

**12.4 Planning Proposal - Housekeeping Amendments to address mapping anomalies and introduce Urban Release Area controls - finalisation**

CSP Objective: 2.0 Well planned and managed spaces, places and environment

CSP Strategy: 2.1 Maintain the separation and distinct nature of local towns, villages and agricultural land

Delivery Program: 2.1.1 Develop and implement appropriate land use plans

**Summary**

On 20 October 2020, Council supported a Planning Proposal (PP) for general housekeeping amendments to *Kiama Local Environmental Plan (LEP) 2011* to address zoning anomalies on a number of sites within the Local Government Area.

A Gateway Determination was issued by the Department of Planning, Industry and Environment (DPIE) on 31 May 2021.

At the July 2021 meeting, Council supported a further amendment to the PP to address zoning anomalies on land owned and operated by Sydney Water and to include specific provisions for new Urban Release Areas.

An Alteration Gateway Determination was issued by DPIE on 2 September 2021, granting plan making delegation.

As required by the conditions of the Gateway Determination, the PP was referred to the NSW RFS.

The PP was placed on public exhibition between 17 September and 18 October 2021. No submissions were received during the exhibition period. No issues were raised by the relevant State agencies that warrant not proceeding with this PP.

As such, it is recommended that Council endorse this Planning Proposal and use its plan making delegations to finalise the relevant amendments to *Kiama Local Environmental Plan 2011*.

**Financial implication**

The budget associated with the Strategic Planning Works Program allows for the completion of up to two housekeeping amendments to the Kiama LEP, each year.

**Policy**

Planning Proposals require consideration of a number of Acts, Government policies, environmental planning instruments and planning documents. Specifically, the *Environmental Planning and Assessment Act 1979*, *Kiama LEP 2011*, Illawarra-Shoalhaven Regional Plan, Kiama Local Strategic Planning Statement 2020 and the Kiama Planning Proposal Policy.

**Consultation (internal)**

Council's Property and Development Assessment teams were consulted with as part of the PP process. No objection was raised.

**Communication/Community engagement**

The subject PP was placed on public exhibition from 17 September to 18 October 2021. The Kiama Community Participation Plan (CPP) 2019 outlines that Council will

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actively inform the community of plan making projects by placing notices in a range of media platforms, this included Council's website, social media platforms and on the NSW Planning Portal Website.

Direct notification was also sent to:

- Minnamurra Progress Association
- Jamberoo Valley Residents and Ratepayers Association
- Central Precinct Committee
- South Precinct Committee
- Gerroa Community Association
- Combined Community Advocacy Group

**Attachments**

- 1 Planning Proposal - Housekeeping Amendments to Kiama LEP 2011
- 2 DPIE Gateway Determination - Housekeeping Planning Proposal
- 3 DPIE Alteration Gateway Determination - Housekeeping Planning Proposal
- 4 NSW Rural Fire Service Response - Housekeeping Planning Proposal

**Enclosures**

Nil

**RECOMMENDATION**

That Council:

1. Endorse this Housekeeping Amendment Planning Proposal to address mapping anomalies and introduce Urban Release Area controls to *Kiama Local Environmental Plan (LEP) 2011* which specifically:
  - a. amends the relevant Land Zoning Maps, and Floor Space Ratio Maps for the following sites 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 and adopt associated development standards:
    - i. Part of Lot 48 DP 250008 - 46 Blackwood Street, Gerringong,
    - ii. Part of Lot 60 DP 703112 - Blackwood Street, Gerringong,
    - iii. Part of Lot 206 & part of Lot 207 DP 1164476 - Fern Street, Gerringong,
    - iv. Part of Lot 10 DP 1167819 - Fern Street, Gerringong,
    - v. Part of Lot 38 DP 873965 - Fern Street, Gerringong,
    - vi. Lot 100 DP 803472 - 7 Railway Parade, Kiama,

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- vii. Lot 51 DP 830172 - Saddleback Mountain Road, Kiama,
  - viii. Lot 51 DP 804377 - 210 Shoalhaven Street, Kiama,
  - ix. Lot 14 DP 869959 - 205 Terralong Street, Kiama,
  - x. Lots 1 & 3 DP 1236189 - 206 Terralong Street, Kiama,
  - xi. Lot 1 DP 106081 - 24 Terralong Street, Kiama,
  - xii. Lot 1 Section 5 DP 758563 - 30 Terralong Street, Kiama,
  - xiii. Lot 7033 DP 1061038 - 32 Terralong Street, Kiama,
  - xiv. Lot 1 DP 1056775 - Meehan Drive, Kiama Downs,
- b. amends the relevant Land Zoning Maps, Lot Size Maps, Height of Buildings Maps and Floor Space Ratio Maps for the following Public Reserves to rezone land to RE1 Public Recreation and/or E2 Environmental Conservation and remove associated development standards:
- i. Lots 86, 88 & 89 DP 838437 – Burnett Avenue, Gerringong,
  - ii. Lot 53 DP 884475 – Fern Street, Gerringong,
  - iii. Lot 91 DP 838437 – Fern Street, Gerringong,
  - iv. Lot 747 DP 1171578 – Millewa Avenue, Gerringong,
  - v. Lot 231 DP 1060665 – Neptune Street, Gerringong,
  - vi. Lot 21 DP 264151 – Tanner Place, Kiama,
  - vii. Lot 702 DP 1148475 – Union Way, Gerringong,
  - viii. Lot 206 DP 1180016 – Union Way, Gerringong,
  - ix. Lot 130 DP 1052645 – 18 Union Way, Gerringong,
  - x. Lot 206 DP 1156196 - Wells Street, Gerringong,
  - xi. Lot 2 DP 1065404 – Headland Drive, Gerroa,
  - xii. Lot 8 DP 839577 – 7 Bland Street, Kiama,
  - xiii. Lot 600 DP 1044512 – Bland Street, Kiama
  - xiv. Lot 8 DP 850163 – Elourea Place, Kiama,
  - xv. Lot 1429 DP 1061892 – Eugene Street, Kiama,
  - xvi. Lot 1319 DP 1060995 – Greyleigh Drive, Kiama,
  - xvii. Lot 300 DP 1059841 - Greyleigh Drive, Kiama,
  - xviii. Lot 199 DP 1042913 - Greyleigh Drive, Kiama,
  - xix. Lot 100 DP 1042908 - Greyleigh Drive, Kiama,
  - xx. Lot 2 DP 1179778 - Greyleigh Drive, Kiama,
  - xxi. Lot 1310 DP 1060995 –Old Saddleback Road, Kiama,
  - xxii. Lot 499 DP 1064140 – Old Saddleback Road, Kiama,
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- xxiii. Lot 2 DP 1056775 – Meehan Drive, Kiama Downs,
- c. amends the relevant Land Zoning Map, Lot Size Map, Height of Buildings Map and Floor Space Ratio Map for the following State agency owned sites to rezone from R2 to SP2 to reflect the current and intended use of the sites:
- i. Lot 909 DP 236615 – 133 North Kiama Drive, Kiama Downs;
- ii. Lot 2 DP 793745 – Gwinganna Avenue, Kiama;
- iii. Lot 139 DP 29245 – 15 North Street, Minnamurra,
- iv. Lot 400 DP 801403 – Newing Circuit, Kiama Downs, and
- v. Lot 436 DP 1088899 – 46 Union Way, Gerringong,
- d. amends the Land Zoning Map, Lot Size Map, Height of Buildings Map and Floor Space Ratio Map for one (1) State agency owned site, Lot 1 DP 883525 – 20 Eddy Street, Kiama, to rezone from SP2 Infrastructure to B2 Local Centre and adopt a maximum permitted Height of Building of 11m and Maximum permitted Floor Space Ratio of 1.5:1;
- e. amends Schedule 1 and Additional Permitted Use Map – Sheet APU\_012 to include *community facilities* as a use permitted without development consent on Lot 1 DP 883525, 20 Eddy Street;
- f. includes specific provisions for Urban Release Areas.
2. Use its plan making delegations to make the necessary amendments to the *Kiama Local Environmental Plan 2011*.

**BACKGROUND**

As part of the ongoing Strategic Planning Works Program, Council seeks to ensure the currency of the Kiama LEP 2011 by undertaking annual housekeeping amendments.

Since its publication in 2011 a number of mapping anomalies have been identified. This PP has therefore been conducted to:

- amend the land use annotations for a number of sites zoned SP2 Infrastructure, listed in Appendix 2, to ensure consistency with Standard Instrument definitions, and changing the Floor Space Ratio for two sites,
- rezone a number Public Reserves, listed in Appendix 3, from their current zoning to RE1 Public Recreation and/or E2 Environmental Conservation,
- rezone five (5) State agency owned sites, listed in Appendix 4, from R2 to SP2 to reflect the current and intended use of the sites,
- rezone one (1) State agency owned site, Eddy Street, listed in Appendix 4, from SP2 to B2 to reflect the current and intended use of the site, and
- include specific provisions for Urban Release Areas.

The Urban Release Areas provisions will allow Council to ensure that, as part of resolving to support any significant future planning proposals, site specific

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development control plans and servicing arrangements will need to be prepared prior to development consent being issued for subdivision. This will ensure that infrastructure is established to service the subdivision and that the cost is worn by the developer and not the community.

**Council Resolutions**

At the October 2020 Ordinary meeting, Council resolved to support the proposal to:

- amend land use notations for land zoned SP2 Infrastructure,
- rezone public reserves to RE1 Public Recreation,
- rezone 20 Eddy Street, Kiama, from SP2 Infrastructure to B2 Local Centre, and
- rezone 133 North Kiama Drive, Kiama Downs from R2 Low Density Residential to SP2 Infrastructure – Water Supply System.

Council resolved to support and submit the PP to the DPIE for a Gateway Determination. This support was based on the strategic merit of the proposal.

At the July 2021 Ordinary Meeting, Council resolved to amend the Planning Proposal to include the:

- rezoning of Lot 2 DP 793745, Gwinganna Avenue, Kiama from R2 Low Density Residential to SP2 - Water Supply System;
- rezoning of 15 North Street, Minnamurra from R2 Low Density Residential to SP2 Water Supply System;
- rezoning of Lot 400 DP 801403, Newing Circuit, Kiama Downs from R2 Low Density Residential to SP2 Water Supply System;
- rezoning of 46 Union Way, Gerringong from R2 Low Density Residential to SP2 Water Supply System; and
- to Amend Kiama LEP 2011 to include provisions for Urban Release Areas.

**Gateway Determinations**

A Gateway Determination was issued by the Department of Planning, Industry and Environment on 31 May 2021, granting plan making delegation. The Gateway Determination required minor updates to the PP.

Following Council's resolution in July 2021, the amended LEP Housekeeping PP was forwarded to the Department Planning, Industry and Environment (DPIE) for an Alteration Gateway Determination. An Alteration Gateway Determination was issued 2 September 2021.

The Alteration Gateway Determination required Council to consult with the NSW RFS under Section 3.34(2)(d) of the Act and to comply with the requirements of Section 9.1 Direction 4.4 Planning for Bushfire Protection prior to a public exhibition period of 28 days. All actions associated with the Gateway Determination are to be completed by 2 September 2022 (i.e. within 12 months). It is pleasing that this planning proposal has met the timeframe set for completion, meeting this target with over 11 months to spare.

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**ASSESSMENT OF PLANNING PROPOSAL****State Agency/Organisation Referrals**

As required by the conditions of the Gateway Determination, the PP was referred to the prescribed agencies/organisations for comments for a period of 21 days from the 7 September 2021.

Consultation with NSW RFS was required with the NSW RFS under section 3.34(2)(d) of the Act and to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection.

The NSW RFS raised no concerns or issues that warrant no longer proceeding with this Proposal. The following response was provided by the agency.

| Agency                                       | Comments   | Staff Response and/or any changes made to proposal   |
|--|--|--|
| New South Wales Rural Fire Service (NSW RFS) | <p>The PP seeks to rezone a number of sites used for recreation purposes (and Public Reserve on Title). The PP seeks to rezone 20 Eddy Street, Kiama from SP2 Infrastructure - Railway to B2 Local Centre and 133 North Kiama Drive, Kiama Downs, from R2 Low Density Residential to SP2 Infrastructure - Water Supply System</p> <p>The NSW RFS has considered the information submitted and subsequently raise no concerns or issues in relation to bush fire.</p> | <p>The Planning Proposal complies with section 9.1 Direction 4.4 <i>Planning for Bushing Protection 2019</i>.</p> <p>This PP does not alter these requirements or obligations.</p> <p>No changes have been made to proposal.</p> |

**Public Exhibition**

The subject PP was placed on public exhibition from 17 September to 18 October 2021. The Kiama Community Participation Plan (CPP) 2019 outlines that Council will actively inform the community of plan making projects by placing notices in a range of media platforms.

Direct notification was sent to:

- Minnamurra Progress Association
- Jamberoo Valley Residents and Ratepayers Association
- Central Precinct Committee
- South Precinct Committee
- Gerroa Community Association
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Notification was also provided on Council's social media platforms, the 'Your Say' function of Council's website and on the NSW Planning Portal Website.

During the exhibition period, no submissions were received.

**Delegations**

As part of issuing the Alteration Gateway Determination, DPIE delegated plan making functions for this PP to Council. As such, Council is the decision-making authority for this PP. As the planning proposal authority, Council are satisfied that the PP has been carried out in accordance with the conditions prescribed by the Gateway Determination.

**Conclusion**

This planning proposal provides important updates and resolves anomalies within the Kiama Local Environmental Plan 2011 to ensure that controls within this plan are relevant and valid. Importantly the PP provides updates to state owned land, resolves anomalies on reserves and other land identified in the Kiama LGA. The PP also enables Council to include specific provisions for Urban Release Areas.

The PP was placed on public exhibition between 17 September and 18 October 2021. No submissions were received during the exhibition period. No issues were raised by the relevant State agencies that warrant not proceeding with this PP.

As such, it is recommended that Council endorse this Planning Proposal and use its plan making delegations to finalise the relevant amendments to *Kiama Local Environmental Plan 2011*.





# Housekeeping Planning Proposal to Amend Kiama LEP 2011

Revision 4



**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, and changing the Floor Space Ratio for two sites.
2. rezone a number Public Reserves, listed in Appendix 3, from their current zoning to RE1 Public Recreation and/or E2 Environmental Conservation, and
3. rezone five (5) State agency owned sites, listed in Appendix 4, from R2 to SP2 to reflect the current and intended use of the sites.
4. rezone one (1) State agency owned site, Eddy Street, listed in Appendix 4, from SP2 to B2 to reflect the current and intended use of the site.
5. Include specific provisions for Urban Release Areas.

### **2.0 Explanation of provisions**

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

1. Amending the relevant Land Zoning Maps, and Floor Space Ratio 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 and adopt associated development standards;
2. Amending the relevant Land Zoning Maps, Lot Size Maps, Height of Buildings Maps and Floor Space Ratio Maps as per Appendix 3 to rezone land to RE1 Public Recreation and/or E2 Environmental Conservation and removed associated development standards;
3. Amend Land Zoning Map, Lot Size Map, Height of Buildings Map and Floor Space Ratio Map as per Appendix 4 from R2 Low Density Residential to SP2 Infrastructure - Water Supply System.
4. Amend Land Zoning Map, Height of Buildings Map and Floor Space Ratio on Lot 1 DP 883525, 20 Eddy Street, from SP2 Infrastructure - Railway to B2 Local Centre and adopting a maximum permitted Height Of Building of 11m and Maximum permitted Floor Space Ratio of 1.5:1;
5. Amend Schedule 1 to include *community facilities* as a use permitted without development consent on Lot 1 DP 883525, 20 Eddy Street; and
6. Amend Additional Permitted Use Map – Sheet APU\_012 to show that an additional permitted use applies to Lot 1 DP 883525, 20 Eddy Street;
7. Insert controls for Urban Release Areas.

#### **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:

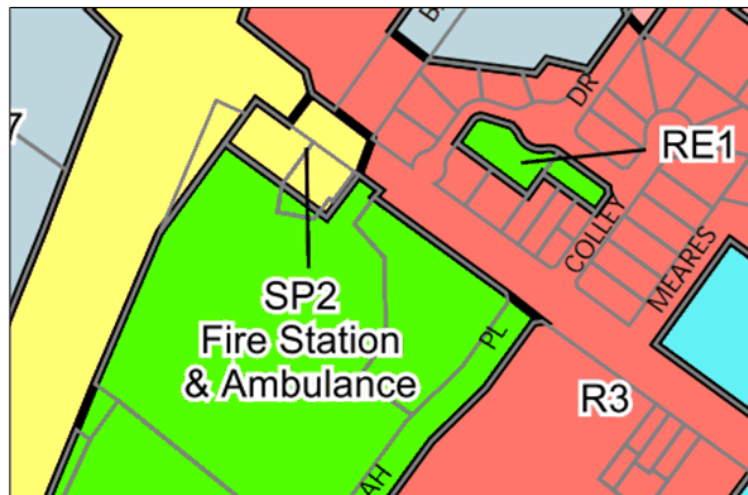


Figure 1 - Current Zoning Annotation of 206 & 210 Terralong Street

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:

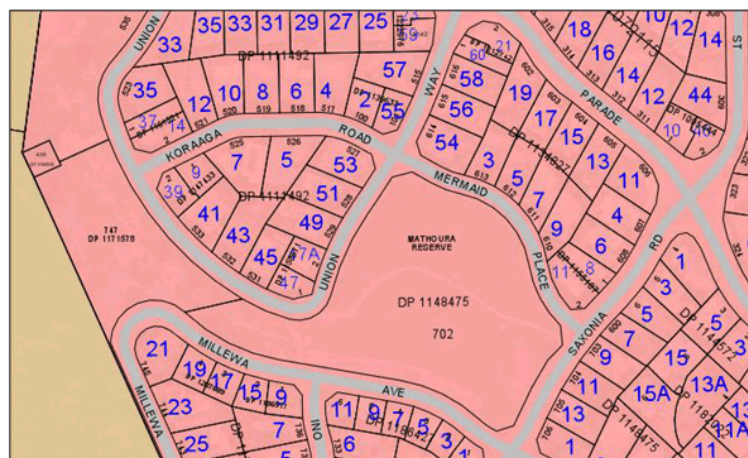


Figure 2 - Current Zoning of Mathoura Reserve, Elambra Estate

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.

SEPP 55 requires Council to be satisfied that the land is suitable (or can be made suitable) for the proposed use/s. 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 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.

An environmental site assessment conducted on the site indicated that the site was used for storage and warehouse purposes as early as 1963. The current surrounding land uses are residential and commercial properties. The site is suitable in its current state for commercial/industrial and medium to high density residential development. Should low density residential development or open space be proposed, the site investigation indicates that remediation works would be required prior to these land uses being suitable. Although the B2 Local Centre zone allows for shop top housing which has a residential component, this proposed development would fall in the medium to low density residential component which does not require any remediation works and the site is suitable in its current state.

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. In order to reduce the amount of 'red tape' it is proposed to make *community facilities* a use that is permitted without development consent on the site. 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 five (5) sites throughout the Kiama that are currently owned by Sydney Water Corporation that are used for infrastructure purposes that are not zoned accordingly. The PP seeks to rezone these sites from R2 to SP2 Water Supply System to better reflect the current and future use of the site for Sydney Water infrastructure. The five (5) sites are listed in Appendix 4 and include; 133 North Kiama Drive, Gwinganna Avenue, 15 North Street, Newing Circuit and 46 Union Way.

The sites are currently zoned R2 Low Density Residential even though their intended use was not for residential purposes. The R2 zoning falsely indicates that the land may be used for residential development. 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. 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 is not required.

#### **Urban Release Area Clause**

Urban Release Area provisions will ensure that once land has been rezoned, other strategic planning processes will need to occur and be finalised before development consent can be issued for future development. These provisions will allow Council to ensure that, as part of resolving to support any significant future planning proposals, site specific development control plans and servicing arrangements will need to be prepared prior to development consent being issued for subdivision. The final wording of this clause will be determined following consultation with the community and the NSW Parliamentary Counsel office.

### **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*.

Only amending the LEP by way of inserting 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.

In regards to the rezoning of the five (5) sites listed in Appendix 4, that are currently owned by Sydney Water Corporation LGA, alternative mechanisms to amend the LEP to facilitate such development include Additional Permitted Uses (Schedule 1 of Kiama LEP 2011).

Only amending the LEP by way of inserting an Additional Permitted Use in the R2 zone to permit infrastructure on the site is not considered to be the best means of achieving the intended outcomes of the PP as it unnecessarily permits potential development that would not be



appropriate for residential sites and continues to falsely indicate that the land may be used for residential development even though the intended use was not for residential purposes. For this reason, rezoning the sites from R2 to SP2 through the planning proposal is considered the best means of achieving the objectives and/or intended outcomes.

#### **Urban Release Area Clause**

This PP seeks to include provisions for Urban Release Areas. A PP is the only mechanism available to include a new set of the controls in the LEP. These provisions will allow Council to ensure that, as part of resolving to support any significant future planning proposals, site specific development control plans and servicing arrangements will need to be prepared prior to development consent being issued for subdivision. This will ensure that infrastructure is established to service the subdivision and that the cost is worn by the developer and not the community.

#### **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) 2041. It is considered that the proposed amendments to the Kiama LEP 2011 are consistent with the objectives contained within the plan, specifically:

- Objective 11
- Objective 18
- Objective 21

##### *Objective 11 – Protect important environmental assets*

The Planning Proposal is considered to be consistent with and give effect to Objective 11 of the ISRP. The PP is consistent with the intent of Strategy 11.4 – Protect biodiversity values in urban release areas by incorporating validated, up-to-date environmental data into local strategic planning and local plans, in that it is ensuring that the zoning of Lot 91 DP 838427, Fern Street, Gerringong reflects the biodiversity values on the site. Kiama LEP maps a portion of the site zoned RE1 as containing terrestrial biodiversity (i.e. clause 6.4). 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. The Planning Proposal also incorporates an Urban Release Area Clause to ensure the protection of biodiversity values.

##### *Objective 18 – Provide housing supply in the right locations*

The Planning Proposal is considered to be consistent with and give effect to Objective 18 of the ISRP. The PP is consistent with the intent of Strategy 18.3 – Identify, prioritise and coordinate infrastructure needed to support vibrant and healthy communities in the regions urban release areas through the Illawarra Shoalhaven Development Program. This PP seeks to incorporate an Urban Release Area Clause in the LEP to ensure infrastructure needed to support vibrant and healthy communities is provided in identified urban release areas.

##### *Objective 21 – Respond to the changing needs of local neighbourhoods*

The Planning Proposal is considered to be consistent with and give effect to Objective 21 of the ISRP. The PP is consistent with Strategy 21.1 – Consider the changing needs of local neighbourhood centres in local strategic planning and local plans by exploring flexibility and supporting a mix of land uses so that local spaces can be adapted to new uses and user needs over time. Whilst not within the Kiama Town Centre, Lot 1 DP883525, 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. Rezoning this site will facilitate a wider range of commercial activities on the site and will allow Transport for NSW to lease the site to the Kiama Men's Shed for the purposes of a community facility. Increasing the amount of land zoned for public recreation purposes will contribute to building healthy communities. This PP also seeks to incorporate an Urban Release Areas Clause in the LEP which will ensure that arrangements are made for the provision of State public infrastructure before any development consent is granted for development on land in an urban release area. This will ensure that appropriate infrastructure is provided to service the residents.

**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.

There are five (5) sites throughout the Kiama that are currently owned by Sydney Water Corporation LGA that are used for infrastructure purposes that are not zoned accordingly. The PP seeks to rezone these sites from R2 to SP2 Water Supply System to better reflect the current and future use of the site for Sydney Water infrastructure. The five (5) sites are listed in Appendix 4 and include; 133 North Kiama Drive, Gwinganna Avenue, 15 North Street, Newing Circuit and 46 Union Way.

The sites are currently zoned R2 Low Density Residential even though their intended use was not for residential purposes. The R2 zoning falsely indicates that the land may be used for residential development. 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. 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 is 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

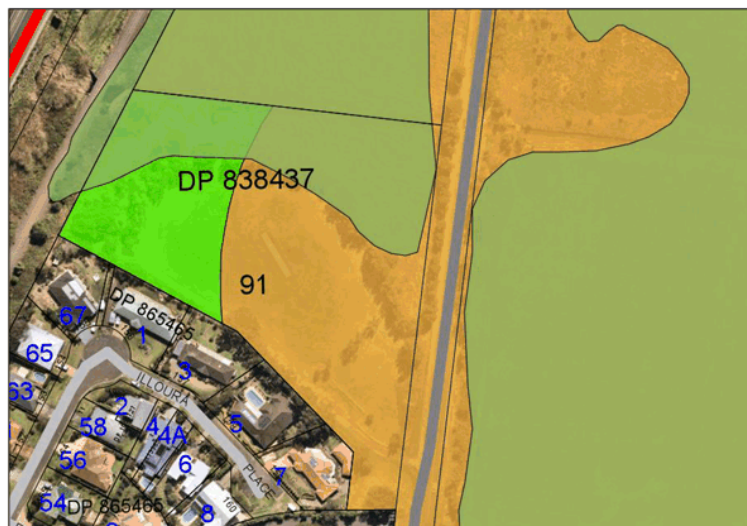


Figure 8 – Zoning and Terrestrial Biodiversity Overlay Lot 91 DP 838437

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.

Five (5) sites owned by Sydney Water, listed in Appendix 4, are currently occupied by Sydney Water Corporation infrastructure. The PP seeks to rezone the sites from R2 to SP2 Water Supply System to more accurately reflect the current use of the site. The five (5) sites are listed in Appendix 4 and include; 133 North Kiama Drive, Gwinganna Avenue, 15 North Street, Newing Circuit and 46 Union Way.

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.

Amending the LEP to include provisions for Urban Release Areas will have a positive effect on the community as it ensures that State public infrastructure will be established prior to any development consent for development on land in urban release areas, and the cost worn by the developer.

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.

Amending the LEP to include provisions for Urban Release Areas will have positive social effects for the community as it will ensure appropriate development control plans are in place prior to development consent being granted for any future development. This will ensure that best practice urban design, stormwater management, open green space, connectivity etc occurs.

**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 the five (5) sites owned by Sydney Water, listed in Appendix 4, is not considered to have an impact on public infrastructure available to the site. The sites include; 133 North Kiama Drive, Gwinganna Avenue, 15 North Street, Newing Circuit and 46 Union Way. The sites are located within an existing residential area provided with adequate public infrastructure. The

rezoning of the sites is to reflect the use of the sites 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.

Amending the LEP to include provisions for Urban Release Areas will ensure that there is adequate infrastructure for future planning proposals. The objectives of the provisions are to ensure that satisfactory arrangements are to be made for the provision of State public infrastructure before any development consent for future development is granted. This will ensure that future residents can be serviced adequately.

### 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

Whilst Council proposed to consult with the following agencies:

- Sydney Water
- Sydney Trains
- Endeavour Energy
- NSW Rural Fire Services

The Gateway Determination only requires consultation with the NSW Rural Fire Services.

## 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 LSZ\_011;
  - Sheet LSZ\_012;
  - Sheet LSZ\_014; and
  - Sheet LSZ\_015
- Height of Buildings Map:
  - Sheet HOB\_011;
  - Sheet HOB\_012;
  - Sheet HOB\_014; and
  - Sheet HOB\_015



- Floor Space Ratio Map:
  - Sheet FSR\_011;
  - Sheet FSR\_012;
  - Sheet FSR\_014; and
  - Sheet FSR\_015
- Additional Permitted Uses:
  - Sheet APU\_012

## 5.0 Community Consultation

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

- 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.

|  | Timeframe   | Possible dates |
|--|---|----------------|
| Submit to DPIE seeking a Gateway Determination                                       |   | April 2021     |
| Receive Gateway Determination  | 4 weeks from submission date  | May 2021       |
| Preparation of any outstanding studies (if required)                                 | N/A   | N/A            |
| Consult with State/Commonwealth agencies   | 4 weeks from completing review of any outstanding studies                                 | August 2021    |
| Exhibition of PP and technical studies (assuming no requirement to resubmit to DPIE) | 4 weeks from completing review of any outstanding studies                                 | September 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   | October 2021   |
| Report to Council for final endorsement  | First available Council meeting after completion of review of submissions (allow 8 weeks) | November 2021  |

|  |  |               |
|--|--|---------------|
| Seek Parliamentary Counsel Office's (PCO) opinion. | 2 weeks from date of Council meeting minutes being published | December 2021 |
| Submit maps to DPIE for review                     | 2 weeks from date of Council meeting minutes being published | December 2021 |
| Submit to DPIE to publish LEP amendment            | 4-6 weeks from date PCO's opinion requested                  | February 2022 |
| Anticipated publication date of LEP amendment      | 2 weeks from date of submission to DPIE                      | March 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</p>   |

|                                    |   |
|------------------------------------|---|
|                                    | <p>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 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>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>  |

|   |   |
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|   | 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   | The PP will not alter the existing provisions of the Kiama LEP 2011 and Kiama DCP 2020 which give effect to heritage conservation.<br><br>The PP is consistent with Direction 2.3 – Heritage Conservation.  |
| 2.4 Recreation Vehicle Areas  | The PP will not alter existing development permissibility within the municipality in regards to vehicle recreation areas.<br><br>The Planning Proposal is consistent with Direction 2.4 – Recreation Vehicle Area.  |
| 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  | 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.<br><br>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.<br><br>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.<br><br>The PP is consistent with Direction 2.6 – Remediation of Contaminated Land. |
| <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 five (5) parcels of land from R2 to SP2 Infrastructure (Water Supply System) to better align the site with their current use. Amending the LEP to include provisions for Urban Release Areas will ensure that best practice urban design, stormwater management, open green space, connectivity etc occurs.  |

|   |   |
|---|---|
|   | The PP is consistent with Direction 3.1 – Residential Zones.  |
| 3.2 Caravan Parks and Manufactured Home Estates               | The PP does not reduce the permissibility of caravan parks and does not rezone existing caravan parks.<br>The PP is consistent with Direction 3.2 – Caravan Parks and Manufactured Home Estates.  |
| 3.3 Home Occupations  | Revoked.<br>The PP is consistent with Direction 3.3 – Home Occupations.   |
| 3.4 Integrating Land Use and Transport                        | 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).<br>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.<br>The PP is consistent with Direction 3.4 – Integrating Land Use and Transport. |
| 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  | The PP does not propose an intensification of land uses on land identified as having a probability of containing acid sulfate soils.<br>The PP does not alter the applicability of Clause 6.1 of the KLEP 2011.<br>The PP is consistent with Direction 4.1 – Acid Sulfate Soils.  |
| 4.2 Mine Subsidence and Unstable Land                         | This direction does not apply to the PP.  |
| 4.3 Flood Prone Land  | 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.  |

|  |   |
|--|---|
|  | The PP is consistent with Direction 4.3 – Flood Prone Land.   |
| 4.4 Planning for Bushfire Protection   | 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> .<br><br>The PP is consistent with Direction 4.4 – Planning for Bushfire Protection. |
| <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  | The PP is consistent with the Illawarra-Shoalhaven Regional Plan (see Section 4.3 of this report).<br><br>The PP is consistent with Direction 5.10 – Implementation of Regional Plans.  |
| 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   | The PP does not increase the requirement for concurrence, consultation or referral of development applications to a Minister or public authority.   |



|   |   |
|---|---|
|   | The PP is consistent with Direction 6.1 – Approval and Referral Requirements.   |
| 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 (a <i>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

| Site Lot and Plan            | Address & Locality                 | Current Zoning                           | Proposed Zoning                          | Lot Size<br>Current and<br>Proposed | Height of<br>Building<br>Current and<br>Proposed | Floor Space<br>Ratio<br>Current and<br>Proposed | Map<br>Sheet |
|------------------------------|------------------------------------|--|--|-------------------------------------|--|---|--------------|
| Lot 14 DP 869959             | 205 Terralong Street,<br>KIAMA     | SP2 SES                                  | SP2 Emergency<br>Services Facility       | Nil – No<br>change                  | 11 – No<br>change                                | 0.9 – No<br>change                              | 12           |
| Lot 51 DP 804377             | 210 Shoalhaven<br>Street, KIAMA    | SP2 Fire Station<br>and Ambulance        | SP2 Emergency<br>Services Facility       | Nil – No<br>change                  | 11 – No<br>change                                | 0.9 – No<br>change                              | 12           |
| Lot 1 & Lot 3 DP<br>1236189  | 206 Terralong Street,<br>KIAMA     | SP2 Fire Station<br>and Ambulance        | SP2 Emergency<br>Services Facility       | Nil – No<br>change                  | 11 – No<br>change                                | 0.9 – No<br>change                              | 12           |
| Lot 1 DP 106081              | 24 Terralong Street,<br>KIAMA      | No land use<br>assigned – Post<br>Office | SP2 Public<br>Administration<br>Building | Nil – No<br>change                  | 11 – No<br>change                                | 0.9 – No<br>change                              | 12           |
| Lot 1 Section 5<br>DP 758563 | 30 Terralong Street,<br>KIAMA      | No land use<br>assigned –<br>NSW Police  | SP2 Emergency<br>Services Facility       | Nil – No<br>change                  | 11 – No<br>change                                | 0.9 – No<br>change                              | 12           |
| Lot 7033 DP<br>1061038       | 32 Terralong Street,<br>KIAMA      | SP2 Council<br>Chambers                  | SP2 Emergency<br>Services Facility       | Nil – No<br>change                  | 8.5 – No<br>change                               | 0.9 – No<br>change                              | 12           |
| Part of Lot 48 DP<br>250008  | 46 Blackwood Street,<br>GERRINGONG | SP2 Fire Station                         | SP2 Emergency<br>Services Facility       | Nil – No<br>change                  | 8.5 – No<br>change                               | Part of Lot 48:<br>0.9 – No<br>Change           | 14           |
| Part of Lot 60 DP<br>703112  | Blackwood Street,<br>GERRINGONG    | SP2 Fire Station                         | SP2 Emergency<br>Services Facility       | Nil – No<br>change                  | 8.5 – No<br>change                               | Part of Lot 60:<br>Nil – Add 0.9                | 14           |

<Document name>

| 21

|   |                                 |                                    |  |                 |                 |                 |    |
|---|---------------------------------|------------------------------------|--|-----------------|-----------------|-----------------|----|
| 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<br>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

| Site Lot and Plan Number     | Address and Locality          | Current Zoning                      | Proposed Zoning          | Lot Size<br>Current and<br>Proposed | Height of<br>Building<br>Current and<br>Proposed | Floor<br>Space<br>Ratio<br>Current and<br>Proposed | Map<br>Sheet |
|------------------------------|-------------------------------|-------------------------------------|--------------------------|-------------------------------------|--|--|--------------|
| Lot 8 DP 839577              | 7 Bland Street,<br>KIAMA      | R2 Low Density<br>Residential       | RE1 Public<br>Recreation | 450 - Remove                        | 8.5 -<br>Remove                                  | 0.45 -<br>Remove                                   | 12           |
| Lot 600 DP<br>1044512        | Bland Street,<br>KIAMA        | R3 Medium<br>Density<br>Residential | RE1 Public<br>Recreation | 450 - Remove                        | Nil - No<br>change                               | Nil - No<br>change                                 | 12           |
| Lot 88 & Lot 89 DP<br>838437 | Burnett Avenue,<br>GERRINGONG | R2 Low Density<br>Residential       | RE1 Public<br>Recreation | 450 - Remove                        | 8.5 -<br>Remove                                  | 0.45 -<br>Remove                                   | 14           |
| Lot 86 DP 838437             | Burnett Avenue,<br>GERRINGONG | R2 Low Density<br>Residential       | RE1 Public<br>Recreation | 450 - Remove                        | 8.5 -<br>Remove                                  | 0.45 -<br>Remove                                   | 14           |
| Lot 8 DP 850163              | Elouera Place,<br>KIAMA       | R2 Low Density<br>Residential       | RE1 Public<br>Recreation | 450 - Remove                        | 8.5 -<br>Remove                                  | 0.45 -<br>Remove                                   | 12           |
| Lot 1429 DP<br>1061892       | Eugene Street,<br>KIAMA       | R2 Low Density<br>Residential       | RE1 Public<br>Recreation | 450 - Remove                        | Nil - No<br>change                               | Nil - No<br>change                                 | 12           |
| Lot 53 DP 884475             | Fern Street,<br>GERRINGONG    | B2 Local Centre                     | RE1 Public<br>Recreation | Nil - No<br>change                  | 11 -<br>Remove                                   | 0.45 -<br>Remove                                   | 14           |

|                        |                               |  |  |   |                                      |                                       |       |
|------------------------|-------------------------------|--|--|---|--------------------------------------|---------------------------------------|-------|
| Lot 91 DP 838437       | Fern Street,<br>GERRINGONG    | Part RE1<br>Part E2<br>Environmental<br>Conservation | Amend zone<br>boundaries to<br>reflect<br>Terrestrial<br>Biodiversity<br>Layer | Nil – No<br>change                          | Nil – No<br>change                   | Nil – No<br>change                    | 13/14 |
| Lot 1319 DP<br>1060995 | Greyleigh Drive,<br>KIAMA     | RU2 Rural<br>Landscapes                              | RE1 Public<br>Recreation   | 40ha - remove                               | Nil – No<br>change                   | Nil – No<br>change                    | 12    |
| Lot 300 DP<br>1059841  | Greyleigh Drive,<br>KIAMA     | RU2 Rural<br>Landscapes                              | RE1 Public<br>Recreation   | 40ha - remove                               | Nil – No<br>change                   | Nil – No<br>change                    | 12    |
| Lot 199 DP<br>1042913  | Greyleigh Drive,<br>KIAMA     | RU2 Rural<br>Landscapes                              | RE1 Public<br>Recreation   | 40ha - remove                               | Nil – No<br>change                   | Nil – No<br>change                    | 12    |
| Lot 100 DP<br>1042908  | Greyleigh Drive,<br>KIAMA     | RU2 Rural<br>Landscapes                              | RE1 Public<br>Recreation   | 40ha - remove                               | Nil – No<br>change                   | Nil – No<br>change                    | 12    |
| Lot 2 DP 1179778       | Greyleigh Drive,<br>KIAMA     | RU2 Rural<br>Landscapes                              | RE1 Public<br>Recreation   | 40ha - remove                               | Nil – No<br>change                   | Nil – No<br>change                    | 12    |
| Lot 2 DP 1065404       | Headland Drive,<br>GERROA     | E3<br>Environmental<br>Management                    | RE1 Public<br>Recreation   | Part<br>450sqm/40ha<br>– remove from<br>all | Part 8.5/Nil<br>– Remove<br>from all | Part 0.45/Nil<br>– Remove<br>from all | 14/15 |
| Lot 2 DP 1056775       | Meehan Drive,<br>KIAMA DOWNS  | SP2 Community<br>Facilities                          | RE1 Public<br>Recreation   | Nil – No<br>change                          | Nil – No<br>change                   | 0.45 -<br>Remove                      | 11    |
| Lot 747 DP<br>1171578  | Millewa Avenue,<br>GERRINGONG | R2 Low Density<br>Residential                        | E2<br>Environmental<br>Conservation  | 450 - Remove                                | 8.5 -<br>Remove                      | 0.45 -<br>Remove                      | 14    |

|                        |                               |   |                                     |   |                                      |                                       |    |
|------------------------|-------------------------------|---|-------------------------------------|---|--------------------------------------|---------------------------------------|----|
| Lot 231 DP<br>1060665  | Neptune Street,<br>GERRINGONG | R2 Low Density<br>Residential   | RE1 Public<br>Recreation            | 450 - Remove                                | 8.5 -<br>Remove                      | 0.45 -<br>Remove                      | 14 |
| Lot 1310 DP<br>1060995 | Old Saddleback<br>Road, KIAMA | R2 Low Density<br>Residential   | RE1 Public<br>Recreation            | 450 - Remove                                | 8.5 -<br>Remove                      | 0.45 -<br>Remove                      | 12 |
| Lot 499 DP<br>1064140  | Old Saddleback<br>Road, KIAMA | R2 Low Density<br>Residential   | RE1 Public<br>Recreation            | 450 - Remove                                | Nil - No<br>change                   | Nil - No<br>change                    | 12 |
| Lot 21 DP 264151       | Tanner Place,<br>KIAMA        | R2 Low Density<br>Residential   | RE1 Public<br>Recreation            | 450 - Remove                                | 8.5 -<br>Remove                      | 0.45 -<br>Remove                      | 12 |
| Lot 702 DP<br>1148475  | Union Way,<br>GERRINGONG      | R2 Low Density<br>Residential   | RE1 Public<br>Recreation            | 450 - Remove                                | 8.5 -<br>Remove                      | 0.45 -<br>Remove                      | 14 |
| Lot 535 DP<br>1111492  | Union Way,<br>GERRINGONG      | R2 Low Density<br>Residential   | E2<br>Environmental<br>Conservation | 450 - Remove                                | 8.5 -<br>Remove                      | 0.45 -<br>Remove                      | 14 |
| Lot 206 DP<br>1180016  | Union Way,<br>GERRINGONG      | Part R2 Low<br>Density<br>Residential and<br>Part RU2 Rural<br>Landscapes | E2<br>Environmental<br>Conservation | 40ha -<br>Remove                            | Part 8.5/Nil<br>- Remove<br>from all | Part 0.45/Nil<br>- Remove<br>from all | 14 |
| Lot 130 DP<br>1052645  | 18 Union Way,<br>GERRINGONG   | R2 Low Density<br>Residential   | RE1 Public<br>Recreation            | 450 - Remove                                | 8.5 -<br>Remove                      | 0.45 -<br>Remove                      | 14 |
| Lot 206 DP<br>1156196  | Wells Street,<br>GERRINGONG   | R2 Low Density<br>Residential   | E2<br>Environmental<br>Conservation | Part<br>450sqm/40ha<br>- Remove<br>from all | Part 8.5/Nil<br>- Remove<br>from all | Part 0.45/Nil<br>- Remove<br>from all | 14 |





Appendix 4 - State Agency owned Land

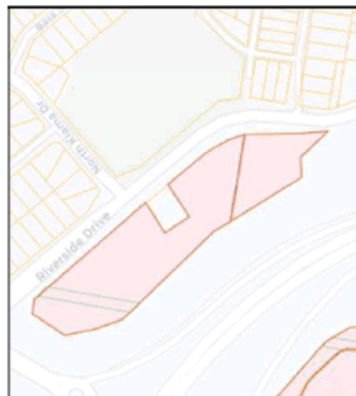
| Site Lot and Plan     | Address                                  | Current Zoning                | Proposed Zoning            | Lot Size<br>Current and<br>Proposed | Height of<br>Building<br>Current and<br>Proposed | Floor<br>Space<br>Ratio<br>Current and<br>Proposed | Map Sheet |
|-----------------------|--|-------------------------------|----------------------------|-------------------------------------|--|--|-----------|
| Lot 909 DP<br>236615  | 133 North Kiama<br>Drive, KIAMA<br>DOWNS | R2 Low Density<br>Residential | SP2 Water<br>Supply System | 450 -<br>Remove                     | 8.5 -<br>Remove                                  | 0.45 -<br>Remove                                   | 11        |
| Lot 2 DP 793745       | Gwinganna<br>Avenue,<br>BEACHSIDE        | R2 Low Density<br>Residential | SP2 Water<br>Supply System | 450 -<br>Remove                     | 8.5 -<br>Remove                                  | 0.45 -<br>Remove                                   | 12        |
| Lot 139 DP 29245      | 15 North Street,<br>MINNAMURRA           | R2 Low Density<br>Residential | SP2 Water<br>Supply System | 450 -<br>Remove                     | 8.5 -<br>Remove                                  | 0.45 -<br>Remove                                   | 11        |
| Lot 400 DP<br>801403  | Newing Circuit,<br>KIAMA DOWNS           | R2 Low Density<br>Residential | SP2 Water<br>Supply System | 450 -<br>Remove                     | 8.5 -<br>Remove                                  | 0.45 -<br>Remove                                   | 12        |
| Lot 436 DP<br>1088899 | 46 Union Way,<br>GERRINGONG              | R2 Low Density<br>Residential | SP2 Water<br>Supply System | 450 -<br>Remove                     | 8.5 -<br>Remove                                  | 0.45 -<br>Remove                                   | 14        |
| Lot 1 DP 883525       | 20 Eddy Street,<br>KIAMA                 | SP2 Railway                   | B2 Local Centre            | Nil - No<br>change                  | Nil - Add<br>11                                  | Nil - Add<br>1.5                                   | 12        |

## Appendix 5 – Transport NSW Concurrence

Hi Ed,

Thank you again for your email below and advising us of Council's upcoming housekeeping LEP amendment. In response to your matters raised, I can confirm the following:

- Sydney Trains supports the rezoning of the site at 20 Eddy Street Kiama to B2 Local Centre;
- We can provide the Kiama Depot Hazardous Materials Survey and Environmental Site Assessment (will send in separate email given large file size);
- There are additional sites in the Kiama LGA - 21 Barney Street Kiama (suggested rezoning to R3 as per adj zones), Lots 1, 2, 3, 4 DP 715077 Attunga & Kalang Rd, Kiama Heights (suggested rezoning to R2 as per adj zones), and the two lots shown below along Riverside Drive in Bombo (suggested rezoning to R3 give the site's size and location and its distance away from any neighbours).



For your information.

We look forward to further consultation and involvement in this process going forward.

Kind Regards,

Rita Nakhle  
Senior Town Planning Officer  
Property & Commercial Services  
Customer Environment  
Customer Operations  
Sydney Trains

T 02 8574 2484

[DA\\_sydneytrains@transport.nsw.gov.au](mailto:DA_sydneytrains@transport.nsw.gov.au)  
Level 3 East, 36-46 George Street, Burwood NSW 2134  
PO Box 459, Burwood NSW 1805

20/12/20100 – Housekeeping Planning Proposal to Amend Kiama LEP 2011 – Planning Proposal Report

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## Appendix 6 – Sydney Water Concurrence

**From:** VIESIS, KARL  
**Sent:** Tuesday, 29 October 2019 1:57 PM  
**To:** 'edwardp@kiama.nsw.gov.au' <[edwardp@kiama.nsw.gov.au](mailto:edwardp@kiama.nsw.gov.au)>  
**Subject:** Kiama Municipal Council LEP Review - Sydney Water Re-zoning Requests

Dear Mr Paterson,

Thank you for your time discussing Sydney Water's request for Kiama Municipal Council to consider the re-zoning of various Sydney Water operational land holdings, as part of the Council's any upcoming LEP Housekeeping Review. As discussed, please find attached property information for the land subject to a rezoning request and below information associated with the request.

### Rationale

Sydney Water has undertaken a review of its property portfolio across various Local Government Area's with a focus on its operational property assets.

As part of this review, various sites have been identified that contain permanent operational infrastructure within lands considered to contain zoning anomalies.

The infrastructure is critical to the servicing of the existing population and future growth within the Kiama Municipal Council LGA. As part of recognising the permanent nature of these infrastructure assets and their requirements for protection, Sydney Water recommends rezoning of these sites to SP2 – Infrastructure, as part of any LEP Housekeeping amendments or an upcoming Kiama Local Environmental Plan (LEP) Review.

Sydney Water believes that re-zoning these lots to SP2 – Infrastructure;

- Better reflects the lands ongoing, permanent use as vital water and sewerage infrastructure;
- Provides clarity to the local community as to the current and intended use of the land;
- Is consistent with Kiama LEP 2011, SP2 Zone objectives to provide for infrastructure and related uses;
- Confirms the land use is intended to support population growth within the LGA, providing services and infrastructure to meet peoples changing needs.

At this stage Sydney Water has identified 5 parcels within the Kiama LGA that contain permanent and critical infrastructure and have the potential for a more appropriate zoning. Please find attached property details including legal description, address, zoning and diagrams showing Sydney Water infrastructure.

Should you require any further information please do not hesitate to contact me on 8849 4466. We are happy to meet to discuss any details or Council's view to an appropriate zoning at your convenience.

Kind Regards,

Karl Viesis  
Project Manager - Property Optimisation Program  
Group Property  
Sydney Water, Level 13, 1 Smith Street, Parramatta NSW 2150

 Ph 8849 4466  
Mob 0447 054 998  
[KARL.VIESIS@sydneywater.com.au](mailto:KARL.VIESIS@sydneywater.com.au)



### **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**  
your council, your community



**Planning,  
Industry &  
Environment**

**Gateway Determination**

***Planning proposal (Department Ref: PP-2021-3041): housekeeping amendment to correct anomalies with zoning and map labelling for government sites across the LGA and to rezone surplus railway land to allow commercial uses.***

I, the Director, Southern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that a housekeeping amendment to the Kiama Local Environmental Plan (LEP) 2011 to correct anomalies with zoning and map labelling for government sites across the LGA and to rezone surplus railway land to allow commercial uses should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
  - confirm the provisions;
  - correct the title referencing of the maps;
  - include the letter from Transport for NSW requesting and supporting the rezoning of Lot 1 DP883525, 20 Eddy Street, Kiama as supporting documentation; and
  - include as attachments, the reports undertaken by Transport for NSW on the preliminary and detailed site investigation and hazardous materials survey for Lot 1 DP883525, 20 Eddy Street Kiama.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the NSW RFS under section 3.34(2)(d) of the Act and to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection.

NSW RFS is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

PP-2021-3041 (IRF21/1922)

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act.
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be 12 months following the date of the Gateway determination expiring on 31 May 2022.

Dated 31<sup>st</sup> day of May 2021



**Sarah Lees  
Director, Southern Region  
Local and Regional Planning  
Department of Planning, Industry and  
Environment**

**Delegate of the Minister for Planning  
and Public Spaces**



Planning,  
Industry &  
Environment

## Alteration of Gateway Determination

### *Planning proposal (Department Ref: PP-2021-3041)*

I, the Director, Southern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 31 May 2021 for the proposed amendment to the Kiama Local Environmental Plan 2011 as follows:

1. Change the name and description of the planning proposal

from

*Planning proposal (Department Ref: PP-2021-3041): to correct anomalies with zoning and map labelling for government sites across the LGA and to rezone surplus railway land to allow commercial uses.*

I, the Director, Southern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Kiama Local Environmental Plan (LEP) 2011 to correct anomalies with zoning and map labelling for government sites across the LGA and to rezone surplus railway land to allow commercial uses as part of a housekeeping review of the LEP should proceed subject to the following conditions:

to

*Planning proposal (Department Ref: PP-2021-3041): to correct anomalies with zoning and map labelling for government sites across the LGA; to rezone surplus railway land to allow commercial uses; and to insert an urban release area clause.*

I, the Director, Southern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Kiama Local Environmental Plan (LEP) 2011 to correct anomalies with zoning and map labelling for government sites across the LGA; to rezone surplus railway land to allow commercial uses; and to insert an urban release area clause with controls for strategic planning and servicing arrangements as part of a housekeeping review of the LEP should proceed subject to the following conditions:

Dated 2<sup>nd</sup> day of September 2021.

A handwritten signature in black ink, appearing to read 'Sarah Lees'.

Sarah Lees  
Director, Southern Region  
Local and Regional Planning  
Department of Planning, Industry and  
Environment

Delegate of the Minister for Planning and  
Public Spaces

PP-2021-3041 (IRF21/3514)



## NSW RURAL FIRE SERVICE

The Council of the Municipality of Kiama  
PO Box 75  
KIAMA NSW 2533

Your reference: (REF-783)  
Our reference: SPI20210908000153

**ATTENTION:** Suzi Stojcevska

Date: Monday 13 September 2021

Dear Sir/Madam,

### **Strategic Planning Instrument Rezoning**

The PP seeks to amend land use annotations for certain sites within the infrastructure categories of the Infrastructure SEPP or the Standard Instrument dictionary. The PP seeks to rezone a number of sites used for recreation purposes (and Public Reserve on Title). The PP seeks to rezone 20 Eddy Street, Kiama from SP2 Infrastructure - Railway to B2 Local Centre and 133 North Kiama Drive, Kiama Downs, from R2 Low Density Residential to SP2 Infrastructure - Water Supply System

I refer to your correspondence dated 07/09/2021 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and subsequently raise no concerns or issues in relation to bush fire.

For any queries regarding this correspondence, please contact Bradley Bourke on 1300 NSW RFS.

Yours sincerely,

Martha Dotter  
**Supervisor Development Assessment & Plan  
Built & Natural Environment**

1

#### **Postal address**

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

#### **Street address**

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

**T** (02) 8741 5555  
**F** (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)