

# Housekeeping Planning Proposal to Amend Kiama LEP 2011



**RESPECT**



**INNOVATION**



**INTEGRITY**



**TEAMWORK**



**EXCELLENCE**

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## Planning Proposal for housekeeping amendments to the Kiama LEP 2011

### 1.0 Statement of the objectives

The Planning Proposal (PP) proposes the following housekeeping amendments, which apply to a number of sites throughout the Kiama Municipality, to the *Kiama Local Environmental Plan (LEP) 2011*:

1. amend the land use annotations for a number of sites zoned SP2 Infrastructure, listed in Appendix 2, to ensure consistency with Standard Instrument definitions,
2. rezone a number Public Reserves, listed in Appendix 3, from their current zoning to RE1 Public Recreation, and
3. rezone two (2) of State agency owned sites, listed in Appendix 4, to more appropriate zones based upon the current and intended uses of the sites.

### 2.0 Explanation of provisions

The Kiama Local Environmental Plan (LEP) 2011 is to be amended by:

1. Amending the relevant Land Zoning Maps as per Appendix 2 to annotate the land use zone using the infrastructure categories contained within the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) or the Standard Instrument dictionary;
2. Amending the relevant Land Zoning Map, and associated development standards, as per Appendix 3 to rezone land to RE1 Public Recreation;
3. Amend Land Zoning Map – Sheet LZN\_012 on Lot 1 DP 883525, 20 Eddy Street, from SP2 Infrastructure - Railway to B2 Local Centre;
4. Amend Land Zoning Map – Sheet LZN\_011 on Lot 909 DP 236615, 133 North Kiama Drive, from R2 Low Density Residential to SP2 Infrastructure - Water Supply System.

#### SP2 Infrastructure annotations

The PP seeks to amend land use annotations for certain sites that are not annotated with a land use listed within the infrastructure categories of the Infrastructure SEPP or the Standard Instrument dictionary. An example of this is Figure 1 shown below:



Figure 1 - Current Zoning Annotation of 206 & 210 Terralong Street

The sites are zoned SP2 *Fire Station & Ambulance*. Fire station and ambulance are not defined land uses within the Standard Instrument LEP nor are they one of the 25 types of infrastructure prescribed by the Infrastructure SEPP, therefore this PP will seek to amend the annotation to *emergency services facility*. This is consistent with LEP practice note PN10-001 as *emergency service facility* is a defined land use within the Standard Instrument LEP as well as being one of



the 25 types of infrastructure prescribed by the Infrastructure SEPP. This is one example of a number of sites that have been identified throughout the LGA having the same error.

## Public Reserves

A number of sites throughout the Kiama LGA are currently used for recreational purposes (including sites that are Public Reserve on title) but are not zoned accordingly. The PP seeks to rezone these sites for public recreation purposes. An example of this is Mathoura Reserve in Elambra Estate shown in Figure 2 below:

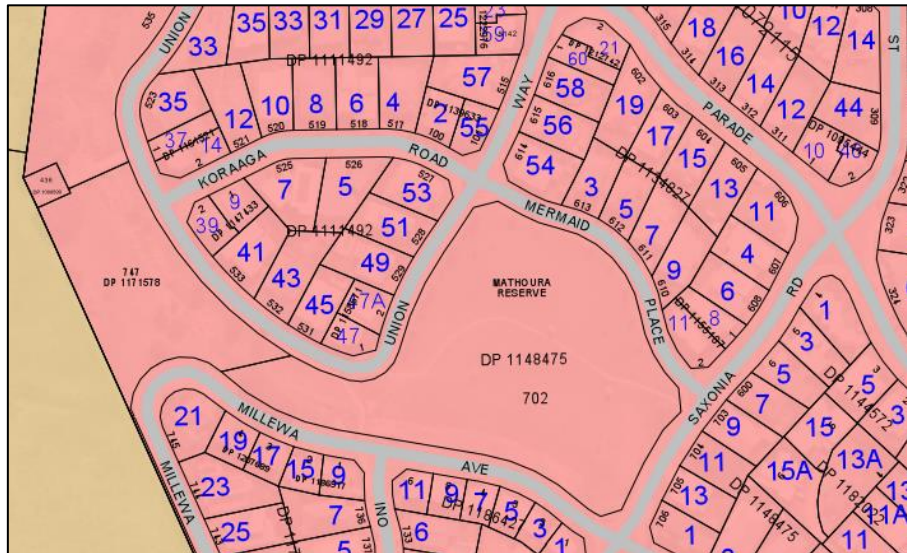


Figure 2 - Current Zoning of Mathoura Reserve, Elambra Estate

The site is currently zoned R2 Low Density Residential even though its intended use was not for residential purposes. The reasoning for the current zoning is that final subdivision layouts are not known at the time a PP is being considered, therefore it is not logical to rezone a portion of the site to RE1 Public Recreation as the boundaries may change during the assessment of a development application for subdivision, therefore requiring another PP to amend the zone boundaries. The R2 zoning falsely indicates that the land may be used for residential development, which is not permissible given the land is classified as community land under the *Local Government Act 1993*. The PP seeks to rezone a number of parcels of land such as the above to ensure the zoning is consistent with the use and classification of the land.

## State Owned Land

The PP seeks to rezone 20 Eddy Street, Kiama from SP2 Infrastructure - Railway to B2 Local Centre to allow for a wider range of commercial activities to be undertaken on the site, including the relocation of the Kiama Men's Shed.

The site has an area of 1463m<sup>2</sup>, is located south of the Kiama Town Centre adjoining the Illawarra Railway and is accessible via direct frontage to Eddy Street. The site contains an existing building that was formerly used as a depot for RailCorp and is now considered surplus to operational requirements. RailCorp and Sydney Trains are currently in the process of assessing these surplus properties to determine potential future uses, considering re-purposing and/or divestment. As part of this process, RailCorp and the Kiama Men's Shed expressed a mutual interest in using the existing building at 20 Eddy Street for the Kiama Men's Shed relocation. The site is shown in Figures 3 and 4 below:



**Figure 3 – Aerial Image 20 Eddy Street (Source: SIX Maps)**



**Figure 4 – 20 Eddy Street (Source: Nearmap)**

The PP also seeks to rezone 133 North Kiama Drive from R2 Low Density Residential to SP2 Infrastructure – Water Supply System to better reflect the use of the site for Sydney Water infrastructure. The site has an area of 556m<sup>2</sup> and is located in Kiama Downs surrounded predominately by residential development. The site is owned by Sydney Water Corporation and contains existing water supply infrastructure. The site is shown in Figures 5 and 6 below:





Figure 5 – Aerial Image 133 North Kiama Drive (Source: SIX Maps)



Figure 6 – 133 North Kiama Drive (Source: Nearmap)

### 3.0 Justification for objectives

#### 3.1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The PP is not the direct result of the *Kiama Local Strategic Planning Statement 2020* (LSPS), or a strategic study or report.

Council's Strategic Planning works program, prepared to assist in the implementation of the Kiama LSPS 2020, identifies the need to undertake a number of housekeeping PPs to ensure the Kiama LEP 2011 remains contemporary.

In accordance with Council's *Planning Proposal Policy*, Council will only prepare a maximum of two (2) 'housekeeping' PP's per calendar year. This PP was endorsed by Council at the Ordinary Meeting on 20 October 2020.

### 3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A PP is the mechanism available for amending the current provisions of the LEP.

#### **SP2 Annotations**

A PP is the only mechanism available for amending the land use annotations on certain land zoned SP2 Infrastructure as this requires amendments to a number of Land Zoning Maps within the Kiama LEP 2011. As discussed earlier in this report, an example of this is the Kiama Fire Station. The site is currently zoned SP2 Fire Station and Ambulance. As this is not a defined land use in the Standard Instrument or the Infrastructure SEPP, a PP is required to amend the land use annotation to SP2 Emergency Services Facility.

#### **Public Reserves**

This PP seeks to rezone a number of public reserves from their current zoning to RE1 Public Recreation. A PP is the only mechanism available to rezone land. As discussed earlier in this report, an example of this is Mathoura Reserve in Elambra Estate. The site is a Council owned Public Reserve zoned R2 Low Density Residential. The current zoning does not reflect the appropriate and applicable uses of the site and therefore a PP is required to rezone the site to RE1 Public Recreation.

#### **State Owned Land**

In regards to the rezoning of 20 Eddy Street, alternative mechanisms to amend the LEP to facilitate such development include Additional Permitted Uses (Schedule 1 of Kiama LEP 2011) and Development near zone boundaries (Clause 5.3 Development near zone boundaries of the Standard Instrument – Principal Local Environmental Plan).

These mechanisms are not considered to be the most appropriate as Clause 5.3 of the Standard Instrument – Principal Local Environmental Plan is not currently adopted by the Kiama LEP 2011 nor could it be utilised on this site as it is within the coastal zone as identified by *State Environmental Planning Policy (Coastal Management) 2018*.

An Additional Permitted Use to permit a *community facility* on the site is not considered to be the best means of achieving the intended outcomes of the PP as it unnecessarily restricts potential development that would be appropriate for such a site within close proximity to the Kiama Town Centre and infrastructure such as the Illawarra Railway.

### 3.3 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The applicable regional plan is the Illawarra-Shoalhaven Regional Plan (ISRP). It is considered that the proposed amendments to the Kiama LEP 2011 are consistent with the directions contained within the plan, specifically:

- Direction 3.1
- Direction 3.3
- Direction 5.1

#### *Direction 3.1 – Grow the opportunities for investment and activity in the region's network of centres*

The PP is considered to be consistent with and give effect to Direction 3.1 of the ISRP. Kiama is characterised as a regional centre by the ISRP which states that allowing centres to grow to accommodate jobs and services is integral to their resilience. Whilst not within the Kiama Town Centre, 20 Eddy Street is within close proximity to the town centre and public transport services such as the Illawarra Railway Corridor, making it an ideal site for rezoning to B2 Local Centre. This is also consistent with the findings of the KTC Study that identified a lack of non-retail commercial floor space within the Kiama Town Centre.

### *Direction 3.3 – Build socially inclusive, safe and healthy communities*

The PP is considered to be consistent with and give effect to Direction 3.3 of the ISRP. This PP seeks to rezone 20 Eddy Street from SP2 Railway to B2 Local Centre to facilitate a wider range of commercial activities on the site. Additionally, it is the intention of the property owner to lease the site to the Kiama Men's Shed for the purposes of a community facility. It is considered that the rezoning of this site assists in creating a socially inclusive community. The PP is considered to be consistent with and give effect to Direction 3.3. of the ISRP as it seeks to increase the amount of land zoned for public recreation purposes and therefore contributing to the building of healthy communities.

### *Direction 5.1 – Protect the region's environmental values by focusing development in locations with the capacity to absorb development*

The PP is considered to be consistent with and give effect to Direction 5.1 of the ISRP. The PP seeks to amend the zone boundaries on Lot 91 DP 838427, Fern Street, Gerringong, to reflect the biodiversity values on the site. The site is split zoned RE1 Public Recreation and E2 Environmental Conservation, as well as being partially identified on Council's Terrestrial Biodiversity Map. It is standard Council practice to zone land identified on the Terrestrial Biodiversity Map as E2 Environmental Conservation, however, the zone boundaries and the terrestrial biodiversity layer do not align. This PP seeks to align the boundaries so that the land identified on the Terrestrial Biodiversity Map is also zoned E2 Environmental Conservation, therefore providing further protection to the environmental values of the site.

### 3.4 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The PP will give effect to the Council endorsed *Kiama Local Strategic Planning Statement* (LSPS).

The PP gives effect to a number of planning priorities contained within the Kiama LSPS which provide rationale for decisions about how Council will use land to achieve the community's broader goals and what updates are required to the LEP and DCP.

The PP gives effect to *Planning Priority 7 Strengthen Commercial Centres* by increasing land available for commercial activities in line with the recommendations of the KTC Study. The PP gives effect to *Planning Priority 14 Support and create vibrant places* by ensuring Council owned land (specifically Public Reserves) are managed to create vibrant and inclusive spaces.

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

The following State Environmental Planning Policies (SEPP's) are applicable to the Planning Proposal (PP):

- *State Environmental Planning Policy No. 55 – Remediation of Land*

SEPP 55 requires Council to be satisfied that the land is suitable (or can be made suitable) for the proposed use/s. The PP involves the rezoning of 20 Eddy Street to B2 Local Centre, therefore making a wider range of uses permissible on the site. A combined preliminary and detailed investigation and hazardous materials survey was undertaken on the site including a desktop assessment, site inspection and intrusive soil assessment involving six (6) boreholes being drilled into the ground.

The site structures consist of a large brick building with an adjoining metal building to the north. The remaining site footprint is sealed with asphalt, with the exception of small grassed areas along some boundaries. A disused train turntable is situated directly north of the site. Historical aerial imagery indicates that the site was used for storage and warehouse purposes from 1961 onwards. The current building configuration was constructed between 1993 and 2002. Prior to this time, the surrounding area was primarily residential and commercial properties.



The investigation concluded that the site is suitable in its current state for commercial/industrial and medium to high density residential development. The investigation also concluded that remediation works would be required for a potential future land use of low density residential or open space. The PP seeks to rezone the site to B2 Local Centre where boarding houses, group homes and shop top housing are the only forms of residential accommodation that are permissible.

133 North Kiama Drive is currently owned by Sydney Water Corporation and is used for infrastructure purposes. The PP seeks to rezone the site from R2 Low Density Residential to SP2 Water Supply System to more accurately reflect the use of the site. The PP will result in residential development being prohibited on the site and therefore it is considered that the site is suitable in its current state and investigation/remediation works are not required.

The subject PP is considered to be consistent with SEPP No. 55 and depending on the future use of 20 Eddy Street, remediation works may be required. These can be further considered and detailed at Development Application stage if necessary.

### 3.6 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

A Section 9.1 Ministerial Directions – Compliance Checklist has been compiled by Kiama Council and is included in Appendix 1.

Council finds the proposal consistent with all applicable Section 9.1 Ministerial Directions except for Direction 1.5 – Rural Lands, as it seeks to rezone a number of parcels of land from RU2, E2 and E3 to RE1 Public Recreation. The inconsistency is justified as it is of minor significance. The parcels being rezoned to RE1 are identified as Public Reserves on title and are not used for rural/agricultural purposes. The PP does not reduce environmental protection nor restrict land available for agriculture.

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

Due to the nature of the PP it is considered unlikely that any environmental effects will occur as a result of the proposed changes.

The PP seeks to amend the zone boundaries for Lot 91 DP 838437 Fern Street, Gerringong. Currently the site is zoned both RE1 Public Recreation and E2 Environmental Conservation. A portion of the site contains saline wetlands and is identified on Council's Terrestrial Biodiversity map. It is standard Council practice that areas mapped as terrestrial biodiversity are also zoned E2 Environmental Conservation, however, the E2/RE1 zone boundary on the site does not align. As the PP seeks to amend the zone boundaries to ensure the terrestrial biodiversity land is zoned E2, it is considered that the PP is unlikely to have an adverse effect on any critical habitat, threatened species, populations or ecological communities or their habitats.

Figures 7 and 8 below highlight the discrepancy between the Terrestrial Biodiversity Map layer and the zoning:



Figure 7 – Terrestrial Biodiversity Overlay Lot 91 DP 838437

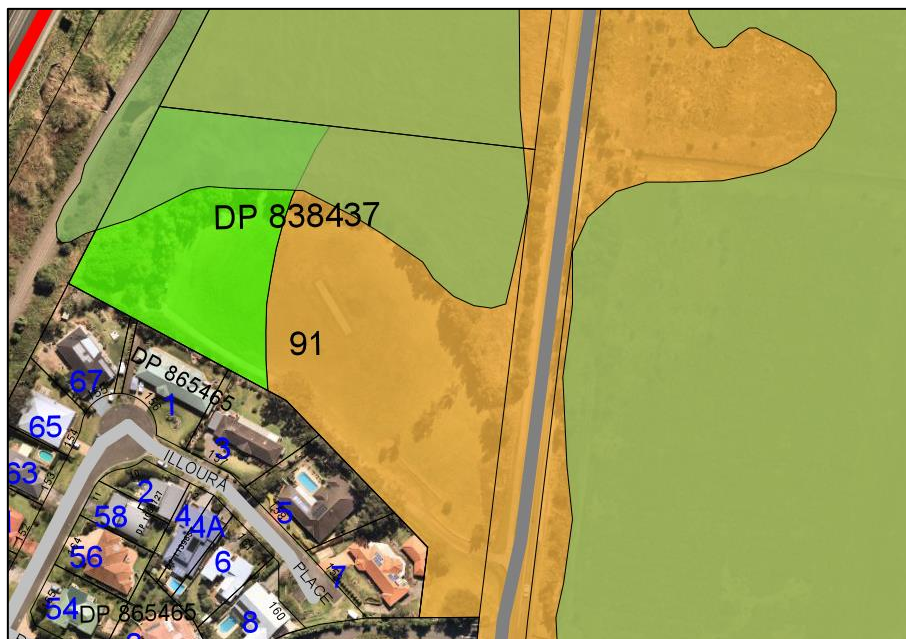


Figure 8 – Zoning and Terrestrial Biodiversity Overlay Lot 91 DP 838437

20 Eddy Street is developed and does not contain any vegetation nor is it identified on Council's Terrestrial Biodiversity map and therefore is unlikely to have an adverse effect on any critical habitat, threatened species, populations or ecological communities or their habitats.

133 North Kiama Drive is currently occupied by Sydney Water Corporation infrastructure and the PP seeks to rezone this site to SP2 Water Supply System to more accurately reflect the current use of the site.

The PP will not alter any existing measures to conserve that critical habitat or threatened species, populations or ecological communities, or their habitats. The *Biodiversity Conservation Act 2016*, *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and Chapter 2 of the *Kiama Development Control Plan 2020* will continue to apply to development involving the removal of vegetation.

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

Due to the nature of the PP it is considered unlikely that any environmental effects will occur as a result of the proposed changes. None of the sites this PP applies to are identified as items of environmental heritage in Schedule 5 of the *Kiama Local Environmental Plan 2011*.

### 3.9 Has the planning proposal adequately addressed any social and economic effects?

#### **Economic Effects**

The PP is considered to have a positive economic effect on the Kiama LGA. The *Kiama Town Centre Economic Study* was prepared on behalf of Council with the aim of providing Council with an understanding of the current economic performance and potential future demand for the centre. The study suggested that there is a clear lack of non-retail commercial space for small businesses within the town centre. Whilst it is noted that 20 Eddy Street is not located within the Kiama Town Centre, it is within close proximity to the town centre and public transport making it a suitable site for commercial land uses.

The remaining components of the PP are for housekeeping purposes and are considered to have a neutral economic effect as they do not restrict potential development from occurring.

#### **Social Effects**

The PP is considered to have significant positive social effect for the community. The PP seeks to rezone a number of parcels of land to RE1 Public Recreation, effectively increasing the amount of land zoned for public recreation purposes. These sites are Public Reserves on title and the PP seeks to align the land zoning to this use ensuring their continued use for public recreation purposes.

As noted earlier in this report, the rezoning of 20 Eddy Street to B2 Local Centre not only allows for potential commercial activities to take place on the site, it allows for the potential relocation of the Kiama Men's Shed facility from Manning Street to the site. The Kiama Men's Shed is a community facility promoting men's health and wellbeing, and therefore is considered to have positive social effects on the Kiama community.

### 3.10 Is there adequate public infrastructure for the planning proposal?

The proposal has the potential to increase the current demand on public infrastructure, although such an increase is considered to be of minor significance.

The rezoning of 20 Eddy Street from SP2 Infrastructure to B2 Local Centre will allow for a wider range of land uses to be permissible on the site. The site is located within close proximity to the town centre and it is considered that there is adequate public infrastructure available to service the site.

The rezoning of 133 North Kiama Drive is not considered to have an impact on public infrastructure available to the site. The site is located within an existing residential area provided with adequate public infrastructure. The rezoning of the site is to reflect the use of the site for water supply infrastructure. The proposed rezoning will not impact on existing public infrastructure available to the site.

The PP seeks to amend incorrect land use annotations on a number of sites in the Kiama LGA zoned SP2 Infrastructure. Amending these land use annotations will have no impact on public infrastructure and is for administration/housekeeping purposes only. The rezoning of Council owned land (Public Reserves) to RE1 Public Recreation is unlikely to require the provision of public infrastructure.

Council recommends that consultation with Sydney Water, Endeavour Energy and Sydney Trains should be required post Gateway.



### 3.11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

#### Pre Gateway consultation

The proposal is minor in nature and as such, no State or Commonwealth authorities have been consulted as part of the preparation of this Planning Proposal.

#### Post Gateway consultation

Council will consult with any other agency that the DPIE considers appropriate. Council considers that the following State agencies should be consulted with:

- Sydney Water
- Sydney Trains
- Endeavour Energy

## 4.0 Mapping

The PP requires the following LEP Maps to be amended:

- Land Zoning Map:
  - Sheet LZN\_011;
  - Sheet LZN\_012;
  - Sheet LZN\_013;
  - Sheet LZN\_014; and
  - Sheet LZN\_015
- Lot Size Map:
  - Sheet LZN\_011;
  - Sheet LZN\_012;
  - Sheet LZN\_014; and
  - Sheet LZN\_015
- Height of Buildings Map:
  - Sheet LZN\_011;
  - Sheet LZN\_012;
  - Sheet LZN\_014; and
  - Sheet LZN\_015
- Floor Space Ratio Map:
  - Sheet LZN\_011;
  - Sheet LZN\_012;
  - Sheet LZN\_014; and
  - Sheet LZN\_015

## 5.0 Community Consultation

Council requests that the planning proposal be exhibited for a period of 28 days and include:

- Advertisement in Local Newspaper,
- Electronic copy on Council's website,
- Notification letters to affected/neighbouring land owners and relevant community precinct groups,

- Notification letters to relevant State agencies and other authorities/agencies nominated by the DPIE.

## 6.0 Project Timeline

The timeframe for the Planning Proposal is that, from date of Gateway determination to date of submission to the Department of Planning, Industry & Environment (DPIE), to finalise the LEP is a period of 12 months.

	<b>Timeframe</b>	<b>Possible dates</b>
Submit to DPIE seeking a Gateway Determination		March 2021
Receive Gateway Determination	4 weeks from submission date	April 2021
Preparation of any outstanding studies (if required)	6 weeks from notification of Gateway Determination	May 2021
Consult with State/Commonwealth agencies	4 weeks from completing review of any outstanding studies	June 2021
Exhibition of PP and technical studies (assuming no requirement to resubmit to DPIE)	4 weeks from completing review of any outstanding studies	July 2021
Date of Public Hearing (if required)	N/A	
Review of Public Submissions and preparation of report to Council	4 weeks from end of exhibition period	September 2021
Report to Council for final endorsement	First available Council meeting after completion of review of submissions (allow 8 weeks)	October 2021
Seek Parliamentary Counsel Office's (PCO) opinion (if delegations received)	2 weeks from date of Council meeting minutes being published	November 2021
Submit to DPIE to publish LEP amendment	4-6 weeks from date PCO's opinion requested	January 2022
Anticipated publication date of LEP amendment	2 weeks from date of submission to DPIE	February 2022

## Appendix 1 – Section 9.1 Ministerial Directions – Compliance Checklist

Ministerial Direction	Comment
<b>1. Employment and Resources</b>	
1.1 Business and Industrial Zones	<p>This PP will allow for a broader range of business/commercial land uses to occur on 20 Eddy Street, Kiama.</p> <p>The PP gives effect to the objectives of this direction as it encourages employment growth in a suitable location as well as supporting the viability of the Kiama Town Centre.</p> <p>The PP is consistent with Direction 1.1 – Business and Industrial Zones.</p>
1.2 Rural Zones	<p>The direction applies to the PP as it affects land within an existing rural zone by altering the existing zone boundary.</p> <p>The PP is consistent with this direction as it does not rezone land from a rural zone to a residential, business, industrial, village or tourist zone, nor does it contain provisions that will increase permissible density of land within a rural zone.</p> <p>The PP is consistent with Direction 1.2 – Rural Zones.</p>
1.3 Mining, Petroleum Production and Extractive Industries	The direction does not apply to the PP.
1.4 Oyster Aquaculture	The direction does not apply to the PP.
1.5 Rural Lands	<p>The direction applies to the PP as it seeks to rezone land zoned RU2 Rural Landscapes, E2 Environmental Conservation and E3 Environmental Management to RE1 Public Recreation.</p> <p>The PP is considered to be justifiably inconsistent with this direction. The PP seeks to rezone a number of parcels of land from RU2, E2 and E3 to RE1 Public Recreation.</p> <p>The inconsistency is justified as it is of minor significance. The parcels being rezoned to RE1 are identified as Public Reserves on title and are not used for rural/agricultural purposes. The PP does not reduce environmental protection nor restrict land available for agriculture.</p> <p>The PP is consistent with the Illawarra-Shoalhaven Regional Plan, does not affect</p>



	<p>significant agricultural land, protects environmental valued including native vegetation, does not impact upon farmer's ability to exercise their right to farm, does not fragment or isolate agricultural land and considers the social, economic and environmental interests of the community.</p> <p>The PP is justifiably inconsistent with Direction 1.5 – Rural Lands.</p>
<b>2. Environment and Heritage</b>	
2.1 Environment Protection Zones	<p>The PP does not seek to reduce the environment protection standards that apply to land within an environment protection zone or land currently identified for environment protection purposes.</p> <p>Lot 2 DP 1065404 Headland Drive, Gerroa, is currently zoned E3 Environmental Management but is not identified on Council's Terrestrial Biodiversity Map.</p> <p>Lot 52 DP 1098436 Jamberoo Road, Kiama, is currently zoned E2 Environmental Conservation but is not identified on Council's Terrestrial Biodiversity Map.</p> <p>The PP does not reduce environment protection standards that apply to the land as the <i>Biodiversity Conservation Act 2016</i>, <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> and Chapter 2 of the <i>Kiama Development Control Plan 2020</i> will continue to apply to development involving the removal of vegetation.</p> <p>The PP is consistent with Direction 2.1 – Environment Protection Zones.</p>
2.2 Coastal Management	<p>A number of parcels of land subject to this PP are located within the coastal zone prescribed by <i>State Environmental Planning Policy (Coastal Management) 2018</i>. A Coastal Vulnerability Map has not been adopted and therefore no coastal vulnerability areas have been identified.</p> <p>The PP does not seek to rezone land which would enable increased development or more intensive land-use on land that has been identified as land affected by a current or future coastal hazard in the Kiama LEP 2011 or Kiama DCP 2020.</p> <p>The sites subject to this PP are not identified as coastal wetlands or littoral rainforests by the Coastal Management SEPP.</p>

	The PP is considered to be consistent with the objects of the <i>Coastal Management Act 2016</i> and is consistent with Direction 2.2 – Coastal Management.
2.3 Heritage Conservation	<p>The PP will not alter the existing provisions of the Kiama LEP 2011 and Kiama DCP 2020 which give effect to heritage conservation.</p> <p>The PP is consistent with Direction 2.3 – Heritage Conservation.</p>
2.4 Recreation Vehicle Areas	<p>The PP will not alter existing development permissibility within the municipality in regards to vehicle recreation areas.</p> <p>The Planning Proposal is consistent with Direction 2.4 – Recreation Vehicle Area.</p>
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	This direction does not apply to the Kiama LGA.
2.6 Remediation of Contaminated Land	<p>20 Eddy Street is owned by RailCorp and was previously used as a depot. Preliminary and detailed site investigation was carried out and submitted to Council to address potential contamination. The report concluded that the site is suitable in its current state for commercial/industrial, and medium to high density residential development.</p> <p>The report also concludes that further remediation works are required if the land is to be used for low density residential development or open space. The PP seeks to rezone the site to B2 Local Centre, meaning that low density residential development and outdoor recreational facilities are prohibited on the site.</p> <p>As such, Council is satisfied that the land is suitable in its current state for all the purposes for which land in the zone concerned is permitted to be used, and if remediation works are required, satisfied that these works will be carried out prior to the land being used for that purpose.</p> <p>The PP is consistent with Direction 2.6 – Remediation of Contaminated Land.</p>
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	The PP seeks to rezone a number of Public Reserves from R2 Low Density Residential to RE1 Public Recreation. The PP also seeks to rezone a parcel of land from R2 to SP2

	<p>Infrastructure (Water Supply System) to better align the site with its current use.</p> <p>The PP is consistent with Direction 3.1 – Residential Zones.</p>
3.2 Caravan Parks and Manufactured Home Estates	<p>The PP does not reduce the permissibility of caravan parks and does not rezone existing caravan parks.</p> <p>The PP is consistent with Direction 3.2 – Caravan Parks and Manufactured Home Estates.</p>
3.3 Home Occupations	<p>The PP does not alter the permissibility of home occupations being carried out without the need for consent in dwelling houses.</p> <p>The PP is consistent with Direction 3.3 – Home Occupations.</p>
3.4 Integrating Land Use and Transport	<p>The PP is consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001) and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p> <p>The rezoning of 20 Eddy Street provides commercial development within close proximity to the town centre and public transport links assisting to aid in clustering of centre developments.</p> <p>The PP is consistent with Direction 3.4 – Integrating Land Use and Transport.</p>
3.5 Development Nera Regulated Airports and Defence Airfields	This direction does not apply to the PP.
3.6 Shooting Ranges	This direction does not apply to the PP.
3.7 Reduction in non-hosted short term rental accommodation	This direction does not apply to the PP.
<b>4. Hazard and Risk</b>	
4.1 Acid Sulfate Soils	<p>The PP does not propose an intensification of land uses on land identified as having a probability of containing acid sulfate soils.</p> <p>The PP does not alter the applicability of Clause 6.1 of the KLEP 2011.</p> <p>The PP is consistent with Direction 4.1 – Acid Sulfate Soils.</p>
4.2 Mine Subsidence and Unstable Land	This direction does not apply to the PP.



4.3 Flood Prone Land	<p>The PP does not contain provisions which permits development in floodways, development that will result in significant flood impacts to other properties, does not permit a significant increase in development on flood prone land nor is it likely to result in a substantially increased requirement for Government spending on flood mitigation measure, infrastructure or services.</p> <p>The PP is consistent with Direction 4.3 – Flood Prone Land.</p>
4.4 Planning for Bushfire Protection	<p>The PP does not result in development places in inappropriate and hazardous areas and does not alter the applicability of <i>Planning for Bushfire Protection 2019</i>.</p> <p>The PP is consistent with Direction 4.4 – Planning for Bushfire Protection.</p>
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies	Revoked 17 October 2017
5.2 Sydney Drinking Water Catchments	The PP does not apply to land that is within the Sydney Drinking Water Catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	This direction does not apply to the Kiama LGA.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	This direction does not apply to the Kiama LGA.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked 18 June 2010
5.6 Sydney to Canberra Corridor	Revoked 10 July 2008
5.7 Central Coast	Revoked 10 July 2008
5.8 Second Sydney Airport: Badgerys Creek	Revoked 20 August 2018
5.9 North West Rail Link Corridor Strategy	This direction does not apply to the Kiama LGA.
5.10 Implementation of Regional Plans	<p>The PP is consistent with the Illawarra-Shoalhaven Regional Plan (see Section 4.3 of this report).</p> <p>The PP is consistent with Direction 5.10 – Implementation of Regional Plans.</p>
5.11 Development of Aboriginal Land Council land	The subject sites are not identified on the Land Application map of <i>State Environmental Planning Policy (Aboriginal Land) 2019</i> .

<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements	<p>The PP does not increase the requirement for concurrence, consultation or referral of development applications to a Minister or public authority.</p> <p>The PP is consistent with Direction 6.1 – Approval and Referral Requirements.</p>
6.2 Reserving Land for Public Purposes	<p>The subject PP seeks to rezone land that is Public Reserve on Title to RE1 Public Recreation. The land being rezoned is already used for public purposes.</p> <p>The PP is consistent with Direction 6.2 – Reserving Land for Public Purposes.</p>
6.3 Site Specific Provisions	<p>The subject PP seeks to rezone 2 Eddy Street, Kiama, to facilitate a wider range of commercial development, including potential relocation of the Kiama men's Shed (<i>a community facility</i>).</p> <p>The PP is consistent with Direction 6.3 – Site Specific Provisions.</p>
<b>7. Metropolitan Planning</b>	
These directions do not apply to the Kiama Municipality	

## Appendix 2 – SP2 Zoned Land Incorrectly Annotated

<b>Site Lot and Plan</b>	<b>Address &amp; Locality</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>	<b>Lot Size</b> <i>Current and Proposed</i>	<b>Height of Building</b> <i>Current and Proposed</i>	<b>Floor Space Ratio</b> <i>Current and Proposed</i>	<b>Map Sheet</b>
Lot 14 DP 869959	205 Terralong Street, KIAMA	SP2 SES	SP2 Emergency Services Facility	Nil – No change	11 – No change	0.9 – No change	12
Lot 51 DP 804377	210 Shoalhaven Street, KIAMA	SP2 Fire Station and Ambulance	SP2 Emergency Services Facility	Nil – No change	11 – No change	0.9 – No change	12
Lot 1 & Lot 3 DP 1236189	206 Terralong Street, KIAMA	SP2 Fire Station and Ambulance	SP2 Emergency Services Facility	Nil – No change	11 – No change	0.9 – No change	12
Lot 1 DP 106081	24 Terralong Street, KIAMA	No land use assigned – Post Office	SP2 Public Administration Building	Nil – No change	11 – No change	0.9 – No change	12
Lot 1 Section 5 DP 758563	30 Terralong Street, KIAMA	No land use assigned – NSW Police	SP2 Emergency Services Facility	Nil – No change	11 – No change	0.9 – No change	12
Lot 7033 DP 1061038	32 Terralong Street, KIAMA	SP2 Council Chambers	SP2 Emergency Services Facility	Nil – No change	8.5 – No change	0.9 – No change	12
Part of Lot 48 DP 250008	46 Blackwood Street, GERRINGONG	SP2 Fire Station	SP2 Emergency Services Facility	Nil – No change	8.5 – No change	Part of Lot 48: 0.9 –	14

						No Change	
Part of Lot 60 DP 703112	Blackwood Street, GERRINGONG	SP2 Fire Station	SP2 Emergency Services Facility	Nil – No change	8.5 – No change	Part of Lot 60: Nil – Add 0.9	14
Lot 100 DP 803472	7 Railway Parade, KIAMA	SP2 Library	SP2 Information and Education Facility	Nil – No change	Nil – No change	Nil – No change	12
Part of Lot 206 & part of Lot 207 DP 1164476 Part of Lot 10 DP 1167819	Fern Street, GERRINGONG	No land use assigned – On/off ramp	SP2 Classified Road	Nil – No change	Nil – No change	Nil – No change	13
Part of Lot 38 DP 873965	Fern Street, GERRINGONG	SP2 Town Hall	SP2 Community Facility	Nil – No Change	Nil – No Change	Nil – No Change	14
Lot 1 DP 1056775	Meehan Drive, KIAMA DOWNS	SP2 Community Facilities	SP2 Water Storage Facility	Nil – No change	Nil – No change	0.45 - remove	12
Lot 51 DP 830172	Saddleback Mountain Road, KIAMA	No land use assigned	SP2 Water Supply System	Nil – No change	Nil – No change	Nil – No change	12



### Appendix 3 - Land to be zoned for Public Recreation

<b>Site Lot and Plan Number</b>	<b>Address and Locality</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>	<b>Lot Size</b> <i>Current and Proposed</i>	<b>Height of Building</b> <i>Current and Proposed</i>	<b>Floor Space Ratio</b> <i>Current and Proposed</i>	<b>Map Sheet</b>
Lot 8 DP 839577	7 Bland Street, KIAMA	R2 Low Density Residential	RE1 Public Recreation	450 - Remove	8.5 – Remove	0.45 – Remove	12
Lot 600 DP 1044512	Bland Street, KIAMA	R3 Medium Density Residential	RE1 Public Recreation	450 - Remove	Nil – No change	Nil – No change	12
Lot 88 & Lot 89 DP 838437	Burnett Avenue, GERRINGONG	R2 Low Density Residential	RE1 Public Recreation	450 - Remove	8.5 – Remove	0.45 – Remove	14
Lot 86 DP 838437	Burnett Avenue, GERRINGONG	R2 Low Density Residential	RE1 Public Recreation	450 - Remove	8.5 – Remove	0.45 – Remove	14
Lot 8 DP 850163	Elouera Place, KIAMA	R2 Low Density Residential	RE1 Public Recreation	450 - Remove	8.5 – Remove	0.45 – Remove	12
Lot 1429 DP 1061892	Eugene Street, KIAMA	R2 Low Density Residential	RE1 Public Recreation	450 - Remove	Nil – No change	Nil – No change	12
Lot 53 DP 884475	Fern Street, GERRINGONG	B2 Local Centre	RE1 Public Recreation	Nil – No change	11 - Remove	0.45 – Remove	14
Lot 91 DP 838437	Fern Street, GERRINGONG	Part RE1 Part E2 Environmental Conservation	Amend zone boundaries to reflect Terrestrial	Nil – No change	Nil – No change	Nil – No change	13/14

			Biodiversity Layer				
Lot 1319 DP 1060995	Greyleigh Drive, KIAMA	RU2 Rural Landscapes	RE1 Public Recreation	40ha - remove	Nil – No change	Nil – No change	12
Lot 300 DP 1059841	Greyleigh Drive, KIAMA	RU2 Rural Landscapes	RE1 Public Recreation	40ha - remove	Nil – No change	Nil – No change	12
Lot 199 DP 1042913	Greyleigh Drive, KIAMA	RU2 Rural Landscapes	RE1 Public Recreation	40ha - remove	Nil – No change	Nil – No change	12
Lot 100 DP 1042908	Greyleigh Drive, KIAMA	RU2 Rural Landscapes	RE1 Public Recreation	40ha - remove	Nil – No change	Nil – No change	12
Lot 2 DP 1179778	Greyleigh Drive, KIAMA	RU2 Rural Landscapes	RE1 Public Recreation	40ha - remove	Nil – No change	Nil – No change	12
Lot 2 DP 1065404	Headland Drive, GERROA	E3 Environmental Management	RE1 Public Recreation	Part 450sqm/40ha – remove from all	Part 8.5/Nil – Remove from all	Part 0.45/Nil – Remove from all	14/15
Lot 52 DP 1098436	Jamberoo Road, KIAMA	E2 Environmental Conservation	RE1 Public Recreation	Nil – No change	Nil – No change	Nil – No change	12
Lot 2 DP 1056775	Meehan Drive, KIAMA DOWNS	SP2 Community Facilities	RE1 Public Recreation	Nil – No change	Nil – No change	0.45 - Remove	11
Lot 747 DP 1171578	Millewa Avenue, GERRINGONG	R2 Low Density Residential	RE1 Public Recreation	450 - Remove	8.5 - Remove	0.45 - Remove	14

Lot 231 DP 1060665	Neptune Street, GERRINGONG	R2 Low Density Residential	RE1 Public Recreation	450 - Remove	8.5 - Remove	0.45 - Remove	14
Lot 1310 DP 1060995	Old Saddleback Road, KIAMA	R2 Low Density Residential	RE1 Public Recreation	450 - Remove	8.5 - Remove	0.45 - Remove	12
Lot 499 DP 1064140	Old Saddleback Road, KIAMA	R2 Low Density Residential	RE1 Public Recreation	450 - Remove	Nil – No change	Nil – No change	12
Lot 21 DP 264151	Tanner Place, KIAMA	R2 Low Density Residential	RE1 Public Recreation	450 - Remove	8.5 - Remove	0.45 - Remove	12
Lot 702 DP 1148475	Union Way, GERRINGONG	R2 Low Density Residential	RE1 Public Recreation	450 - Remove	8.5 - Remove	0.45 - Remove	14
Lot 535 DP 1111492	Union Way, GERRINGONG	R2 Low Density Residential	RE1 Public Recreation	450 - Remove	8.5 - Remove	0.45 - Remove	14
Lot 206 DP 1180016	Union Way, GERRINGONG	Part R2 Low Density Residential and Part RU2 Rural Landscapes	RE1 Public Recreation	40ha - Remove	Part 8.5/Nil – Remove from all	Part 0.45/Nil – Remove from all	14
Lot 130 DP 1052645	18 Union Way, GERRINGONG	R2 Low Density Residential	RE1 Public Recreation	450 - Remove	8.5 - Remove	0.45 - Remove	14
Lot 206 DP 1156196	Wells Street, GERRINGONG	R2 Low Density Residential	RE1 Public Recreation	Part 450sqm/40ha – Remove from all	Part 8.5/Nil – Remove from all	Part 0.45/Nil – Remove from all	14

#### Appendix 4 - State Agency owned Land

<b>Site Lot and Plan</b>	<b>Address</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>	<b>Lot Size</b> <i>Current and Proposed</i>	<b>Height of Building</b> <i>Current and Proposed</i>	<b>Floor Space Ratio</b> <i>Current and Proposed</i>	<b>Map Sheet</b>
Lot 1 DP 883525	20 Eddy Street, KIAMA	SP2 Railway	B2 Local Centre	Nil – No change	Nil – Add 11	Nil – Add 1.5	12
Lot 909 DP 236615	133 North Kiama Drive, KIAMA DOWNS	R2 Low Density Residential	SP2 Water Supply System	450 - Remove	8.5 - Remove	0.45 - Remove	11



## **How to contact Council**

### **Post**

General Manager  
Kiama Municipal Council  
PO Box 75  
Kiama NSW 2533

### **Telephone**

+61 (02) 4232 0444

### **Facsimile**

+61 (02) 4232 0555

### **Online**

Email: [council@kiama.nsw.gov.au](mailto:council@kiama.nsw.gov.au)

Website: [www.kiama.nsw.gov.au](http://www.kiama.nsw.gov.au)

### **Office hours**

Our Administration Building located at  
11 Manning Street Kiama is open 8.45 am to 4.15 pm  
Monday to Friday (excluding public holidays)



**KIAMA MUNICIPAL COUNCIL**  
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