

# Planning Proposal

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*Rezoning to R2 Low Density Residential  
Lot 2 DP 626183, Golden Valley Road, Jamberoo*

Prepared for Mr Branko Simicic


**21 September 2016**

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## 1 Report Scope and Executive Summary

This Planning Proposal has been prepared on behalf of Mr Branko Simicic, the owner of the subject site, identified as being located on Golden Valley Road, Jamberoo described as Lot 2 DP 626183. The site has a total area of 4.662 hectares and is within Zone RU2 Rural Landscape pursuant to Kiama Local Environmental Plan 2011. The site is recognised by Kiama Municipal Council as a Stage 2 Project under the Kiama Urban Strategy, being Site 27b (Council reference PR2073). This future rezoning was initially supported by Council under the Strategy (dated 24 October 2011), subject to the submission (and assessment) of a Planning Proposal seeking to formally rezone the land to R2 Low Density Residential, to allow for a contribution to the housing needs of the Kiama LGA.

A recent Pre-lodgement meeting held with Kiama Council, as discussed in this Statement, at which Council advised that their consideration of a Planning Proposal for the site is considered appropriate and timely, given the Stage 1 proposals under the Kiama Urban Strategy are nearing completion and the site is within single ownership. It is considered there has been an adequate 'take up' of land in Stage 1 of the Kiama Urban Strategy, which is discussed in detail in this Statement, in order to provide the justification for Council's consideration of the site for urban development.

The Planning Proposal requests that Kiama Municipal Council consider the rezoning of the subject site from Zone RU2 Rural Landscape to Zone R2 Low Density Residential pursuant to *Kiama Local Environmental Plan 2011*, to allow for the development for the purposes of residential and related land uses on the subject site. The Planning Proposal seeks to rezone the land by amending the Land Zoning Map associated with Kiama Local Environmental Plan 2011, as well as to amend associated maps relating to Height of Buildings, Floor Space Ratio and Lot Size.

The Planning Proposal has been prepared in accordance with the Department of Planning's 'A Guide to Preparing Planning Proposals' and 'A Guide to Preparing Local Environmental Plans' documents (2009) and provides:

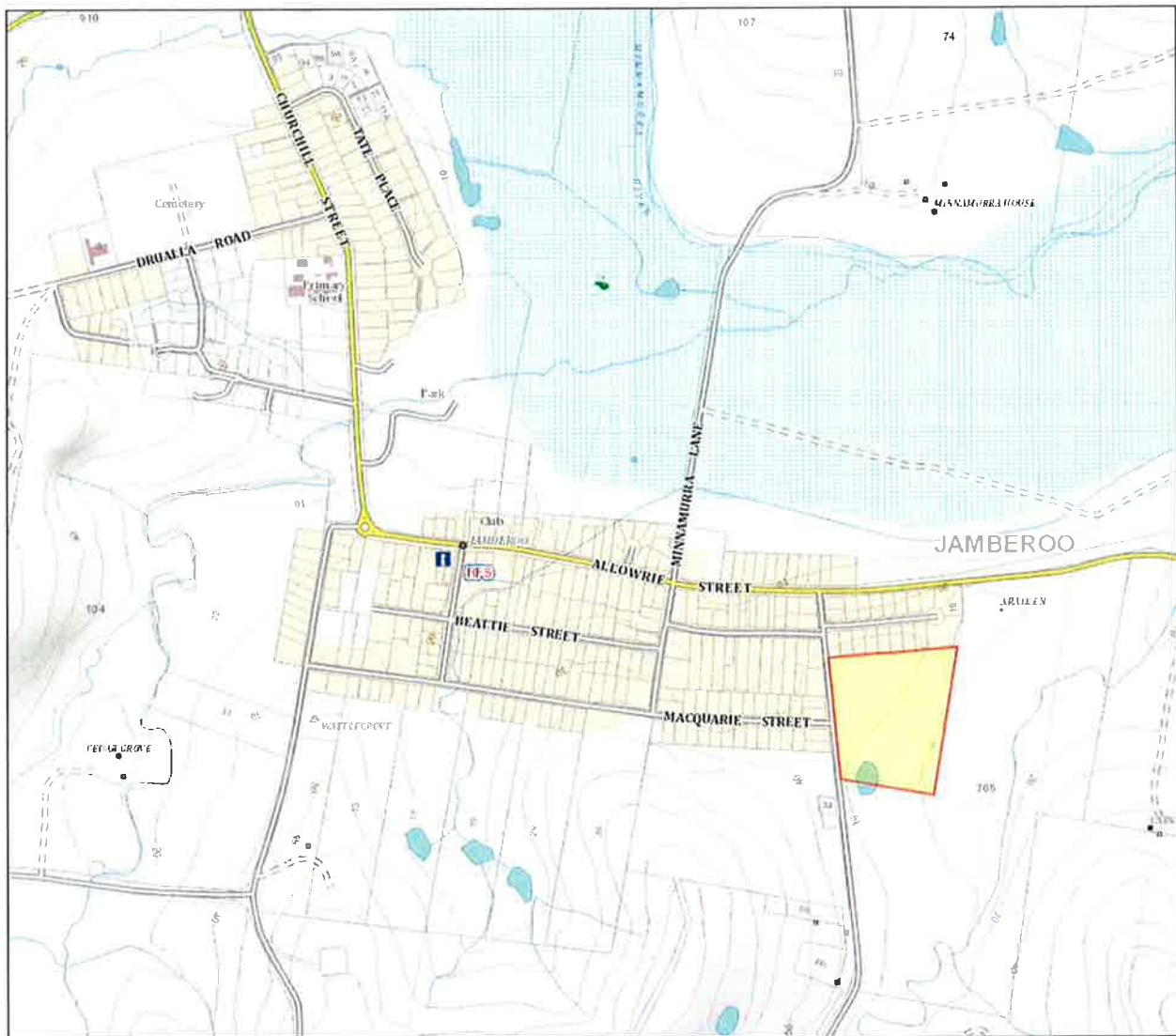
- A statement of the objectives and intended outcomes of the proposed additional permitted use for the site;
- An explanation of the provisions that are to be included in the proposed local environmental plan;
- A justification for those objectives, outcomes and provisions and the process for their implementation;
- Details of the recommended community consultation for the planning proposal to be undertaken by Council.

This report concludes that the proposed rezoning of the site for residential purposes is considered appropriate and supportable, and it is therefore requested that Council support the Planning Proposal and forward the proposal to the Minister, to obtain a Gateway Determination to proceed to public exhibition.

## 2 History of the Lands Subject to this Planning Proposal

### 2.1 Previous development history of the Subject Site

The current landowner has held the subject property, being Lot 2 DP 626183 for close to 50 years, in association with nearby allotments directly adjoining the site, including Lots 1, 2 & 3 DP 798624 and Lot 3 DP 626183. **Figure 1** illustrates the location of the subject site in context with surrounding streets in Jamberoo.



**Figure 1** – Cadastral view of subject site in context with surrounding streets in Albion Park (Source: <http://maps.six.nsw.gov.au>)

A Seniors Living development proposal for 145 residential care dwellings (Araluen Park) was lodged with Kiama Municipal Council in 2005 which included the subject site as well as all directly adjoining allotments within the same single ownership in Jamberoo. The proposal was rejected and could not be resubmitted in accordance with revised provisions of the State Environmental Planning Policy (Seniors Living). A suite of supporting documentation was prepared and lodged with the proposed Seniors Living development, a number of which have provided background detail and historical knowledge of the subject site. These relevant studies and background reports are discussed further in **Section 3.3** of this Statement.

TCG Planning submitted a written request to Kiama Council that the subject land (Lot 2 DP 626183), being considered suitable for urban development having minimal physical constraints, be included within a residential zone during Council's consideration of Kiama Local Environmental Plan 2011. The site was not rezoned as part of the new LEP, but was supported by Kiama Municipal Council and endorsed as a Stage 2 Project, (Council reference Site 27b - PR2073), under the Kiama Urban Strategy (24 October 2011). The Urban Strategy provides the following statement in relation to the greenfield sites for Jamberoo, including the subject Site 27b:

*"...Site 27, 27a, and 27b were included from an urban design and village structure perspective as it would provide an appropriately defined and accessible southern boundary to Jamberoo Village..."*

The Strategy was allegedly, according to the Planner's report considered by Council, forwarded to the then Department of Planning and Infrastructure by Kiama Council. The Strategy requires that the rezoning of the land would be subject to the submission (and assessment) of a Planning Proposal seeking to formally rezone the land to R2 Low Density Residential, to allow for a contribution to the housing needs of the Kiama LGA.

**Figure 2** provides a recent aerial photograph of the site showing the subject site in relation to directly adjoining residential land to the north (Hyam Place) and to the west (opposite side of Golden Valley Road).



**Figure 2** – Aerial photograph of subject site and surround Jamberoo Village (Source: <http://maps.six.nsw.gov.au>)

## 2.2 Pre-Lodgement meeting with Kiama Municipal Council

On 20 August 2015 a Pre-lodgement meeting was held with Kiama Council in relation to the subject site and Planning Proposal. Notes from the meeting were provided by Kiama Council as follows:

### **PRE PLANNING PROPOSAL MEETING**

**Property – KUS (Stage 2) Site No 27B Lot 2 DP 626183 Golden Valley Road Jamberoo – PR2073 10 August 2015 Commencing at 10.40am** (note: the date of the meeting was Thursday 20 August 2015, which appears to be a typographical error).

**Present:** Kim Bray (Manager Strategic Planning), Darren Brady (Manager Design and Development), Chris Fuller (Manager Development Assessment), and Deborah Boles (Executive Assistant).

**Attendees:** Kylie Fairhall (Consultant TCG Planning) and Tiana Simicic (owner's daughter).

**Property:** Site 27b of Kiama Urban Strategy Lot 2 DP 626182 Golden Valley Road Jamberoo – PR2073.

**Proposal:** Pre-Planning Proposal to rezone the land from RU2 to R2.

### **Background to PP process**

Kim Bray gave a brief overview of the Planning Proposal Policy and process and advised the applicant of the fees and charges associated with a Planning Proposal. Kim also advised that reports submitted with the Planning Proposal will be assessed either internally (by staff) or externally (if additional professional skills are required).

### **Potential referrals**

If the PP proceeds, external referrals may be required (as directed by Department of Planning and Environment through the Gateway Determination).

### **Kiama Urban Strategy**

Kylie Fairhall also asked the status of specific sites in the Kiama Urban Strategy (Sites 22, 24, 25 and 26) and Kim Bray gave an update.

### **Applicant background information**

Kylie Fairhall discussed a previous proposal (from 2005) which had resulted in a number of consultant/technical studies being prepared for the site. The applicants raised this as they advised that the studies from 2005 proposal included whole of the site and information/recommendations from those reports might be able to be used for the current proposal.

Discussion was held on the appropriateness of the use of these 2005 studies, and the need to ensure that the studies met all current best practice/methodology etc.

### **Reports required**

Kim advised that in order for Council to undertake a transparent process for assessing PPs, all applicants are requested to follow the Planning Proposal Policy in terms of preparation of the proposal. It should be noted that not all PPs require all of the potential studies to be undertaken, or undertaken prior to Gateway. In some instances a Planners statement (or similar) may suffice in the first instance with further information either called for by the Internal Review team or perhaps noted and left to Gateway.

Special mention was made of the following reports that would be required to be submitted with the Planning Proposal:

- Contamination Report.
- Aboriginal Heritage Report.
- Traffic Assessment Report.
- Geotechnical Report – this may be required however can be bundled with the Contamination Report.

Further considerations raised included:

- The need to obtain advice from Sydney Water regarding the reticulated sewage system and capacity may be required.
- Perimeter and internal roads were discussed including road widths for rigid vehicles as well as a pedestrian link to the existing public open space area.
- The applicant was advised that setbacks to the electricity substation may be required and it would be prudent to check.

For your information, mapping needs only to be indicative – if the PP proceeds KMC will prepare mapping for exhibition etc.

Note: While the list of studies/statements required is offered in good faith it should be noted that as a result of the assessment processes additional studies etc may be required.

Although not specifically expressed in Council's above Pre-lodgement Meeting Notes, Council's Manager Strategic Planning (Kim Bray) also verbally advised at the meeting, the following (based on notes taken at the meeting by TCG Planning):

- Stage 1 sites identified under the Kiama Urban Strategy (existing residentially zoned 'greenfields' sites at Kiama, Gerringong and Jamberoo) are all largely developed or in the process of being developed apart from one site, indicating that there has been an adequate 'take up' of land in Stage 1.
- Council (staff opinion) would not be opposed to the lodgement of a site identified in Stage 2.
- Specifically, the subject site is a good site in terms of it being within single ownership, which from Council's perspective means the site is potentially less complicated than others may be.
- Positive about anticipating lodgement of a Planning Proposal for the subject site.



### 3 Site Context and Land Use

#### 3.1 Subject Site

The land subject to this Planning Proposal, being located on Golden Valley Road, Jamberoo and identified as Lot 2 DP 626183 is located near the south-eastern edge of the village of Jamberoo within the Kiama Local Government Area to the west of Kiama Town Centre. The Planning Proposal has been prepared in response to discussions between TCG Planning, the landowner and Kiama City Council in relation to the timely lodgement of a rezoning request in accordance with the Kiama Urban Strategy on the subject site, pursuant to Kiama Local Environmental Plan 2011.

The subject site is located to the south east of the town centre of Jamberoo, on the lower foothills of the Illawarra Escarpment to the west of Kiama township. The nearest cross street is located to the north of the property being Allowrie Road (Jamberoo Road), Jamberoo. **Figure 1** illustrates the location of the subject site in the context of the Jamberoo village and its surrounds.

The subject allotment has a total area of 4.662 hectares and is within Zone RU2 Rural Landscape pursuant to Kiama Local Environmental Plan 2011. The aerial photograph provided in **Figure 2** shows the context of the subject site within the locality. **Figures 3 to 5** provide views of the subject property.



**Figure 3** – View of subject property at Golden Valley Road, Jamberoo (Source: TCG Planning, 2015)



**Figure 4** – View north across the western boundary of the subject site fronting Golden Valley Road along fence line (Source: TCG Planning, 2015)



**Figure 5** – View east across the southern portion of the subject site showing constructed dam located on the site and view towards Jamberoo Road further to the north (Source: TCG Planning, 2015)

### 3.2 Site constraints

The subject site is undulating, sloping towards the south and west of the property from the high point at the northern end of the property and is cleared of vegetation, with turf/grass covering the site. A recent Section 149 certificate for the subject site (24 September 2015) indicates the land is Zoned RU2 Rural Landscape pursuant to *Kiama Local Environmental Plan 2011*.

The Section 149 certificate indicates that the subject site:

- Does not include or comprise critical habitat;
- Is not located within a conservation area;
- Does not contain an item of environmental heritage;
- Is not affected by the operation of section 38 or 39 of the Coastal Protection Act 1979 according to Council's records;
- Is not affected by any order made under Part 4D of the Coastal Act;
- Council has not been notified under section 55X of the Coastal Protection Act 1979 that temporary coastal works have been placed on the land or that any information required by the Regulations under Section 56B is to be notified;
- Is not located on land proclaimed to be a mine subsidence district;
- Is not affected by road widening or realignment under the Roads Act 1993, an EPI or any resolution of Council;
- Is not affected by Policies relating to landslip, subsidence, bushfire, tidal inundation, acid sulphate soils or any other identified risk;
- Is not affected by flood related development controls and is not located within a flood hazard area, according to Council's records;
- Is not biodiversity certified under Part 7AA of the Threatened Species Conservation Act 1995;
- Is not affected by a biobanking agreement;
- Is not shown as bushfire prone land.;
- Is not affected by a Property Vegetation Plan;
- Council is not aware of a site compatibility certificate for Seniors Housing, Infrastructure or Affordable rental housing applying to the land;

### 3.3 Supporting Documentation

As provided previously in this Planning Proposal report, a number of studies and background reports were prepared for the subject site in accordance with a previous development proposal which included the subject site. The following relevant documents have been used to gain history into the site and are referenced in this Planning Proposal:

- Report on Conceptual Drainage Plan (prepared by Morse McVey, November 2005)
- Report on Site Conditions for Flooding (Morse McVey)
- Traffic Impact Statement (KF Williams)
- Landscape Statement (Hughes Landscape Architects);
- Access Assessment Report (Accessibility Solutions)
- Management Plan (Treglown Consulting)
- Statement of Environmental Effects (Treglown Consulting)

- Water Cycle Strategy (Morse McVey)

This Planning Proposal is accompanied by the following documentation, a summary of which is provided below:

- Survey Plan prepared by GeoSurv Land and Construction Surveyors dated 20 October 2015 (reference No.150838\_A).
- Report on Stage 1 Contamination Assessment with Potential Geotechnical and Acid Sulphate Soils advice prepared by Network Geotechnics dated 20 November 2015.
- Services Feasibility Assessment prepared by KFW dated 10 March 2016 (Reference No. KF112241).
- Aboriginal Cultural Heritage Assessment Report and associated Archaeological Report prepared by Biosis dated 21 September 2016(Final Version 2 as amended).
- Traffic Impact Statement prepared by Aztec Design dated 15 June 2016.

A summary of these reports is provided below:

#### **Traffic Impact Statement**

The Traffic Impact Statement was prepared by Aztec Draft & Design which aims to:

- Identify current traffic movements;
- Identify the estimated number of traffic movements likely to be generated from the proposed rezoning of the site to R2 Low Density Residential, based on an approximate potential dwelling yield (as provided by the Kiama Urban Strategy) of up to 50 residential dwellings;
- Assess the ability of the surrounding road system to accommodate the increased movements;
- Identify potential sight distance and other safety issues;
- Identify options for location of access and egress from the site;
- Detailed impact assessment of proposal;
- Prepare a brief report suitable for Planning Proposal lodgement;
- Consideration of Council's requirements in accordance with Kiama DCP 2013.
- Identify a possible internal road layout location based on the subject site constraints, nearby development and Council's relevant provision, for inclusion in a Broad Concept Plan to submit with the Planning Proposal.

The preparation of the Impact Statement included a traffic volume count for 7 days on Golden Valley Way, just south of the intersection with Jamberoo Road and one hour intersection surveys at various intersections as detailed in the assessment and included a SIDRA traffic analysis.

Kiama Council's Urban Strategy provides the following in relation to the greenfield sites for Jamberoo, including the Subject Site 27b:

*"...The Planning Proposal should address similar matters as described for Kiama and include a peripheral road to define the village boundary..."*

The Traffic Statement addresses Council's preference for a separation to be provided around the perimeter of the site, specifically on the eastern and southern property boundaries which will adjoin rural zoned lands and

addresses a number of guiding principles for the development of the site which should be incorporated into a future development or subdivision plan.

The Study also addresses the findings of the Archaeological Heritage Conservation Assessment prepared by Biosis (lodged in association with the Planning Report) as discussed further in this report.

The Traffic Statement provides an indicative Concept Subdivision Plan (subject to development application approval) showing a potential road and allotment layout and specifically recommends the following general principles for development of the site:

- Concrete footpath widths 1.5 metres (based on Landcom Guidelines).
- Proposed extension of road width of Golden Valley Way to 8.0 metres from the current 6.0 metres.
- Proposed single road access (T-intersection) off Golden Valley Way (ingress/egress) minimum 40 metres to the south of the Macquarie Street intersection, to provide a safe intersection due to the location of the crest in Golden Valley Way and undesirable option of a cross junction with Macquarie Street.
- Proposed internal road width for major access road proposed off Golden Valley Way of 8.0 metres plus 3.5 metre road verge widths (15 metres total width). Proposed internal new access street width of 6.5 metre pavement, 3.5 metre road verge either side (13.5 metres total width).
- Avoid cul-de-sacs and dead end streets.
- Provision of 1.5 metre footpaths within a 3.5 metre road verge on the eastern side of Golden Valley Way and on the main access road within the site, in accordance with Landcom Street Design Guidelines.
- A perimeter road or landscaped setback is provided along the full length of the eastern and southern boundaries to provide a setback to the rural interface. The perimeter access street provided along the eastern boundary runs almost the full length of the site, with the remaining eastern boundary including a proposed pedestrian link through the north east of the site to the existing public reserve off Hyam Street. The perimeter access street along the southern boundary runs more than 50 per cent along the length of the site with the remaining southern boundary width including a proposed landscape buffer.
- Proposed rain garden of 2.5 metre width within the road verge along the southern perimeter internal access street.
- Proposed easements for water drainage and servicing authority access for the site identified.
- Views and outlooks to the east and south east.
- Proposed anticipated allotment yield of approximately 44 lots, based on a minimum allotment size of 800m<sup>2</sup> (indicative lot layout indicates lots ranging in size from 800m<sup>2</sup> to 1165m<sup>2</sup> with larger allotments provided on corner lots to encourage houses to address both street frontages and on sites street access width is reduced due to either road layout or location of drainage easements).
- Lots to be a minimum 15 metres wide to allow for habitable rooms at overlooking the street for passive surveillance.
- Recommends proposed future buildings should be setback 6.0 metres from front property boundaries and provision of front fences with a maximum 1.0 metre height, in accordance with Landcom Street Design Guidelines.

## Design Parameters

The Traffic Statement provides that the most important design parameter is integration with the local residential area without impacting on its amenity. Other recommended parameters identified in the Study to be adopted include:

### Subdivision

- Integrate existing design parameters i.e. Golden Valley Way widths to be similar to existing.
- Minimum lot size 800m<sup>2</sup>.
- Avoid cul-de-sacs or dead end streets.
- Separate adjacent rural land from residential land by creating road and/or landscape buffer.
- Limit number of battle axe blocks.
- Lots to be min 15m wide to allow for habitable rooms at front overlooking street to achieve passive surveillance.
- Corner lots to be wider to encourage houses to address both street frontages.
- Avoid direct street connections to existing intersections (avoid cross intersections) to encourage better traffic distribution and reduce through traffic speed.
- Create simple street layout for visitors to navigate.
- Provide good pedestrian connectivity to existing network.
- Position lots to take advantage of views.
- Provide landscape verges and integrate with WSUD.
- Provide upright kerb to encourage pedestrian safety and allow easier access to parked cars by occupants.
- Provide 1.5m wide concrete footpaths to allow two pedestrians to walk abreast or to pass.

### Building

- Set buildings (garages) back min 6.0m from front boundary to encourage on-site car parking (less street car parking).
- Provide front fences (max 1.0m high) to encourage residence to utilise their front yard and create greater security and provide passive surveillance over street.

### Pedestrian Connectivity

In small villages pedestrian connectivity is important to promote health, reduce the impact on the environment and create community awareness. In order to promote this the following is recommended.

- Provide a pedestrian walkway from the proposed development to the existing park at the end of Hyam Street. This provides a link to Jamberoo Road and hence the shopping centre for those residences in the lower part of the estate as they can avoid the incline up to Golden Valley Way and provides a link to the adjoining neighbours.
- Provide 1.5m wide concrete path in Road 1 (major access street).
- Provide 1.5m wide concrete path along the development frontage (Golden Valley Way) to link with the corner of Hyam Street.

### Conclusion

The following recommendations are made

- The road layout & geometry be similar to the concept plans contained in Appendix E (to the report).

- Golden Valley Way be widened in front of the development site to have 8.0m carriageway, 3.5m verge with concrete footpath 1.5m wide extending to Hyam Street intersection.
- A footpath link be provided from the north east corner of the site to the park at the end of Hyam Street.

It is considered that the Report is adequate to address the proposed rezoning of the land subject to this Planning Proposal.

#### **Stage 1 Preliminary Contamination Assessment and Potential Geotechnical/Acid Sulphate Soils Advice**

TCG Planning commissioned Network Geotechnics Pty Ltd (NG) on behalf of Branko Simicic to carry out a Stage I Contamination Assessment in accordance with the Planning Guidelines SEPP 55 – Remediation of Land and Contamination Land Management Act 1997 for the subject site at Golden Valley Road, Jamberoo. The final report is dated 20 November 2015 (Ref: W07/3548-A). The objective of this investigation was to carry out a Contamination Assessment in order to assess the risks of site contamination and to assess the suitability of the site for the proposed rezoning. An assessment of potential geotechnical and acid sulphate soil issues were also included in the study, in accordance with the discussions held with Council at the Pre-lodgement meeting as outlined in this Planning Proposal.

#### Potential Contamination Issues:

In summary, the potential contamination on-site, due to past usage of the site were identified as being possible pesticide and hydrocarbon contamination from use for agricultural purposes and possible fill material in areas such as the dam wall. The nearest groundwater bore is within 100m to the east and down slope of the subject site. The standing water level in this bore is 6m below ground level.

The report provides that:

*Based on a review of the sites historical records, and other relevant available information, the following observations can be made:*

- *The aerial photographs and other records reviewed indicate the past site usage to have been agricultural, specifically for dairy cattle grazing.*
- *No structures have been constructed on the site.*

*Based on the site inspection carried out by an NG Environmental Scientist on 28 October 2015 the following observations can be made:*

- *The subject site is covered with grass and a small dam is located in the southwestern corner of the site. A concrete water trough is located near the eastern boundary of the site.*
- *There was no evidence of ACM observed on the ground surface, no visible staining of soil surfaces and no hydrocarbon odours in the surface material. Furthermore, there was no evidence of recent disturbance of the ground surface.*

#### Conclusions:

*Based on the desk study and walk-over assessment the risk of site contamination at 123 Golden Valley Road, Jamberoo is **assessed to be low**. During the site inspection no illegally dumped material, ACM or disturbed ground was observed. In the unlikely event that contamination is discovered during earthworks, an*

environmental consultant should be contacted in order to provide advice on suitable remediation. Therefore, **it is concluded that the site is suitable for the proposed rezoning from a site contamination perspective.**

#### Potential Geotechnical Issues

In summary, the report states the following:

*From site observations made during the walk-over assessment and other readily available information the following comments can be made:*

- *The site has a slope of approximately 7° from the western to eastern boundary in the northern section of the site. The slope of the site is approximately 3° from west to east near the dam.*
- *There may be potential areas of fill throughout the site. The dam wall is likely to contain fill material of unknown quality.*
- *A groundwater bore (GW013508) is located within 100m to the east of the site boundary. The standing water level in this bore is 6m below ground level. The following soil log was included in the bore record.*

*.....it is evident that high plasticity clays are likely to be present on the subject site. These soils could be highly reactive.*

- *Based on the visual observations and desk study, it is assessed that **there would be no geotechnical constraints preventing subdivision development.***

#### Potential Acid Sulfate Soil Issues:

The following comments relate to the potential for the presence of acid sulphate soils on the subject site:

- *The Kiama Local Environment Plan 2011 acid sulphate soils map indicates that the subject site is located within an area of Class 5 acid sulphate soils. This means that no further investigation is required unless works are likely lower the water table.*

*The nearest ground water bore has a standing water level of 6m below ground surface.*

- *Acid sulphate soils are typically located in soil horizons less than 10m AHD. The lowest elevation at the subject site is approximately 23m AHD. Therefore, soils less than 10m AHD are unlikely to be disturbed.*
- *From the geological maps and soil log from nearby bore, it is unlikely that the site is underlain by sediments of either Holocene or Pleistocene age. These sediments are typically associated with acid sulphate soils.*

*Therefore, there is assessed to be a **low potential for acid sulphate soils to be present within the natural soils at the subject site.***

It is therefore considered that the Report is adequate to address the proposed rezoning of the land subject to this Planning Proposal.

#### **Aboriginal Cultural Heritage Assessment and Archaeological Report**

An Aboriginal Cultural Heritage Assessment and associated Archaeological Report have been prepared by Biosis and submitted in association with the Planning Proposal. Biosis confirms that the Assessment has been carried out under Part 6 of the National Parks and Wildlife Act 1974 (NPW Act) and undertaken in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCWa 2010) and Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCWb 2010) (the Code).



Two new Aboriginal sites were registered during test excavations on the Aboriginal Heritage Information Management System (AHIMS) as Jamberoo PAD and AS 1 (AHIMS 52-5-0832) and Jamberoo PAD and AS 2 (AHIMS 52-5-0833). There is a potential for development activities to impact on both registered Aboriginal sites.

The appropriate government bodies were notified and the Aboriginal community were consulted about the heritage management of the project and registered Aboriginal organisations participated in test excavations on the site as detailed in the Report. The results of the consultation process are included within the documents provided in association with the Planning Proposal.

The recommendations that resulted from the consultation process are provided below.

**Recommendation 1: The proposed re-zoning should proceed**

*Based on the findings of the Aboriginal cultural heritage assessment, it is recommended that the proposed re-zoning can proceed. The development has identified two sites Jamberoo PAD 1 and Jamberoo PAD 2 which have been assessed as possessing high and low scientific significance respectively. Should a future development propose to impact partially or wholly the extent of Jamberoo PAD 1, this would be consistent with impacts proposed by many other development projects in the region. Although the first option considered is always to preserve Aboriginal heritage where possible, there is no inherent reason why an Aboriginal Heritage Impact Permit (AHIP) for impact to the full extent of Jamberoo PAD 1, should not be sought, particularly on archaeological grounds.*

*The current level of assessment is considered adequate to support a Development Application to Kiama Municipal Council and AHIP application to the Office of Environment and Heritage (OEH). This is assuming that Recommendation 2 is adhered to. The Development Consent and AHIP conditions should include provision for the works outlined in Recommendation 3 to be implemented.*

**Recommendation 2: Continued consultation with the Registered Aboriginal Parties**

*It is recommended that consultation continues to inform RAPs about the management of Aboriginal cultural heritage sites in the project area throughout the life of the project. This is in line with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW). Biosis is able to undertake this consultation, however if no longer engaged on the project the responsibility will fall to the landowner. A period of no longer than 6 months between contact with the Aboriginal stakeholders must be upheld for the consultation to be considered 'continuous'. If a period of longer than 6 months occurs between contact with the Aboriginal stakeholders, consultation will need to be re-started.*

**Recommendation 3: Application for an Aboriginal Heritage Impact Permit for the entire project area of proposed development including salvage.**

*If at the time of development, the proposed development cannot avoid harm to registered sites Jamberoo*

*PAD and AS 1 (AHIMS 52-5-0832) and Jamberoo PAD and AS 2 (AHIMS 52-5-0833), it is recommended that Biosis, on behalf of Branko Simicic, applies to the OEH for an area based AHIP to:*

- *Undertake archaeological salvage of site Jamberoo PAD and AS 1. The archaeological salvage should not exceed 10m<sup>2</sup> and should be undertaken to maximise the recovery of cultural material.*
- *Impact the recorded Aboriginal sites Jamberoo PAD and AS 1 (AHIMS 52-5-0832) and Jamberoo PAD and AS 2 (AHIMS 52-5-0833).*
- *Impact within the limits of the area based destruction AHIP for any further Aboriginal objects encountered during construction unless human remains are involved (as shown in Figure 11).*

- Determine a long-term management of Aboriginal objects recovered during test excavations with close consultation with RAPs.

**Recommendation 4: Discovery of Aboriginal Ancestral Remains**

Aboriginal ancestral remains may be found in a variety of landscapes in NSW, including middens and sandy or soft sedimentary soils. If any suspected human remains are discovered during any activity you must:

1. Immediately cease all work at that location and not further move or disturb the remains
2. Notify the NSW Police and OEH's Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location
3. Not recommence work at that location unless authorised in writing by OEH. As provided in the summary above, the report recommending that the level of assessment undertaken as part of this Planning Proposal is considered adequate to support the proposed rezoning application and also to support a future development application to Kiama Municipal Council and AHIP application including salvage to the Office of Environment and Heritage, subject to continued consultation with Registered Aboriginal Parties.

In response to the findings of the Assessment, it is provided that the indicative broad concept road layout detailed in the Traffic Impact Statement prepared by Aztec Design has considered the location of these sites as part of the road layout plan (indicative only), specifically avoiding areas of high artefact density as provided in the Bosis report (refer to Figure 9 Test Excavation Results provided on page 41 of the Archaeological Report). Refer to the Assessment for detailed discussions on the findings of the assessment.

The Assessment provides that the Planning Proposal can proceed subject to the recommendations of the report. It is considered that the Report is adequate to address the proposed rezoning of the land subject to this Planning Proposal.

**Services Feasibility Assessment**

KFW were engaged to prepare a Services Feasibility Assessment in order to determine the servicing capacity for the proposed rezoning and potential future development of the subject site.

The Assessment provides that a feasibility application was made to Sydney Water and an application for technical review was made to Endeavour Energy. A services investigation was also conducted in order to determine the location of all utility services in the vicinity of the site.

In summary, the Assessment provides that all services including water, sewer, electricity and telecommunications services can be provided to serve the proposed rezoning of the subject site and would accommodate the estimated fifty residential lots. It is noted that Sydney Water indicates that the provision of water and sewer services may require amplification of the existing water and sewer infrastructure. The requirement for amplification will be determined upon at subdivision design stage when final anticipated allotment yield is determined, or at lodgement of an application for a Section 73 Certificate. The landowner would need to appoint a servicing coordinator/provider to prepare low pressure modelling and complete concept options for the site to determine the level of amplification required and the level of work on mains upgrading that may be required.

It is considered that the Report is adequate to address the proposed rezoning of the land subject to this Planning Proposal.

**Survey Plan prepared by GeoSurv Land and Construction Surveyors**

A Survey Plan has also been prepared recently for the subject site (refer to **Appendix 2** of this Planning Proposal) which is submitted in association with the Planning Proposal).

## 4 Planning Proposal Legislative Requirements

### Part 1 – Objectives or Intended Outcomes

#### **Provide a statement of the objectives and intended outcomes of the proposed instrument**

The objective of the Planning Proposal is:

*To rezone certain subject land from RU2 Rural Landscape to R2 Low Density Residential and to apply appropriate development controls to those lands in accordance with the provisions of Kiama Local Environmental Plan 2011. This will allow for future residential development adjacent to the existing Jamberoo village urban area in order to provide for future housing supply in accordance with the adopted Kiama Urban Strategy 2011.*

In summary, the Planning Proposal intends to apply the R2 Low Density Residential Zone pursuant to Kiama LEP 2011 to the subject site. Further, it seeks to provide for appropriate future development of the site in the application of appropriate development controls relating to the height of buildings, floor space ratio and lot size, which is consistent with existing residential zoned land in Jamberoo village.

### Part 2 – Explanation of Provisions

#### **Provide an explanation of the provisions that are to be included in the proposed instrument**

The proposed outcome will be achieved by:

Amending the **Land Zoning Map** (Map 008) to the *Kiama LEP 2011* in accordance with *clause 2.2 Zoning of land to which Plan applies* and the *Land Use Table* for the subject land at Lot 2 DP 626183 Golden Valley Road, Jamberoo in accordance with the illustration provided in **Appendix 1** and discussed in **Part 4 – Mapping** of this Section, being a rezoning of the land from RU2 Rural Landscape to **R2 Low Density Residential**. (refer to discussion under Section 1 of this Part); and

Amending the **Height of Buildings Map** (Map 008) to the *Kiama LEP 2011* in accordance with *clause 4.3 Height of Buildings* for the subject land at Lot 2 DP 626183 Golden Valley Road, Jamberoo in accordance with the illustration provided in **Appendix 1** and discussed in **Part 4 – Mapping** of this Section, which indicates an applicable height of **8.5 metres** (refer to discussion under Section 2 of this Part – currently no height limit applies); and

Amending the **Floor Space Ratio Map** (Map 008) to the *Kiama LEP 2011* in accordance with *clause 4.4 Floor Space Ratio* for the subject land at Lot 2 DP 626183 Golden Valley Road, Jamberoo in accordance with the illustration provided in **Appendix 1** and discussed in **Part 4 – Mapping** of this Section, which indicates an applicable floor space ratio of **0.45:1** (refer to discussion under Section 3 of this Part – currently no floor space ratio applies); and

Amending the **Lot Size Map** (Map 008) to the *Kiama LEP 2011* in accordance with *clause 4.1 Minimum subdivision lot size* for the subject land at Lot 2 DP 626183 Golden Valley Road, Jamberoo in accordance with the illustration provided in **Appendix 1** and discussed in **Part 4 – Mapping** of this

Section, which indicates an applicable lot size minimum of **800m<sup>2</sup>** (refer to discussion under Section 4 of this Part – currently a 40 hectare minimum lot size for subdivision applies).

Detailed discussions regarding the current and proposed provisions are as follows.

### **Part 2 Section 1 Land Zoning**

The subject site being Lot 2 DP 626183 located on Golden Valley Road, Jamberoo is currently zoned RU2 Rural Landscape pursuant to Kiama Local Environmental Plan 2011, as shown in **Figure 6**.

#### Objectives of the RU2 Rural Landscape Zone:

The objectives of the RU2 zone are:

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

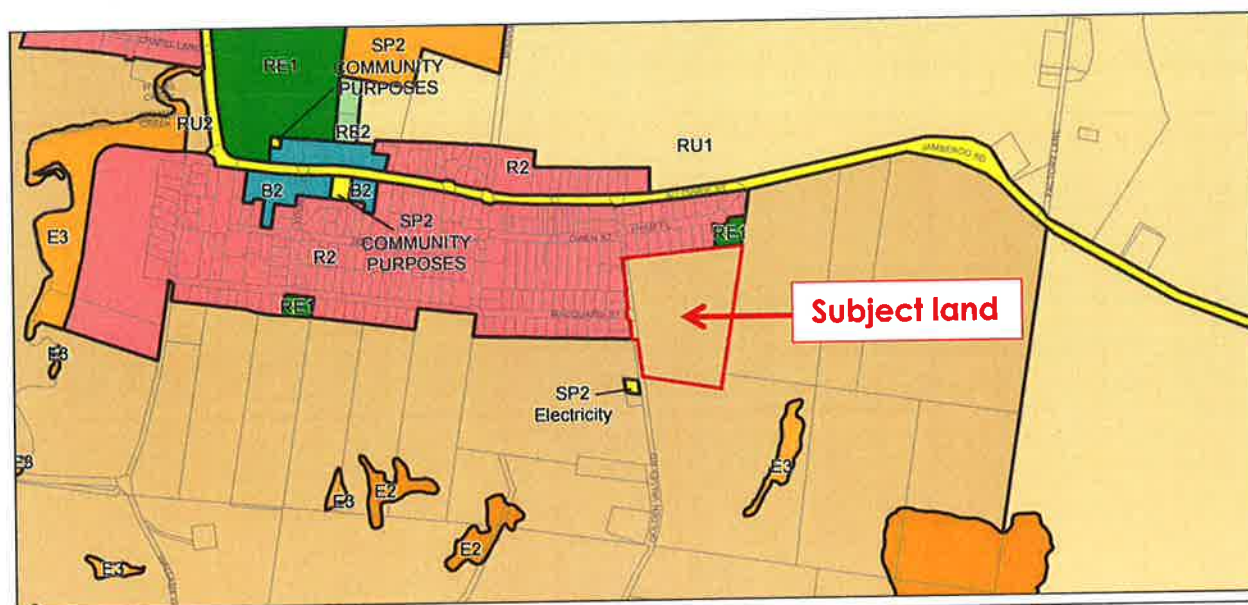
The proposed zone for the subject site is R2 Low Density Residential.

#### Objectives of the R2 Low Density Residential Zone:

The objectives of the R2 zone are:

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

It is noted that the first two objectives of the R2 Zone are standard objectives in accordance with the state wide Standard Instrument, however, objectives 3 and 4 are specific to Kiama LEP 2011.



**Figure 6** – Extract from Land Zoning Map associated with Kiama LEP 2011 indicating existing zoning RU2 Rural Landscape for the subject site (Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au))

The Department of Planning's Practice Note PN 11-002 titled 'Preparing LEPs using the Standard Instrument: standard zones' provides a statement to describe the intent of each land use zone in the Standard LEP Instrument to assist Councils when preparing their Standard Instrument LEP (ie: reference document for use by Kiama City Council in the formulation of Kiama LEP 2011), with relevant zones as follows:

### **R2 Low Density Zone**

*'This zone is intended to be applied to land where primarily low density housing is to be established or maintained. Typically the zone features detached dwelling houses, but it may be appropriate to include 'dual occupancy' (attached or detached) or some 'multi-dwelling housing.' This is the lowest density urban residential zone and the most restrictive in terms of other permitted uses considered suitable. These are generally restricted to facilities or services that meet the day-to-day needs of residents. This zone is generally not suitable adjacent to major transport nodes or larger activity centres where residential densities should be higher.'*

From this statement and the objectives of the R2 Low Density Zone, it can be concluded that the application of the R2 zone to the subject site is considered appropriate given the intended future urban use and density of the subject site in accordance with the Kiama Urban Strategy and consistent with Kiama LEP 2011.

### Permissibility of land uses

The **RU2 Rural Landscape Zone** currently permits the following land uses on the subject site:

#### **Permitted without consent**

Environmental protection works; Extensive agriculture; Home occupations

#### **Permitted with consent**

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

*facilities; Intensive plant agriculture; Recreation areas; Roads; Roadside stalls; Secondary dwellings; Water supply systems*

The **R2 Low Density Residential Zone** will permit the following land uses:

**Permitted without consent**

*Home occupations*

**Permitted with consent**

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

The proposed rezoning of the subject site is the only means of achieving the objectives and intended outcomes for the subject proposal, given the advice from Kiama City Council in relation to the Kiama Urban Strategy 2011 and interpretation of the provisions of Kiama LEP 2011 indicate that an R2 Low Density Residential Zone is considered appropriate for the subject site. It can therefore be assumed that all alternative options or avenues to address this issue have already been considered by Council in its previous preliminary assessment of the subject site.

The subject site is therefore considered to be suitable for a site specific rezoning of land in accordance with the Kiama Urban Strategy 2011. In this instance, the subject Planning Proposal applies only to the subject site for which TCG Planning have been engaged and a review of any other sites identified as being suitable for urban development in the vicinity of the site is considered to be a major task outside the scope of this Planning Proposal.

The objectives of the proposed zone and relevant planning controls applying to the whole of the site would need to be applied to any proposed future development of the site.

History and Discussion

*Kiama Local Environmental Plan 2011 (KLEP 2011)* was published in the Government Gazette and thereby became effective on 16 December 2011 and replaced *Kiama Local Environmental Plan 1996 (KLEP 1996)* as the principal environmental planning instrument for Kiama LGA, apart from a small area of 'deferred matter' near Kiama Heights. KLEP 2011 has incorporated the standard form and content, land use zones etc. for local environmental plans as required by the Standard Instrument (Local Environmental Plans) Order which was published on 31 March 2006.

**Figure 6** illustrates the current application of the R2 Low Density Residential Zone within the vicinity of the subject site.

## Part 2 Section 2 Height of Buildings

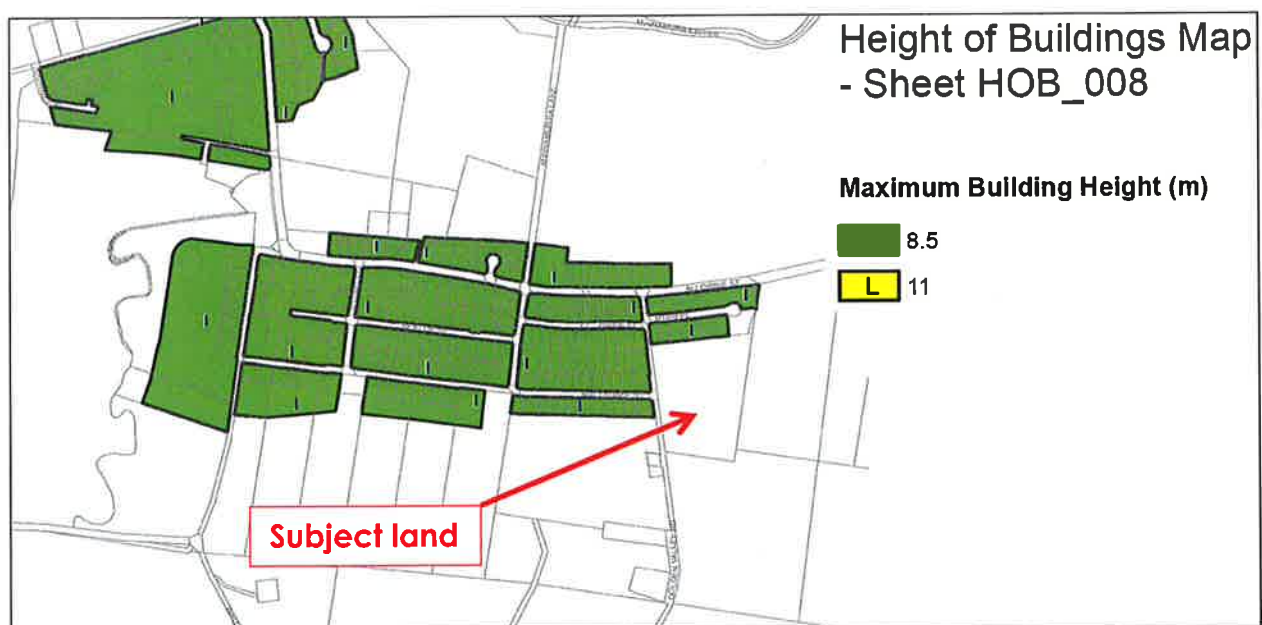
There is no maximum height of buildings currently applying to the subject allotment as provided by the *Height of Buildings Map* associated with *Kiama Local Environmental Plan 2011* (refer to **Figure 6**). The relevant clause

4.3 of *Kiama LEP 2011* is as follows:

- (1) *The objectives of this clause are as follows:*
  - (a) *to establish the maximum height limit in which buildings can be designed and floor space can be achieved,*
  - (b) *to permit building heights that encourage high quality urban form,*
  - (c) *to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.*
- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

### Discussion:

Generally, but not in every circumstance, the application of height of building controls are related to the land zoning applying to the land. In Kiama LGA, there is no specified maximum height limit which has been generally applied to land within Zone RU2 Rural Landscape, and therefore the subject site currently has no maximum building height. In the R2 Low Density Residential Zone, a 9 metre height limit applies generally to the majority of land within Zone R2 Low Density Residential, however, Jamberoo Village has retained a maximum building height of 8.5 metres which is consistent with the historical development of the village (refer to **Figure 7**). It is intended this maximum height limit of 8.5 metres also be applied to the subject site in order to provide a form of development that is consistent with the character of Jamberoo, therefore this Planning Proposal recommends an increase in the height limit for the subject lands.



**Figure 7** – Extract from *Height of Buildings Map* showing no maximum height limit currently applying to the subject site, and surrounding land in Jamberoo Village with 8.5 metre height pursuant to *Kiama LEP 2011* (Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au))



### Part 2 Section 3 Lot Size Minimum

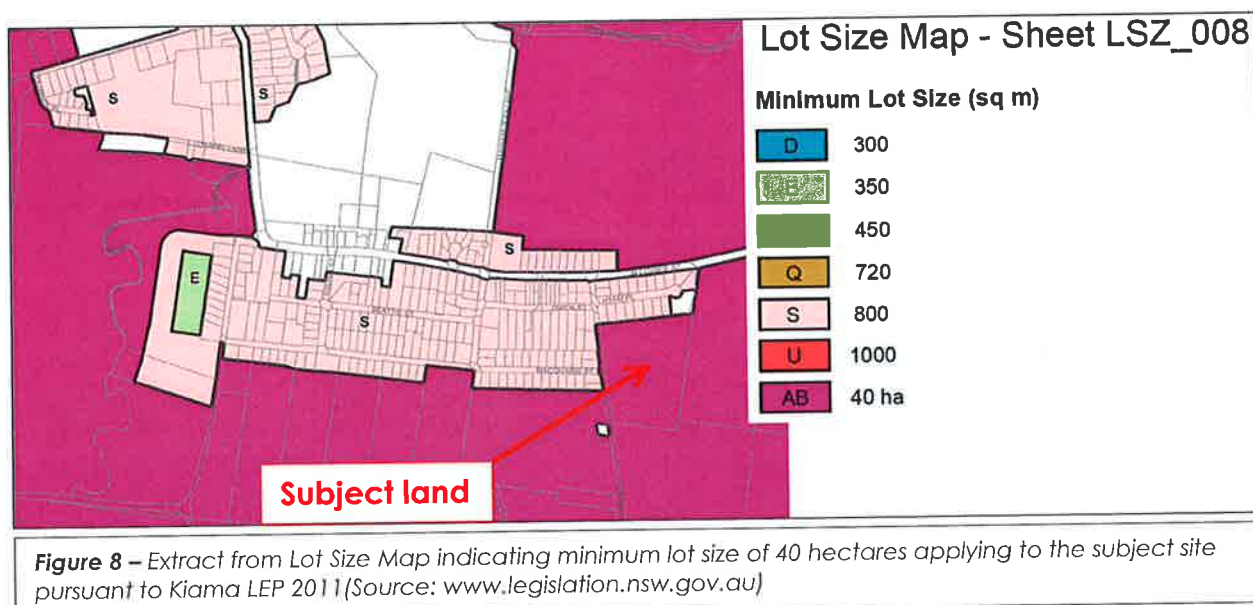
There is currently a minimum lot size for the subdivision of land of 40 hectares currently applying to the subject site as provided by the Lot Size Map associated with Kiama Local Environmental Plan 2011 (refer to **Figure 8**). The relevant clause 4.1 of Kiama LEP 2011 is as follows:

The objectives of this clause are as follows:

- (a) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,
- (b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,
- (c) to ensure that lot sizes and shapes are able to accommodate development consistent with relevant development controls,
- (d) to restrict the fragmentation of land for rural residential purposes.

#### Discussion:

Generally, but not in every circumstance, the application of minimum lot size controls are related to the land zoning applying to the land. In this instance, the 40 hectare minimum lot size for subdivision is consistent in the RU2 zone in this location. In the R2 Low Density Residential Zone, a minimum lot size for subdivision of 800m<sup>2</sup> applies generally to the majority of land within Zone R2 Low Density Residential for Jamberoo. It is intended this minimum lot size would therefore also be applied to the subject site.



## Part 2 Section 4 Floor Space Ratio

There is no maximum floor space ratio currently applying to the subject allotment as provided by the Floor Space Ratio Map associated with Kiama LEP 2011 (refer to **Figure 9**). The relevant clause 4.4 of Kiama LEP 2011 is:

- (1) *The objectives of this clause are as follows:*
- (a) *to ensure that development is in keeping with the optimum capacity of the site and the local area,*
  - (b) *to define allowable development density for generic building types.*
- (2) *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

### Discussion:

Generally, but not in every circumstance, the application of floor space ratio controls are related to the land zoning applying to the land. In this instance, there is currently no maximum floor space ratio control applied to lands within the RU2 Rural Landscape Zone.

The definition of 'floor space ratio' (clause 4.5 of KLEP 2011) provides:

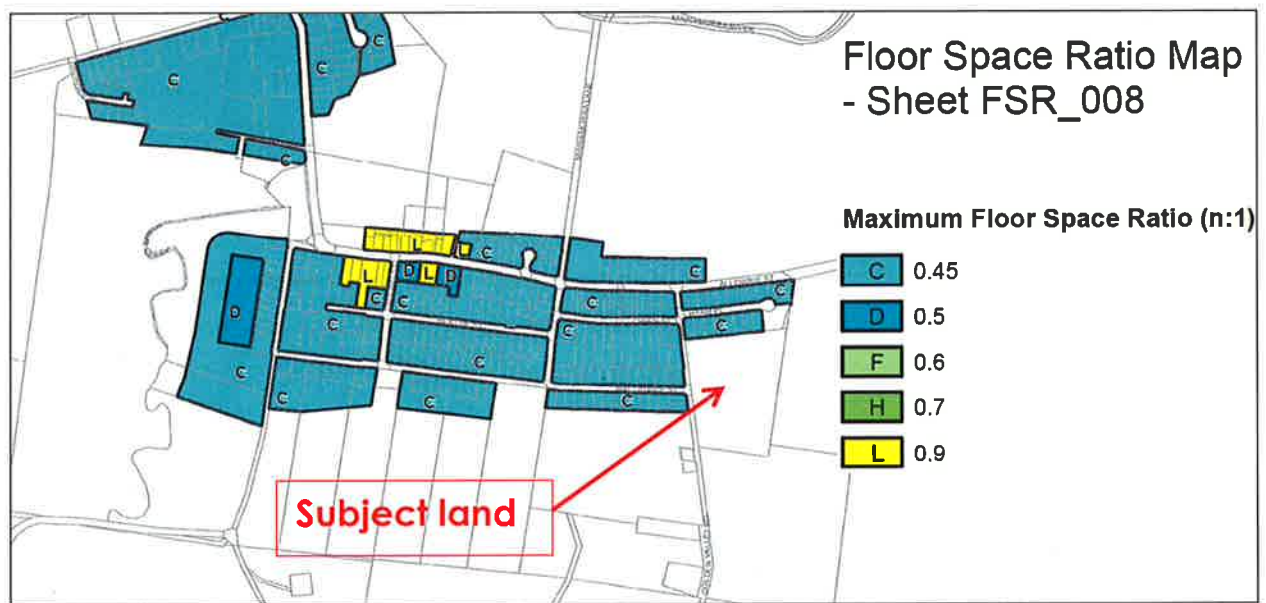
**"floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area."

The definition of 'gross floor area of KLEP 2011 provides:

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
  - (b) habitable rooms in a basement or an attic, and
  - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
  - (e) any basement:
    - (i) storage, and
    - (ii) vehicular access, loading areas, garbage and services, and
  - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
  - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
  - (h) any space used for the loading or unloading of goods (including access to it), and
  - (i) terraces and balconies with outer walls less than 1.4 metres high, and
  - (j) voids above a floor at the level of a storey or storey above.

In the R2 Low Density Residential Zone, a floor space ratio maximum of 0.45:1 has been applied generally to the majority of land within Zone R2 Low Density Residential in Jamberoo Village, however it is noted that a number of locations close to the business centre of Jamberoo and as part of a recent rezoning of land to the west of the village, have a floor space ratio minimum of 0.5 metres. Given the location of the subject site on the fringe of Jamberoo Village, which adjoins rural land to the south and east, and also given there is no further redevelopment of lands proposed in those rural areas as part of the Kiama Urban Lands Strategy, it is intended the minimum floor space ratio of 0.45:1 also be applied to the subject site. This will provide a form of development that is consistent with the character of Jamberoo.



**Figure 9** – Extract from Floor Space Ratio Map indicating no maximum floor space ratio applying to the subject site pursuant to Kiama LEP 2011 (Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au))

## Part 3 – Justification

### *The justification for those objectives, outcomes and the process for their implementation*

#### Section A – Need for the planning proposal

##### **Q1. Is the planning proposal a result of any strategic study or report?**

The Planning Proposal is the result of the recommendations contained within the **Kiama Urban Strategy 2011** which was adopted by Kiama Municipal Council on 20 September 2011. The Urban Strategy identifies future development opportunities for infill and expansion of settlement areas within the Kiama LGA.

Under the Strategy, lands currently zoned for residential purposes but had not yet been subdivided at the time of adoption of the Strategy (September 2011) in Kiama, Gerringong and Jamberoo were identified as 'Stage 1' sites of the Urban Release Strategy, which have been given development precedence. Stage 1 development sites under the Strategy are identified as having a total approximate potential dwelling yield of 287 dwellings.

Sites identified for greenfield expansion which would require rezoning are recognized as 'Stage 2' sites under the Urban Release Strategy. The Strategy identifies these sites as being able to progress to Planning Proposal stage, having regard specifically to the requirements of the Illawarra Regional Strategy and the Department of Planning's projected dwelling numbers. The subject site is identified as a Stage 2 site under **Section 4.5 Greenfield Urban Expansion** within Jamberoo, being 'Site No. 27b', being Lot 2 DP 626183, Golden Valley Road, Jamberoo (refer to **Table 1** below, extracted from the Kiama Urban Strategy 2011 (page 46).

The Strategy identifies a dwelling density of 10 dwellings per hectare at Jamberoo (with 13 dwellings per hectare for Kiama and Gerringong). Kiama Council have advised the Stage 1 sites have been largely developed or in the process of being developed apart from one site (being Site No.22 as shown in **Table 1** and illustrated in **Figure 10**). **Table 1** below (extracted from the Strategy) provides detail on the greenfield sites identified under Stage 2 of the Strategy.

<b>Table 1 – Urban Expansion Proposals to Potential Dwelling Yield and Staging – Greenfield Sites</b> Extract from Kiama Urban Strategy 2011 (page 46, Kiama Municipal Council, 2011)			
<b>Location</b>	<b>Land Area (Ha)</b>	<b>Approximate Potential Dwelling Yield</b>	<b>Stage</b>
<b>Jamberoo</b>			
Sites No 22, 24, 25 Miscellaneous	1.94ha	19	1
<b>Site No 27b</b>	<b>4.7ha</b>	<b>47</b>	<b>2</b>
<b>Simicic</b>			
Site Nos. 27 and 27a Numerous owners	5.8ha	58	3

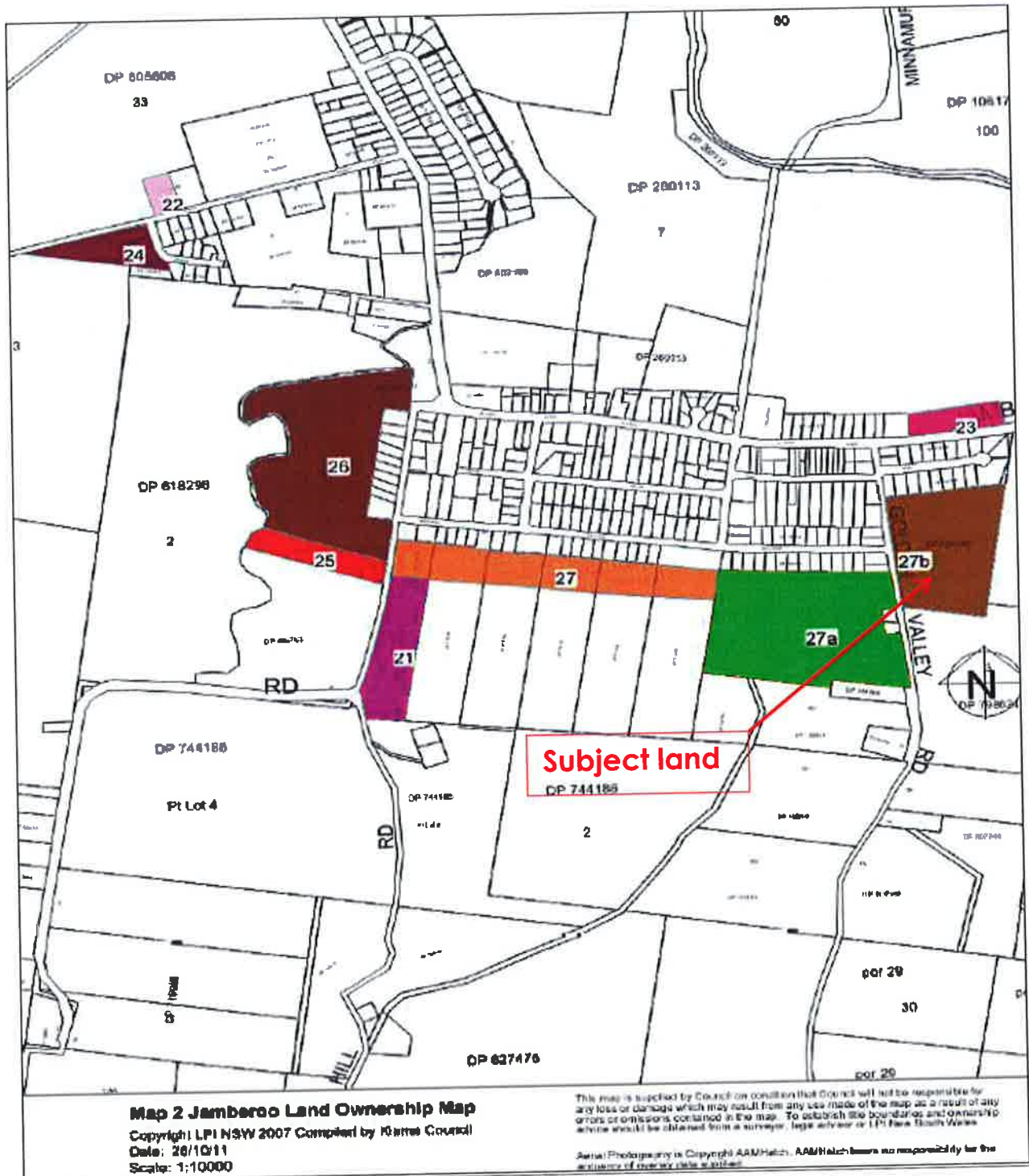


Figure 10 – Extract from Kiama Urban Strategy 2011 – Jamberoo Land ownership Map to be read in conjunction with Table 1 in this Proposal, identifying the subject site as Site No.27b on Golden Valley Road (Source: www.kiama.nsw.gov.au)

At the pre-lodgement meeting of Council (as discussed previously in this Proposal), it was advised that Council staff would not be opposed to the lodgement of a site identified in Stage 2. Specifically, Council indicated that the subject site is a good site in terms of it being within single ownership, which from Council's perspective means the site is potentially less complicated than other sites. Therefore Council has been positive about anticipating lodgement of a Planning Proposal for the subject site. Specifically, the Urban Strategy provides the following statement in relation to the identification of the applicable greenfield sites for Jamberoo, including the subject Site 27b:

*Site 27, 27a, and 27b were included from an urban design and village structure perspective as it would provide an appropriately defined and accessible southern boundary to Jamberoo Village. Village character, heritage and agricultural land issues will be important considerations in determining the boundaries of Jamberoo.*

It is therefore considered that there has been an adequate 'take up' of land in Stage 1 of the Strategy and that the lodgement of a Stage 2 rezoning is appropriate at this point in time.

**Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The consideration of the proposed rezoning of the subject site is the only means of achieving the objectives and intended outcomes for the subject proposal, given the background investigations undertaken by the landowner and Kiama City Council for the purposes of preparing the Kiama Urban Strategy as discussed previously. It can therefore be assumed that there are no alternative options or avenues to pursue the rezoning of the subject site other than through the environmental planning instrument process under the *Environmental Planning and Assessment Act 1979*.

The proposed rezoning of the subject property is considered to be consistent with the current and future intended use of the land. The application of the proposed land use controls associated with the rezoning of the site is considered to be justified and the best means of achieving the intended objectives and outcomes.

## Section B – Relationship to strategic planning framework.

### Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

#### Illawarra Regional Strategy 2006-2031

The Illawarra Regional Strategy, which applies to the local government areas of Kiama and Wollongong, was prepared by the NSW Department of Planning in 2007 to ensure that sufficient land is provided to accommodate the housing and employment needs of the region over a 25 year period (2006-2031).

The 'Housing and Settlement' section of the Strategy identifies that:

*Each Council within the region has different characteristics and will therefore play different roles in regional housing supply.....Kiama is likely to have a more limited role in regional housing supply. Some medium density potential does exist with Kiama and Gerringong providing the best opportunities for urban infill. Some limited new release opportunities may be considered.*

The proposal is not inconsistent with the overall broader intended Strategy outcomes and therefore should have minimal impact on housing supply within the suburb of Jamberoo and the broader Kiama Local Government Area.

#### Illawarra Shoalhaven Regional Plan

The Regional Plan was finalized by the NSW Department of Planning and Environment in November 2015 and applies to the Local Government Areas of Kiama, Shellharbour, Shoalhaven and Wollongong. The plan was first exhibited for community comment as the Draft Regional Growth and Infrastructure Plan (your future Illawarra) Strategy in October 2014. This Regional Plan, according to the document, "provides the strategic policy, planning and decision-making framework to guide the region to sustainable growth over the next 20years."

The Regional Plan identifies a Centres Hierarchy servicing the Illawarra Shoalhaven as follows:

**Metropolitan Centre** – Wollongong

**Major Regional Centre** – Shellharbour Centre and Nowra Centre

**Major Urban Centre** – Warrawang and Dapto

**Regional Centre** – Kiama, Milton-Ulladulla and Vincentia District

**Urban Centre** – Corimal, Fairy Meadow, Figtree, Unanderra, Warilla and Albion Park

It is noted that Jamberoo is not identified in the Plan as a recognized 'Centre' within the hierarchy, however, the hierarchy only identifies larger centres from the regional perspective and would therefore rely on local plans and strategies to identify where smaller town centres and villages may fit within a local government hierarchy.

Appendix B of the Plan provides a Summary of Actions which provides a list of Directions and Actions with relevant timeframes for consideration by relevant lead agencies and key stakeholders. Of relevance to the Planning Proposal are provided in **Table 2**.

<b>Table 2: Illawarra – Shoalhaven Regional Plan - Summary of Actions</b> Extract from Illawarra – Shoalhaven Regional Plan (Department of Planning and Environment, 2015)			
<b>Direction</b>	<b>Action</b>	<b>Lead Agency/Key Stakeholder</b>	<b>Timing</b>
<b>Jamberoo</b>			
2.1 Provide sufficient housing to suit the changing demands of the region	2.1.1 Collaborate with Kiama Municipal Council to review housing opportunities within the Kiama Local Government Area so it can respond to changing housing needs	Department of Planning and Environment/ Kiama Municipal Council	Medium term
2.2 Support Housing opportunities close to existing services, jobs and infrastructure in the region's centres	2.2.1 Investigate the policies, plans and investments that would support greater housing diversity in centres	Department of Planning and Environment/ Councils	Medium term
2.5 Monitor the delivery of housing to match supply with demand	2.5.1 Monitor land and housing supply through the Illawarra Urban Development Program and incorporate the Shoalhaven Local Government Area Department of Planning and Environment	Councils	Ongoing

The Planning Proposal is considered to be consistent with the Regional Plan.

**Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

Refer to previous discussion on the Kiama Urban Strategy 2011. This Planning Proposal is consistent with that Strategy, being the major strategic housing strategy for the Kiama local government area, which was prepared in association with the preparation of the Kiama Local Environmental Plan 2011 (prepared in accordance with the Standard Instrument (LEP) Order).

There are no known additional local strategies or local strategic plans applying to the subject land.



### Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The SEPPs and deemed SEPPs that are specifically relevant to the Planning Proposal and the relationship of the Planning Proposal to those SEPPs is identified below (as at June 2016):

No.	State Environmental Planning Policy	Applicability/ Consistency	Comment
1	Development Standards	N/A	Does not apply under KLEP 2011
14	Coastal Wetlands	N/A	
15	Rural Land-Sharing Communities	N/A	
19	Bushland in Urban Areas	N/A	Does not apply to Kiama LGA.
21	Caravan Parks	Applies N/A	Not relevant to Planning Proposal
26	Littoral Rainforests	N/A	No littoral rainforests identified by the policy in the Kiama LGA.
29	Western Sydney Recreation Area	N/A	Does not apply to Kiama LGA.
30	Intensive Agriculture	Applies N/A	
32	Urban Consolidation (Redevelopment of Urban Land)	N/A	The subject land is zoned 'Rural' and is not 'urban land' therefore the SEPP does not apply.
33	Hazardous and Offensive Development	Applies N/A	Not relevant to the Planning Proposal
36	Manufactured Home Estates	Applies N/A	Not relevant to the Planning Proposal
39	Spit Island Bird Habitat	N/A	Does not apply to land in Kiama LGA
44	Koala Habitat Protection	N/A	Does not apply in Kiama LGA
47	Moore Park Showground	N/A	Does not apply to land in Kiama LGA
50	Canal Estates	Applies N/A	Not relevant to the Planning Proposal
52	Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	
55	Remediation of Land	Applies Y	The subject lands have not been identified as being potentially contaminated, according to Council's records. Refer to Contaminated land assessment prepared in association with the PP and summary in Section 3.3 Supporting Documentation of this Proposal document.
59	Central Western Sydney Economic and Employment Area	N/A	Does not apply to land in Kiama
62	Sustainable Aquaculture	Applies N/A	Not relevant to the Planning Proposal
64	Advertising and Signage	Applies N/A	No advertising proposed – development application stage if applicable.
65	Design Quality of Residential Flat Development	Applies N/A	Residential flat buildings are not permissible in the subject zones.
70	Affordable Housing (Revised Schemes)	N/A	Not in Greater Metropolitan Region.
71	Coastal Protection	N/A	The subject lands are not located within a coastal zone, and Kiama LGA is outside the Greater Metropolitan Region.
	SEPP (Affordable Rental Housing) 2009	Applies N/A	The site does not include residential development that is taken to be for the purposes of affordable housing as the development is not located on land owned by the Land and Housing Corporation.
	SEPP (Building Sustainability Index: BASIX) 2004	Applies N/A	Not relevant to the Planning Proposal – DA stage if required.

No.	State Environmental Planning Policy	Applicability/ Consistency	Comment
	SEPP (Exempt and Complying Development Codes) 2008	Applies N/A	Not relevant to the Planning Proposal,
	SEPP (Housing for Seniors or People with a Disability) 2004	Applies N/A	Seniors housing is permitted under this SEPP, however is not relevant to the Planning Proposal – DA stage if <b>required</b> .
	SEPP (Infrastructure) 2007	Applies N/A	Proposal does not include infrastructure development or <b>development for or on behalf of a public authority</b> .
	SEPP (Kosciuszko National Park - Alpine Resorts) 2007	N/A	Does not apply to land in Kiama LGA
	SEPP Kurnell Peninsula 1989	N/A	Does not apply to land in Kiama LGA
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	
	State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	Applies N/A	Not relevant to the Planning Proposal.
	State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N/A	Does not apply to land in Kiama LGA
	SEPP (Rural Lands) 2008	Applies Y	<p>Applies to land in Kiama LGA. The land is not identified as State Significant Agricultural Land.</p> <p>The following response is provided to the relevant <b>Rural Planning Principles</b> contained within the SEPP:</p> <ul style="list-style-type: none"> <li>• The site is considered to be 'rural' given the current zoning, however, the site is not zoned for prime agricultural purposes and the current use of the site has been predominantly vacant and previously grazing.</li> <li>• The Planning Proposal satisfactorily addresses the issues of biodiversity and protection of native vegetation and avoiding constrained land as detailed in the Proposal.</li> <li>• The Proposal will provide an opportunity for settlement and housing that contributes to the social and economic welfare of the community and considers the impact on services and infrastructure and appropriate location.</li> <li>• The Planning Proposal is not inconsistent with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</li> </ul> <p>The following response is provided to the relevant <b>Rural Subdivision Principles</b> contained within the SEPP: The Rural Subdivision Principles are as follows:</p> <ol style="list-style-type: none"> <li>(a) the minimisation of rural land fragmentation,</li> <li>(b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,</li> <li>(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,</li> <li>(d) the consideration of the natural and physical constraints and opportunities of land,</li> <li>(e) ensuring that planning for dwelling opportunities takes account of those constraints.</li> </ol> <ul style="list-style-type: none"> <li>• The Planning Proposal includes reducing the minimum allotment size for subdivision of the subject site, however, this is proposed in conjunction with the rezoning of the land to residential, in line with an adopted Council strategy document.</li> <li>• The <b>Rural Subdivision Principles</b> have <b>therefore</b></li> </ul>

No.	State Environmental Planning Policy	Applicability/ Consistency	Comment
			been addressed as part of the preparation of the Strategy and identification of the subject site as a 'Greenfields' site in the planning for future dwellings for Jamberoo and the Kiama LGA. <ul style="list-style-type: none"> <li>Any specific site constraint issues have been satisfactorily addressed as part of the preparation of this Planning Proposal.</li> </ul>
	State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	N/A	Does not apply to land in Kiama LGA (Ku-ring-gai LGA only)
	State Environmental Planning Policy (State and Regional Development) 2011	Applies N/A	Not relevant to the Planning Proposal.
	State Significant Precincts) 2005	N/A	Not relevant to the Planning Proposal.
	State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N/A	The land is not located within the Sydney drinking water catchment.
	SEPP (Sydney Region Growth Centres) 2006	N/A	Does not apply to land in Kiama LGA
	State Environmental Planning Policy (Three Ports) 2013	N/A	Does not apply to land in Kiama LGA
	State Environmental Planning Policy (Urban Renewal) 2010	N/A	The land has not been identified as a potential urban renewal precinct
	SEPP (Western Sydney Employment Area) 2009	N/A	Does not apply to Kiama
	SEPP (Western Sydney Parklands) 2009	N/A	Does not apply to land in Kiama LGA

No.	Deemed State Environmental Planning Policy (former Regional Environmental Plan)	Consistency/Applicability	Comment
1	Illawarra Regional Environmental Plan No 1	N/A	Repealed 8 August 2016
2	Illawarra Regional Environmental Plan Jamberoo	N/A	Repealed 8 August 2016.
	Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	N/A	Does not apply to land in Kiama LGA
	Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	N/A	Does not apply to land in Kiama LGA
	Sydney Regional Environmental Plan No 16—Walsh Bay	N/A	Does not apply to land in Kiama LGA
	Sydney Regional Environmental Plan No 18—Public Transport Corridors	N/A	Does not apply to land in Kiama LGA (Fairfield and Parramatta only)
	Sydney Regional Environmental Plan No 19—Rouse Hill Development Area	N/A	Does not apply to land in Kiama LGA
	Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)	N/A	Does not apply to land in Kiama LGA (not specified LGA and not located in Greater Metropolitan Region)
	Sydney Regional Environmental Plan No 24—Homebush Bay Area	N/A	Does not apply to land in Kiama LGA
	Sydney Regional Environmental Plan No 26—City West	N/A	Does not apply to land in Kiama LGA
	Sydney Regional Environmental Plan No 30—St Marys	N/A	Does not apply to land in Kiama LGA
	Sydney Regional Environmental Plan No 33—Cooks Cove	N/A	Does not apply to land in Kiama LGA
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A	Does not apply to land in Kiama LGA

**Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

The following table identifies the Directions issued by the Minister for Planning to relevant planning authorities under Section 117(2) of the Environmental Planning and Assessment Act 1979. The Directions apply to a planning proposal lodged with the Department of Planning on or after 1 July 2009 (dated 22.09.2015 and accessed on 30 June 2016). As indicated below, the Planning Proposal is consistent with the relevant Section 117 Directions.

Section 117 Ministerial Direction	Consistent Y/N/NA	Comments
<b>1. Employment and Resources</b>		
1.1 Business and industrial Zones	N/A	
1.2 Rural Zones	N	<p>Part of this Direction applies, being clause 4 (a) which states: A planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>In accordance with clause 5 of this Direction: 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> <p>(e) justified by a strategy which:</p> <ul style="list-style-type: none"> <li>(i) gives consideration to the objectives of this direction,</li> <li>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</li> <li>(iii) is approved by the Director-General of the Department of Planning, or</li> </ul> <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) <u>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,</u> or</p> <p>(d) is of minor significance.</p> <p>The Illawarra-Shoalhaven Regional Plan gives consideration to protecting the agricultural production value of rural land. It is also noted that the subject site does not contain significant agricultural land and is current vacant grassland, previously used for grazing which has been taken into consideration as part of that Strategy.</p> <p>In addition, the Proposal has been justified by the Kiama Urban Strategy 2011 as <b>adopted by Kiama Municipal Council</b>.</p>
1.3 Mining, Petroleum Production and Extractive Industries	N/A	<p>The current zoning RU2, and also the proposed R2 zoning prohibit '<b>mining</b>' which is defined under the KLEP 2011 as: ".... means mining carried out under the Mining Act 1992 or the recovery of minerals under the Offshore Minerals Act 1999, and includes: (a) the construction, operation and decommissioning of associated works, and (b) the rehabilitation of land affected by mining."</p> <p>However, the proposed zoning does not change the current permissibility of mining under the LEP, therefore this Direction does not apply.</p>
1.4 Oyster Production	N/A	
1.5 Rural Lands	N	<p>This Direction applies to the Planning Proposal, as it applies to all planning proposals to which State Environmental Planning Policy (Rural Lands) 2008 applies and to any Planning Proposal which affects land within an existing rural zone and where a proposal includes a change to the current minimum lot size on the subject land.</p> <p>The Planning Proposal is not inconsistent with the <b>Rural Planning Principles</b> listed in State Environmental Planning Policy (Rural Lands) 2008 (refer to</p>

Section 117 Ministerial Direction	Consistent Y/N/NA	Comments
		previous discussion under the SEPP in Q5 of this Section).  The Planning Proposal is not inconsistent with the <b>Rural Subdivision Principles</b> listed in State Environmental Planning Policy (Rural Lands) 2008. (refer to previous discussion under the SEPP in Q5 of this Section).
<b>2. Environment and Heritage</b>		
2.1 Environmental Protection Zones	Y	This direction applies to all relevant planning authorities. However, the Planning Proposal does not contain an environment protection zone or land otherwise identified for environment protection purposes in DLEP 2011. The Proposal addresses all site constraints and provides that the site does not contain any environmentally sensitive areas. The proposal therefore <b>complies</b> with this <b>Direction</b> .
2.2 Coastal Protection	N/A	The subject lands are not located within a Coastal Zone.
2.3 Heritage Conservation	Y	The subject site will not have any anticipated impacts on any listed item of environmental heritage under KLEP 2011.  This Direction states that: A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.  (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: (a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or (b) the provisions of the planning proposal that are inconsistent are of minor significance.  An Aboriginal Cultural Heritage Assessment and associated Archaeological Report have been prepared by Bosis and submitted in association with the Planning Proposal. A summary of the findings of this report are provided in <b>Section 3.3</b> of this Proposal.  Based on the findings of the Assessment and Report, Bosis recommends that the proposed rezoning can proceed. The assessment identified two significant sites which have been registered in accordance with correct reporting protocols, with the report recommending that the level of assessment undertaken as part of this Planning Proposal is considered adequate to support a future development application to Kiama Municipal Council and AHIP application including salvage to the Office of Environment and Heritage, subject to continued consultation with Registered Aboriginal Parties.  In response to the findings of the Assessment, it is provided that the indicative broad concept road layout detailed in the Traffic Impact Statement prepared by Aztec Design has considered the location of these sites as part of the road layout plan (indicative only), specifically avoiding areas of high artefact density as provided in the Bosis report (refer to Figure 9 Test Excavation Results provided on page 41 of the Archaeological Report). The Assessment provides that the Planning Proposal can proceed subject to the <b>recommendations</b> of the report.
2.4 Recreation Vehicle Area	Y	This direction applies to all relevant planning authorities. However, the Planning Proposal does not propose development for the purposes of recreation vehicles and does not contain sensitive land or land with

Section 117 Ministerial Direction	Consistent Y/N/NA	Comments
		significant conservation values. The proposal therefore complies with this Direction.
2.5 Application of E2 and E3 Zones and Environmental Overlays in For North Coast LEPs	N/A	This Direction applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed, but does not apply to Kiama LGA, and therefore does not apply to the Proposal.
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	Y	<p>The planning proposal includes rezoning the subject land to Zone R2 Low Density Residential to reflect the intended future use of the land as residential and will:</p> <p><i>(a) broaden the choice of building types and locations available in the housing market, and</i></p> <p><i>(b) make more efficient use of existing infrastructure and services, and</i></p> <p><i>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</i></p> <p><i>(d) be of good design. (will be subject to the provisions of Kiama DCP 2011).</i></p> <p>The Proposal will provide for <b>existing and future housing need and can be adequately serviced, as provided by the Services Feasibility Assessment prepared by KF Williams and submitted in association with this Planning Proposal (refer to Section 3.3 of this Proposal for a summary of the recommendations).</b></p> <p>The Proposal does not contain provisions which will reduce the permissible residential density of the land.</p> <p>Refer to <b>Section B – Relationship to strategic planning framework of this Proposal</b> which provides that the proposal has been justified by the <b>Kiama Urban Strategy 2011 as adopted by Kiama Municipal Council.</b></p>
3.2 Caravan Parks and Manufactured Home Estates	Y	<p>This direction applies to all relevant planning authorities. This direction does not apply to:</p> <p>(a) Crown land reserved or dedicated for any purposes under the Crown Lands Act 1989, except Crown land reserved for accommodation purposes, or</p> <p>(b) land dedicated or reserved under the National Parks and Wildlife Act 1974.</p> <p>The Proposal does not related to Crown land or land dedicated or reserved under the NP&amp;W Act, and is therefore is not inconsistent with this Direction.</p>
3.3 Home Occupations	Y	<p>This direction applies to all relevant planning authorities. Under the provisions of this clause, planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.</p> <p>The Proposal includes rezoning of the land to R2 Low Density Residential pursuant to the KLEP which permits home occupations to be carried out in dwelling houses without the need for development consent; therefore the <b>Proposal</b> is consistent with this Direction.</p>
3.4 Integrating Land Use and Transport	Y	<p>The objective of this direction is:</p> <p><i>"to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <p><i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i></p> <p><i>(b) increasing the choice of available transport and reducing dependence on cars, and</i></p> <p><i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></p> <p><i>(d) supporting the efficient and viable operation of public transport services, and</i></p> <p><i>(e) providing for the efficient movement of freight.</i></p> <p>The direction applies to all relevant planning authorities, when a relevant planning authority prepares 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>

Section 117 Ministerial Direction	Consistent Y/N/NA	Comments
		<p><i>Under the provisions of this Direction, 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:</i></p> <p><i>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i></p> <p><i>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</i></p> <p>The proposal provides a number of measures to ensure integration of land use and transport planning as required by the provisions contained within the relevant DUAP documents.</p> <p>The Planning Proposal provides for the rezoning of the site to R2 Low Density Residential pursuant to the current provisions contained within KLEP 2011 and has been prepared in line with the adopted Kiama Urban Land Strategy. Reference is made to the Traffic Impact Statement prepared by Aztec which is summarised and discussed in Section 3.3 of this Statement. The Proposal endorses the recommendations of the Traffic Impact Statement and provides the following:</p> <ul style="list-style-type: none"> <li>• The site adjoins an existing residential zone;</li> <li>• Provide 1.5m wide concrete footpaths to allow two pedestrians to walk abreast or to pass.</li> <li>• Provide a pedestrian walkway from the proposed development to the existing park at the end of Hyam Street. This provides a link to Jamberoo Road and hence the shopping centre for those residences in the lower part of the estate as they can avoid the incline up to Golden Valley Way and provides a link to the adjoining neighbours.</li> <li>• The site is located with 500m of a regional arterial road for transport;</li> <li>• The proposal includes connection through to an existing area of public open space which will enable pedestrian and cycle way links;</li> <li>• Perimeter roads are provided to enable the land to connect to any future pedestrian and cycle way networks planned for Jamberoo;</li> <li>• The proposal provides opportunity to make land part of a pedestrian cycle network with wide road widths and footpaths.</li> </ul> <p>The Planning Proposal is therefore consistent with the aims, objectives and principles of the relevant documents and is therefore consistent with this Direction.</p>
3.5 Development Near Licensed Aerodromes	N/A	
3.6 Shooting Ranges	N/A	
<b>4. Housing, Infrastructure and Urban Development</b>		
4.1 Acid Sulphate Soils	N/A	The land is not identified as containing any potential Acid Sulphate Soils. Refer to Acid Sulphate Soils Statement prepared by Network Geotechnics submitted in association with this Proposal (refer also to Section 3.3 of this Proposal which provides a summary of the Statement).
4.2 Mine Subsidence and Unstable Land	N/A	The land is not located within a mine subsidence district and is not identified as unstable land. Refer to Statement prepared by Network Geotechnics submitted in association with this Proposal (refer also to Section 3.3 of this Proposal which provides a summary of the Statement).
4.3 Flood Prone Land	N/A	The Planning Proposal does not propose to create, remove or alter a zone or a provision that affects flood prone land. The Proposal does not permit development in floodway areas or permit development that will result in significant flood impacts to other properties, Any future subdivision and development subject to development consent.
4.4 Planning for Bushfire Protection	N/A	Site does not contain bushfire prone land.
<b>5. Regional Planning</b>		
5.1 Implementation of Regional Strategies	N/A	This direction applies to land to which the following regional strategies apply: (a) Far North Coast Regional Strategy (b) Lower Hunter Regional Strategy (c) South Coast Regional Strategy (excluding land in the Shoalhaven

Section 117 Ministerial Direction	Consistent Y/N/NA	Comments
		<p>LGA)</p> <p>(d) Sydney–Canberra Corridor Regional Strategy</p> <p>(e) Central Coast Regional Strategy, and</p> <p>(f) Mid North Coast Regional Strategy.</p> <p>These strategies do not apply to the subject site, therefore this Direction does <b>not apply</b>.</p>
5.2 Sydney Drinking Water Catchments	N/A	Not located within the Sydney Drinking Water Catchment
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	Does not apply to Kiama
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	Does not apply to Kiama
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	REVOKED	
5.6 Sydney to Canberra Corridor	REVOKED	
5.7 Central Coast	REVOKED	
5.8 Second Sydney Airport: Badgerys Creek	N/A	
5.9 North West Rail Link Corridor Strategy	N/A	
5.10 Implementation of Regional Plans	Y	<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. This direction applies to land to which a Regional Plan has been released by the Minister for Planning. The Illawarra-Shoalhaven Regional Plan was released in November 2015 and applies to the subject site. This Direction therefore applies.</p> <p>Refer to <b>Section B- Relationship to strategic planning framework</b> in this Proposal for detailed discussion of the relevant provisions of the Illawarra-Shoalhaven Regional Plan in relation to the subject site and Planning Proposal. The specific Actions for Jamberoo contained within the Plan are for Kiama Council and the Department of Planning to:</p> <ul style="list-style-type: none"> <li>• Provide sufficient housing to suit the changing demands of the region</li> <li>• Support Housing opportunities close to existing services, jobs and infrastructure in the region's centres</li> <li>• Monitor the delivery of housing to match supply with demand</li> </ul> <p>The Planning Proposal is identified by an adopted local housing Strategy (Kiama Urban Strategy 2011), which is consistent with the Regional Plan as it provides housing delivery close to necessary services, jobs and infrastructure. In addition, the timely lodgement of this application has been deemed as suitable in terms of land release, by Kiama Council's Strategic Planning Department (refer to Pre-lodgement meeting notes in this Proposal).</p> <p>The Planning Proposal is therefore considered to be consistent with the <b>Regional Plan</b>.</p>
<b>6. Local Plan Making</b>		
6.1 Approval and Referral Requirements	Y	The Planning Proposal is considered to be substantially consistent with this Direction, does not contain any provisions requiring concurrence, consultation or referral of a Minister or public authority and is not inconsistent with the objective to encourage the efficient and appropriate assessment of development.



Section 117 Ministerial Direction	Consistent Y/N/NA	Comments
6.2 Reserving Land for Public Purposes	Y	This Direction applies to all relevant planning authorities. The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes and is therefore not inconsistent with the Direction.
6.3 Site Specific Provisions	Y	The Planning Proposal will rezone the land and allow a range of development forms in line with the existing provisions of the R2 Low Density Residential Zone under KLEP 2011. The Proposal does not allow for a particular development proposal. The Planning Proposal does not contain or refer to drawings that show details of the development proposal. A broad concept plan showing a potential indicative road layout for the site is provided as part of the Planning Proposal (prepared by Aztec Design) in relation to transport and access to the site. The Planning Proposal is considered to be consistent with the Direction.
<b>7. Metropolitan Planning</b>		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	Does not apply to Kiama LGA
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	Does not apply to Kiama LGA (Campbelltown City Council and Wollondilly Shire Council only)

### Section C – Environmental, social and economic impact

#### **Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The land subject to this Proposal is not identified on the Terrestrial Biodiversity Map under KLEP 2011 as containing Terrestrial Biodiversity. There are no watercourses located on the subject site, nor is there any vegetation currently on the site (contains grass only). It is therefore considered minimal likelihood that critical habitat or threatened species, populations or ecological communities or their habitats would be adversely affected as a result of the proposal.

A 'Threatened Species Profile Search' generated from the Office of Environment and Heritage's online the BioNet Wildlife Atlas database, at the request of Kiama Council, which is provided as **Appendix 3** of this Planning Proposal. The search provides a list of likely species which MAY occur within a 10 kilometre radius of the subject site.

Given the site is cleared of vegetation and does not contain any creeks or watercourses, it is considered that there would be minimal, or negligible impact on any identified species. Kiama Council also advised at the Pre-lodgment meeting as outlined in this report, that a Flora and Fauna Assessment was not required.

The following clauses contained within Kiama LEP 2011 are considered are follows:

#### **Clause 5.9 Preservation of trees or vegetation**

The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

The Planning Proposal does not include the removal of any trees or vegetation from the site (none located) and this clause will not be amended as part of the subject Planning proposal, however, this clause will continue to apply to future development of the site, should the rezoning proceed.

#### Clause 6.4 Terrestrial biodiversity

The objective of this clause is to maintain terrestrial biodiversity by:

- (a) protecting native fauna and flora, and
- (b) protecting the ecological processes necessary for their continued existence, and
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats.

This clause applies to land identified as "Biodiversity land" on the Terrestrial Biodiversity Map.

As provided above, the subject land does not contain any 'Biodiversity land' as identified on the Terrestrial Biodiversity Map, therefore the Proposal is not inconsistent with the provisions of this clause. However, it should be noted that this clause will continue to apply to future development of the site, should the rezoning proceed. The clause provisions that would apply to future development of the land are:

- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development:
  - (a) is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land,
  - (b) is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna,
  - (c) has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
  - (d) is likely to have any adverse impact on the habitat elements providing connectivity on the land.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

#### Clause 6.5 Riparian land and watercourses

The objective of this clause is to protect and maintain the following:

- (a) water quality within watercourses,
- (b) the stability of the bed and banks of watercourses,
- (c) aquatic riparian habitats,
- (d) ecological processes within watercourses and riparian areas.

This clause applies to:

- (a) land identified as "Category 1 watercourse", "Category 2 watercourse" or "Category 3 watercourse" on the Riparian Land and Watercourses Map, or
- (b) land that is within:
  - (i) 40 metres from the top of the bank of a Category 1 watercourse, or
  - (ii) 20 metres from the top of the bank of a Category 2 watercourse, or
  - (iii) 10 metres from the top of the bank of a Category 3 watercourse.

As provided above, the subject site does not contain a watercourse as identified on the 'Riparian Land and Watercourses Map' associated with KLEP 2011, and is not located within the identified distances of any watercourse as defined, therefore the Proposal is not inconsistent with the provisions of this clause. However, it should be noted that this clause will continue to apply to future development of the site, should the rezoning proceed. The clause provisions that would apply to future development of the land are:

(3) Before determining a development application to carry out development on land to which this clause applies, the consent authority must consider whether or not the development:

(a) is likely to have any adverse impact on the following:

- (i) the water quality and flows within the watercourse,
- (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
- (iii) the stability of the bed and banks of the watercourse,
- (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
- (v) any future rehabilitation of the watercourse and its riparian areas, and

(b) is likely to increase water extraction from the watercourse.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

**Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

A Stage 1 Preliminary Contamination Assessment has been prepared by Network Geotechnics and submitted in association with the Planning Proposal. A summary of this Assessment is provided in Section 3.3 of this Proposal. The Assessment provides that the site is suitable for the proposed rezoning from a site contamination perspective.

The Report also discusses the potential for geotechnical/land stability and acid sulfate soils issues on the subject site and provides that Network Geotechnics has assessed the site as having "low potential for acid sulfate soils to be present within the natural soils at the subject site." In addition, it states that "there would be no geotechnical constraints preventing subdivision development."

An Aboriginal Cultural Heritage Assessment was prepared by Biosis (as discussed in some detail in **Section 3.3** of this Planning Proposal). Two new Aboriginal sites were registered during test excavations on the Aboriginal Heritage Information Management System (AHIMS) and there is a potential for development activities to impact on both registered Aboriginal sites. In response to the findings of that Assessment, it is provided that the indicative broad concept road layout detailed in the Traffic Impact Statement prepared by Aztec Design has considered the location of identified sites as part of the road layout plan (indicative only), specifically avoiding areas of high artefact density as provided in the Biosis report (refer to Figure 9 Test Excavation Results provided on page 41 of the Archaeological Report). Refer to the Assessment for detailed discussions on the findings of the assessment.

The Assessment provides that the Planning Proposal can proceed subject to the recommendations of the report. It is considered that the Report is adequate to address the proposed rezoning of the land subject to this Planning Proposal.

Any potential issues as provided by the Planning Proposal and supporting documents have been considered and are unlikely to cause any significant potential environmental effects.

**Q9. Has the planning proposal adequately addressed any social and economic effects?**

The proposal will have a positive social and economic effect on the growth of Jamberoo and provide support for local retailers and businesses in the commercial precinct of the village. The Proposal will provide an opportunity for settlement and housing that contributes to the social and economic welfare of the community and considers the impact on services and infrastructure and appropriate location.

The Traffic Impact Statement prepared by Aztec Design and lodged in association with the Planning Proposal (refer to **Section 3.3** of this Planning Proposal for a summary of the report) provides that the proposal will not place any major strain on existing public infrastructure or the current road system capacity and can be accommodated based on the recommendations outlined in the report. The proposal will boost the economic growth of the village of Jamberoo, encouraging business investment, which will provide local employment opportunities.

Any additional social impacts may become apparent during the public consultation process once the Planning Proposal is considered by Council and made available to the general public. The proposal will formalize and recognize the intended future use of the land for residential purposes.

**Section D – State and Commonwealth interests**

**Q10. Is there adequate public infrastructure for the planning proposal?**

The subject site is within private ownership with no current public access provided to the site. The Proposal could allow for a potential additional 50 residential dwellings which will utilize the existing road infrastructure to the site (via Golden Valley Road).

The following supporting documents have been provided in association with the Planning Proposal which provides an assessment of the adequacy of existing public infrastructure to support the proposal:

The Traffic Impact Statement prepared by Aztec Design and lodged in association with the Planning Proposal (refer to **Section 3.3** of this Planning Proposal for a summary of the report) provides that the proposal will not place any major strain on existing public infrastructure or the current road system capacity and can be accommodated based on the recommendations outlined in the report.

The Services Feasibility Assessment prepared by KF Williams and lodged in association with the Planning Proposal (refer to **Section 3.3** of this Planning Proposal for a summary of the report) provides that the proposal will not place major any strain on existing public infrastructure in terms of electricity, sewer and water system capacity subject to detailed concept modelling at design stage and based on the recommendations outlined in the report.

**Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?**

The proposed agency and public authority consultation will be confirmed with the Gateway determination.

**Services Feasibility (Infrastructure) Assessment**

KF Williams were engaged by the landowner to prepare a Services Feasibility Assessment, which has been submitted in association with the Planning Proposal. A summary of the report is provided in **Section 3.3** of this Planning Proposal.

In the preparation of this report, the following public authorities were consulted – Endeavour Energy, Sydney Water. A services investigation was also conducted in order to determine the location of all utility services in the vicinity of the site.

Endeavour Energy

As part of the preparation of the Services Feasibility Assessment by KF Williams, a **Request for Technical Review** was provided to the electricity provider for the subject site being Endeavour Energy (formerly Integral Energy), in relation to Planning Proposal in December 2015. A response was received from Endeavour Energy advising that there is sufficient supply capacity to support the proposed load of up to 50 lots. A copy of all correspondence with Endeavour Energy is provided in association with the Services Feasibility Assessment from KF Williams.

It is therefore considered that Endeavour Energy would be likely to support the Planning Proposal as provided, with their consideration of specific detailed development assessment then provided in the preparation for any future development application at subdivision stage. Council may consult further with Endeavour Energy in association with this Planning Proposal if required.

Sydney Water Corporation

As part of the Services Feasibility Assessment prepared by KF Williams, a **Feasibility application** was made to Sydney Water. In summary, the Assessment provides that all services including water, sewer, electricity and telecommunications services can be provided to serve the proposed rezoning of the subject site and would accommodate the estimated approximately 50 residential lots. It is noted that Sydney Water indicates that the provision of water and sewer services may require amplification of the existing water and sewer infrastructure which would occur at subdivision design stage when final anticipated allotment yield is determined, or at lodgment of an application for a Section 73 Certificate.

It is therefore considered that Sydney Water would be likely to support the Planning Proposal as provided, given the existing capacity for the proposed development. Council may consult further with Sydney Water in association with this Planning Proposal if required.

**Aboriginal Cultural Heritage Assessment and Archaeological Report**

Biosis were engaged by the landowner to prepare an Aboriginal Cultural Heritage Assessment and Archaeological Report which has been submitted in association with the Planning Proposal. A summary of the report is provided in **Section 3.3** of this Planning Proposal.

In the preparation of this report, Biosis Pty Ltd notified the following bodies regarding the proposal, in accordance with required relevant guidelines:

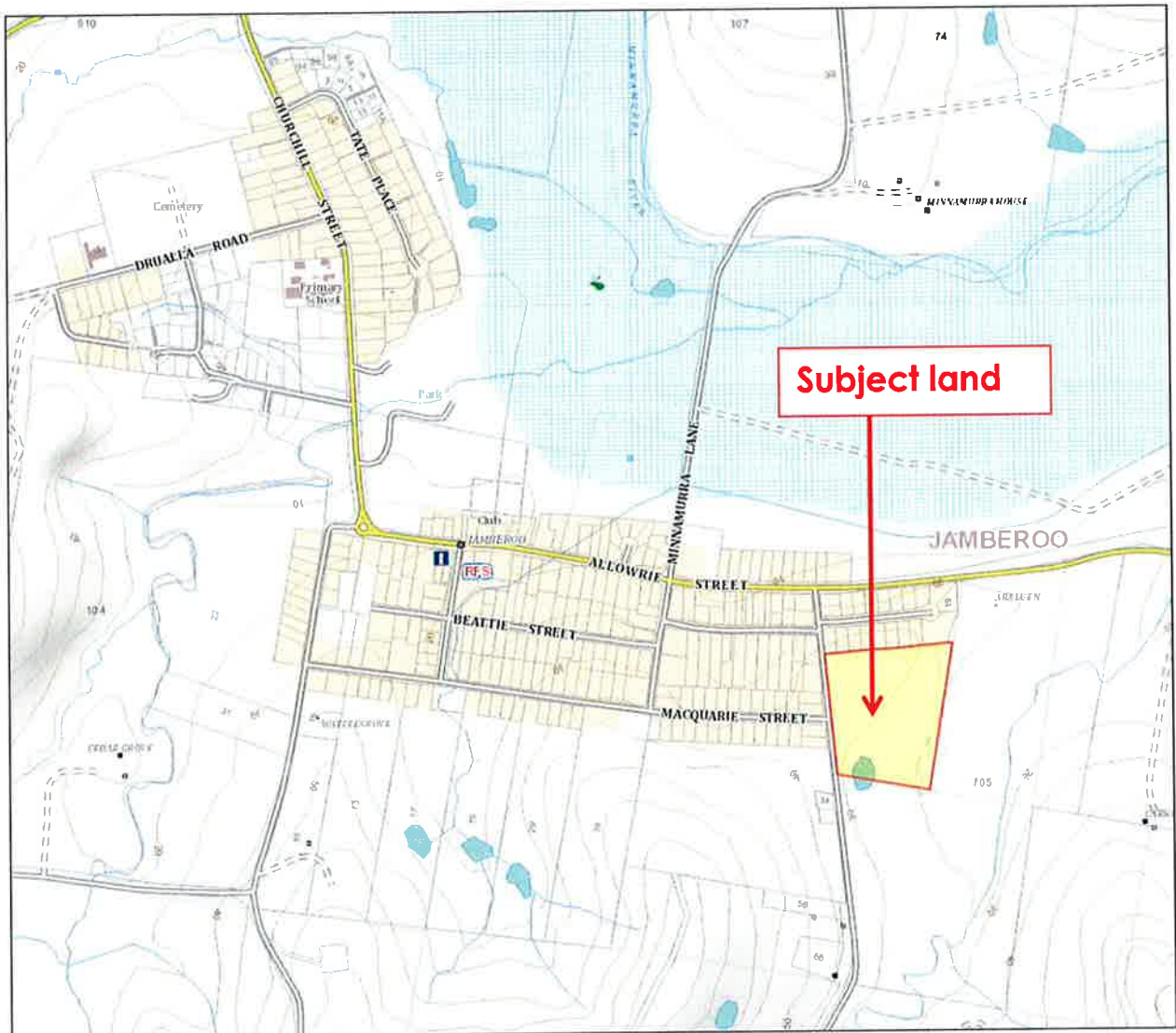
- Kiama Municipal Council (KMC)
- NSW Office of Environment and Heritage (OEH)
- NSW Native Title Services Corporation Limited (NTSCORP Limited)
- Office of the Registrar, Aboriginal Land Rights Act 1983 of Aboriginal Owners
- National Native Title Tribunal
- South East Local Land Services (SELLS)
- Illawarra Local Aboriginal Land Council (ILALC)
- Local known Aboriginal stakeholders in the Illawarra as provided by OEH.

Council may consult further with the NSW Office of Environment and Heritage in association with this Planning Proposal as required.

## Part 4 – Mapping

*Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies*

The map in **Figure 11** illustrates the area to which this Planning Proposal applies with the intent to rezone and provide relevant development standards to permit low density residential development on the subject site, as provided in **Appendix 1**.



**Figure 11** – Cadastre Property Basemap showing location of land subject to this Planning Proposal (Source: [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au), December 2015)

## Part 5 – Community Consultation

*Details of the community consultation that is to be undertaken on the planning proposal.*

### Public exhibition

The Planning Proposal to rezone the subject site to R2 Low Density Residential and apply relevant development standards will likely be placed on public exhibition for a minimum of 28 days, in accordance with the requirements of the *Environmental Planning and Assessment Act* and the *Local Government Act*, as well as the Department of Planning and Environment's '*Guide to preparing local environmental plans*' document. This will be determined by the Department as part of the Gateway Determination.

## Part 6 – Project Timeline

The anticipated timeframes for various stages during the Planning Proposal will be recommended by Council's Strategic Planning Department, considered by the elected Councilors and agreed to, then monitored, by the Department of Planning and Environment throughout the process.



## 5 Recommendations

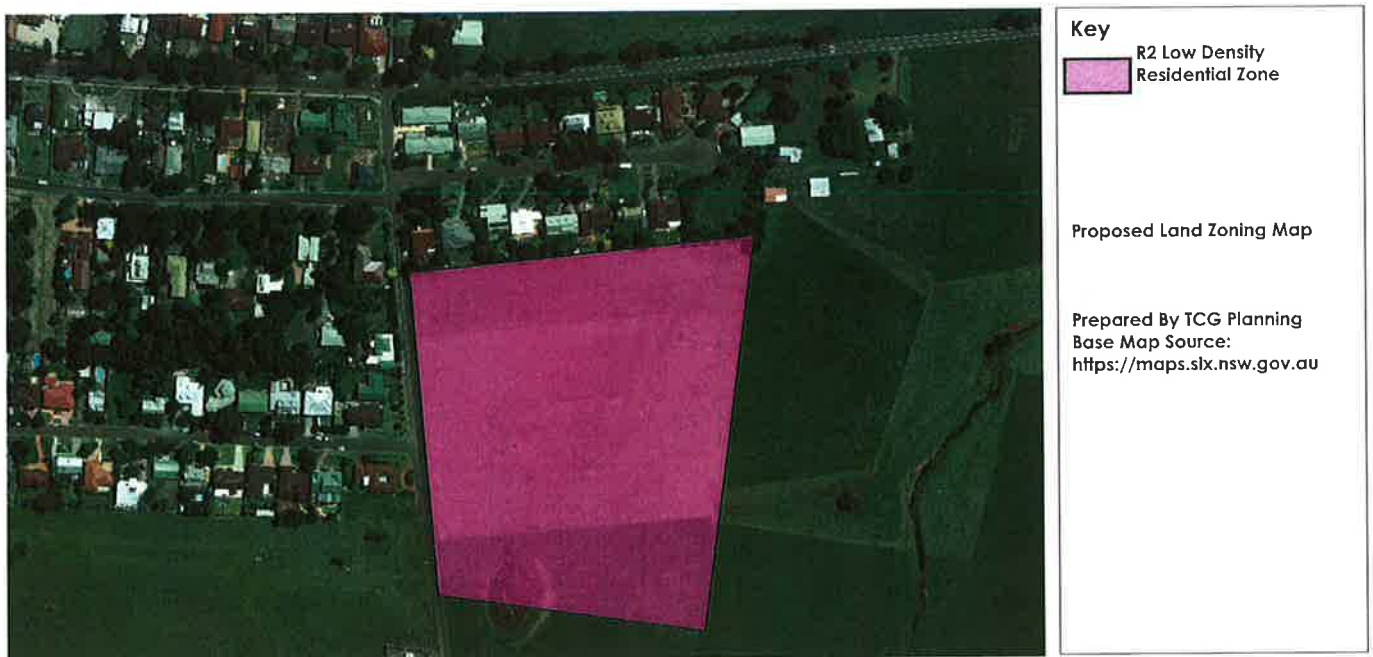
It is considered that the proposal to rezone the subject site to R2 Low Density Residential and apply relevant development standards is an appropriate amendment to the Kiama Local Environmental Plan 2011 which has been endorsed by Council's as a 'Greenfields' site in accordance with the Kiama Urban Strategy 2011. The Planning Proposal process to rezone the land is considered the only way to achieve the intended outcomes of this Proposal. The proposal does not request amendments to the current land zoning provisions (objectives and general permissibility of land uses) and intended purpose of the R2 Low Density Residential Zone. The proposal does not include any amendments to development standards which are not consistent with that which have been currently and recently applied to the subject site.

The proposed changes to *Kiama Local Environmental Plan 2011*, specifically to the *Land Zoning Map*, *Height of Buildings Map*, *Lot Size Map* and *Floor Space Ratio Map* will reflect the intended future use of the land as detailed in this Proposal, in accordance with Kiama Council's adopted Kiama Urban Strategy for future development identified in Jamberoo and the broader Kiama LGA.

It is considered that the preparation and process of this Planning Proposal will provide opportunity for community input, particularly from neighbouring residents in the Jamberoo Village, which follows on from previous consultations held by Kiama Council in the preparation and subsequent adoption of the Kiama Urban Strategy and Kiama Local Environmental Plan 2011. Accordingly the progression of this Planning Proposal by Kiama City Council is sought.

**Appendix 1  
Maps**

Proposed Land Zoning Map



Proposed Height of Buildings Map



Proposed Lot Size Map



Proposed Floor Space Ratio Map



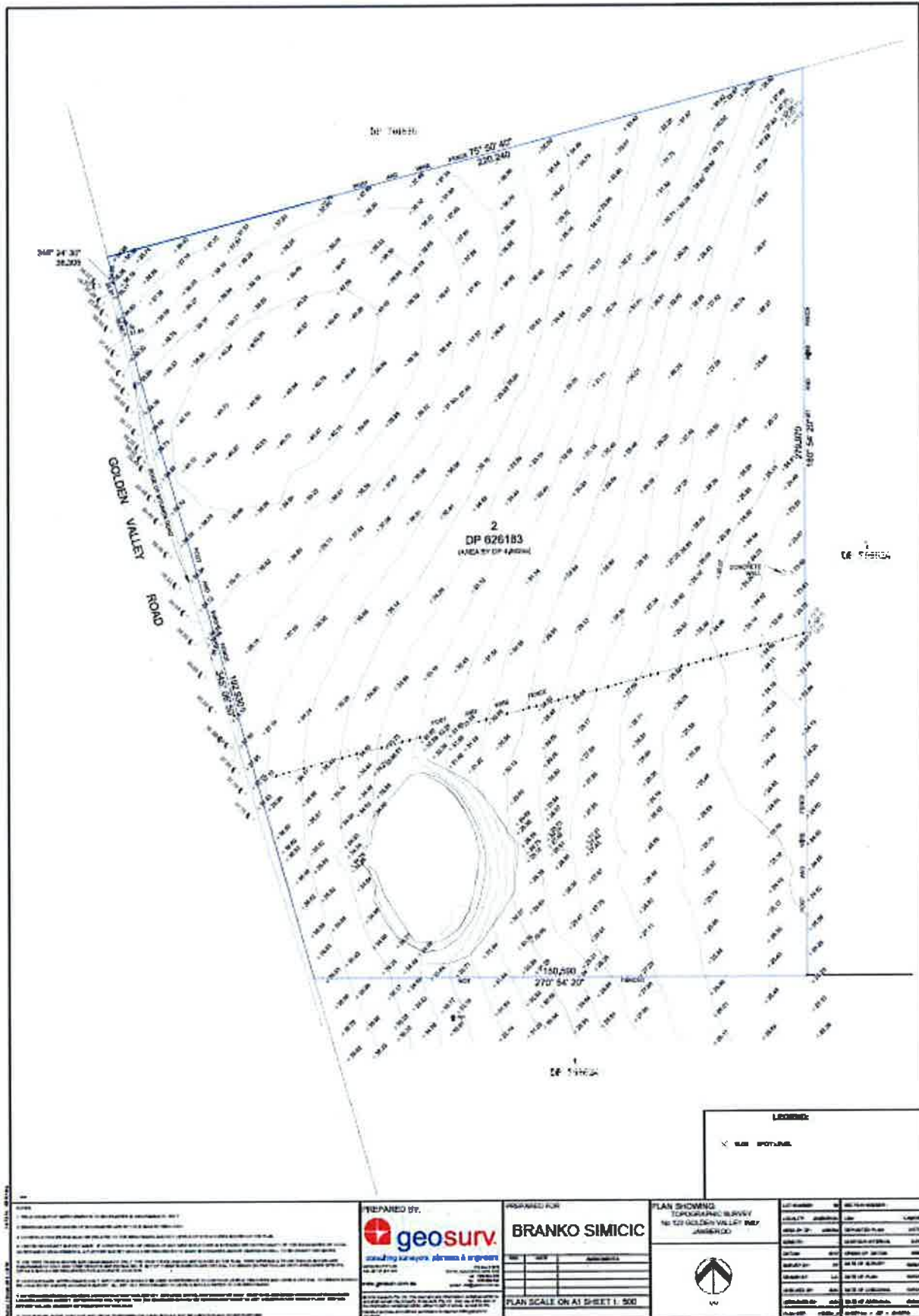
**Key**

0.45:1

Proposed Floor Space Ratio Map

Prepared By TCG Planning  
Base Map Source:  
<https://maps.six.nsw.gov.au>

**Appendix 2  
Survey Plan**





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**Appendix 3**  
**Threatened Species List – BioNet Wildlife Atlas (Office of Environment and Heritage)**

Data from the BioNet Atlas of NSW Wildlife website, which holds records from a number of custodians. The data are only indicative and cannot be considered a comprehensive inventory, and may contain errors and omissions. Species listed under the Sensitive Species Data Policy may have their locations denatured (^ rounded to 0.1Å; ^^ rounded to 0.01Å). Copyright the State of NSW through the Office of Environment and Heritage. Search criteria : Public Report of all Valid Records of Threatened (listed on TSC Act 1995) Entities in selected area [North: -34.59 West: 150.73 East: 150.84 South: -34.69] returned a total of 258 records of 27 species.  
Report generated on 20/09/2016 11:36 AM

Kingdom	Class	Family	Species Code	Scientific Name	Exotic	Common Name	NSW status	Comm. status	Records
Animalia	Amphibia	Hylidae	3166	Litoria aurea		Green and Golden Bell Frog	E1,P	V	3
Animalia	Aves	Ardeidae	197	Botaurus poldioptilus		Australasian Bittern	E1,P	E	1
Animalia	Aves	Ardeidae	196	Ixobrychus flavicollis		Black Bittern	V,P		1
Animalia	Aves	Accipitridae	218	Circus assimilis		Spotted Harrier	V,P		3
Animalia	Aves	Cacatuidae	268	^^Callocephalon fimbriatum		Gang-gang Cockatoo	V,P,3		3
Animalia	Aves	Psittacidae	309	^^Lathamus discolor		Swift Parrot	E1,P,3	CE	1
Animalia	Aves	Psittacidae	302	^^Neophema pulchella		Turquoise Parrot	V,P,3		3
Animalia	Aves	Psittacidae	8913	^^Pezoporus wallicus wallicus		Eastern Ground Parrot	V,P,3		13
Animalia	Aves	Tytonidae	9924	^^Tyto tenebricosa		Sooty Owl	V,P,3		2
Animalia	Aves	Dasyornithidae	519	Dasyornis brachypterus		Eastern Bristlebird	E1,P	E	9
Animalia	Aves	Pachycephalidae	405	Pachycephala olivacea		Olive Whistler	V,P		4
Animalia	Aves	Artamidae	8519	Artamus cyanopterus cyanopterus		Dusky Woodswallow	V,P		1
Animalia	Aves	Petroicidae	382	Petroica phoenicea		Flame Robin	V,P		3
Animalia	Mammalia	Dasyuridae	1008	Dasyurus maculatus		Spotted-tailed Quoll	V,P	E	5
Animalia	Mammalia	Dasyuridae	1017	Phascogale tapoatafa		Brush-tailed Phascogale	V,P		2
Animalia	Mammalia	Phascolarctidae	1162	Phascolarctos cinereus		Koala	V,P	V	1
Animalia	Mammalia	Potoroidae	1175	Potorous tridactylus		Long-nosed Potoroo	V,P	V	5
Animalia	Mammalia	Pteropodidae	1280	Pteropus poliocephalus		Grey-headed Flying-fox	V,P	V	14
Animalia	Mammalia	Vespertilionidae	1834	Miniopterus schreibersii oceanensis		Eastern Bentwing-bat	V,P		3
Animalia	Mammalia	Vespertilionidae	1357	Myotis macropus		Southern Myotis	V,P		1
Animalia	Mammalia	Vespertilionidae	1361	Scoteanax rueppellii		Greater Broad-nosed Bat	V,P		2
Plantae	Flora	Apocynaceae	1226	Cynanchum elegans		White-flowered Wax Plant	E1,P	E	5
Plantae	Flora	Brassicaceae	7103	Ireneophorus trypherus		Illawarra Irene	E1,P	E	10
Plantae	Flora	Monimiaceae	13219	Daphnandra johnsonii		Illawarra Socketwood	E1,P	E	34
Plantae	Flora	Myrtaceae	11397	Gossia acmenoides		Gossia acmenoides population in the Sydney Basin Bioregion south of the Georges River	E2		5
Plantae	Flora	Rutaceae	5839	Zieria granulata		Illawarra Zieria	E1,P	E	122
Plantae	Flora	Solanaceae	11442	Solanum celatum			E1,P		2