

Amendments to the land use table for the B7 Business Park zone under Kiama LEP 2011.

Proposal Title : **Amendments to the land use table for the B7 Business Park zone under Kiama LEP 2011.**

Proposal Summary : **The planning proposal seeks to allow recreational facility (indoor), business identification signs and building identification signs as permissible with consent in the B7 Business Park Zone.**

PP Number : **PP_2015_KIAMA_003_00**

Dop File No : **15/10475**

Proposal Details

Date Planning
Proposal Received : **03-Jul-2015**

LGA covered : **Kiama**

Region : **Southern**

RPA : **The Council of the Municipality of**

State Electorate : **KIAMA**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **The proposal applies to all land zoned B7 Business Park zone in the Kiama LGA**

DoP Planning Officer Contact Details

Contact Name : **Lisa Kennedy**

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RPA Contact Details

Contact Name : **Phil Costello**

Contact Number : **0242320444**

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DoP Project Manager Contact Details

Contact Name : **Graham Towers**

Contact Number : **0242249467**

Contact Email : **graham.towers@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A**

Release Area Name :

Regional / Sub
Regional Strategy : **Illawarra Regional Strategy**

Consistent with Strategy : **Yes**

Amendments to the land use table for the B7 Business Park zone under Kiama LEP 2011.

MDP Number :

Date of Release :

Area of Release (Ha) : 0.00

Type of Release (eg Residential / Employment land) :

No. of Lots : 0

No. of Dwellings (where relevant) : 0

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

The planning proposal seeks to correct an administrative omission and anomaly in the B7 Business Park zone land use table to allow recreational facility (indoor), business identification signs and building identification signs as permissible with consent. The current areas identified as B7 in the Kiama LEP 2011 were previously zoned 4(c) Light Industrial under the Kiama LEP 1996 where the proposed uses were permissible. It was an administrative omission that these land uses were not carried across from the old LEP to the new LEP.

External Supporting Notes :

The planning proposal seeks to correct an administrative omission and anomaly in the B7 Business Park zone land use table to allow recreational facility (indoor), business identification signs and building identification signs as permissible with consent. The current areas identified as B7 in the Kiama LEP 2011 were previously zoned 4(c) Light Industrial under the Kiama LEP 1996 where the uses were permitted.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The objective of the planning proposal is to allow recreational facility (indoor), business identification signs and building identification signs as permissible land uses with development consent within the B7 Business Park zone under Kiama LEP 2011.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The explanation of provisions for the planning proposal are to amend the Kiama LEP 2011 by:

- removing recreational facility (indoor) as a prohibited land use in the B7 Business Park Zone's land use table; and
- inserting recreational facility (indoor), business identification signs and building identification signs as permitted with consent in the B7 Business Park Zone's land use table.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

5.1 Implementation of Regional Strategies

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

Council did not identify which SEPPs apply to the planning proposal. The planning proposal is consistent with SEPP64 – Advertising and Signage and SEPP (Exempt and Complying Development Codes) 2008. A multiple identification signage board, such as those commonly erected for a business park, does not fit under the exemptions under the SEEP Exempt and Complying Development Codes. It thus needs to be listed in the land use table.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

The planning proposal is not inconsistent with the Illawarra Regional Strategy and draft Illawarra Regional Growth Plan in that it is allowing permitted land uses within zoned employment lands.

The planning proposal is consistent with the s117 Direction 1.1 Business and Industrial Zones. The proposal does not reduce or diminish the area and location of B7 Business park zoned land nor the potential floor space for employment spaces in the business zone. The proposal will provide for additional opportunities to encourage employment growth.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with the s117 Direction 1.1 Business and Industrial Zones and 5.1 Implementation of Regional Strategies.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

No amendments are required or proposed to the Kiama LEP 2011 map sheets. Only the Land Use Tables are amended.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council requests that the planning proposal be publicly exhibited for 28 days. A minimum period of 14 days is sufficient as the proposal is of a minor nature correcting an anomaly in the Kiama LEP 2011.

Public notification of the exhibition will include local newspaper notifications, notice on Council's website, and hard copies will be available at Council's administration buildings.

Recommendation: The planning proposal be placed on public exhibition for a minimum of 14 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The planning proposal addresses the Department's "A guide to preparing planning proposals" and is considered adequate for a Gateway Determination with conditions.

Council has a project timeframe of six months to complete the rezoning process.

Council has confirmed via an email of 30 June 2015 that it is seeking Council Officer Delegation to prepare the draft LEP under Section 59 of the EP&A Act. Appendix 4 – Evaluation Criteria for the Delegation of Plan making Functions was submitted.

It is considered appropriate that the delegation of plan making functions be given to Council due to the matter being of local significance and a correction to an administrative omission and anomaly in the B7 Business Park zone land use table.

Recommendation: The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Recommendation: Delegation to be provided to Council.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Kiama LEP was notified on 16th December 2011. This is the fifth amendment to the LEP.

Assessment Criteria

Need for planning
proposal :

A planning proposal is the only means of achieving the intended land uses within the B7 zone.

Consistency with
strategic planning
framework :

As previously identified, the planning proposal is not inconsistent with the Illawarra Regional Strategy and draft Illawarra Regional Growth Plan in that it is allowing additional permitted land uses within zoned employment lands.

Council has advised that it considers that the proposal is also consistent with the Kiama Urban Strategy.

Environmental social
economic impacts :

The proposal assists with increasing the opportunities and economic returns in business parks. There are likely to be no significant environmental impacts.

Assessment Process

Proposal type :

Minor

Community Consultation
Period :

14 Days

Timeframe to make
LEP :

6 months

Delegation :

RPA

Public Authority
Consultation - 56(2)
(d) :

Amendments to the land use table for the B7 Business Park zone under Kiama LEP 2011.

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **Due to the administrative nature of the proposal no government agency consultation is required.**

Recommendation: No government agency consultation is required.

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

The planning proposal does not need to be supported by any studies.

Recommendation: No further studies are required.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **The provision of state infrastructure is not applicable to the planning proposal.**

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal - Additional uses in B7 Zone.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones
5.1 Implementation of Regional Strategies**

Additional Information : **The General Manager, as delegate of the Minister for Planning, determines under section 56(2) of the EP&A Act that an amendment to the Kiama Local Environmental Plan 2011 to allow recreational facility (Indoor), business identification signs and building identification signs as permissible with consent in the B7 Business Park Zone should proceed subject to the following conditions:**

1. No further technical studies or reports are required.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

**(a) the planning proposal is to be made publicly available for a minimum of 14 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing local environmental plans (Department of Planning and Infrastructure 2012).**

3. No public authority consultation is required under section 56(2)(d) of the EP&A Act

4. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

Amendments to the land use table for the B7 Business Park zone under Kiama LEP 2011.

5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

6. Council be authorised to use its delegation of the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

7. The Secretary's delegate can be satisfied that the planning proposal is consistent with the s117 Direction 1.1 Business and Industrial Zones and 5.1 Implementation of Regional Strategies.

8. The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions and State Environmental Planning Policies or that any inconsistency is of a minor nature.

Supporting Reasons : This is a simple administrative proposal to correct a land use table anomaly.

Signature:

Graham Towers, Team Leader, Southern Region

Printed Name:

Graham Towers

Date:

3/7/15.

ENDORSED

Brett Whitworth

6/7/15