, to be detailed at DA stage. Attractive solid fencing which has a rural character can be provided for the 30 metre length of 2 metre-high fence as illustrated in <b>Figure 18</b> of the Site Compatibility Report.</p>
17. It is noted that the Bushfire Report recommends installing a 1.8m high colorbond fence along the common	<p>The proposal includes a 2 metre-high fence along the length of the site's southern boundary and 30 metres of the site's western</p>

<p>boundary of Lot 33 DP709582 to the subject property. The Bushfire Report recommends also partly extending the colorbond fence approximately 50 metres along the western boundary of the site. This recommendation will result in a poor scenic outcome.</p>	<p>boundary, beginning in the south-western corner. The provision of the fence is an acceptable outcome on the following grounds:</p> <ul style="list-style-type: none"> <li>• Due to the higher setting of Old Saddleback Road and vegetation within the road reserve, the fence is unlikely to be visible from the road (refer to <b>Figure 16</b> of the Site Compatibility Report);</li> <li>• The length of the fence along the western boundary is limited to 30 metres, extending from the south-western corner of the site to no more than 4 metres along the boundary of Dwelling 5 (refer to <b>Figure 17</b> of the Site Compatibility Report). The remaining 87.24 metres of the western boundary will be fenced with rural fencing, to be detailed at DA stage; and</li> <li>• Attractive solid fencing which has a rural character can be provided such as in the examples illustrated in <b>Figure 18</b> of the Site Compatibility Report. The ultimate design and colour of the proposed fence is to be resolved at the detailed DA stage.</li> </ul>
<p>18. <u>Consistency with subclause (b)(vi)</u> The Site Compatibility Report outlines that the Proposed Seniors Living Development will be carried out on cleared land and would not require the removal of any vegetation. It would appear that this is not the case. The Bushfire Report recommends establishing and maintaining an APZ east to the 80m contour. This will require the removal of vegetation, identified as Sub-Tropical Illawarra Rainforest by the Vegetation Assessment, contained in Appendix 12.</p>	<p>The proposal will result in the clearing/modification of no more than 0.18 ha of existing vegetation to facilitate the establishment of the APZ. 60% of the area to be cleared/modified comprises weed species. The proposal will not result in any adverse impact on the PCT 906, Lilly Pilly - Sassafras - Stinging Tree subtropical/warm temperate rainforest. Weed species invading the edges of this rainforest will be removed, resulting in an improved outcome for vegetation within the E2 Environmental Conservation zone.</p> <p>Refer to Section 6.1.2 of the Site Compatibility Report for a more detailed summary of vegetation impacts.</p>
<p>19. The amount of vegetation to be removed has not been quantified and as such Council cannot determine if the proposal complies with the requirements of the Biodiversity Conservation Act 2016.</p>	<p>N/A – The development does not involve the clearing of native vegetation that is subject to the requirements of section 12 of the Native Vegetation Act 2003 and therefore will not impact on the conservation and management of native vegetation.</p>

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20. Consistency with subclause (b)(vii)  
No cumulative impact study provided.

N/A – Cumulative impact studies are only required where the development site is located within one kilometre of two or more other SCC sites which could be either:

- Current (but DA has not been determined); or
- The SCC application has been lodged and is under assessment.

There are no other SCC applications within one kilometre of the site. Accordingly, no cumulative impact study is required.

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