

31 March 2022

Department of Planning, Industry and Environment
Emailed to: Lisa.Kennedy@planning.nsw.gov.au

Dear Sir/Madam,

***Planning proposal
(Department Ref: PP-2021-3536)***

*To amend Kiama Local Environmental Plan 2011 to enable residential
development on part of Lot 2 DP 1168922 – 48 Campbell Street GERRINGONG*

The applicant has updated the Planning Proposal for 48 Campbell Street, Gerringong in accordance with the Gateway Determination Condition 1. This information is being submitted to the Department for their review and support of the planning proposal to allow state agency referrals and public exhibition as per the Gateway Determination.

Council is satisfied that the planning proposal is consistent with the Ministerial Direction 4.4 Remediation of Contaminated Land. Pursuant to part 1 (c), Council is satisfied that the land will be remediated to be made suitable for any purposes for which land in that zone is permitted to be used, before the land is used for that purpose. In order to satisfy itself as to paragraph 1(c), Urban Release Area provisions have been included in the Kiama local environmental plan 2011. The entire site will be mapped as an Urban Release Area to ensure that the remediation of the site occurs in accordance with the provisions of this clause.

The proposal has been amended to provide details on consistency with section 9.1 Directions, in particular remediation. The proposal is considered to still be consistent with all other directions.

Council request that the department review the planning proposal onto the planning portal for public access.

It is noted that the Gateway letter stated that Council may still need to obtain the agreement of the Secretary to comply with the requirements of the section 9.1 Directions 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 2.6 Remediation of Contaminated Land and 4.2 Flood Prone Land. Council should ensure this occurs prior to public exhibition.

The following comments are made in regard to each Direction listed above:

- Direction 2.1 Environment Protection Zones (now 3.1 Conservation Zones)

It is noted that:

- the proposal does not propose to remove the existing provisions which facilitate the protection and conservation of environmentally sensitive areas, noting that no such areas, as defined by clause 3.3 of the Standard Instrument LEP, exist on the site, and
- the planning proposal does not apply to land within a conservation zone.

- the planning proposal is required to include provisions to facilitate the protection and conservation of environmentally sensitive areas.

Council accepts a reduction to the riparian land identified as 20m in the Kiama LEP for the watercourses.

Council is therefore of the opinion that this Planning Proposal is consistent with Direction 3.1.

- Direction 2.3 Heritage Conservation (now 3.2 Heritage Conservation)

The Gateway Determination required the preparation of an Aboriginal Cultural Heritage Assessment (ACHA). The submitted ACHA, prepared by Austral Archaeology, has identified two (2) areas of low significance. In order to determine the consistency of this Proposal with Direction 3.2 Council wishes to further consult with Heritage NSW and the Illawarra Local Aboriginal Lands Council to determine the appropriateness of rezoning these areas for urban development.

- Direction 2.6 Remediation of Contaminated Land (now 4.4 Remediation of Contaminated Land)

As outlined above, recent amendments to the Kiama LEP now require the management of site contamination to occur prior to the granting of any development consent on the site.

In this respect, Council is therefore of the opinion that this Planning Proposal is consistent with Direction 4.4.

- Direction 4.2 Flood Prone Land (now 4.1 Flooding)

As part of having the Planning Proposal updated/amended, Council has requested that no part of the site which is within the flood planning areas is to be rezoned to a residential, business, industrial or special purpose zone.

In this respect, Council is therefore of the opinion that this Planning Proposal is consistent with Direction 4.1.

- Direction 3.4 Integrating Land Use and Transport (now 5.1 Integrating Land Use and Transport)

The Gateway Determination required further advice and details on the consistency with Direction 3.4 (now 5.1) in relation to the provision of infrastructure. Endeavour energy has provided correspondence that there is available capacity on the existing network to supply this development.

The updated/amended planning proposal is consistent with the Illawarra-Shoalhaven Urban Development Program (UDP) which was attended by Sydney Water. The UDP confirms that the site has capacity within the water and wastewater systems as well as electricity network for servicing and present an additional housing opportunity if required.

As identified above, agency consultation should occur with the Endeavour Energy and Sydney Water to confirm the suitability of the site to be connecting to existing services for the provision of infrastructure and thus the consistency with Direction 5.1.

Council confirms that appropriate amendments were made to the proposal to address community concerns regarding the provision of infrastructure to support the proposed residential development.

In this respect, Council is therefore of the opinion that this Planning Proposal is consistent with Direction 5.1.

The Gateway Determination noted concerns raised from the local community in relations to traffic impacts, visual impacts and the provision of infrastructure to support the proposed residential development. Concerns relating to the provision of infrastructure have been addressed above. The following comments are made;

i. *Traffic Impacts*

The Traffic Impact Assessment concludes that the traffic generated by the development is not expected to adversely affect the traffic flow efficiency and performance of nearby critical intersections or the existing road network either in the existing conditions or in the 10-year growth scenarios. The Assessment demonstrates that the single road connection via Campbell Street into the Estate is adequate to support additional traffic. Therefore, the planning proposal was amended/updated to remove the proposed crossing onto Union Way/Elambra Parade into Elambra Estate, leaving only a single road connection into the Estate. Council confirms that appropriate amendments were made to the proposal to address community concerns regarding traffic impacts.

ii. *Visual Impacts*

A Visual Impact Analysis concludes that surrounding rural landscapes are already compromised by visual impacts of the Gerringong Township. The analysis demonstrates that the proposed residential development would not further diminish the visual setting of the rural landscape amenity. The Analysis concludes that the visual impact can be mitigated with the use of perimeter and watercourse landscape plantings. The planning proposal has been amended/updated to retain the existing large fig tree to enhance the future visual interest of the site as part of a public reserve system, along with the use of perimeter and watercourse landscape planting. Council confirms that appropriate amendments were made to the proposal to address community concerns regarding visual impacts.

Council wishes to undertake concurrent agency and public exhibition of the planning proposal in order to meet the gateway determination deadline of 24 June 2022.

Council do not object to the suggestion to refer this Planning Proposal to the NSW Department of Primary Industry for comments on consistencies with Directions 9.1 Rural Zones and 9.2 Rural Lands.

Yours faithfully



Suzi Stojcevska
Strategic Planner