

Planning Proposal

Elambra West Urban Release Area

Prepared for
Pearce & Campbell

Site address
Lot 2 DP 1168922, No. 48 Campbell Street,
Gerringong

Date
4 March 2022
(Rev 3)

allen price & scarratts pty ltd
land and development consultants

Surveying



Town Planning



Civil Engineering



Project Management



Table of Revisions

Initials	Rev	Date	Details
JH	0	02/12/2020	Document completed for Kiama Municipal Council consideration
JH	1	25/02/2022	Document updated to incorporate Gateway Determination requirements
JH	2	18/03/2022	Document updated to incorporate DPIE feedback
JH	3	04/04/2022	Document updated to incorporate KLEP 2011 mapping feedback

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INTRODUCTION

This proponent-led Planning Proposal (PP) has been prepared in accordance with Section 3.32 and 3.33 of the Environmental Planning and Assessment Act 1979 and the following relevant documents:

- Department of Planning, Industry and Environment's "A guide to preparing planning proposals"; and,
- Kiama Municipal Council's Planning Proposal Policy.

The PP seeks to amend the Kiama Local Environmental Plan (KLEP) 2011 and to extend the Gerringong residential zone from Campbell Street to align with the southern boundary of 48 Campbell Street, (Lot 2 DP 1168922), Gerringong. This extension is consistent with the Gerringong Charrette and the Kiama Local Strategic Planning Statement (KLSPS) 2020 as well as strategic outcomes identified in Illawarra – Shoalhaven Regional Plan and Illawarra Shoalhaven Urban Development Program Update. The outcome of this rezoning process will result in the creation of the Elambra West Urban Release Area (URA).

As outlined in this PP, this rezoning will facilitate an extension to the existing township of Gerringong in a south-westerly direction that will be carefully integrated with the existing surrounding urban area. The PP also continues to provide legal access for the existing two rural dwellings and associated agricultural farming on adjacent Lot 11 DP 1045242 (zoned RU1 – Primary Production and RU2 Rural Landscape zoned land).

To assist Kiama Municipal Council (KMC) to support this PP and formally progress it to the Department of Planning, Industry and Environment (DPIE), this document provides Council with the majority of the background information it requires to demonstrate the strategic justification for this proposal.

Overall, the aim of the PP is to implement part of the vision that was accepted by the community in the Gerringong Charrette to meet the future residential housing and associated recreation supply for this coastal village and to make efficient use of adjacent surrounding land that is not flood affected. The justification and quantum of the rezoning area is explained in this PP which informs subsequent related amendments for the KLEP 2011.

This version of the document has been updated to incorporate Gateway Determination requirements of 24 June 2021 and Council's additional information letter of 21 July 2021 and to identify the preferred land use zoning for the PP.

Figure 1 – Site Photo looking from site to adjacent Elambra Estate



BACKGROUND

Subject land / Proposal

The proposed URA was first identified in the Gerringong Charrette and subsequent planning documents which are explained in this PP such as the recent Council adopted KLSPS.

The coastal town of Gerringong is approximately 10km south of Kiama and 3.6km north of Gerroa. The township in general is bordered by the Pacific Ocean to the east, Werri Beach and Werri Lagoon to the north, the Princes Highway and the Illawarra Railway corridor to the west and the existing Elambra Estate. Rural land is situated to the east, west and south of Elambra Estate.

The proposed URA is located adjacent to the south-western edge of the existing Gerringong urban area and is located approximately 1.2km via the road network to the town centre. As shown in the images below, the land which is the subject of this PP is approximately 45.83 hectares(ha) in area with a proposed urban area of 13.91ha which is generally cleared, zoned RU2 and is not flood affected.

The site generally continues the same natural land elevation/form as existing residential developed land to the north and slopes gradually both on the eastern and western sides of the site to lower flood prone land. There are also two existing rural dwellings located on the site.

Lot 2 DP 1168922 provides legal access for the existing two rural dwellings as related agricultural farming operations on adjacent Lot 11 DP 1045242. Lot 11 has legal access across Lot 2, via a Right of Access. A survey plan of the site showing these lots, general landform and easements is provided as **Appendix A**. In addition, a larger proportion of Lot 2 will continue to support agricultural farming operations on the lower flood affected land and which is a higher class of agricultural graded farming land.

The URA is in close proximity to the existing Gerringong township to the east and north which has the land zoning R2 – Low Density Residential which has a minimum lot size of 450m². The land to the west and south of the URA is zoned RU1 – Primary Production and RU2-Rural Landscape.

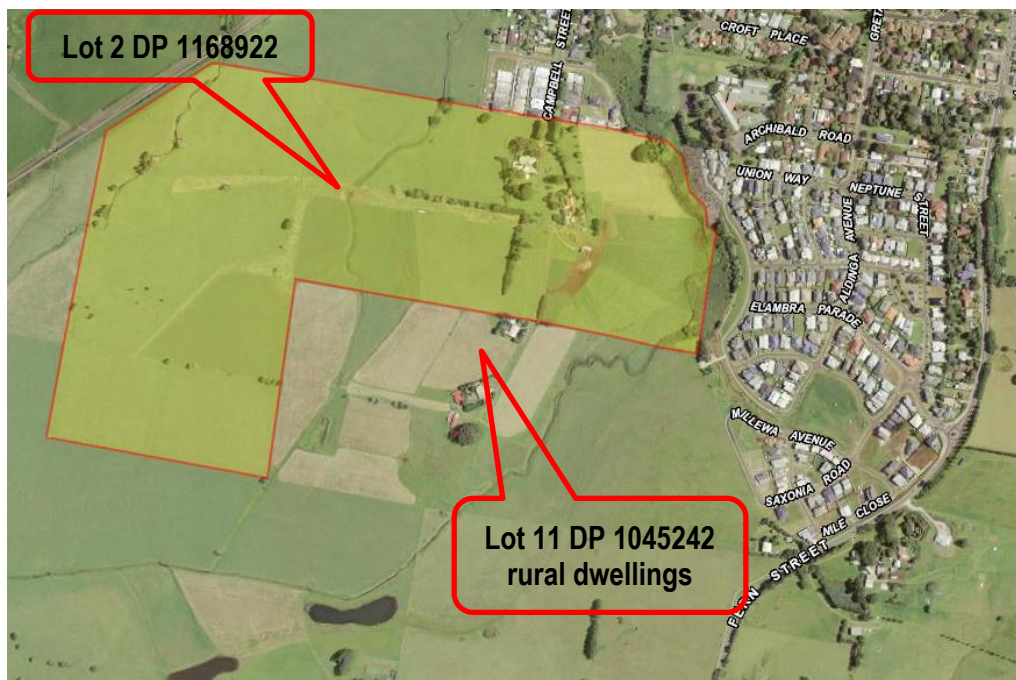
Union Creek partly dissects the URA and a proposed outcome of the PP will be to revegetate and rehabilitate this creek line / riparian area adjacent to the site. Union Creek extends from the main Gerringong urban area into Crooked River at Gerroa. Further, it is anticipated that landscape revegetation will continue on the URA interface with the adjacent rural area.

Whilst only to be used as a guide to identify site potential, initial scoping investigations of the URA indicate a yield of approximately 166 residential lots (based on 12 dwelling/ha) could be developed in a number of stages and in a similar form to that at the adjacent Elambra Estate. Developable residential land is limited by the flooding potential on parts of the site which in some aspects mirrors the same developable land height in the adjacent Elambra Estate. The URA does not consist of any bushfire prone land.

In summary, the site is relatively unconstrained and can be well serviced by the infrastructure necessary to support efficient delivery of an attractive urban neighbourhood that would provide a logical south-western extension to the Gerringong township with a transitional landscaped interface to the adjacent rural land. The outcomes of the PP results in the following land use zone outcomes

- R2 - Low Density Residential with an area of approximately 13.91ha
- E2(C2) – Environmental conservation reserve with an area of approximately 2.48ha
- RU2 – Rural Landscape residual land with an area of approximately 29.48ha

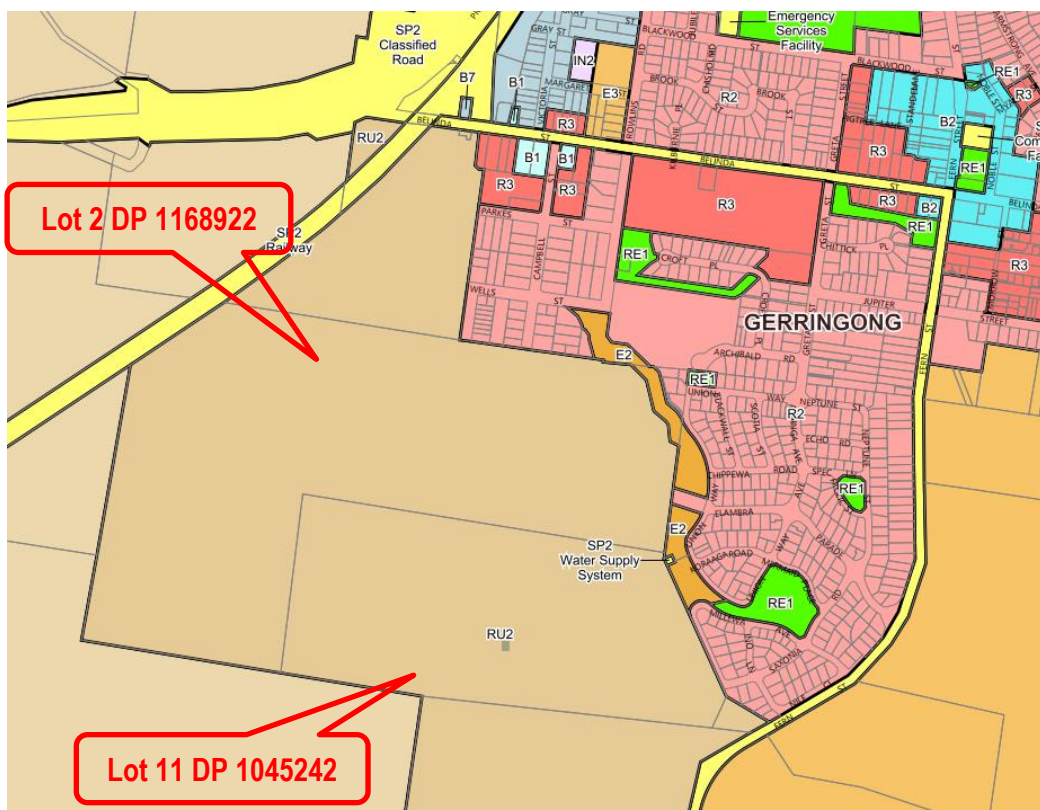
Figure 2 - Site Locality Plan (Source: SIX Maps)



Current Land Use Zones

Current land use zones affecting the URA site is shown in **Figure 3**.

Figure 3 – Current Land Zones affecting the URA site (Source: KLEP 2011 – note zoning was updated on the 17/12/2021 to identify the adjacent Union Creek being zoned E2 (C2) – Environmental Conservation).



As shown above, the proposed URA is located immediately adjacent to Union Creek which is zoned E2 (C2) – Environmental Conservation and in close proximity to the existing residential land use zone (R2) and forms a logical extension of the existing Gerringong township with planned connections into existing road system. The remaining land to the south and west of the site is zoned for rural use (RU1 & RU2).

Other KLEP 2011 / Site Considerations

In addition to the current land use zone controls, other KLEP 2011 and site considerations are shown in Figures 4-8 and include acid sulfate soils, minimum lot size, riparian land / watercourses, known heritage items, bushfire prone lands and site access.

Figure 4 – Class 5 Acid sulfate soils affecting the URA site (Source: KLEP 2011)

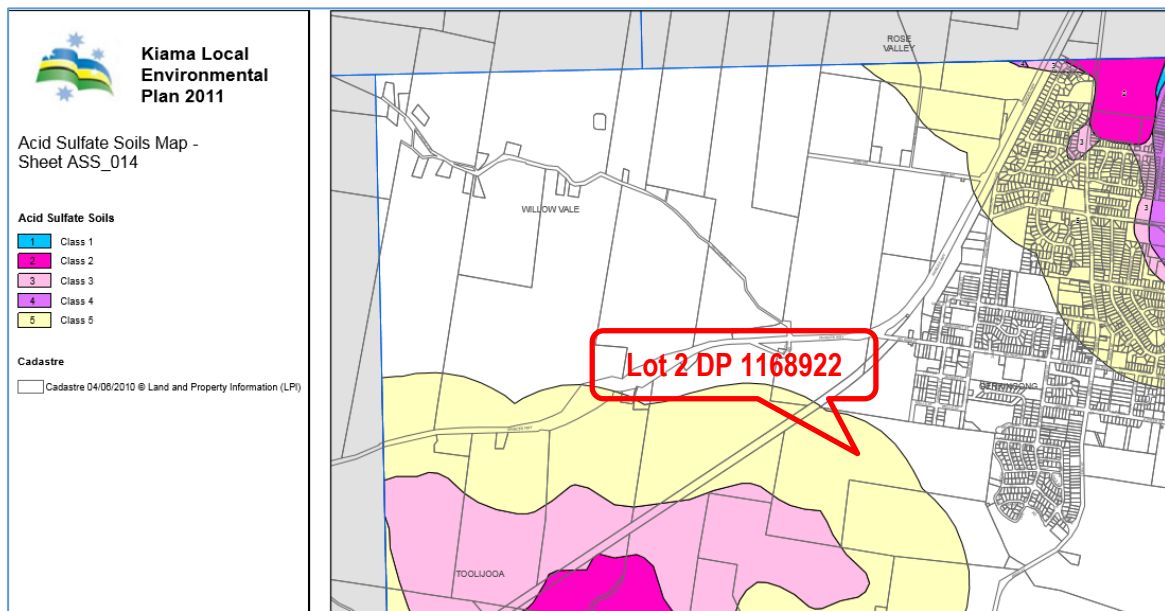


Figure 5 - 40ha minimum lot size affecting the URA site (Source: KLEP 2011) – note minimum areas were updated on the 17/12/2021.

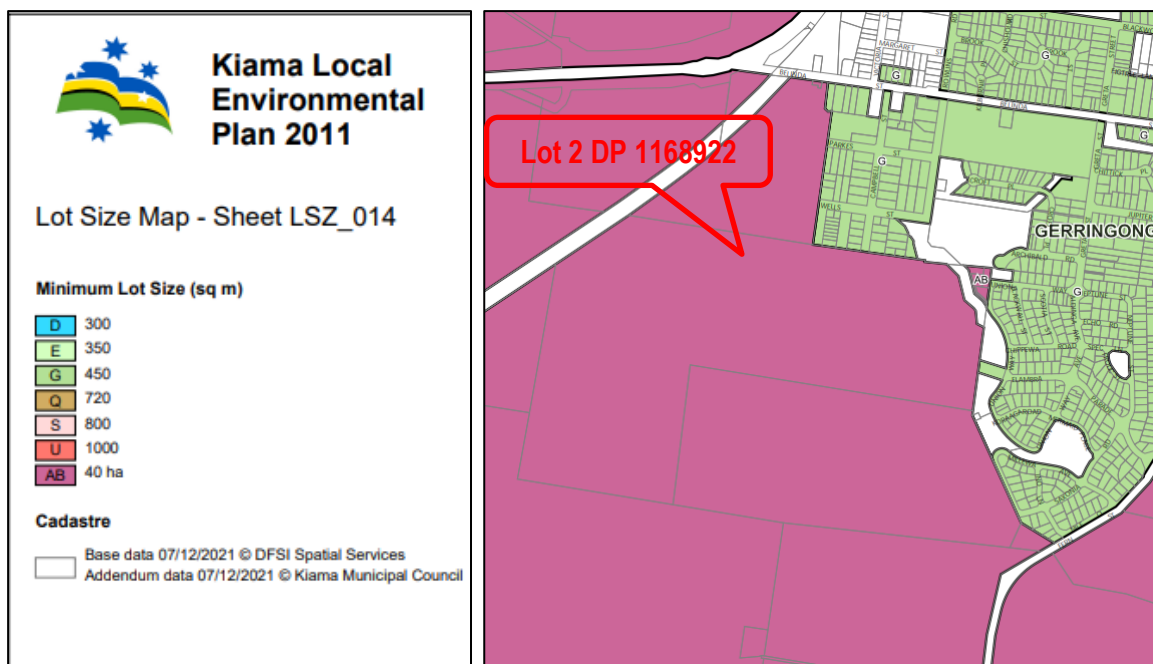


Figure 6 – Riparian Land and Watercourses affecting the URA site (Source: KLEP 2011)

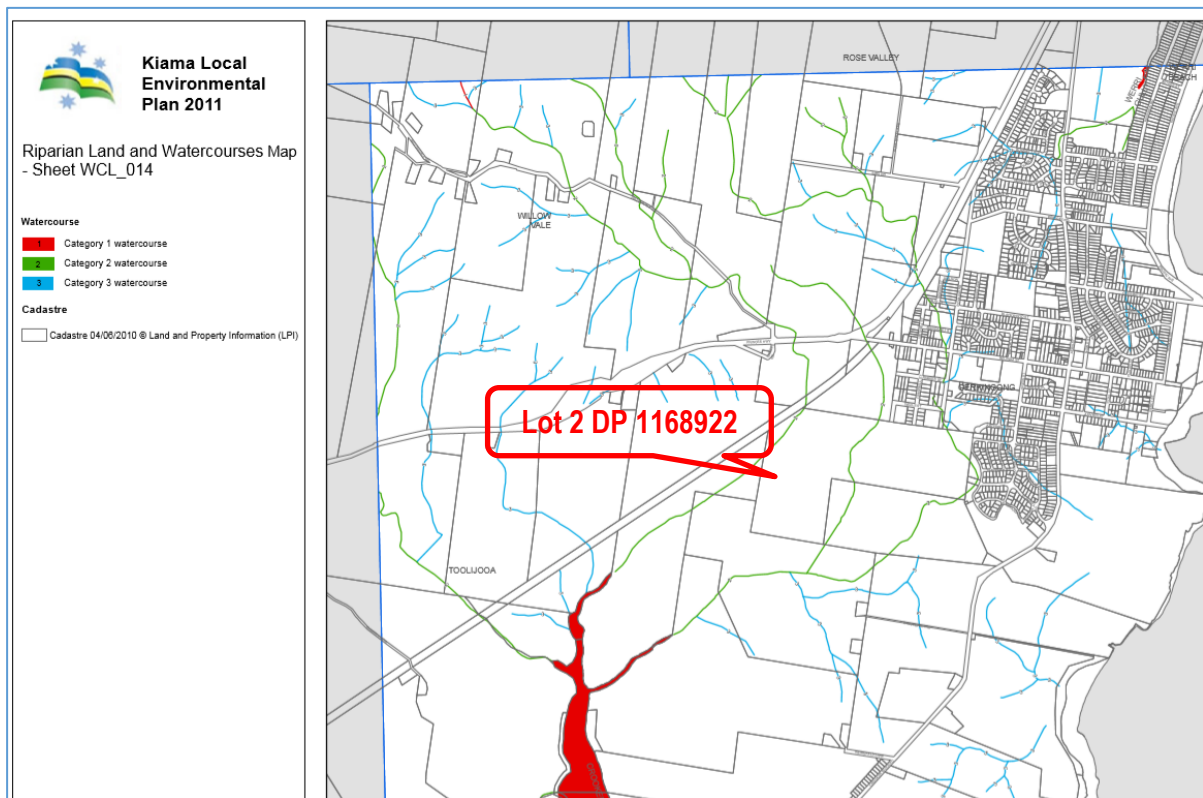
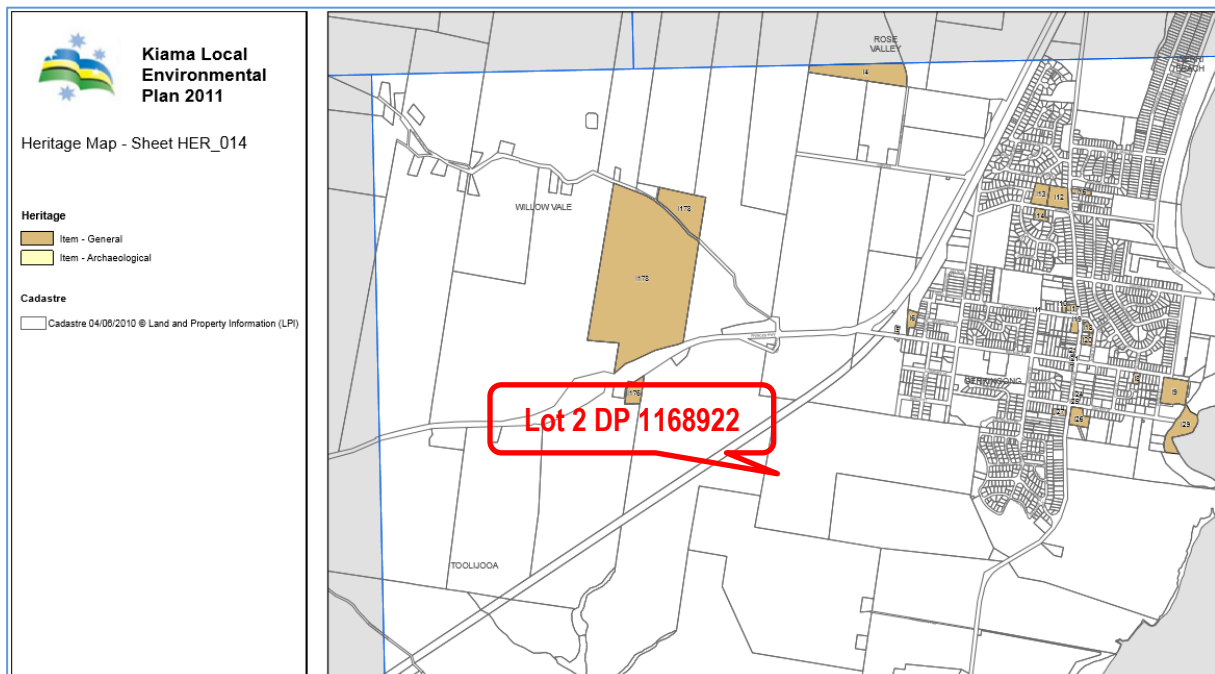
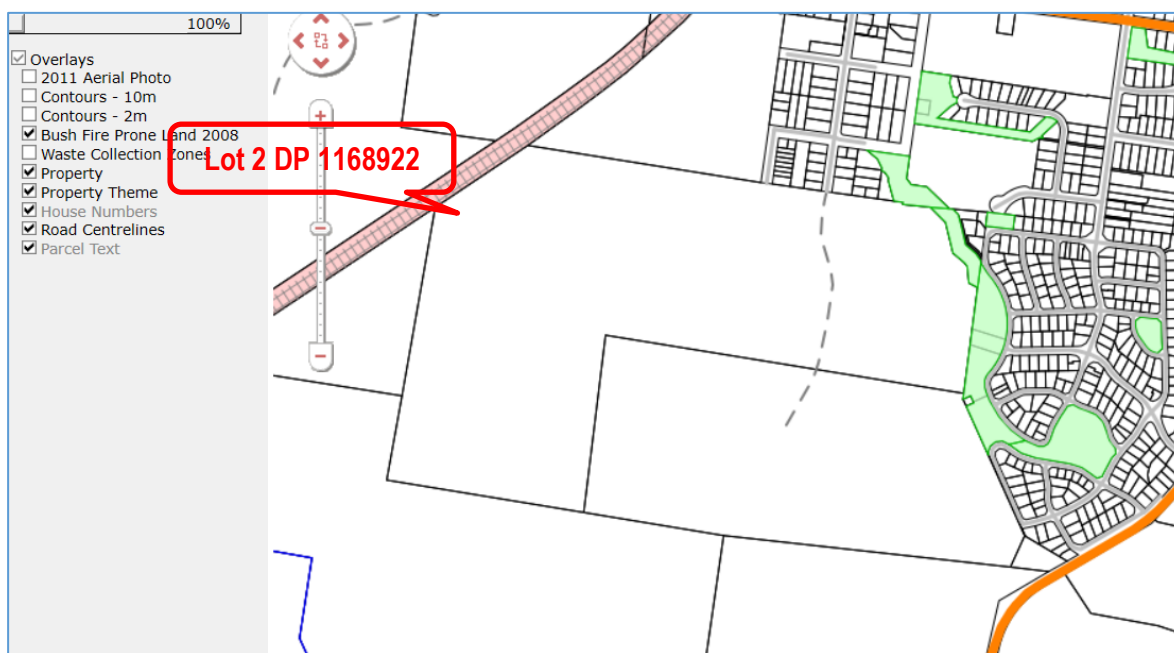


Figure 7 – Heritage items in proximity to the URA site (Source: KLEP 2011)



Note – No heritage items are located on or in proximity to the URA site.

Figure 8 – Bushfire prone land mapping of the URA site (Source: KMC Online Mapping)



Note – Mapping does not indicate the URA site is bushfire prone land.

Access to the site is provided from Campbell Street.

Preliminary investigation

Building on the identification of the URA in the Gerringong Charrette and KLSPS, and in response to initial PP feedback from KMC staff in September 2019, the following initial assessments were prepared for the site:

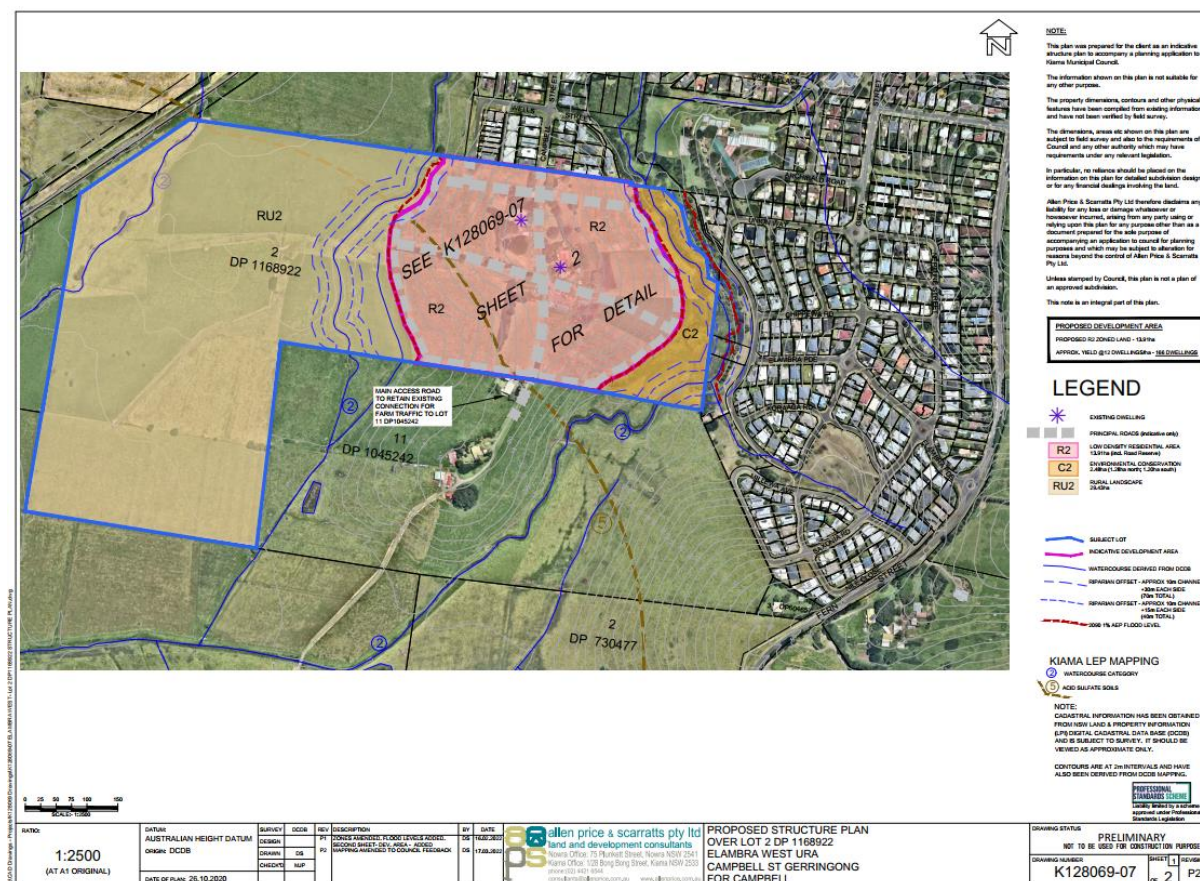
- Aboriginal Heritage Diligence Assessment – November 2020
- Agriculture Assessment – November 2020
- Ecological Constraints Assessment – November 2020
- Residential Land Supply & Demand Analysis – November 2020
- Traffic & Parking Assessment – December 2020
- Visual Impact Analysis – November 2020

Key findings of these investigations are summarised in **Table 4** and the resulting updated URA structure plan with zoning information is shown in **Figure 9** (larger version of plan is shown in **Appendix B**). This structure plan could be supported with a site specific Development Control Plan to establish design and character controls.

The outcomes of the PP results in the following land use zone outcomes:

- R2 - Low Density Residential with an area of approximately 13.91ha
- E2(C2) – Environmental conservation reserve with an area of approximately 2.48ha
- RU2 – Rural Landscape residual land with an area of approximately 29.48ha

Figure 9 – URA Structure Plan



Strategies planning assessment

In preparing this PP, the following KMC or State Government strategies or plans have been assessed as supporting re-zoning and the development of the URA and are listed below and reviewed further in **Part 3 – Justification**.

- Gerringong Charrette 1995;
- KLSPS;
- Illawarra Shoalhaven Regional Plan 2041; and,
- Illawarra Shoalhaven Urban Development Program Update 2018.

PART 1 – STATEMENT OF OBJECTIVES OR INTENDED OUTCOMES

(s.3.33(2)(a) A statement of the objectives or intended outcomes of the proposed instrument)

The objective of the PP is to amend KLEP 2011 and to extend the Gerringong residential zone from Campbell Street to the southern boundary of 48 Campbell Street, (Lot 2 DP 1168922), Gerringong which is consistent with the Gerringong Charrette and KLSPS. The URA property description and current land use zone as outlined in **Table 1**.

Table 1 – Property description and current URA land use zone

Lot DP / Property Address	Current KLEP 2011 Land Use Zone
Lot 2 DP 1168922, No. 48 Campbell Street, Gerringong	RU2 - Rural Landscape

Outcomes of the PP include:

- Additional residential lots that will deliver additional dwellings and residential population with close proximity to existing schools, shops and community facilities;
- Urban development that is consistent with the adjacent existing residential development area;
- Urban development that is a logical southern extension to the Gerringong township with a transitional landscaped interface to adjacent rural land;
- Meeting projected housing needs of Kiama and the wider area as identified in strategic planning documentation.
- Provide a dedicated riparian within the PP site along Union Creek.

The proposed land use zone amendments are shown in **Figure 9** (larger version of plan is shown in **Appendix B**) and Part 4 of this document. Beyond the proposed residential, riparian corridor reserve and public recreation reserve, the residual land of Lot 2 which consists of flood affected and higher agricultural class land will remain zoned RU2.

Figure 10 – Site Photo looking from Wingeewah Road to the proposed URA site



PART 2 – EXPLANATION OF PROVISIONS

(s.3.33(2)(b) *An explanation of the provisions that are to be included in the proposed instrument*)

The PP will be achieved by amending the following KLEP 2011 maps (outlined **Table 2** and also shown in Part 4) to allow residential and open space land use changes to occur as outlined in the Structure Plan (shown in Figure 9 and larger version of plan is shown in **Appendix B**).

Table 2 – Proposed KLEP 2011 maps for amendment

Map type	Map sheet (identification numbers)	Reasoning for amendment	Proposed change
Land Zoning – LZN 014	4400_COM_ LZN_014_020_20211207	Site is currently RU - Rural Landscape.	Part site mapped R2- Low Density Residential & C2 – Environmental Conservation.
Lot Size – LSZ 014	4400_COM_ LSZ_014_020_20211207	Minimum lot size is currently 40ha.	Part site mapped with a minimum lot size of 450m ² .
Floor Space Ratio (FSR)– FSR 014	4400_COM_ FSR_014_020_20211207	No FSR current applies.	Part site mapped with a FSR of 0.45:1.
Height of Buildings – HOB 014	4400_COM_ HOB_014_020_20211207	Not mapped with a maximum building height.	Part site mapped with a maximum building height of 8.5m.
Urban Release Area - URA 014	New sheet to be created and numbered	Site not currently mapped as a URA.	Site mapped a URA

The above URA Clause will allow provisions around ensuring works related to past agricultural use of the site and any related contamination are carried out as per an agreed Remediation Action Plan (RAP) before a subdivision development application can be lodged. Therefore, a separate DA would need to be lodged to carry out the remediation works. This point is discussed further in Part 3 of this document.

These amendments are required so the URA meets the aims of the KLEP 2011, as outlined below:

- (1) *This Plan aims to make local environmental planning provisions for land in Kiama in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) *The particular aims of this Plan are as follows—*
- (3) *to provide planning controls for the Kiama area to achieve ecologically sustainable development principles while recognising the economic, environmental and social impacts and risks associated with climate change,*
- (4) *to maintain, protect and improve the natural environment including native vegetation, endangered ecological communities, natural habitat corridors, riparian land, groundwater dependent ecosystems and wetlands for their biodiversity values,*
- (5) *to conserve and protect the area's water resources, groundwater, waterways, and water quality for their biodiversity, ecological, health and recreational values,*
- (6) *to protect agricultural land and restrict its fragmentation for purposes other than primary production,*
- (7) *to protect and enhance the coastal and rural character of Kiama's rural towns, neighbourhoods and villages, and the characteristic scenic landscapes that contribute to its liveability and identity,*
- (8) *to consolidate future population growth and medium density housing primarily in locations near shops and public transport,*
- (9) *to cater for housing choice including affordable rental housing, affordable housing for first home buyers and housing for the aged and disabled and independent seniors,*

- (10) to protect and maintain land used or to be used for employment in rural and urban areas,
 (11) to promote and co-ordinate the orderly and economic use and development of land,
 (12) to maintain, protect and enhance environmentally sensitive land for its biodiversity and ecological values,
 (13) to protect Kiama's cultural heritage.

PART 3 – JUSTIFICATION OF OBJECTIVES, OUTCOMES AND PROCESS

(s.3.33(2)(c) Justification for those objectives, outcomes and provisions and the process for their implementation)

3.1 – Need for the Planning Proposal

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

The PP is the result of the following KMC endorsed strategic studies identified in **Table 3** recommending either part or all of the URA (i.e. Lot 11 DP 1045242 is not included in all studies). Also provided are initial site investigation findings of the various accompanying assessments as outlined in **Table 4** and as recommended in feedback received from KMC staff in September 2019.

Table 3 – Summary of URA supporting strategic studies

Study	Key findings summary
<i>Gerringong Charrette 1995</i>	<ul style="list-style-type: none"> Identifies the proposed URA (Lot 2 DP 1168922) for proposed residential use which is shown in the mapping extract provided as Appendix C. In terms of forecasting residential land supply at Gerringong and the immediate surrounding area, the document makes the following related points: <ul style="list-style-type: none"> Estimated 4% annual population growth with a population of roughly 7,730 people in the year 2020. The proposed URA proposes approximately 166 dwellings at a rate of 12 dwellings per Ha. The Gerringong southern expansion area is identified as a green field site of two gentle hills with Union Creek flowing between them, and is roughly bordered by Fern Street to the east, the flood plain and farmland to the west and south, and existing town to the north. The Charrette has played a significant role in the development outcomes, land supply and related community / business development that has been realised throughout the township of Gerringong since its inception. A lack of greenfield residential land supply has meant that the Charrette population and dwelling supply predictions have not been achieved.
<i>Kiama Local Strategic Planning Statement 2020</i>	<ul style="list-style-type: none"> Sets out the following strategic outcomes: <ul style="list-style-type: none"> 20-year vision for land use in the local area special characteristics which contribute to local identity shared community values to be maintained and enhanced how growth and change will be managed into the future Identifies Gerringong as a local town centre providing a range of business and retail uses, including supermarket, health and other services. Identifies urban growth area (future housing opportunities) for the Gerringong southern expansion area - as outlined on pages 23 and 25.

Table 4 – Summary of key investigation findings

Investigation	Key findings summary
Aboriginal Heritage Diligence Assessment	<ul style="list-style-type: none"> Aboriginal objects are likely to occur in identified areas of moderate potential within the study area which are generally in proximity to the existing fig tree site. The preparation of an Aboriginal Cultural Heritage Assessment is recommended to determine the complete impact on the archaeological resource. Archaeological sites in this area occur primarily on the crests of low spurs, on elevated topographies adjacent to major creek lines, in or near riparian corridors and on major ridge crests. Foothills contain many paleochannels, and the current creek alignments should not be relied upon in order to determine the location of archaeological sites. No previously recorded Aboriginal archaeological sites will be impacted by the proposed works. The location of the study area was likely used as a travel route between the Illawarra escarpment and the coast. Archaeological deposits within the study area, if present, would most likely be represented by artefacts, isolated artefacts or potential archaeological deposits.
Agriculture Assessment	<ul style="list-style-type: none"> The land is partly mapped as: <ul style="list-style-type: none"> Class 2 land and generally comprises the more fertile alluvial creek flats which are subject to occasional flooding. Class 3 land (lower valued land) and comprises the hilly grazing land above the flood line. All the proposed urban residential development will be on the Class 3 land. The majority of higher quality Class 2 land will continue to be used for agriculture. Lot 2 DP 1168922 agricultural changes involve an approximate area of 16 ha excised from a property of 45.83 ha (total residential & riparian land) that results in a 34% reduction in carrying capacity from 58 to 43 cows. At this reduced level of production, it can continue as a viable part-time primary production enterprise. The township of Gerringong is surrounded by prime agricultural land and if it expands outwards, there is no poor quality agricultural land which could be utilised. This proposal's residential development is fortuitously confined to Class 3 land and allows the continued use of the Class 2 land for agriculture. There will only be a minor loss in agricultural production resulting from the proposed rezoning. From this initial assessment, an Aboriginal Cultural Heritage Assessment has now been prepared to address Ministerial Direction 2.3 which identified and assessed 5 artefacts found on the site. Further, this onsite work identified that no further assessment or works are required to be undertaken for the study area. However, before any works can occur on the site, the Proponent will need to apply to Heritage NSW for an Aboriginal Heritage Impact Permit to destroy artefacts found on the site.
Ecological Constraints Assessment	<ul style="list-style-type: none"> The presence of a mature fig tree within the study area poses a 'High' constraint. This tree may be remnants of an endangered ecological community. Hollows are present, which are important habitat for native fauna, particularly microbats, many of which are threatened. It is recommended that this tree be given protection via re-zoning surrounding land to retain the ecological value it holds.

Investigation	Key findings summary
	<ul style="list-style-type: none"> Riparian land is also present within and around the site, and these have been deemed to require a riparian setback as required by Natural Resources Access Regulator, Union Creek as a third-order stream contains permanent water with dense vegetation, and thus potentially important habitat for threatened microbats and possibly the endangered Green and Gold Bell Frog. From this initial assessment, additional Flora & Fauna Assessment has now been prepared to address Ministerial Direction 2.1 which accompanies the proposal as an addendum assess to the previous assessment which in part recommends the following requirements: <ul style="list-style-type: none"> The fig tree reserve to be zoned RE1 -Public Recreation. However, this land zone change to RE1 requires further consideration and agreement by KMC and the fig tree will in the short term remain on land zoned R2. Union Creek riparian corridor (reserve) to be zoned C2 – Environmental Conservation. Establishment of a Vegetation Riparian Zone. Guidelines for future embellishment of the riparian reserve. A 30 meter riparian buffer from the top of bank for Union Creek and where appropriate applies a watercourse alignment averaging for a distance of up of 15m. This assessment has also assumed a generous creek width of Union Creek to be up to 10m wide (as shown on the accompanying Structure Plan). A Vegetation Management Plan be prepared as a requirements of a future subdivision plan application.
Residential Land Supply & Demand Analysis	<ul style="list-style-type: none"> The findings of the residential land supply and demand analysis at Gerringong conclude that current land supply is not adequate to meet current needs. Strategic supply analysis identifies available land for release which forms the Elambra West Urban Release Area which is potentially overdue and associated land supply shortage is influencing market choices. Key factors driving demand for land release in Gerringong include: <ul style="list-style-type: none"> steady population growth; demand to live in such a coastal location; preference for green field development over infill development; limited feasible areas / opportunities for infill development; proximity and improved travelling options to Wollongong & Sydney; limited vacant land supply on the market; Gerringong Charrette 1995 forecasting further residential land supply at Gerringong; KLSPS has identified urban growth area (future housing opportunities) for the Gerringong southern expansion area - as outlined on pages 23 and 25 Illawarra Shoalhaven Regional Plan 2041 identifying Gerringong to provide future land and housing supply; land supply in the Kiama LGA is already identified in supporting strategies (via Planning Proposal process) can be re-zoned to reduce current demand. Available new release land in the Kiama LGA appears to be in short supply since 2012/13 and greenfield dwelling potential in Elambra Estate, was exhausted in 2016/17. dwelling approvals for the Kiama LGA in general are increasing every year.

Investigation	Key findings summary
	<ul style="list-style-type: none"> ○ only 86 greenfield residential lots are zoned for potential release to service the whole Kiama LGA. ○ average dwelling completions for the 20 years is 143 which is an indication of a strong local housing market in the Kiama LGA. ○ high infill dwelling development in the Kiama LGA is a reflection of the limited capacity for greenfield housing. ○ greenfield dwelling forecasts have identified potential supply of 617 future lots for the whole Kiama LGA of which more than the 166 dwellings identified at Elambra West. ● The Elambra West Planning Proposal offers KMC and the surrounding/wider community the opportunity to deliver residential land to meet part of current supply shortfall.
Traffic & Parking Assessment	<ul style="list-style-type: none"> ● Access to the site continues via Campbell Street to the north. ● Access to the adjacent Elambra Parade is not required. ● The intersection of Campbell Street / Belinda Street requires the implementation of LATM devices to lower speeds along Belinda Street on the approach to Campbell Street which addresses an existing intersection sightline issue. ● The detailed design of the internal road network should be assessed at the DA Stage. ● It is expected that waste collection will be completed by Council's waste collection service along the internal road network. ● Courier and removalist vehicles can utilise on-street parking for deliveries as these types of deliveries will be infrequent. ● The internal road network must be assessed against the relevant sections of Council's standard engineering drawings at the DA Stage. ● 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 traffic flow and parking impacts of the URA proposal are supportable though further detailed assessment.
Visual Impact Analysis	<ul style="list-style-type: none"> ● The assessment recognises the visual amenity of the rural landscape surrounding the Gerringong township and in particular the view lines both from the urban area and views from the rural land to the town and Elambra West site. ● The assessment recognises that both views to and from the Elambra West site are compromised by existing surrounding development which has occurred overtime and associated visual impacts cannot be fully mitigated. ● The urban setting proposed by the URA is mostly visible from adjacent dwellings in Elambra Estate. This visual impact can be mitigated with use of perimeter and watercourse landscape plantings. ● The urban setting proposed by the URA is not likely to significantly compromise existing view lines from surrounding dwellings from the adjacent Elambra site which is generally at the same landform height or higher than the proposal site. ● The existing view lines from the surrounding rural landscape is already compromised by visual impacts of the Gerringong township and the URA does not necessarily add a further significant compromise in this visual setting. This

Investigation	Key findings summary
	<p>visual impact can be mitigated with use of perimeter and watercourse landscape plantings.</p> <ul style="list-style-type: none"> • The visual impact to the URA is in a compromised setting with existing surrounding residential development and therefore the site (when developed) won't necessarily be obvious on its own when looking from a distance to the site. This visual impact can be mitigated with use of perimeter and watercourse landscape plantings. • The URA site is not located within an existing "Scenic Protection Area". • The URA does not visually affect a surrounding heritage site. • The URA proposes to retain the existing large fig tree which can enhance the future visual interest of the site as part of a public reserve system with use of perimeter and watercourse landscape plantings. • Embellishment of Union Creek and its incorporation into a public reserve system can significantly increase the visual amenity of this watercourse. • The extension of the urban setting in general does not significantly reduce existing public viewpoints and the new urban / rural interface can be mitigated and transitioned where possible through perimeter and watercourse landscape plantings.
Preliminary European Heritage assessment	<ul style="list-style-type: none"> • Preliminary European Heritage assessment has relied on a walk over of the URA site and cross referencing with KLEP 2011 heritage mapping. As shown in Figure 7, no heritage items are located on or in proximity to the URA site. • A site walkover did not find any significant items however, it was noted that the site has an original farm dwelling.
Preliminary flood assessment	<ul style="list-style-type: none"> • Preliminary flood assessment relied on the site being identified in the KLSPS and modelling of the previous work undertaken by Australian Water Technologies that prepared the flood assessment in January 2001 for KMC that related to adjacent Elambra Estate. • Subsequently, a more detailed flood assessment now accompanies the proposal to address Ministerial Direction 4.3 – Flooding a site-specific Flood Assessment and is prepared in accordance with the NSW Floodplain Development Manual. • In summary, this assessment concludes that a 2090 1% Annual Exceedance Probability (AEP) flood level line of demonstrates the PP can provide for its intended residential purpose. <p>The above requirements have required some minor adjustment to the area available for the residential zone which is shown in the updated URA structure plan with zoning information is shown in Figure 9 (larger version of plan is shown in Appendix B).</p>
Preliminary service infrastructure assessment	<ul style="list-style-type: none"> • Preliminary service infrastructure assessment is based on the findings of the <i>Illawarra Shoalhaven Urban Development Program Update 2018</i>. The report is based on information gathered during the annual developer forum held in 2016 and 2017, which was attended by Sydney Water, Councils, and relevant developers to discuss historical housing supply and forecast lot production. It provides the estimates of land supply as at the end of financial year 2016/17 and short-term forecasts until 2021/22 and identified the follow points specific to the URA:

Investigation	Key findings summary
	<ul style="list-style-type: none"> ○ Greenfield dwelling forecasts have identified potential supply of 617 future lots for the whole Kiama LGA of which more than the 166 dwellings identified at Elambra West. ○ Elambra West has capacity within the water and wastewater systems as well as electricity network for servicing and presents an additional housing opportunity if required. ● Preliminary feedback from Endeavour Energy has also been sought.
Contamination assessment	<ul style="list-style-type: none"> ● As a condition of Gateway Determination, a Stage 1 Land Contamination Assessment was required to address Ministerial Direction 2.6. Finding from the Stage 1 Assessment concluded some soil contamination was present on the PP site and that additional Stage 2 Assessment was required. Key findings of this stage 2 assessment (Detailed Site Investigation) that accompanying the proposal and in summary makes the following conclusions: ● Restrict access to a significantly contaminated area and where appropriate make them safe in general accordance with the SafeWork NSW Code of Practice (2019). ● Disturbance of materials with potential to disturb friable asbestos should be appropriately supervised ● Avoid disturbance of any area containing non-friable asbestos materials. ● Preparation of a RAP to meet Ministerial Direction 2.6 – Remediation of Contaminated Land by a suitably qualified environmental consultant. ● As outlined above, the RAP recommends a series of works and processes to make contaminated areas of the site safe and environmentally acceptable for related land uses which includes off site disposal and onsite encapsulation.

PP for land from Saddleback Mountain Road to south of Weir Street, South Kiama - NSW Planning Panels – Rezoning Review – Record of Decision

Further to the above justification, we provide as **Appendix E** the Record of Decision (19 June 2019) for land from Saddleback Mountain Road to south of Weir Street, South Kiama and note the following key points:

1. The Kiama Urban Strategy 2011 was not approved formally by the DPIE (*noted, now repealed by KLSPS 2020*).
2. Under action 2.5.1 of the Illawarra Shoalhaven Strategic Plan, projections of land availability and monitoring of progress under the Illawarra Urban Development Program have consistently assumed that the Elambra West site would be developed and would contribute 355 lots. However, this site has not been rezoned and rezoning does not appear to be imminent.
3. The Panel was not convinced that other initiatives being pursued by Council would meet projected housing needs identified in the Illawarra Shoalhaven Regional Plan – **particularly given existing projections rely heavily on progressing development of the Elambra West site which has not been rezoned to date.**

The comments made by the Southern Regional Planning Panel outlines the urgent need to progress rezoning of the proposed Elambra West area.

In the absence of this PP, the delivery of the URA could not be achieved with the current land zoning, lot size, floor space ratio and height of buildings requirements of KLEP 2011.

Figure 11 – Site Photo showing existing condition of the Union Creek watercourse.



3.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The PP is the only planning mechanism of achieving the intended URA re-zonings and related outcomes.

3.2 – Relationship to Strategic Planning Framework

3.2.1 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 PP is consistent with the following regional strategic planning framework.

Illawarra Shoalhaven Regional Plan 2041

The PP is consistent with the Illawarra Shoalhaven Regional Plan. The Plan applies to the LGAs of Kiama, Shellharbour and Wollongong, and represents a strategic vision and direction for planning for the region's future housing over the next 20 years.

The Plan identifies 15 regionally significant precincts which includes Gerringong as a "Strategic Centre" that will drive job creation, housing diversity and vibrant communities. These places contain more than 2,300 hectares for employment, hubs for recreation, culture, housing and innovation, as well as almost 45,000 jobs, and growth areas that provide land for almost 30,000 new homes.

Key inputs to the Plan have included:

- A Regional Approach to Sustainability in the Illawarra Shoalhaven 2020 – embeds sustainability into the Regional Plan identifying regional collaborative opportunities
- Public Spaces in the Illawarra Shoalhaven Region 2020 – investigates and analyses access to public spaces in the Region and identifies opportunities to improve access
- Councils' 2020 Local Strategic Planning Statements and their current Community Strategic Plans. It is noted the URA is consistent with the KLSPS.
- The NSW Government's State Infrastructure Strategy 2018-2038, Future Transport 2056, A 20-year Economic Vision for Regional NSW, and regional economic development strategies for Kiama, Shellharbour and Shoalhaven.

In summary the URA is consistent with the following objectives and strategies identified in the Plan:

Objective 11: Protect important environmental assets

Strategy 11.4 in part recognises the need to Protect biodiversity values in urban release areas by incorporating validated, up-to date environmental data into local strategic planning and local plans.

Objective 12: Build resilient places and communities

Strategy 12.1 in part recognises the need to promote economic diversity and prosperity, improving liveability and strengthening the health, wellbeing and social cohesion of a place which the URA can facilitate.

Strategy 12.2 in part recognises the need to locate development, including urban release areas, away from areas of known high bushfire risk, flooding hazards or high coastal erosion/inundation to reduce the community's exposure to natural hazards which the URA is consistent with.

Objective 14: Enhance and connect parks, open spaces and bushland with walking and cycling paths

Strategy 14.1 in part recognises the need to plan for urban release areas to supply a sufficient quantity and quality of new accessible open space which the URA can facilitate.

Objective 18: Provide housing supply in the right locations

Strategy 18.1 which identifies urban growth boundaries and facilitate opportunities to create an ongoing supply of housing in local strategic planning and local plans. In particular, the Plan identifies Gerringong as making more housing available in existing urban areas is a sustainable option as it takes advantage of existing investments into infrastructure and services.

Objective 19: Deliver housing that is more diverse and affordable

Strategy 19.1 in part recognises the need for a mix of housing types and lot sizes including small lots in urban release areas which the URA can facilitate.

Objective 22: Embrace and respect the region's local character

Strategy 22.1 in part recognises the need to explore flexibility and supporting a mix of land uses so that local streets and spaces can be adapted to new uses and user needs over time which the URA can facilitate.

Illawarra Shoalhaven Urban Development Program Update 2018

The PP is consistent with the Illawarra-Shoalhaven Urban Development Program (UDP) which is the State Government's program for managing land and housing supply in the Illawarra-Shoalhaven. The UDP monitors the planning, servicing and development for new urban areas in Wollongong, Shellharbour, Kiama and Shoalhaven LGA's as well as the provision of housing in existing urban areas.

The UDP enables the DPIE to:

- Monitor take up rates, land supply and dwelling production;
- Coordinate release and rezoning of land; and,
- Strategically plan to ensure the sustainable supply of housing to meet the Region's needs.

The UDP is based on information gathered during the annual developer forum held in 2016 and 2017, which was attended by Sydney Water, Councils, and relevant developers to discuss historical housing supply and forecast lot production. It provides the estimates of land supply as at the end of financial year 2016/17 and short-term forecasts until 2021/22.

Key points from the UDP data shown in this report indicates:

- Available new release land appears to be in short supply in the Kiama LGA since 2012/13, when dwelling completions fell after peaking at 89 to an average of 23 per year to 2016/17. At the same time in-fill dwelling completion was 77 and continued to grow to an average of 81 per year to 2016/17.
- Dwelling approvals in the Kiama LGA reached a ten year high in 2015/16 with 210 approvals.
- Detached dwellings (higher on greenfield sites) is preferable over multi-units in the Kiama LGA.
- The proportion of multi-unit approvals in the Kiama LGA has increased over the last ten years, accounting for 18% in the first five years to 2011/12 then increasing to 38% of all approvals for the last 5 years (2012/13 to 2016/17) which could be attributed to limited greenfield land available.
- The greenfield dwelling potential in Elambra Estate was exhausted in 2016/17 with the construction of the final subdivision stages and registration of lots.
- Only 86 greenfield residential lots are zoned for potential release to service the whole Kiama LGA.
- Average dwelling completions for the last 20-years is 143 per annum which is an indication of a strong local housing market in the Kiama LGA.
- High infill dwelling development in the Kiama LGA is a reflection of the limited capacity for greenfield housing.
- Greenfield dwelling forecasts have identified potential supply of 617 future lots for the whole Kiama LGA of which more than the 166 dwellings identified at Elambra West.
- Elambra West has capacity to be integrated with the water and wastewater systems as well as electricity network for servicing and presents an additional housing opportunity if required.

The above analysis concludes that the PP is consistent with relevant planning strategy hence meets strategic merit test requirements.

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

As outlined in the above Section 3.1, the URA is endorsed in part or in full the following local strategic planning reports:

- Gerringong Charrette 1995; and
- KLSPS 2020.

Further to the above, the PP is broadly consistent with the Kiama Council Community Strategic Plan's objectives of:

1. A healthy, safe and inclusive community.
2. Well planned and managed spaces, places and environment.
3. A diverse, thriving economy.
4. Responsible civic leadership that is transparent, innovative and accessible.

3.2.3 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The PP is considered generally consistent with applicable State Environmental Planning Policies (SEPP) which are assessed in **Table 5** and relevant SEPPs summarised in the following subsections.

Table 5 – SEPP Summary

SEPPs relevant to the Site	Relevant to PP
No 19—Bushland in Urban Areas	x
No 21—Caravan Parks	x
No 33—Hazardous and Offensive Development	x
No 36—Manufactured Home Estates	x
No 50—Canal Estate Development	x
No 55—Remediation of Land	✓
No 62 – Sustainable Aquaculture	x
No 64—Advertising and Signage	x
No 65—Design Quality of Residential Apartment Development	x
No 70—Affordable Housing (Revised Schemes)	x
Affordable Rental Housing 2009	x
Building Sustainability Index: BASIX 2004	x
Coastal Management 2018	x - Mapping shown below
Concurrences and consents 2018	x
Educational Establishments and Child Care Facilities 2017	x
Exempt and Complying Development Codes 2008	x
Housing for Seniors or People with a Disability 2004	x
Infrastructure 2007	x
Koala Habitat Protection 2019	x
Mining, Petroleum Production and Extractive Industries 2007	x
Primary Production and Rural Development 2019	✓
Vegetation in Non-Rural Areas 2017	x

SEPP No.55 – Remediation of Land

SEPP 55 applies to the PP and relates to remediation of contaminated land and requires amongst other things, investigations to be undertaken as part of the development assessment process, to determine whether the subject land is likely to be contaminated and if so, what remediation work is required.

Preliminary investigations note the URA is used for grazing and some bulky agriculture items, machinery sheds and stockyards were identified by a site walkover inspection - as shown in the **Figure 12**. As a requirement of Gateway Determination Stage 1 & 2 Land Contamination Assessment and a subsequent RAP has been undertaken and related findings accompany the PP. This involves moving most of any soil contamination to an encapsulation cell to be created on the residual rural land. Some soil will also be exported from the site.

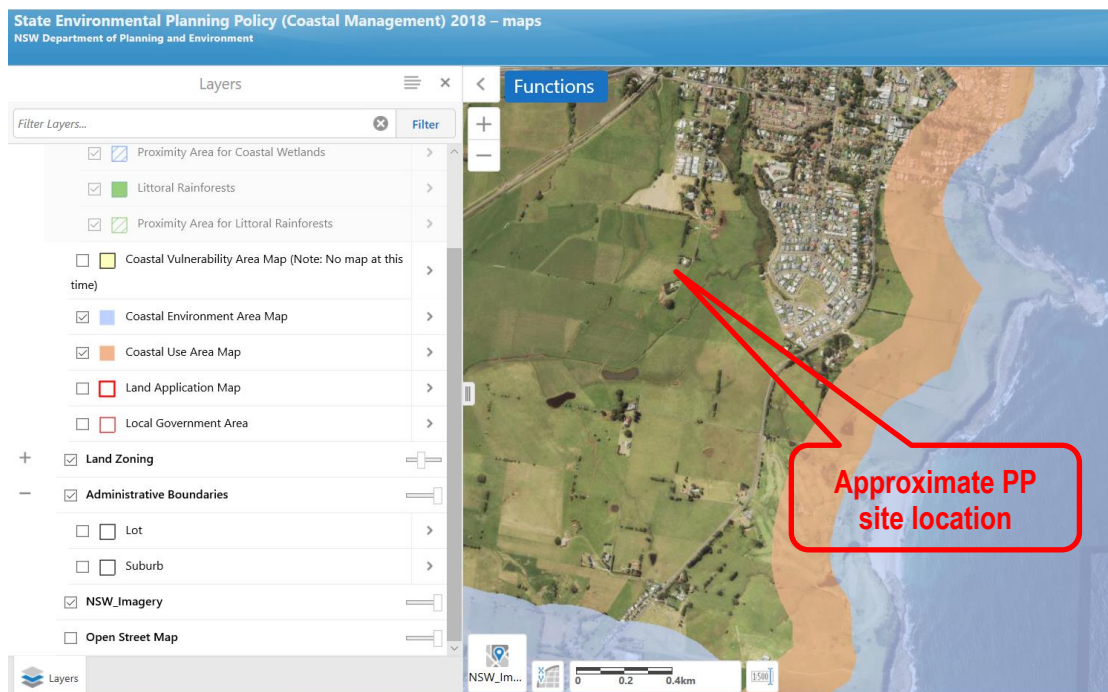
Figure 12 – Site Photo of onsite machinery sheds



SEPP Coastal Management 2018

As shown in **Figure 13**, the SEPP Coastal Management 2018 mapping does not apply to the URA site.

Figure 13 - SEPP Coastal Management 2018 mapping (Source: NSW DPIE)



SEPP (Primary Production and Rural Development) 2019

SEPP (Primary Production and Rural Development) does apply to the URA and the following assessment in Table 6 is made against the aims of the policy.

Table 6 – SEPP (Primary Production and Rural Development) assessment

Policy Aim	Assessment Comment
(a) to facilitate the orderly economic use and development of lands for primary production,	The PP results in orderly economic use to facilitate planning expansion of the Gerringong township while retaining Class 2 land (higher agricultural valued land) for continued agriculture use.
(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,	The PP with its use of class 3 agriculture land for residential use and improvements to the Union Creek watercourse facilitates a balance of primary production, residential development while improving local biodiversity and water resources.
(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,	The URA site and surrounds is not identified as State significant agricultural land.

Policy Aim	Assessment Comment
(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,	Not applicable as the PP does not propose any artificial waterbodies or drainage in irrigation areas.
(e) to encourage sustainable agriculture, including sustainable aquaculture,	The PP allows for continued sustainable use of the Class 2 agricultural land (higher agricultural valued land).
(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,	Not applicable as the PP does not propose development that will impact oyster aquaculture.
(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.	Not applicable as the PP does not propose aquaculture.

The PP is consistent with the above objectives of the SEPP (Primary Production and Rural Development) and as outlined in the accompanying Agriculture Assessment, residual land will continue be used as sustainable Class 2 land (higher agricultural valued land).

3.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

A summary of the PP consistency with relevant Section 9.1 Ministerial Directions (2) of the *Environmental Planning and Assessment Act 1979* is provided in **Appendix F** and relevant directions discussed below.

Direction 1.2 Rural Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). Clause 4(a) applies and states,

A planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.

However, a planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

Table 7 – Rural Zones Direction Assessment

Direction Requirement	Assessment Comment
(a) justified by a strategy which: (i) gives consideration to the objectives of this direction,	As outlined in this document, the proposal is consistent with the following strategic plans: <ul style="list-style-type: none"> Gerringong Charrette 1995 KLSPS 2020

Direction Requirement	Assessment Comment
<p>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</p> <p>(iii) is approved by the Director-General of the Department of Planning, or</p>	<ul style="list-style-type: none"> • Illawarra Shoalhaven Regional Plan 2041, and its reference to the KLSPPS and Objective 12: Build resilient places and communities (as outlined above). • Illawarra Shoalhaven Urban Development Program Update 2018
<p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</p>	<p>The accompanying agricultural assessment supports the URA and identifies that all residential development will be on the Class 3 land and most of the Class 2 land will continue to be used for agriculture.</p>
<p>(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p>	<p>The PP is consistent with outcomes of the following strategic plans:</p> <ul style="list-style-type: none"> • Illawarra Shoalhaven Regional Plan 2041 • Illawarra Shoalhaven Urban Development Program Update 2018
<p>(d) is of minor significance</p>	<p>The accompanying agricultural assessment supports the URA and identifies that all residential development will be on the Class 3 land and most of the Class 2 land will continue to be used for agriculture which results in the loss of rural zoned land to be a minor significance to primary production of the State and rural communities.</p>

The PP is not inconsistent with this direction.

Direction 1.5 Rural Lands

This direction applies as the PP meets the following Clause 3 requirements:

- (a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or
- (b) changes the existing minimum lot size on land within a rural or environment protection zone.

Note: Reference to a rural or environment protection zone means any of the following zones or their equivalent in a non-Standard LEP: RU1, RU2, RU3, RU4, RU6, E1, E2, E3, E4.

Table 8 – Rural Lands Direction Assessment

Direction Requirement	Assessment Comment
<p>(4) A planning proposal to which clauses 3(a) or 3(b) apply must:</p>	<p>Noted.</p>

Direction Requirement	Assessment Comment
(a) <i>be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement</i>	<p>The PP is consistent with the following strategic plans:</p> <ul style="list-style-type: none"> • Gerringong Charrette 1995 • KLSPS 2020 • Illawarra Shoalhaven Regional Plan 2041 • Illawarra Shoalhaven Urban Development Program Update 2018
(b) <i>consider the significance of agriculture and primary production to the State and rural communities</i>	The accompanying agricultural assessment supports the URA and identifies that all residential development will be on the Class 3 land and the majority of Class 2 land will continue to be used for agriculture.
(c) <i>identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</i>	The accompanying structure plan and this assessment identifies the need to protect native vegetation, cultural heritage, and the importance of water resources through rehabilitating the Union Creek watercourse.
(d) <i>consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</i>	The accompanying agricultural assessment supports the URA and identifies that all the residential development will be on the Class 3 land and the majority of Class 2 land on the flood plain will continue to be used for agriculture.
(e) <i>promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</i>	The accompanying agricultural assessment recognises the opportunity of Class 2 land to continue for agriculture use and provide opportunities for investment in productive and sustainable rural economic activities.
(f) <i>support farmers in exercising their right to farm</i>	The accompanying agricultural assessment recognises the opportunity of Class 2 land to continue to support farming.
(g) <i>prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses</i>	The accompanying agricultural assessment and structure plan design recognises the opportunity to minimise the fragmentation of rural land, consolidation of residual agriculture land and reduce the risk of land use conflict.
(h) <i>consider State significant agricultural land identified in State Environmental Planning Policy (Primary Production and Rural Development) 2019 for the purpose of ensuring the ongoing viability of this land</i>	Not applicable as no State significant agricultural land identified on the URA site.

Direction Requirement	Assessment Comment
<i>(i) consider the social, economic and environmental interests of the community.</i>	The PP has initially considered social, economic and environmental interests of the community and further investigation can be considered through the Gateway assessment process.
<i>(5) A planning proposal to which clause 3(b) applies must demonstrate that it:</i>	Noted.
<i>(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</i>	The accompanying agricultural assessment and structure plan design recognises the opportunity to minimise the fragmentation of rural land, consolidation of residual agriculture land and reduce the risk of land use conflict.
<i>(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains</i>	The accompanying agricultural assessment recognises the opportunity of Class 2 land to continue for agriculture use and provide opportunities for investment in productive and sustainable rural economic activities.
<i>(c) where it is for rural residential purposes:</i> <i>i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres</i> <i>ii. is necessary taking account of existing and future demand and supply of rural residential land.</i>	As shown in the accompanying structure plan, the URA design has considered the availability of human services, utility infrastructure, transport and proximity to existing centres and accompanying studies have taken account of existing and future demand and supply of rural residential land.

The PP is not inconsistent with this direction.

Direction 2.3 Environmental Protection Zones

(as requested by DPIE the following Direction 3.1 Conservation Zones as effective of 1 March 2022 has been addressed)

The objective of this direction is to protect and conserve environmentally sensitive areas.

Table 9 - Conservation Zones Direction Assessment

Direction Requirement	Assessment Comment
<i>(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</i>	The PP is consistent with this requirement and facilitates the protection of the Union Creek riparian area.
<i>(2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards</i>	The PP is consistent with this requirement and the proposed C2 zoned land that covers the Union Creek riparian area does not reduce the conservation standards that apply to the land or does not apply to a change to a

<i>that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.3 (2) of “Rural Lands”.</i>	development standard for minimum lot size for a dwelling in accordance with Direction 9.3 (2) of “Rural Lands”.
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The PP is not inconsistent with this direction.

Direction 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

This direction applies when a relevant planning authority prepares a planning proposal.

Table 10 - Heritage Conservation Direction Assessment

Direction Requirement	Assessment Comment
<i>(4) A planning proposal must contain provisions that facilitate the conservation of:</i>	Noted.
<i>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i>	The accompanying Aboriginal Heritage Diligence Assessment – November 2020 and Aboriginal Cultural Heritage Assessment – January 2022 has examined the site and not identified any items of significance.
<i>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i>	Noted and this is considered in the Aboriginal Heritage Diligence Assessment – November 2020 and Aboriginal Cultural Heritage Assessment – January 2022.
<i>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i>	The accompanying Aboriginal Heritage Diligence Assessment – November 2020 and Aboriginal Cultural Heritage Assessment – January 2022 has examined the site and not identified any items of significance.

The PP is not inconsistent with this direction.

Direction 2.6 Remediation of Contaminated land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. The direction refers to considering assessment of development for residential use.

This direction applies when a relevant planning authority prepares a planning proposal where land is proposed for residential use. This direction is relevant as past agricultural use of the site has resulted in partial contamination of the site.

Table 11 - Remediation of Contaminated land Assessment

Direction Requirement	Assessment Comment
<i>(4) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land specified in paragraph (2) if the inclusion of the land in that zone would permit a change of use of the land, unless:</i>	Noted.
<i>(a) the planning proposal authority has considered whether the land is contaminated, and</i>	Stage 1 & 2 contamination assessments have been prepared for the site which have identified partial contamination of the site which is proposed for remedial in the accompanying RAP.
<i>(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</i>	The accompanying RAP outlines how the site will be made for residential use following the creation of a capsulation cell on the residual rural land and exportation of some soil off the URA site.
<i>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.</i>	The accompanying RAP outlines how the site will be made for residential use following the creation of a capsulation cell on the residual rural land and exportation of some soil off the URA site which is overseen by an accredited site auditor.
<i>In order to satisfy itself as to paragraph (4)(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</i>	As outlined above, the PP site should be related to the new URA Clause which has been recently approved by Council. The URA Clause will allow provisions around ensuring works related to past agricultural use of the site and any related contamination are carried out as per the RAP before a subdivision development application can be lodged.

Direction 3.1 Residential Zones

This direction applies as the PP meets the following Clause 3 requirements:

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:

- (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),*
- (b) any other zone in which significant residential development is permitted or proposed to be permitted.*

Table 12 - Residential Zones Directions Assessment

Direction Requirement	Assessment Comment
<p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design</p>	<p>The PP which is proposing a R2 land use zone and minimum lot area of 450m² will also for good planning design and allows for a mixture of large lots and for a varying housing mix which is consistent with state and Council design requirements to provide an efficient use outcome in proximity to existing infrastructure and services.</p>
<p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>	<p>The PP is subject to future subdivision approval that will provide services and infrastructure to the PP site. The proposal does not contain provisions which will reduce the permissible residential density of land.</p>

The PP is not inconsistent with this direction.

Direction 3.4 Home Occupations

This direction applies as the PP meets the following Clause 3 requirements:

This direction applies when a relevant planning authority prepares a planning proposal and the planning proposal must permit home occupations to be carried out in dwelling houses without the need for development consent.

The PP is not inconsistent with this direction and subdivision must proceed prior to related residential subdivision.

Direction 3.4 Integrating Land Use and Transport

This direction applies as the PP meets the following Clause 3 requirements:

The direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

Table 13 – Integrating Land Use and Transport Directions Assessment

Direction Requirement	Assessment Comment
(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:	Noted.
(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and	The Guidelines for planning and development have been considered in the structure plan design.
(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).	The Right Place for Business and Services – Planning Policy have been considered in the structure plan design.

This direction applies as the PP URA is proposed to be serviced by pedestrian Infrastructure and public transport which should reduce car dependency and increase the viability of public transport services. However, due to proximity and frequency of public transport services, Gerringong in general is heavily dependent on private vehicles and the related land zone adjustments on their own are not anticipated to change this public transport service demand or supply. Traffic impacts would be considered as part of the development assessment process.

The PP is not inconsistent with this direction.

Direction 4.1 Acid Sulfate Soils

This direction applies as the PP meets the following Clause 3 requirements:

This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.

Table 14 – Acid Sulfate Soils Directions Assessment

Direction Requirement	Assessment Comment
(4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.	As shown in Figure 4 , Class 4 & 5 acid sulfate soils have been identified in close proximity the URA site and primarily located on the lower flood prone which are not proposed be disturbed. When considering the Acid Sulfate Soils Planning Guidelines, future development the URA site is unlikely to significantly disturb these soils.
(5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in	If deemed necessary, a future subdivision application can be conditioned to undertake these acid sulfate soil investigations.

Direction Requirement	Assessment Comment
<p><i>acid sulfate soils, those provisions must be consistent with:</i></p> <p><i>(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or</i></p> <p><i>(b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines</i></p>	
<p><i>(6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act</i></p>	<p>If deemed necessary, a future subdivision application can be conditioned to undertake these acid sulfate soil investigations.</p>
<p><i>(7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5)</i></p>	<p>If deemed necessary, a future subdivision application can be conditioned to undertake these acid sulfate soil investigations.</p>

This direction applies as the PP is located on land mapped as having part Class 4 & 5 acid sulfate soils. The PP and subsequent later subdivision will consider the Acid Sulfate Soils Planning Guidelines.

The PP is not inconsistent with this direction.

Direction 4.3 Flood Prone Land

This direction applies as the PP meets the following Clause 3 requirements:

This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

Table 15 – Flood Prone Land Directions Assessment

Direction Requirement	Assessment Comment
(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).	The residential R2 land zoning area and flood line for the URA has been informed by these relevant policies and guidelines which is detailed in the accompanying flood assessment.
(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.	The PP is consistent with this requirement and no land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.
<p>(6) A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the development of that land,</p> <p>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</p> <p>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</p>	The PP and its proposed flood line is not in conflict with these flood planning requirements.
(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).	The PP is not in conflict with these flood planning requirements and has considered relevant development controls for the future residential land use.
(8) For the purposes of a planning proposal, a relevant planning authority must not	The residential R2 land zoning area and flood line for the URA has been informed by these

Direction Requirement	Assessment Comment
determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).	relevant guidelines which is detailed in the accompanying flood assessment.

This direction applies as the PP as part of the URA is mapped as being flood prone.

The PP is not inconsistent with this direction and no use of flood prone land is proposed for residential use.

Direction 5.10 Implementation of Regional Plans

This direction applies as the PP meets the following Clause 3 requirements:

This direction applies when a relevant planning authority prepares a planning proposal.

Table 16 – Implementation of Regional Plans Directions Assessment

Direction Requirement	Assessment Comment
(4) <i>Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.</i>	Whilst not specifically identified, the PP is generally consistent with the overall intent of the Illawarra Shoalhaven Regional Plan 2041 and outcomes such as increasing housing supply and opportunity.

The Illawarra-Shoalhaven Regional Plan addresses the provision of such suitable land for future housing needs.

The PP is not inconsistent with this direction.

Direction 6.1 Approval and Referral Requirements

This direction applies as the PP meets the following Clause 3 requirements:

This direction applies when a relevant planning authority prepares a planning proposal.

Table 17 – Approval and Referral Requirements Directions Assessment

Direction Requirement	Assessment Comment
(4) <i>A planning proposal must:</i>	It is expected that Kiama Council will be the plan making authority for the PP site and planning standards would be the same or similar as provisions as within KLEP 2011 that has been applied similar residential such as the existing Elambra Estate that the PP in part mirrors.
(a) <i>minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</i>	
(b) <i>not contain provisions requiring concurrence, consultation or referral of a</i>	

Direction Requirement	Assessment Comment
<p><i>Minister or public authority unless the relevant planning authority has obtained the approval of:</i></p> <p><i>(i) the appropriate Minister or public authority, and</i></p> <p><i>(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),</i></p> <p><i>prior to undertaking community consultation in satisfaction of section 57 of the Act, and</i></p>	
<p><i>(c) not identify development as designated development unless the relevant planning authority:</i></p> <p><i>(i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</i></p> <p><i>(ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</i></p>	

The PP is not inconsistent with this direction.

Direction 6.2 Reserving Land For Public Purposes

This direction applies as the PP meets the following Clause 3 requirements:

This direction applies when a relevant planning authority prepares a planning proposal.

Table 18 – Reserving Land For Public Purposes Directions Assessment

Direction Requirement	Assessment Comment
<p><i>(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</i></p>	<p>The proposal is consistent with this requirement, and it does not create, alter or reduce existing zonings or reservations of land for public purposes. However, the PP proposes to increase the network of public land through the dedication of public reserves for recreation and riparian corridors.</p>
<p><i>(5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning</i></p>	<p>The proposal can meet this requirement.</p>

Direction Requirement	Assessment Comment
<p><i>proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</i></p> <p><i>(a) reserve the land in accordance with the request, and</i></p> <p><i>(b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and</i></p> <p><i>(c) identify the relevant acquiring authority for the land.</i></p>	
<p><i>(6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</i></p> <p><i>(a) include the requested provisions, or</i></p> <p><i>(b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.</i></p>	<p>The proposal can meet this requirement.</p>
<p><i>(7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</i></p>	<p>The proposal can meet this requirement.</p>

The PP is not inconsistent with this direction.

3.3 – Environmental, Social and Economic Impact

3.3.1 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?

A preliminary ecological constraints assessment and additional assessment has identified the biodiversity value of the landscape in the proposed URA which is specifically related to:

- a mature fig tree;
- riparian land and a third-order stream; and,
- tree canopy forming native vegetation around the dwellings at the site.

The PP will not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats as it involves a rezoning of land which is already predominately cleared and has been used for cattle grazing for some time. Further, the PP provides for a 30 meter riparian buffer from the top of bank for Union Creek (assumes a generous creek width of up to 10m wide) and where appropriate applies watercourse alignment averaging for a distance of up to 15m.

In addition, there is an opportunity to rehabilitate and improve the adjacent section of Union Creek which treats and carries largely untreated stormwater from the adjacent Gerringong township to Crooked River. An outcome of the PP will then result in the proposed riparian protection and planting of this adjacent watercourse and an overall improved biodiversity outcome with will be facilitated via a Vegetation Management Plan as a requirements of subdivision consent.

3.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

In recognition of the requirement to resolve soil contamination from past use of the site, related assessments and the RAP will involve moving most of any soil contamination to an encapsulation cell to be created on the residual rural land. Some soil will also be exported from the site. The outcome of resolving this soil contamination will need to be assessed, approved and managed via development consent to minimise any associated environmental effects.

As outlined above, the PP site is proposed to be related to the new Part 7 URA Clauses which has been recently added in the KLEP 2011. The URA Clause will allow provisions around ensuring works related to past agricultural use of the site and any related contamination are carried out as per the RAP before a subdivision development application can be lodged. In addition, the site will be mapped under this Part 7 Clause.

3.3.3 Has the Planning Proposal adequately addressed any social and economic effects?

The social and economic impacts related to the PP and associated land zone adjustments are considered minimal in the context of the proximity of the proposed URA to the adjacent Gerringong township and existing services.

The associated land rezoning is likely to add to the economic viability of the township, including the business community in Gerringong CBD. The overall increased residential opportunities of the URA will have positive social impacts for the community with additional housing supply and associated housing affordability.

3.4 – State and Commonwealth Interests

3.4.1 Is there adequate public infrastructure for the planning Proposal?

As a requirement of the PP and Gateway process, re-confirmation of capacity to connect to existing services and the process of negotiating connection to necessary public infrastructure, including sewer treatment, water, electricity, telecommunications and stormwater drainage will be undertaken.

3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Consultation with State and Commonwealth public authorities will be subject to the Gateway process and based on current assessment it is unlikely that the PP has any impacts which require significant input of State or Commonwealth public authorities.

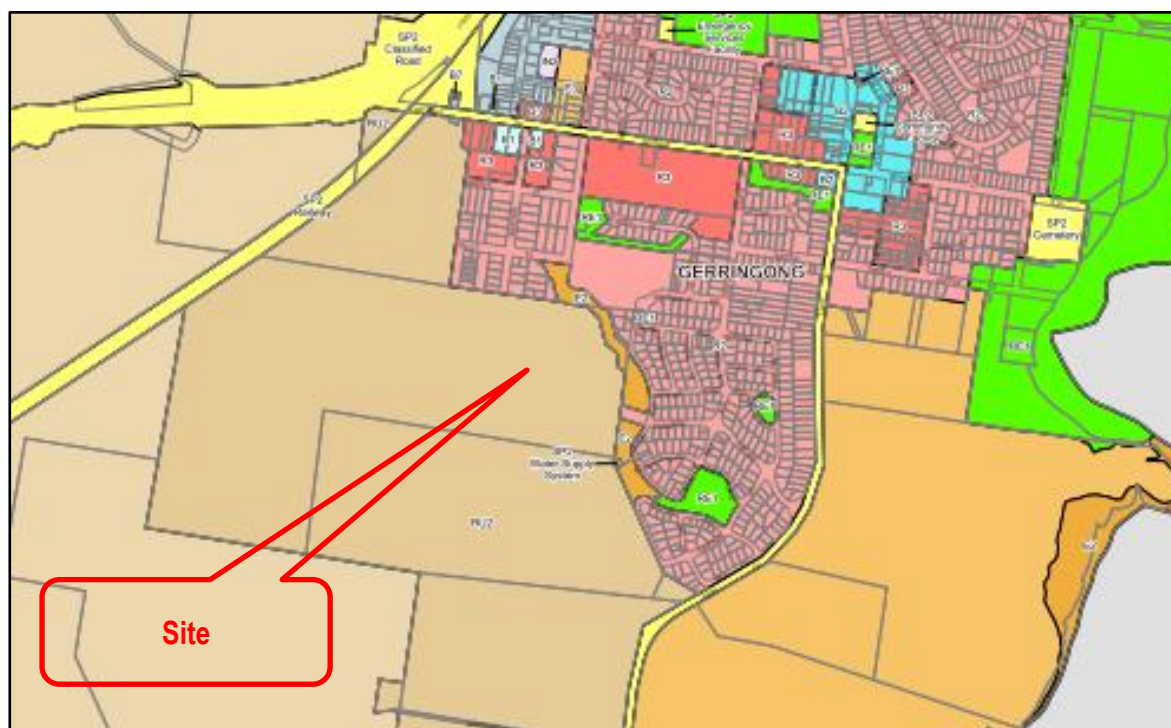
PART 4 – MAPPING

(s.3.33(2)(d) Maps to be adopted by the proposed instrument)

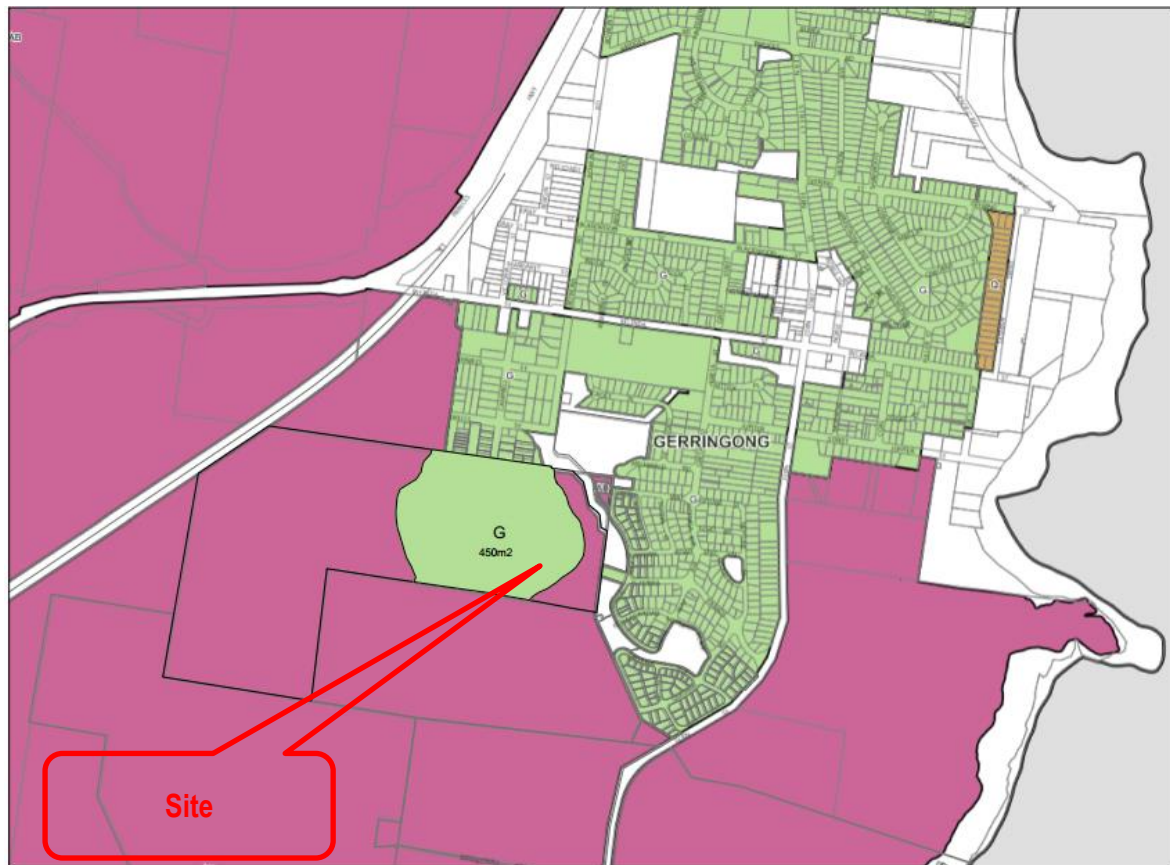
The PP proposes amendments to the maps are shown in **Table 19** (larger scale of proposed KLEP 2011 mapping modifications shown in **Appendix G**). At the conclusion of the PP process, it is expected KMC will prepare mapping associated with this amendment in accordance with the Standard Technical Requirements for KLEP 2011 Maps.

Table 19 – Proposed amendments to KLEP 2011 mapping

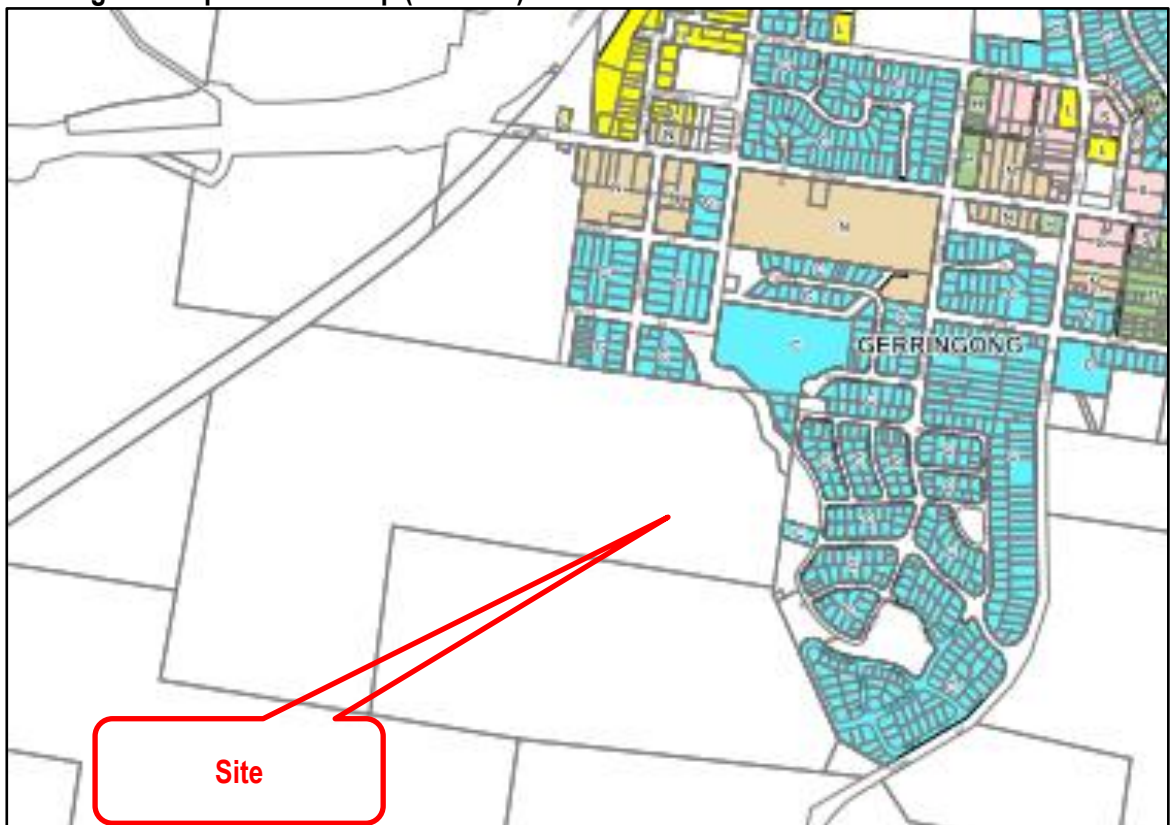
Existing Land Zoning Map (LZN 014)



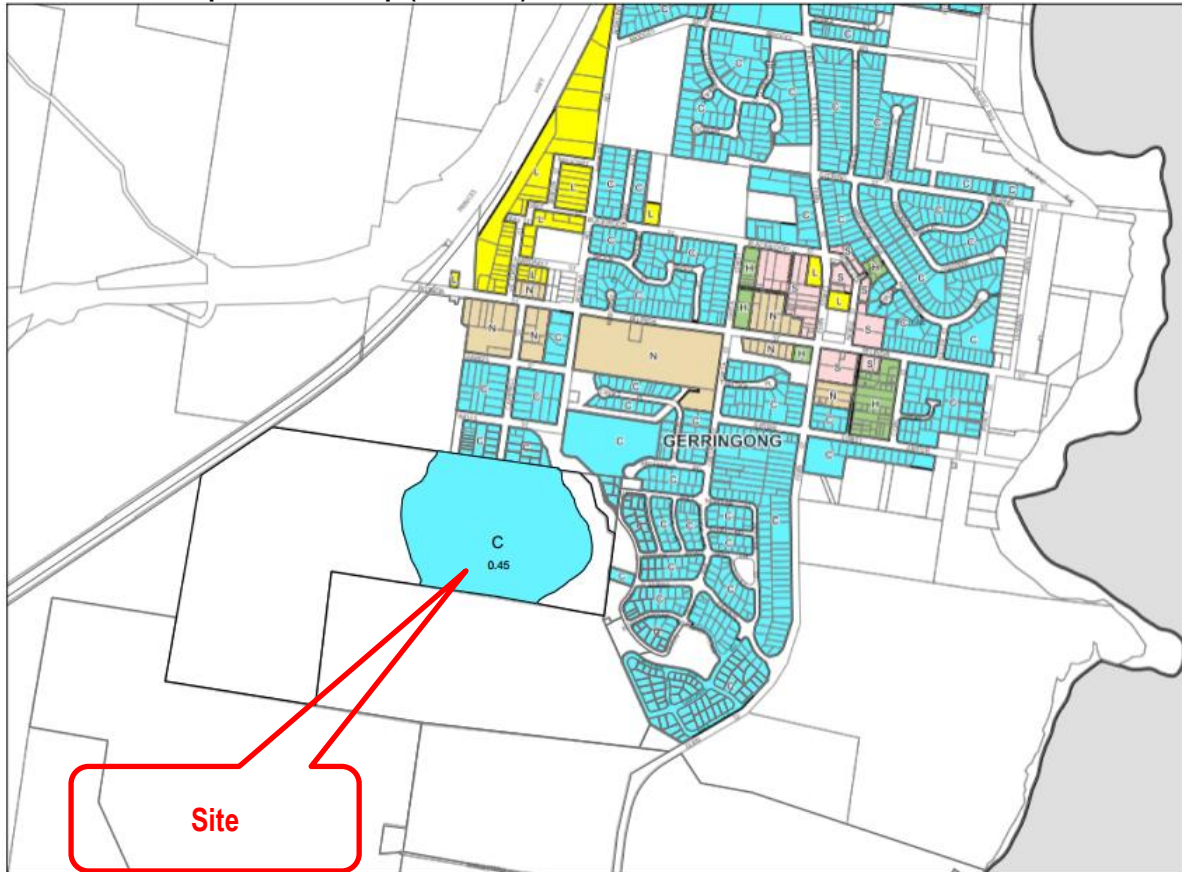
Modified Minimum Lot Size Map (LSZ_014)



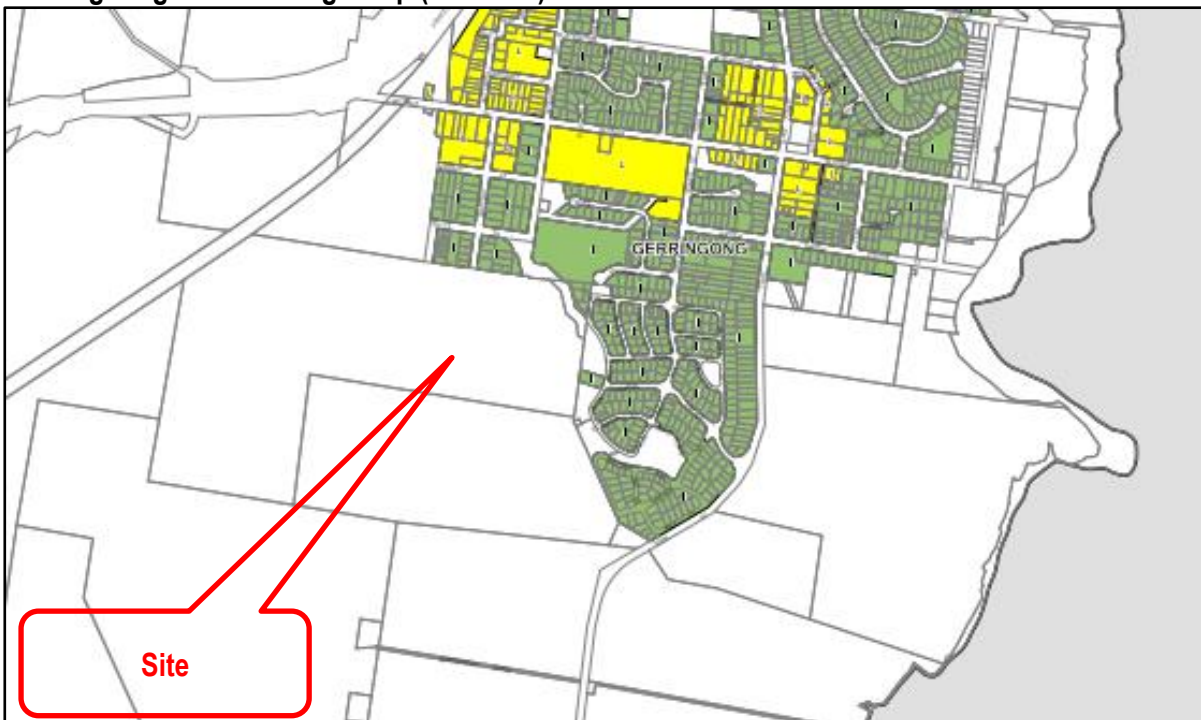
Existing Floor Space Ratio Map (FSR 014)



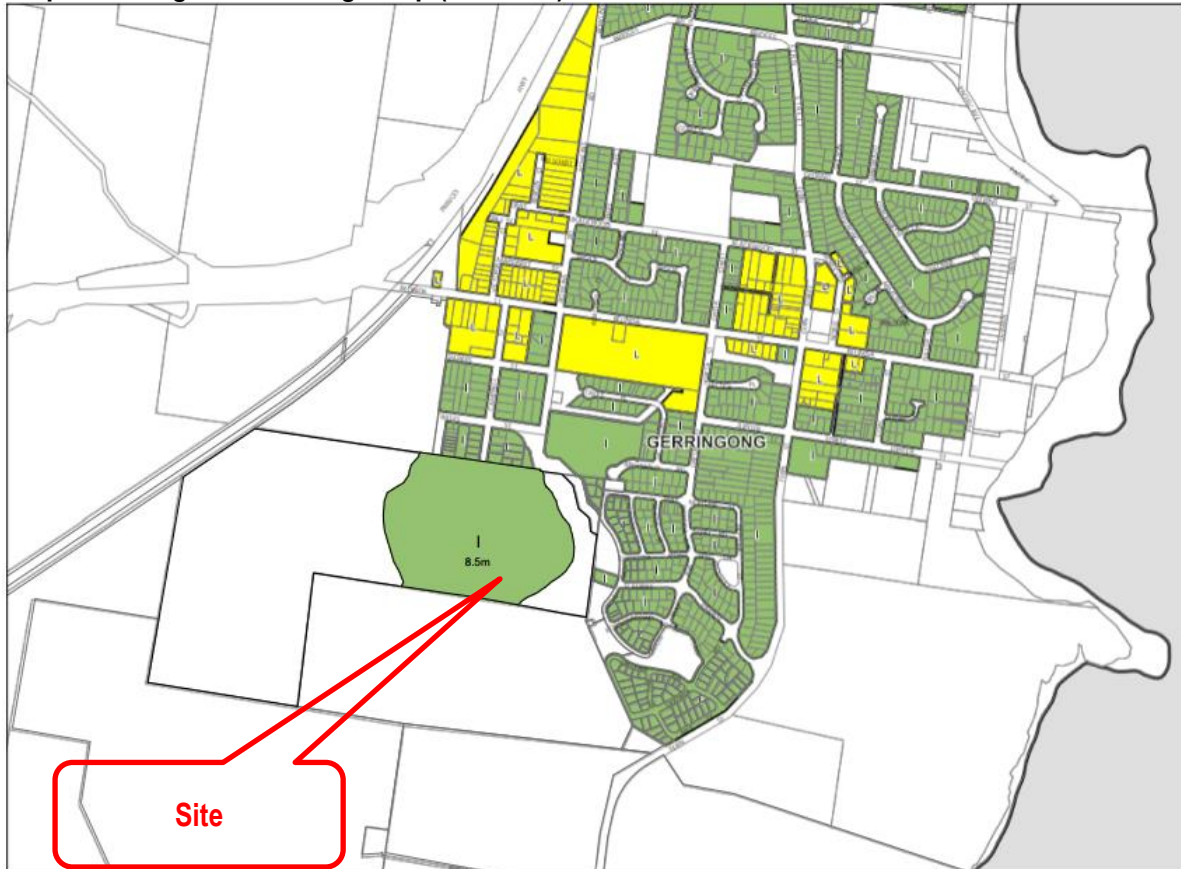
Modified Floor Space Ratio Map (FSR 014)



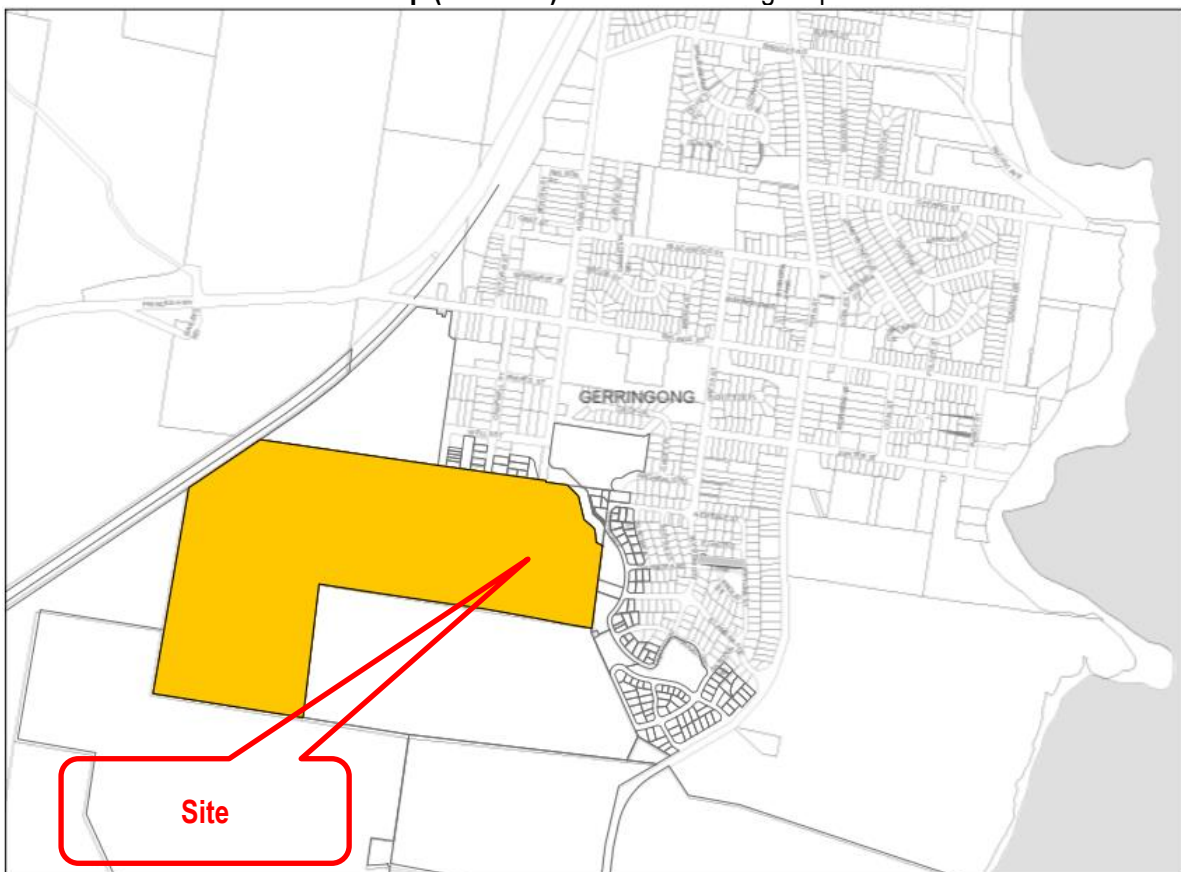
Existing Height of Buildings Map (HOB 014)



Proposed Height of Buildings Map (HOB 014)



Modified Urban Release Area Map (URA 014) – Note no existing map relates to the site



PART 5 – COMMUNITY CONSULTATION

(s.3.33(2)(e) *Detailed of the community consultation*)

In accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*, KMC will require the PP to be made publicly available for a minimum of 28 days.

The exhibition would involve:

- Notices in the local newspaper;
- Exhibition material and all relevant documents will be available at KMC's Office; and
- Exhibition material and all relevant documents will be available on KMC's website.

Any further consultation required by the Gateway process can also be undertaken.

PART 6 – PROJECT TIMELINE

In accordance with the DPIE guidelines, the following estimated timeline is provided in **Table 19**, which includes the tasks deemed necessary for the making of this local environmental plan.

Table 20– Estimate project timeline

Task	Responsibility	Estimated timeframe	Date (approximate)
PP lodged with Council	Applicant	Not relevant	December 2020
Council resolution to support the PP	KMC	Less than 90 days	April 2021
Lodgement of PP for Gateway Determination	KMC	4 weeks	May 2021
Gateway Determination issued	DPIE	6 weeks	June 2021
Gateway additional information request from Council	KMC	30 weeks	July 2021
Applicant response to any additional information request	Applicant to provide to KMC	1 months	February 2022
Public exhibition of PP	KMC	Minimum of 28 days	April 2022
Report to Council to finalise PP and adopt LEP changes	KMC	4 weeks	June 2022

CONCLUSION

The land which is subject to this PP is 48 Campbell St, Gerringong (Lot 2 DP 1168922) and results in the opportunity for only 166 dwellings. Beyond the proposed residential and public reserve areas, the residual land of Lot 2 which consists of flood affected and higher agricultural class land will remain zoned RU2. Further, the PP continues to provide legal access for the existing two rural dwellings and associated agricultural farming on adjacent Lot 11 DP 1045242.

This PP provides sound planning justification for an amendment to KLEP 2011 to extend the Gerringong residential zone in a south-westerly direction from Campbell Street and parallel to the adjacent Elambra Estate. The PP is consistent with the Gerringong Charrette and the KLSPS 2020 as well as strategic outcomes identified in Illawarra Shoalhaven Regional Plan and Illawarra Shoalhaven Urban Development Program Update and hence meets strategic merit test requirements. Further, the PP demonstrated meeting KMC's Site-Specific Merit test requirements as reported to the Ordinary Meeting of 20 April 2021.

The Elambra West URA which results from the PP provides a long-awaited urban expansion and complements the existing urban area south-west corner of Gerringong. This urban expansion includes providing an urban expansion footprint which will allow for improved integration with the urban/rural/riparian interface. Further, this proposal does not extend the Gerringong urban area further south (i.e. closer to Gerroa) which has been a long-time concern for the local community.

Significant site analysis has informed the URA design with consideration of the environmental, economic and social values/impacts and accordingly we seek KMCs support to continue this PP Gateway assessment. This includes providing a longer-term planning outcome which incorporates:

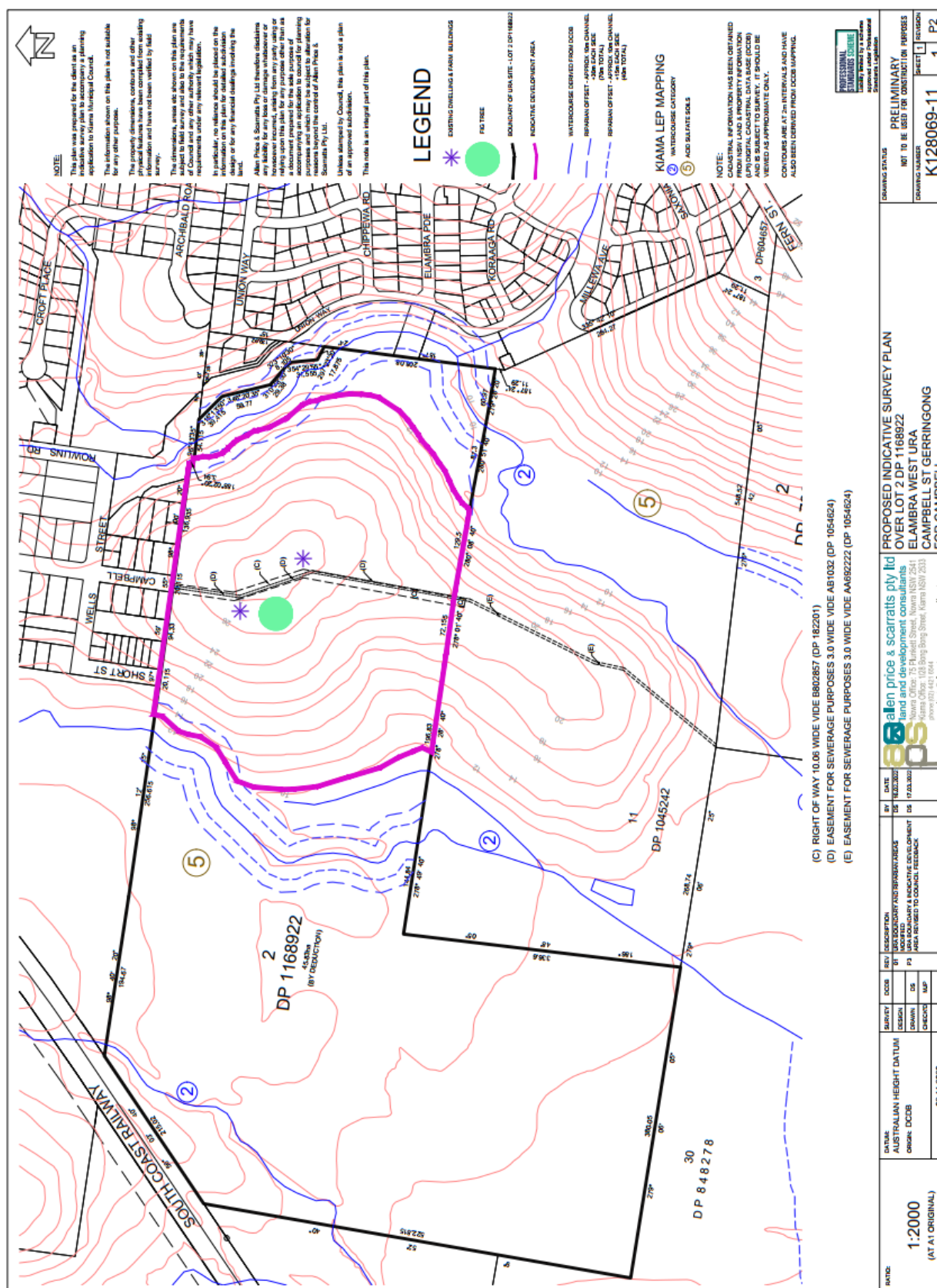
- an urban expansion solution for the Gerringong township;
- additional riparian improved lands and protection of significant trees in public reserves;
- use of non-flood prone land adjacent and connect to the Gerringong township; and
- protection of any identified significant aboriginal heritage sites.

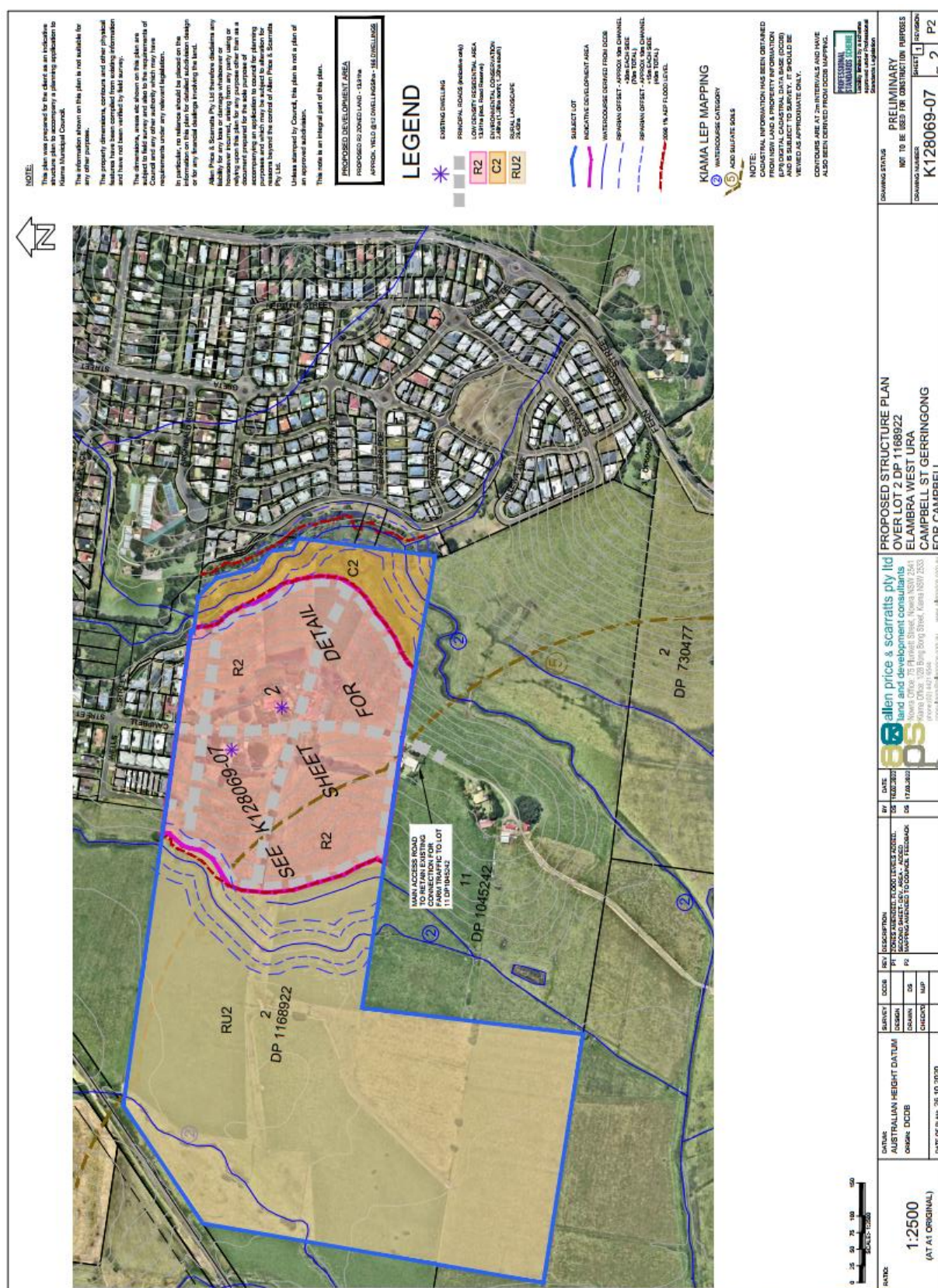
The PP provides for an overall residential strategic need and demonstrates a positive planning / urban design outcome. This outcome is demonstrated in the accompanying structure plan design that allows for the integration and minimises impacts to the adjacent agriculture lands with a landscaped public road or public reserve interface. In achieving this, the Class 2 land will continue to be used for agriculture.

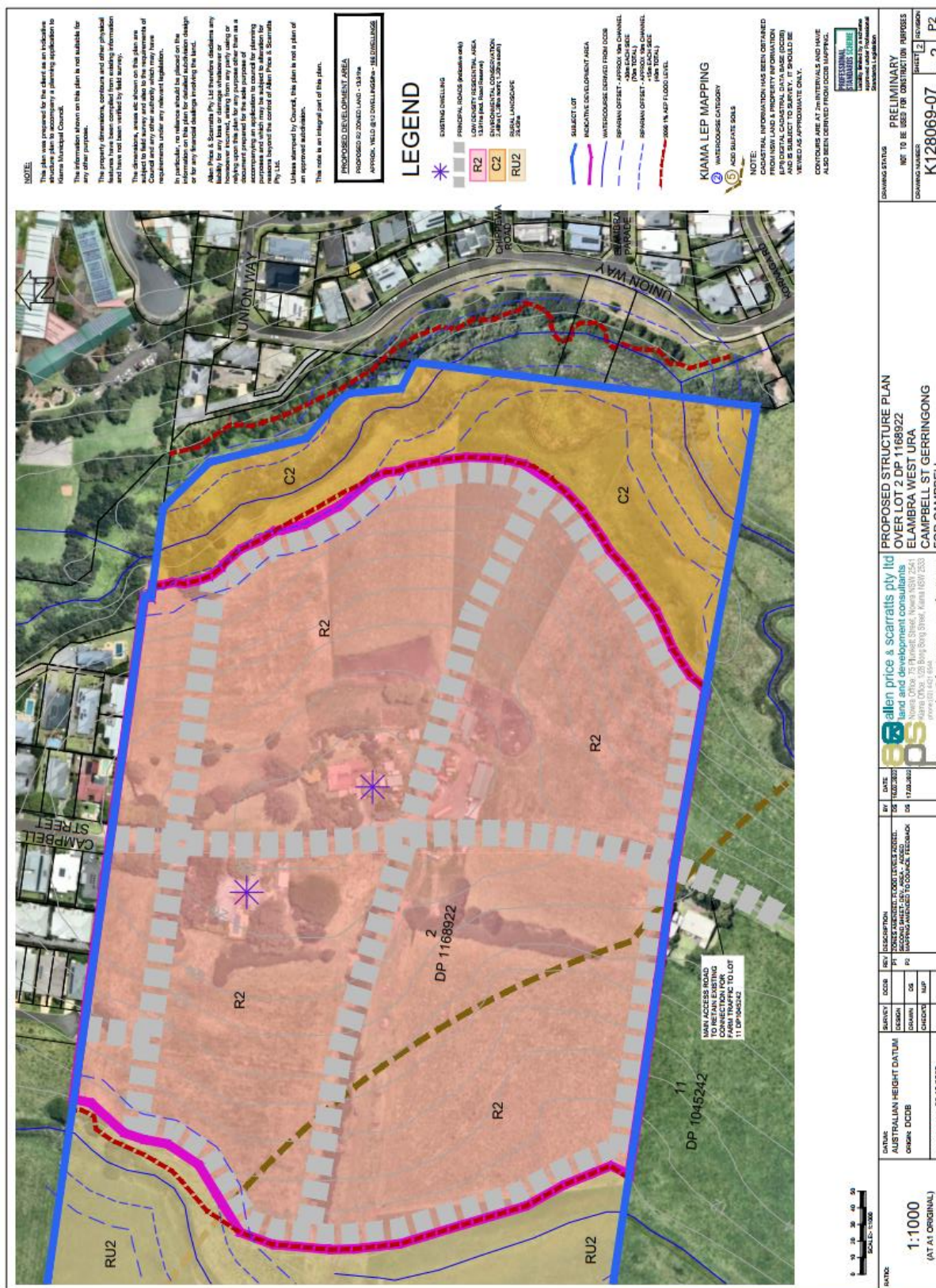
The PP also recognises the opportunity for continued residential and economic growth in the Gerringong area which builds on the growth achievements of the last 20 years which has provided a small supermarket, a number of new bars, restaurants and café's and additional retail and other commercial uses. It should be expected that a similar scale of changes will occur over the next 20 years in the way residents and visitors of Gerringong live, work and recreate.

This PP identifies and addresses key site considerations to a suitable level, including resolving soil contamination via a RAP, to allow this application to proceed through the DPIE's Gateway assessment process. In doing this, the PP then responds to those constraints to develop a wholistic and integrated outcome for the proposed URA.

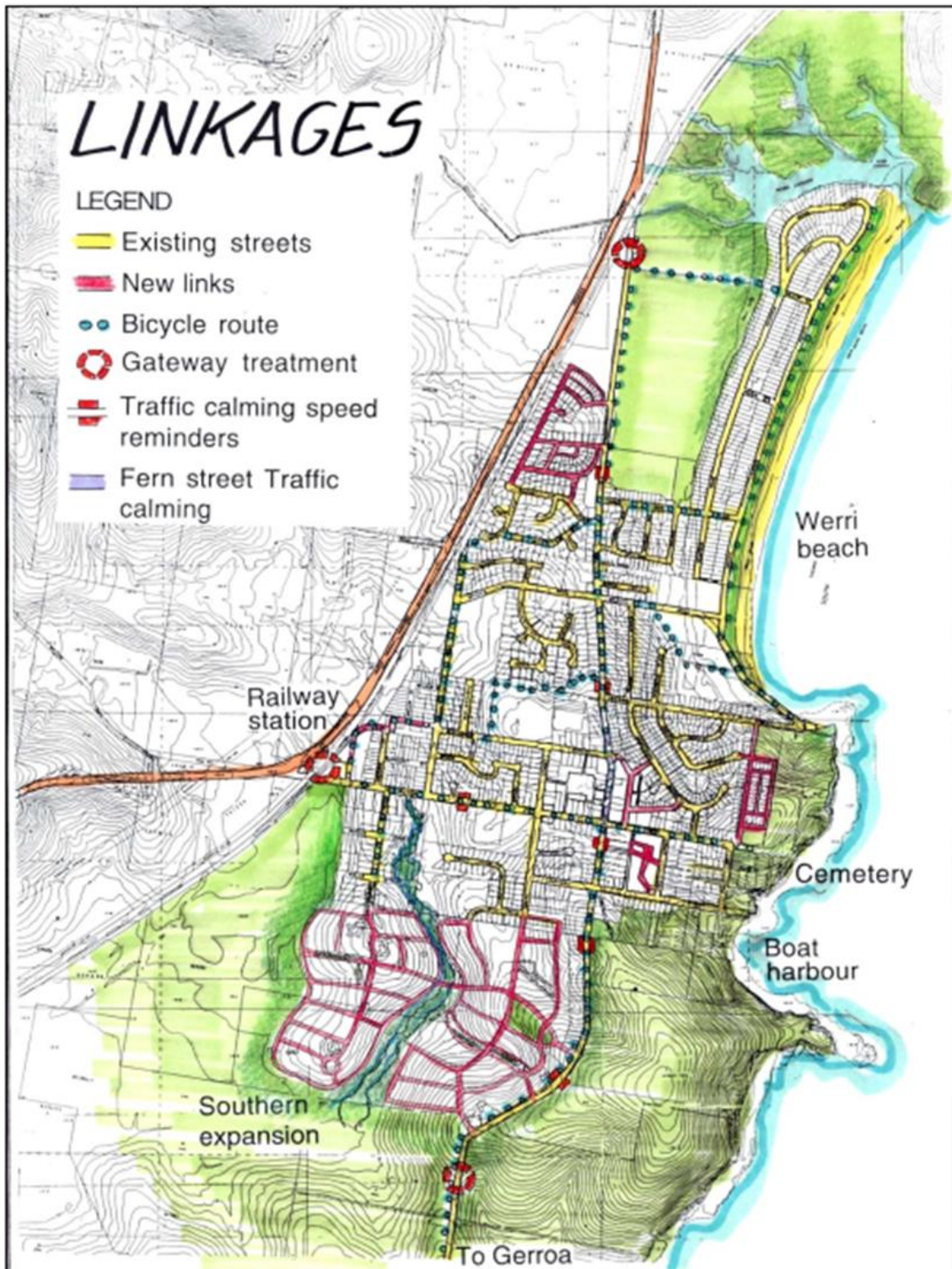
In summary, the site is relatively unconstrained and well serviced by the infrastructure necessary to support efficient delivery of an attractive urban neighbourhood and community facilities that would provide a logical south-westerly extension to the Gerringong township with a transitional landscaped interface to adjacent rural land.







Appendix C – Gerringong Charrette 1995 URA Map Extract



Appendix D – Kiama Local Strategic Planning Statement 2020

Greenfield opportunities Map 2: Gerringong/Gerroa



Appendix E – Southern Regional Planning Panel Record of Decision



REZONING REVIEW RECORD OF DECISION SOUTHERN REGIONAL PLANNING PANEL

DATE OF DECISION	19 June 2019
PANEL MEMBERS	Pam Allan (Chair), Alison McCabe and Renata Brooks
APOLOGIES	None
DECLARATIONS OF INTEREST	Andrew Sloan, Michael Forsythe and Mark Honey declared conflicts of interest due to involvement in Kiama Municipal Council's consideration of the rezoning review.

REZONING REVIEW

20195TH006 – Kiama – RR_2019_KIAMA_002_00 – at land from Saddleback Mountain Road to south of Weir Street, South Kiama (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has
 - ☐ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

Overview

The Panel has been requested to undertake a Rezoning Review of Planning Proposal RR_2019_KIAMA_002_00 on land between Saddleback Mountain Road and Weir Street, Kiama. The land comprises 5 lots currently zoned RU2 rural landscape (majority), E3 Environmental Management and E2 Environmental Conservation. It is proposed to rezone the land to R2 low density residential and E2 environmental conservation. Minimum lot sizes are proposed to range from 300 – 450 sqm for the for the residential lots with an approximate yield of 455 lots.

The Panel had the benefit of a verbal report from officers of the Department of Planning, Council's written report and resolution and the applicant's Planning Proposal.

A written report from the Department of Planning was received on the 24th June 2019 and was reviewed by the Panel before determining this proposal.

The Panel also undertook a site visit and is familiar with the Kiama area. The Panel met with the representatives of the applicant, Council and the Department.

Mitigation of environmental impact

The Panel noted concerns expressed in Council's letter to the Department underpinning its refusal of the proposal, and advice on the outcome of general community consultation on desires and values in the context of the preparation of the Local Strategic Planning Statement.

It is the Panel's view that the current layouts and lot configuration have not been properly informed by an assessment of the visual and landscape qualities of the site and a proper urban design analysis that responds to the site's context and character. Further detailed analysis of the site is required before specific zonings, heights and densities can be determined.

The Panel recommends the Gateway process require:

- Additional constraints analysis that overlays environmental and heritage constraints over indicative subdivision – including identification of dry stone walls to be retained/removed.
- Further urban design analysis reflected in a structure plan that:
 - Identifies key principles for development of the site
 - Identifies appropriate interface with adjoining agricultural and environmental land
 - Landscape interface along the Princes Highway
 - Allows for implementation of a landscape buffer around the site
 - Reviews densities, lot and road layout to accommodate constraints and minimise visual impacts
 - Identifies and locates public reserves to service the new population
- Visual analysis from the Princes Highway and measures to ensure that the views from the highway are of landscape
- Broad identification of cut and fill and where, if any, retaining walls will be located – ensuring heights are minimised
- Amendments to layout that ensure no acoustic wall is required along the Princes Highway to mitigate noise impact
- A site specific Development Control Plan that identifies the future character of the area and the important attributes

The work will require a review of the extent of the R2 zoned land, lot yields and identification of a range of zonings that reflect the outcome of the studies.

The Panel does not endorse the subdivision layout or lot yield submitted with this proposal.

Recommendations

1. That the Planning Proposal proceed to a Gateway Determination
2. That the following additional requirements as outlined in this report be provided and considered as part of the Gateway Determination:
 - a) Further urban design analysis
 - b) Additional constraints analysis in terms of environmental, visual, landscape and heritage outcomes
 - c) Site specific Development Control Plan controls
 - d) Provision of zoning and controls that reinforces the outcomes of the urban design, visual and landscape analysis of the site

Strategic Merit

In considering the strategic merit the Panel noted advice regarding the local strategic planning framework for the subject lands and surrounding areas. In particular it was noted that:

- The 2011 Kiama Urban Strategy (KUS) is the most recent definitive document identifying future greenfield sites and this document identifies the subject lands as “to be considered if insufficient dwelling numbers are available”. Notwithstanding the fact that this strategy was not approved formally by the Department, the Panel was advised that it has guided consideration of proposals by the Department and was provided with evidence to support this.
- Under action 2.5.1 of the Illawarra Shoalhaven Strategic Plan, projections of land availability and monitoring of progress under the Illawarra Urban Development Program have consistently assumed that the West Elambra site would be developed and would contribute 355 lots. However this site has not been rezoned and rezoning does not appear to be imminent.
- Kiama Council has work on a Local Strategic Planning Statement well underway, with a draft due for completion by the end of 2019. This will encompass consideration of key themes including housing and growth; agriculture and resources.

The Panel noted Council’s advice on the outcome of community consultation undertaken to date to inform development of the Local Strategic Planning Statement and considered the option of not supporting the proposal to allow consideration of the future of this site to take place in the context of the Statement. On balance, however, the Panel considered that the proposal has strategic merit given:

- The site is identified in the Kiama Urban Strategy “if insufficient dwelling numbers are available”
- The Panel was not convinced that other initiatives being pursued by Council would meet projected housing needs identified in the Illawarra Shoalhaven Regional Strategy – particularly given existing projections rely heavily on progressing development of the West Elambra site which has not been rezoned to date. The Panel is therefore not convinced that “sufficient dwellings will be available” consistent with the KUS caveat on progressing development of this site.
- Gateway consideration can proceed in parallel with development of the LSPS, with the Council ultimately in a position to make a final decision in the context of directions articulated in the LSPS.

Site specific merit




The characteristics of the site which support the Planning Proposal include:

- Consistency with the Kiama Urban Strategy and broad Departmental endorsement for progressing Planning Proposals identified within it
- Capacity to address medium term housing supply and better meet market demand
- Presence of a natural buffer of E2 zoned land between most of the site and RU2 zoned land useable for agricultural purposes
- Constrained potential for commercial agricultural use due to topography and soil quality
- Alignment with the current western boundary of the town to the north

Constraints on the site include:

- The significant visual and landscape qualities of the site and its surrounds
- Significant Aboriginal and European heritage items on the site including the cemetery and dry stone walls
- Topography and associated service access challenges (water and sewerage)
- The need to establish the limits of the town and what that should look like.

On balance, the Panel considers the proposal has site specific merit provided the constraints are able to be addressed through further refinement and reduction in initial yields identified.

PANEL MEMBERS	
 Pam Allan (Chair)	 Alison McCabe
 Renata Brooks	

Appendix F - Summary of the PP consistency against s9.1 Directions

Direction		Applicable	Relevant	Not inconsistent
1 Employment and Resources				
1.1	Business and Industrial Zones	✗	✗	n/a
1.2	Rural Zones	✓	✓	See Section 3.2.4
1.3	Mining, Petroleum Production and Extractive Industries	✗	✗	n/a
1.4	Oyster Aquaculture	✗	✗	n/a
1.5	Rural lands	✓	✓	See Section 3.2.4
2 Environment and Heritage				
2.1	Environmental Protection Zones	✓	✓	See Section 3.2.4
2.2	Coastal Protection	✗	✗	n/a
2.3	Heritage Conservation	✓	✓	See Section 3.2.4
2.4	Recreation Vehicle Area	✓	✗	n/a
2.5	Application of E2 and E3 Zones in Environmental Overlays in Far North Coast LEPs	✗	✗	n/a
2.6	Remediation of Contaminated Land	✓	✓	See Section 3.2.4
3 Housing, Infrastructure and Urban Development				
3.1	Residential Zones	✓	✓	See Section 3.2.4
3.2	Caravan Parks and Manufactured Home Estates	✓	✗	n/a
3.3	Home Occupations	✓	✓	See Section 3.2.4
3.4	Integrating Land Use and Transport	✓	✓	See Section 3.2.4
3.5	Development Near Licensed Aerodromes	✗	✗	n/a
3.6	Shooting Ranges	✗	✗	n/a
3.7	Reduction in non-hosted short term rental accommodation period	✗	✗	n/a
4 Hazard and Risk				
4.1	Acid Sulphate Soils	✓	✓	See Section 3.2.4
4.2	Mine Subsidence and Unstable Land	✗	✗	n/a
4.3	Flood Prone Land	✓	✓	See Section 3.2.4
4.4	Planning for Bushfire Protection	✗	✗	n/a
5 Regional Planning				
5.1	Implementation of Regional Strategies	✗	✗	n/a
5.2	Sydney Drinking Water Catchments	✗	✗	n/a
5.3	Farmland of State & Regional Significance Far North Coast	✗	✗	n/a
5.4	Commercial & Retail Development Far North Coast	✗	✗	n/a
5.9	North West Rail Link Corridor Strategy	✗	✗	n/a
5.10	Implementation of Regional Plans	✓	✓	See Section 3.2.4
5.11	Development of Aboriginal Land Council land	✗	✗	n/a
6 Local Plan Making				
6.1	Approval and Referral Requirements	✓	✓	See Section 3.2.4
6.2	Reserving Land for Public Purposes	✓	✓	See Section 3.2.4
6.3	Site Specific Provisions	✗	✗	n/a

PROPOSED LEP MODIFICATIONS
OVER LOT 2 DP 1168922
ELAMBRA WEST URA
CAMPBELL ST GERRINGONG

NO.	REVISION
1	ISSUED FOR TENDERS
2	FOR LEP
3	FOR LEP
4	FOR LEP
5	FOR LEP
6	FOR LEP
7	FOR LEP
8	FOR LEP
9	FOR LEP
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