

AGRICULTURAL VIABILITY ASSESSMENT

**PLANNING PROPOSAL TO AMEND THE KIAMA LOCAL
ENVIRONMENTAL PLAN (KLEP) 2011 TO INCLUDE THE
SITE IN SCHEDULE 1 AND LIST GENERAL INDUSTRY
AND LANDSCAPE MATERIAL SUPPLIES
AS ADDITIONAL PERMITTED USES ON THE SITE**

**Lot 40 DP 1230679
Sims Road
Gerringong**

**Prepared for
THL Rural Pty Ltd
August 2021**

Agricultural Assessment

Project	Planning Proposal to amend the Kiama Local Environmental Plan 2011 to include the site in Schedule 1 and list General Industry and Landscape Material Supplies as Additional Permitted Uses on the Site
Address	Lot 40 DP 1230679, Sims Road, Gerringong
Our ref:	20/115
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1.0 INTRODUCTION

The subject land, Lot 40 DP 1230679, of 2.95 hectares is located at Sims Road, Gerringong, immediately to the west of the Princes Highway and the township of Gerringong. See **Figures 1 and 2**.

The land is essentially a transition zone between the multi-lane highway with associated landscaping to the east and south, and highly productive farmland to the north and west.

For the past few years, the land has been used by Roads & Maritime Services (RMS) as a depot for road building materials during the major upgrade of the Princes Highway in this vicinity.

In June 2017, Kiama Municipal Council granted approval for a dwelling and access road on the land (which was then described as Lot 12 DP 1165635 of 3.654 ha). Lot 12 has now become Lot 40 of 2.95 hectares as a result of part acquisition of the land for road widening; and the dwelling consent applies to this land.

The current landowner, THL Rural Pty Ltd is seeking Kiama Municipal Council's support for a planning proposal to amend the Kiama Local Environmental Plan 2011 to include the site in Schedule 1 and list General Industry and Landscape Material Supplies as additional permitted uses on the site.

This report has been prepared to provide an Agricultural Viability Assessment of the proposal.



Figure 1: Site locality – Topographic Map 1:25,000.



Figure 2: Aerial photo of Lot 40 at Gerringong.

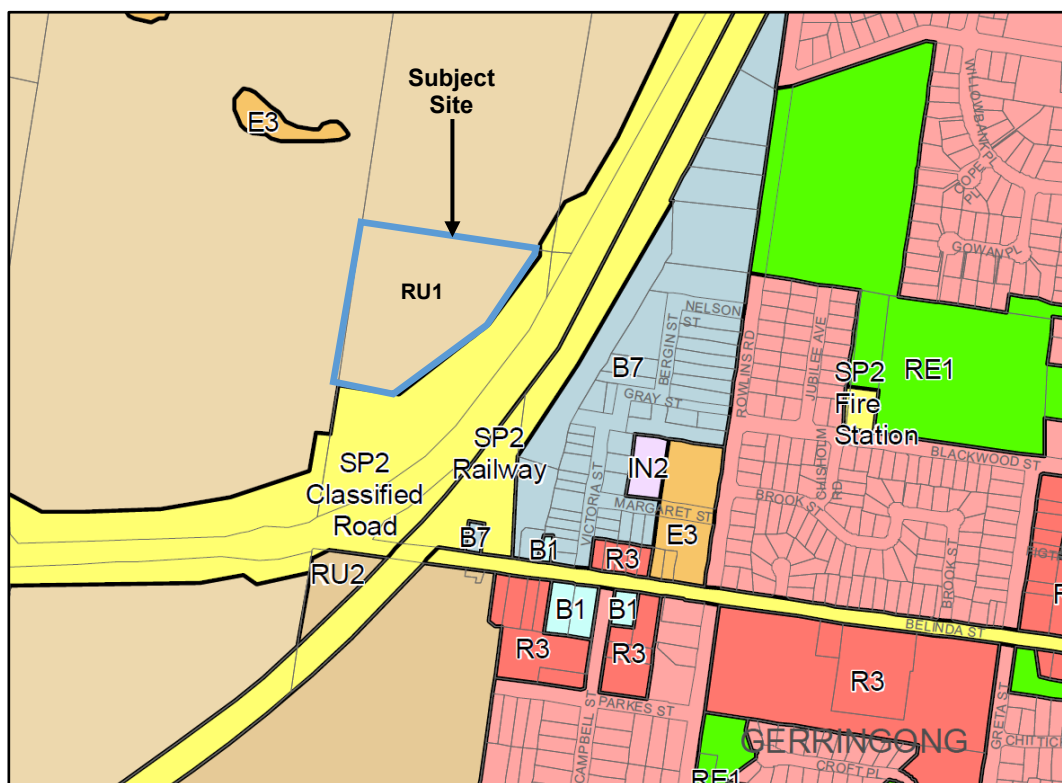


Figure 3: Zoning Map (Kiama LEP 2011).

2.0 OWNERSHIP AND PHYSICAL FEATURES

2.1 OWNERSHIP AND SITE REMEDIATION

After the Princes Highway roadworks were completed, the land was remediated and sold by the RMS at auction in October 2020 to THL Rural Pty Ltd, and this entity is the current owner of the subject site..

The subject site has been remediated by removal of plant and equipment, material stockpiles, buildings, etc. with minor reshaping to form an acceptable landform and revegetated with kikuyu pasture grass (refer **Photos 1 – 4**). The site is stable and not actively eroding and the groundcover is being maintained by a workman using a tractor and slasher.

The site has not been restored to farmland (which was the likely land use prior to its use as a stockpile area) and that is now virtually impossible due to the presence of rock and absence of topsoil. The site is further constrained by easements for underground cables, overhead power lines, gas pipeline and transmission lines.

2.2 TOPOGRAPHY AND VEGETATION

The land is elevated and not flood liable.

The slope is variable but generally 5% with a south-easterly aspect. The land drains to vegetated table drains adjacent to Sims Road.

Groundcover is kikuyu pasture which provides surface stability from soil erosion but has no value for agriculture (livestock grazing) due to the poor quality soil profile (refer Section 2.3 below). Scattered regrowth wattle trees are present and have probably grown from seed used in landscaping along the Sims Road boundary.

2.3 GEOLOGY, SOILS AND SOIL LANDSCAPE

The geology of the site is Blowhole Latite which has resulted in Prairie soils of moderate fertility. The topsoil is friable with deep, well-structured subsoils and this is apparent on adjoining agriculture land. This description is no longer correct for Lot 40 after its recent history of reshaping and use as a stockpile area by the RMS. As outlined in Section 2.1 above, the restoration work has resulted in a soil profile comprising rock and an absence of topsoil.

In Soil Landscapes of the Kiama 1:100,000 Sheet, Hazelton notes that the Kiama soil landscape has *“Generally low limitations for urban development.”*



Photo No. 1

General view of Lot 40. The land has been remediated and stabilised with kikuyu groundcover but can no longer be described as prime agricultural land.



Photo No. 2

Clear delineation between Lot 40 on the left and agricultural land on the right of the boundary fence.



Photo No. 3

Lot 40 in the foreground with “Ivy Mount” on the crest beyond to the west.



Photo No. 4

Rock lined water disposal area with Princes Highway beyond to the east.

3.0 AGRICULTURAL LAND USE

3.1 LOCAL PLANNING DIRECTIONS

The land is presently zoned RU1 under the Kiama Local Environmental Plan 2011. The objectives of the RU1 zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To protect agricultural land for long term agricultural production.*
- *To provide opportunities for employment-generating development that adds value to local agricultural production through food and beverage processing.*

Under the provisions of Section 9.1(2) of the Environmental Planning & Assessment Act the Minister for Planning has made directions in relation to the making of local environmental plans including “*Direction 1.2 Rural Zones*”.

The objective of Direction 1.2 is to:

“protect the agricultural production value of rural land.”

Under Clause 1.2(4) of this Direction a Planning Proposal must:

- (a) *not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.*
- (b) *not contain provisions that will increase the permissibility of land within a rural zone (other than land within an existing town or village).*

Under Clause 1.2(5) of Direction 1.2, 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:

- (a) *justified by a strategy which:*
 - (i) *gives consideration to the objectives of this direction,*
 - (ii) *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*

- (iii) is approved by the Director-General of the Department of Planning, or*
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or*
- (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*
- (d) is of minor significance.*

This assessment has been prepared in support of this Planning Proposal having regard to this objective of this Direction. In this regard this assessment demonstrates that the Planning Proposal will not be inconsistent with the objective of this Direction as the Planning Proposal will not result in an adverse impact on the agricultural production of rural land.

3.2 BIOPHYSICAL STRATEGIC AGRICULTURAL LAND (BSAL)

Under the SEPP (Mining, Petroleum Production and Extractive Industries) 2007, BSAL is defined as land with high quality soil and water resources capable of sustaining high levels of productivity. **Figure 4** is an extract of the BSAL mapping as it applies to Lot 40. As is evident from **Figure 4**, Lot 40 is not identified as Biophysical Strategic Agricultural Land.

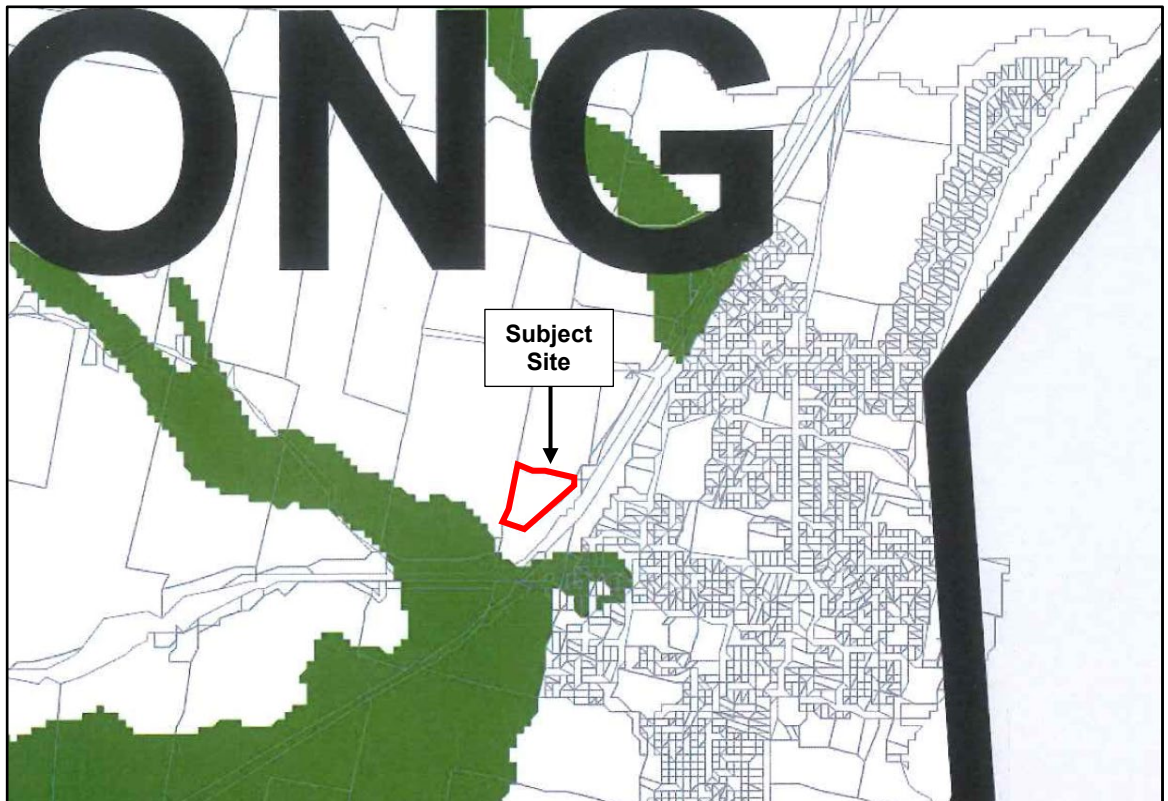


Figure 4: Extract of BSAL Map.

3.3 AGRICULTURAL SUITABILITY CLASSIFICATION

The Department of Agriculture uses a 5 class system to map rural land on the basis of its suitability for agriculture. It is a hierarchical system such that Class 1 is the best agricultural land and Class 5 has virtually no value for agriculture. Classes 1, 2 and 3 are grouped as prime crop and pasture land.

Class 1

Arable alluvial land with deep, fertile soils having a very good capability for agriculture. These lands have only minor or no constraints to sustained high to very high levels of production.

Class 2

Arable lands having a very good capability for agriculture. Minor to moderate constraints to sustained high levels of production are present.

Class 3

Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with sown pasture. The overall production level is moderate because of edaphic factors or environmental constraints. Erosion hazard, soil structural breakdown or other factors including climate may limit the capacity for cultivation, and soil conservation or drainage works may be required.

Class 4

Land suitable for grazing but not for cultivation. Agriculture is based on native pastures or improved pastures established using minimum tillage techniques. Production may be seasonally high, but the overall production level is low as a result of major environmental constraints.

Class 5

Land unsuitable for agriculture or at best suited only to light grazing. Agricultural production is very low or zero as a result of severe constraints, including economic factors which preclude land improvement.

The subject land appears on the “Kiama” Agricultural Land Classification Map prepared as part of the Illawarra Region Maps (1986) at a scale of 1:50,000 and shows the land mapped as prime agricultural land – Class 3 (see **Figure 5**), ie. when the mapping program was undertaken in 1986 the subject land was assessed as being Class 3 agricultural land.

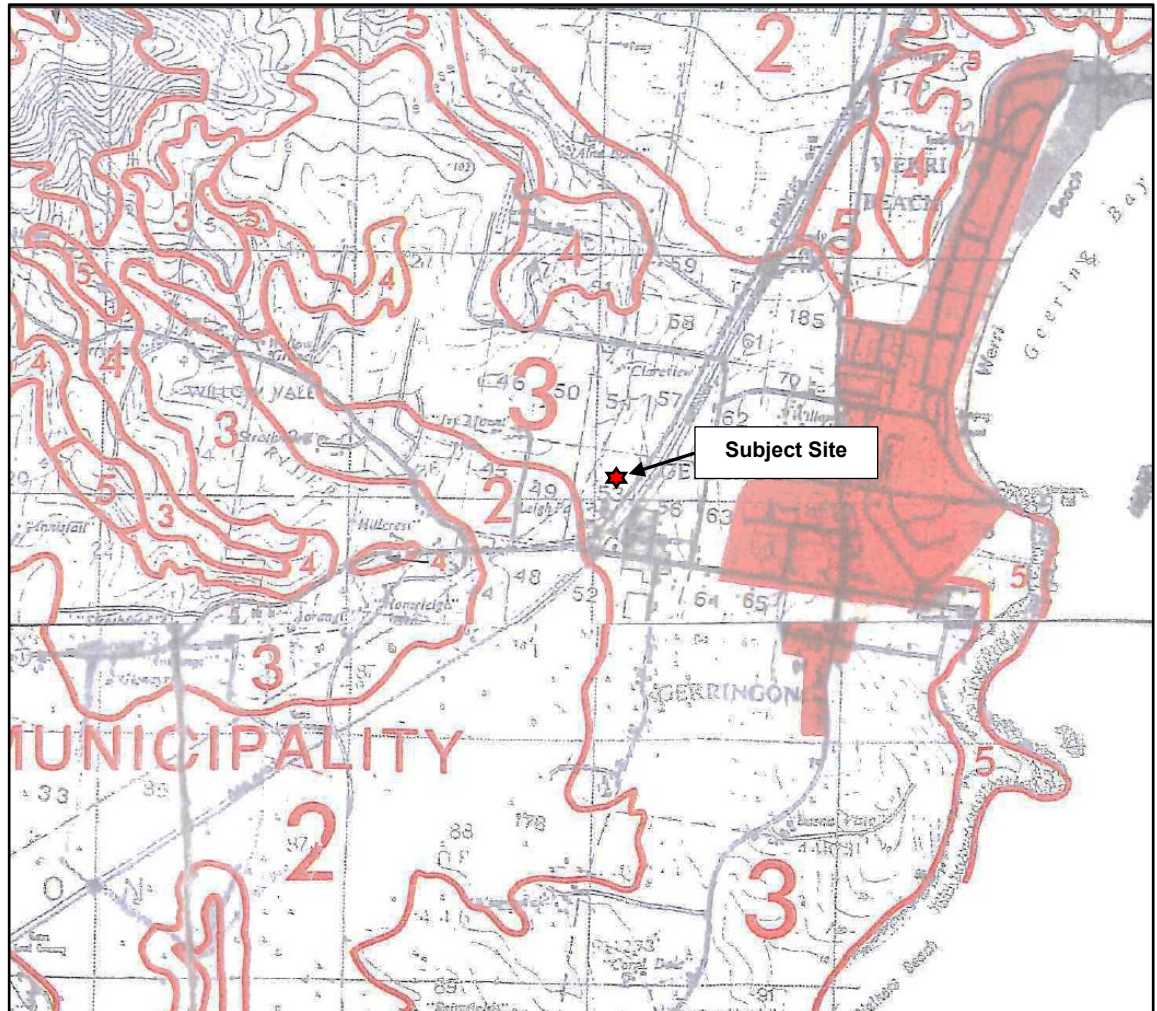


Figure 5: Extract of Kiama Land Classification map.

4.0 AGRICULTURAL VIABILITY

4.1 STOCKING RATES

Stocking rates generally used for beef cattle in the district are shown in **Table 1**.

Table 1
Stocking Rates for Beef Cattle

Land Class	Natural Pasture		Improved Pasture	
	Cow/ha	d.s.e./ha	Cow/ha	d.s.e./ha
3	0.75	9	1.0	12

Thus, stocking rates can be calculated as follows:

Natural pasture

$$2.95 \text{ ha@ } 9 \text{ d.s.e./ha} = 27 \text{ d.s.e.}$$

Improved pasture

$$2.95 \text{ ha@ } 12 \text{ d.s.e./ha} = 35 \text{ d.s.e.}$$

ie. in 1986, assuming Lot 40 was used in a similar manner to the adjoining property (to the west) it would have had a carrying capacity in the range 27 – 35 d.s.e.

4.2 VIABILITY AS A STAND-ALONE PROPERTY

Since Lot 40 has a current Development Consent for a dwelling house, it is unrealistic to consider the land will ever become part of an adjoining property for agricultural use, ie. its value for agriculture is only relevant as a stand-alone property.

As stated earlier, the land has been remediated to a stable landform but its intrinsic value as Class 3 prime agricultural land no longer exists.

Farmland Rate Categorisation

The purpose of the rural rating provisions of the Local Government Act is to empower councils to provide rating concessions to genuine farmers in their areas.

Section 515 of the LGA (1993) states:

(1) *Land is to be categorised as*

“farmland” if it is a parcel of rateable land valued as one assessment and its dominant use is for farming (that is, the business or industry of grazing, animal feedlots, dairying, pig-farming, poultry farming, viticulture, orcharding, bee-keeping, horticulture, vegetable growing, the growing of crops of any kind, forestry or aquaculture within the meaning

of the Fisheries Management Act 1994, or any combination of those businesses or industries) which-

- (a) has a significant and substantial commercial purpose or character, and*
- (b) is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made).*
- (2) Land is not to be categorised as farmland if it is rural residential land.*
- (3) The regulations may prescribe circumstances in which land is or is not to be categorised as farmland.*

Section 515 provides a useful measure of agricultural viability, ie. if a property is not eligible for farmland rates then it can't realistically be deemed to be viable for agriculture.

Practical interpretations of eligibility are:

- For grazing enterprises, 250 d.s.e. carrying capacity is about the minimum.
- For horticulture, generally two hectares is needed for eligibility, together with high quality soil (prime agricultural land) and irrigation.

Thus, using this criteria, Lot 40 does not have potential to be viable for an agricultural enterprise.

4.3 ADJOINING AGRICULTURAL LAND

4.3.1 Impacts of Land Use Change on Agriculture

The land use change to support proposed General Industry and Landscape Material Supplies land uses will not impact on agricultural use of nearby land.

The adjoining land to the west, "Ivy Mount", is prime agricultural land with ryegrass pasture used for hay and silage production. The dwelling house and farm buildings are at least 250 metres from Lot 40.

The adjoining land to the north is grazing land which appears to be part of the property "Clareview". The dwelling house and farm buildings are at least 300 metres from Lot 40.

Given the relatively small area of Lot 40, its land use change is unlikely to result in a scale of future development that would generate dust emissions, excessive noise or intense lighting which would adversely affect continued agricultural use of the adjoining properties.

Lot 40 is downslope of "Ivy Mount" so there is no possibility of sediment/pollutants being washed onto that land.

The proximity of Lot 40 to the Princes Highway, which is a major arterial road, means that the background noise and lights is constantly high. In any case, cattle become used to these issues as is frequently observed with quarries and mines.

4.3.2 Impacts of Agriculture on Lot 40

As long as a good quality stockproof boundary fencing is maintained between Lot 40 and the neighbours, it is unlikely that adjoining agricultural activities would impact on the future development of Lot 40 for proposed General Industry and Landscape Material Supplies land uses.

Regular agricultural activities such as fertiliser application, cutting pasture for hay or silage, grazing by livestock, etc. will also not impact on this future use of Lot 40.

5.0 CONCLUSION

Lot 40 is a small area of rural land adjoining the Princes Highway which has been used by RMS as a depot for road building materials during the major upgrade of the Highway.

Whilst the land is mapped as Class 3 agricultural land by the Department of Agriculture's Agricultural Suitability Classification mapping, that is no longer the case due to the recent useage. The land has been remediated and left in a tidy state with kikuyu groundcover such that it is stable but the agricultural potential no longer exists due to the soil and land disturbance.

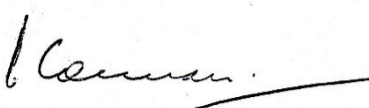
The land is not identified as Biophysical Strategic Agricultural Land (BSAL).

Lot 40 adjoins larger agricultural holdings but is on the fringe of these properties, and this report demonstrates that it will have no impact on their continued agricultural use.

The land has a current dwelling approval and it is unrealistic to expect it to have future agricultural use, especially considering its small area such that commercial agriculture will not be possible.

This report demonstrates that the Planning Proposal will not have an adverse impact on the agricultural value of rural land.

From an agricultural perspective, there is no reason why the land should not be used for proposed General Industry and Landscape Material Supplies land uses.



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