

# Planning Proposal

For Proposed General Industry,  
Landscape Material Supplies and  
Ancillary Land Uses

Prepared for  
THL Rural Pty Ltd

Site address  
Lot 40 DP 1230679, Gerringong

Date  
6 September 2021

Rev 1

**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	12/03/2021	Document completed for KMC consideration
JH	1	6/09/2021	Document updated to reflect KMC feedback of 10/08/2021 – Note these amendments are shown in red text

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## **CONTENTS**

<b>INTRODUCTION .....</b>	<b>4</b>
<b>BACKGROUND.....</b>	<b>5</b>
<b>PART 1 – STATEMENT OF OBJECTIVES OR INTENDED OUTCOMES.....</b>	<b>14</b>
<b>PART 2 – EXPLANATION OF PROVISIONS FOR THE PROPOSED INSTRUMENT .....</b>	<b>15</b>
<b>PART 3 – JUSTIFICATION OF OBJECTIVES, OUTCOMES AND PROCESS .....</b>	<b>16</b>
<b>3.1 – NEED FOR THE PLANNING PROPOSAL.....</b>	<b>16</b>
<b>3.2 – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK .....</b>	<b>22</b>
<b>3.3 – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT .....</b>	<b>32</b>
<b>3.4 – STATE AND COMMONWEALTH INTERESTS.....</b>	<b>33</b>
<b>PART 4 – MAPPING.....</b>	<b>33</b>
<b>PART 5 – COMMUNITY CONSULTATION.....</b>	<b>34</b>
<b>PART 6 – PROJECT TIMELINE.....</b>	<b>34</b>
<b>CONCLUSION.....</b>	<b>35</b>
<b>APPENDIX A - SURVEY PLAN OF SITE.....</b>	<b>36</b>
<b>APPENDIX B – CONCEPT MASTER PLAN.....</b>	<b>37</b>
<b>APPENDIX C - SUMMARY OF THE PP CONSISTENCY AGAINST S9.1 DIRECTIONS.....</b>	<b>38</b>
<b>APPENDIX D – LARGER SCALE OF PROPOSED KLEP 2011 MAPPING AMENDMENT.....</b>	<b>39</b>

## 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";
- Kiama Municipal Council's Planning Proposal Policy; and,
- Kiama Municipal Council Ordinary Meeting resolution of 21 July 2021.

The PP seeks to amend the Kiama Local Environmental Plan (KLEP) 2011 and to allow for General Industry, Landscape Material Supplies and ancillary land uses via listing Lot 40 DP 1230679 at Gerringong with additional permitted land uses within Schedule 1 of this Plan. As explained in this PP and the accompanying reports, Clause 2.5 of the KLEP 2011 allows for this land to be listed for these land uses to address a significant shortage of such land in the Kiama Local Government Area (LGA).

This PP is in part consistent with actions identified in the Kiama Local Strategic Planning Statement (KLSPS) 2020 which calls for the identification of land appropriate for such industry uses and consistent also with Illawarra Shoalhaven Regional Plan 2041. The outcome of this land use change process will result in an increase of approximately 2.95 ha for General Industry, Landscape Material Supplies and ancillary land uses for the Kiama LGA and surrounds. As Kiama Municipal Council (KMC) is aware, the LGA has an immediate need to supply land for the purpose of manufacturing and production for both local business sustainability and growth.

As outlined in this PP, this land use change will facilitate related industry and employment growth for the adjacent township of Gerringong and surrounds with careful integration with the existing surrounding land uses. In addition, the PP makes use of degraded agricultural land that has convenient interchange access to the adjacent Princes Highway.

Should KMC support this PP and formally progress it to Gateway Determination with the Department of Planning, Industry and Environment (DPIE), this document will provide Council with the majority of the background information it requires to demonstrate the strategic planning justification for this proposal. Further, the format of this PP is designed to optimise a timely and easier path for a Council merit-based assessment and to inform recommendations to the elected Council.

The justification and quantum of the land use change is explained in this PP which informs subsequent related amendments for the KLEP 2011.

*Figure 1 – Site Photo looking west across the site from Sims Roads*



## BACKGROUND

### Subject land

The coastal town of Gerringong is approximately 10km south of Kiama, 3.6km north of Gerroa and 30km from Bomaderry/Nowra. 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.

The PP relates to Lot 40 DP 1230679 (site) at Gerringong which is approximately 2.95ha in area – see Site Survey (**Appendix A**). The site faces Sims Road and is directly west of Gerringong and approximately 200m directly west of land zoned B7 - Business Park and 1km from the town centre. Dividing the direct boundary with the town is the Illawarra Railway corridor and Princes Highway southern interchange to Gerringong. As outlined in further detail below and supporting images, the site is primarily bordered by the road network with forms this interchange and rural land.

As shown in the images below, the PP site is cleared, zoned RU1 Primary Production and through past use of the site has been modified (filled) to divert a watercourse that previously traversed part of the site.

In June 2017, the site was approval by KMC to allow for construction of a dwelling house and access road which was then described as Lot 12 DP 1165635. The dwelling house has not yet been constructed and Lot 12 has since been superseded by Lot 40 which is part residue land of recent Princes Highway upgrading works. This approved dwelling house remains a permissible land use on the site.

Prior to receiving dwelling house approval, the site was used as an office/depot site for the Road Maritime Service (RMS) when upgrading the Princes Highway in this location (**Figure 2** below shows this past use by RMS). Subsequently, the site has been filled, compacted and changed over this time with two established vehicle entrances to adjacent Sims Road which connects via the Belinda Street interchange to the Princes Highway. Past site use has involved reshaping of the landform and revegetation with kikuyu pasture grass and establishing utility services (i.e. power, water, sewer, phone, etc.). This past use of the site forms key attributes to meet the land use outcome of General Industry, Landscape Material Supplies and ancillary land uses.

The site topography generally slopes downwards to the northern end of the site with drainage diversions on the boundaries that was created by past RMS use and site stormwater appears to drain to the vegetated table drains adjacent to Sims Road.

As shown in the accompanying plans, the site is constrained by easements for underground cables, overhead power lines, gas pipeline and transmission lines which generally run in a north-south direction across the site. The site does not consist of any bushfire prone land.

The site is largely bordered to the east and south by land zoned SPR2 (Princes Highway) and land to the west and north is zoned RU1 – Primary Production (see **Figure 3**).

Based on past use of the site and supporting attributes, and only to be used as a guide, concept master planning for the site identifies the potential to service related industry uses with supporting buffers which are likely to be undertaken within yards and building structures. As outlined in the accompanying information, the developable area of the site will in some areas need to consider buffers within the site to assist with its integrating with the surrounding land uses.

In summary, the site is relatively modified and constrained with limited (if any) ability to provide for its current permissible use land of RU1 – Primary Production. However, as outlined above the site has the ability to be serviced by the infrastructure necessary to support efficient delivery of General Industry, Landscape Material Supplies and ancillary land uses with a landscaped buffer interface to the adjacent rural land.



## Aerial image

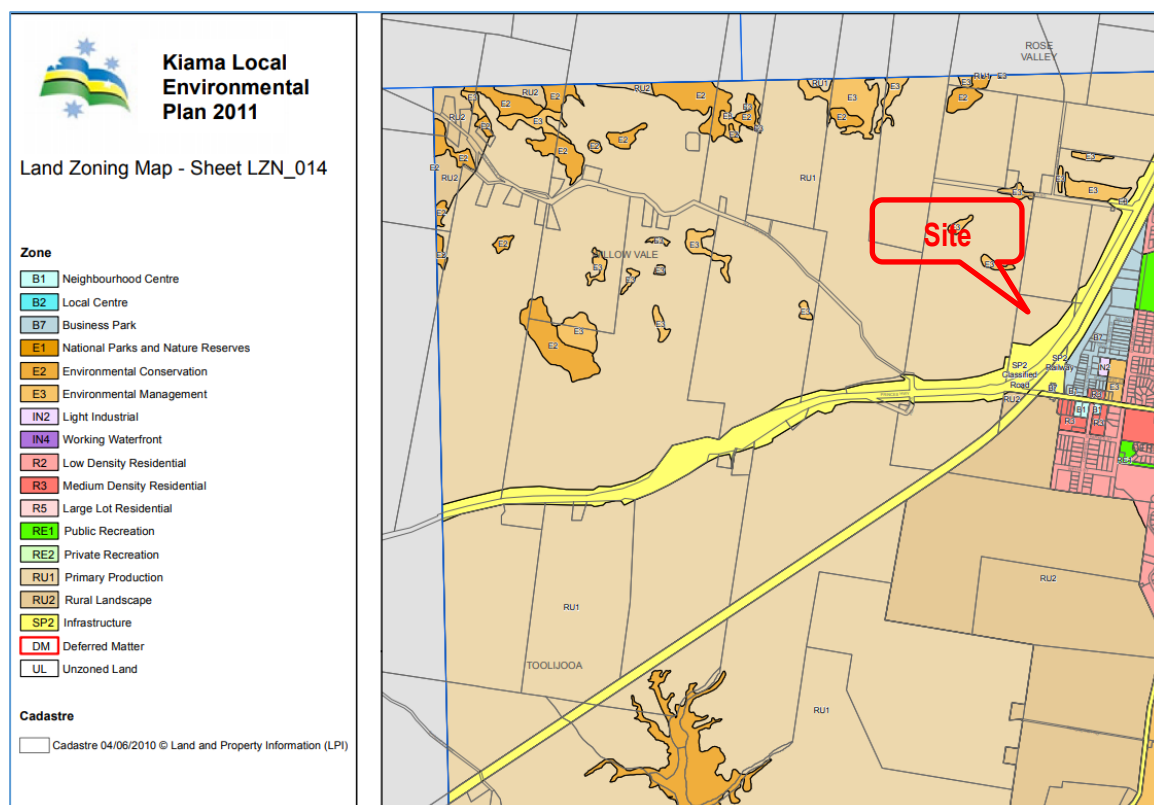
Figure 2 - Site Locality Plan (Source: SIX Maps) – Note past RMS use shown on site.



## Current Land Use Zones

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

Figure 3 – Current Land Zones affecting the site (Source: KLEP 2011).



## Other KLEP 2011 / Site Considerations

In addition to the current land use zone controls, other KLEP 2011 and site considerations are shown in Figures 4-9 and include, minimum lot size, riparian land / watercourses, height of buildings, heritage items, land reservation and bushfire prone land.

Figure 4 - 40ha minimum lot size affecting the site (Source: KLEP 2011).

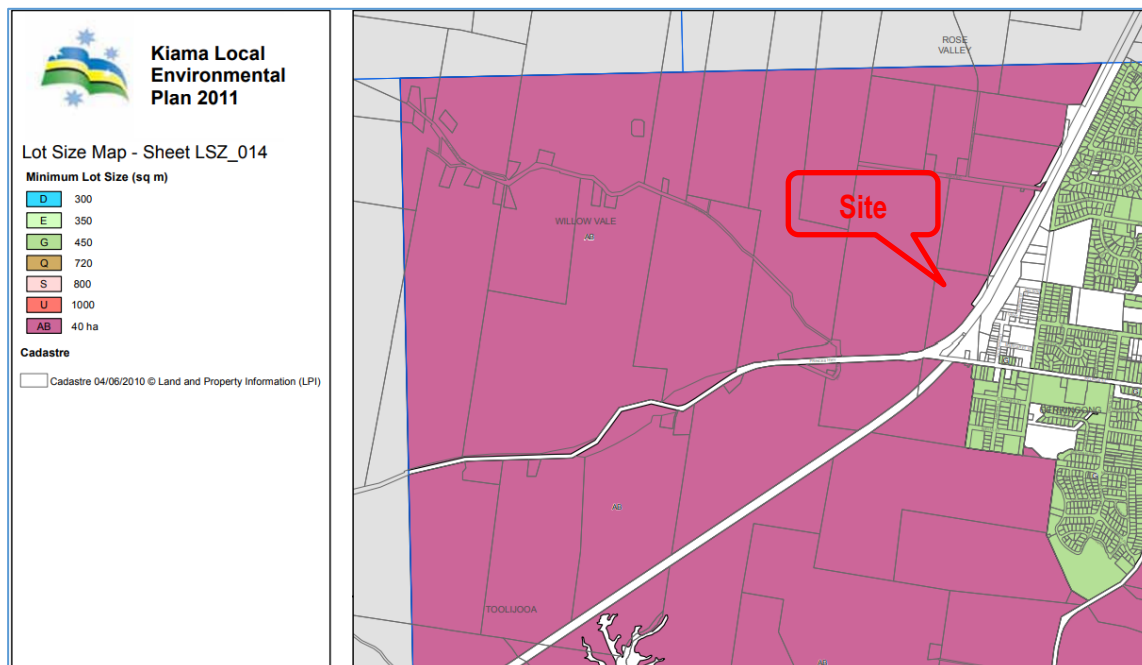


Figure 5 – Riparian Land and Watercourses affecting the site (Source: KLEP 2011).

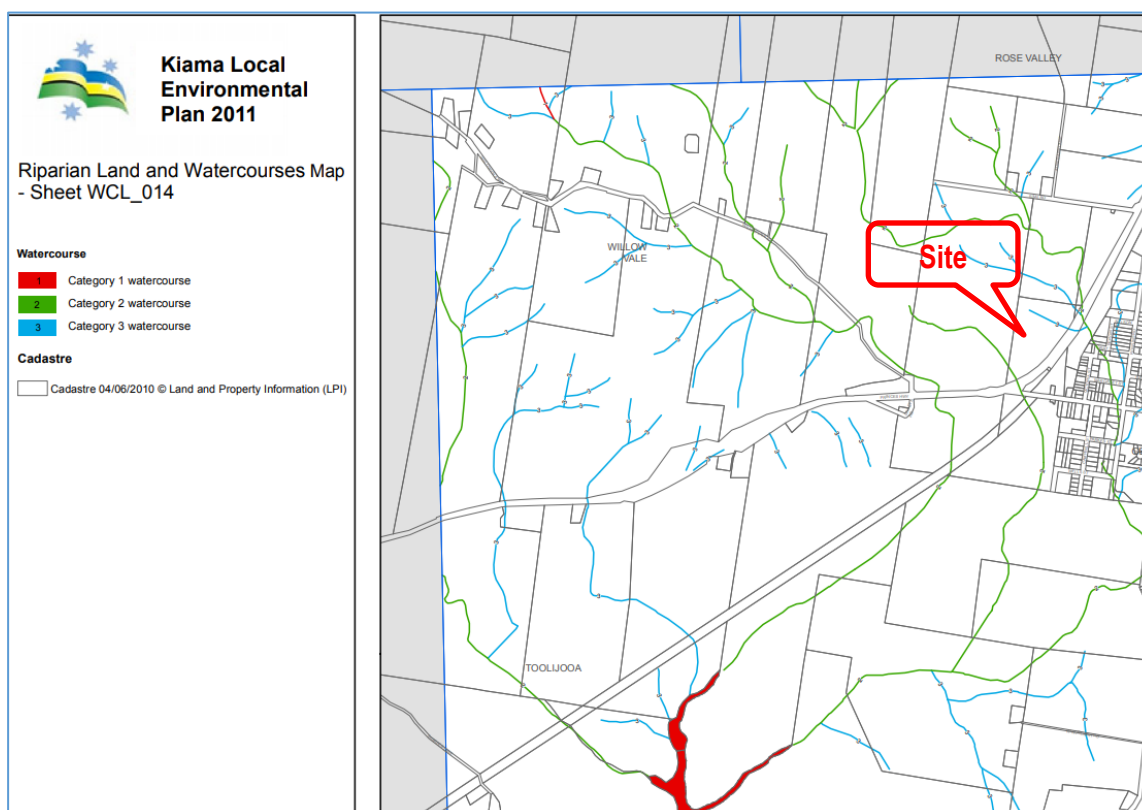


Figure 6 – Height of Buildings affecting the site (Source: KLEP 2011).

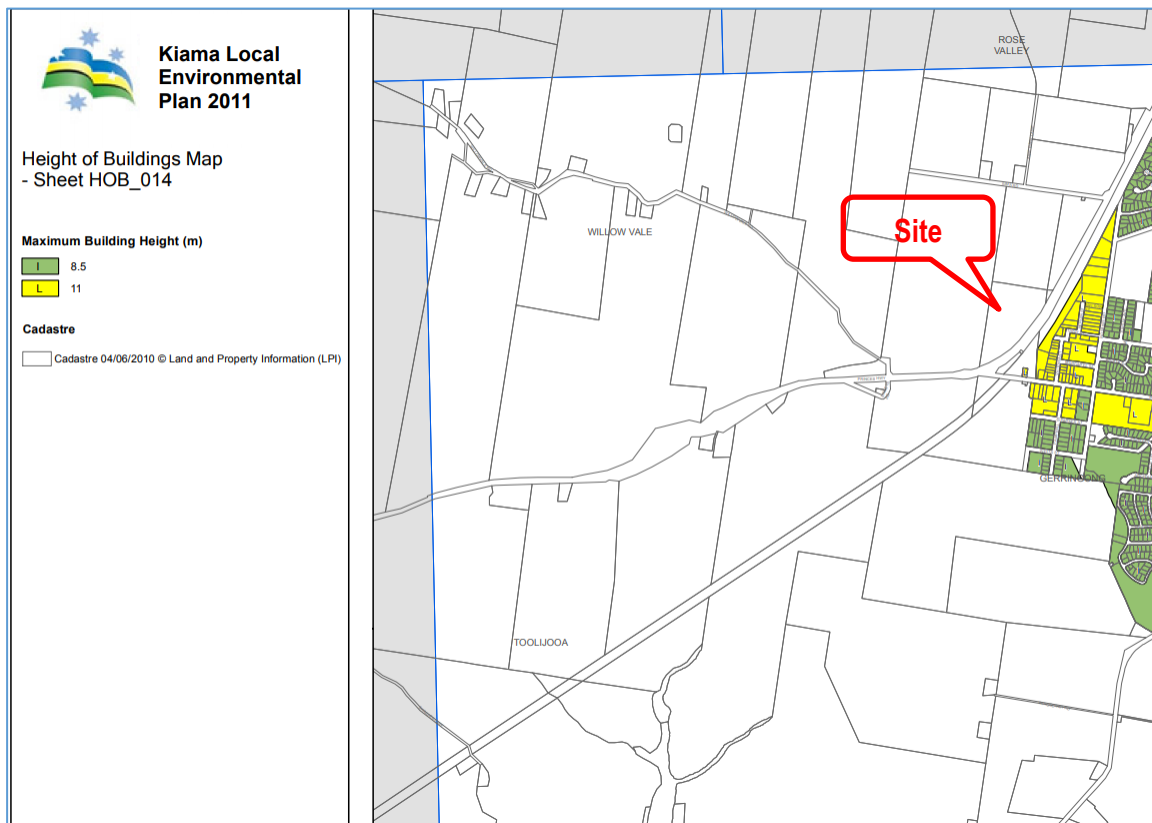


Figure 7 – Heritage items in proximity to the site (Source: KLEP 2011).

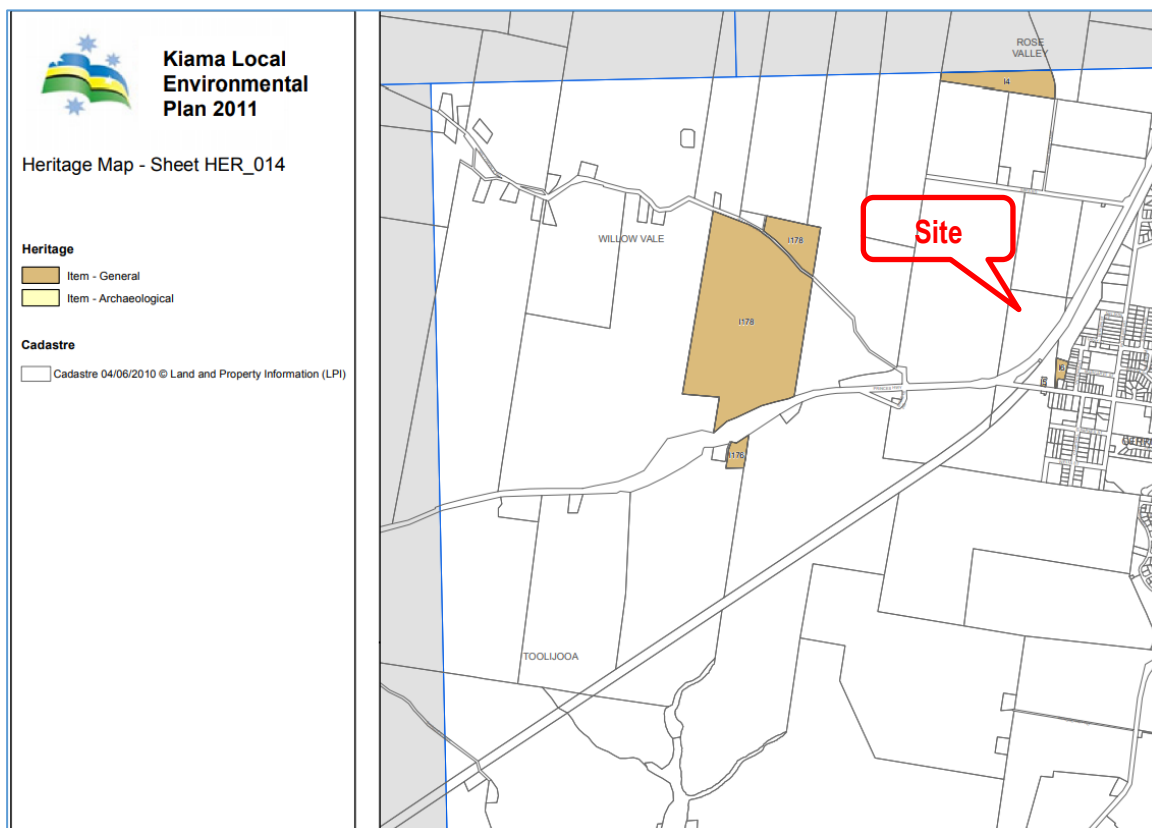




Figure 8 – Land Reservation in proximity to the site (Source: KLEP 2011).

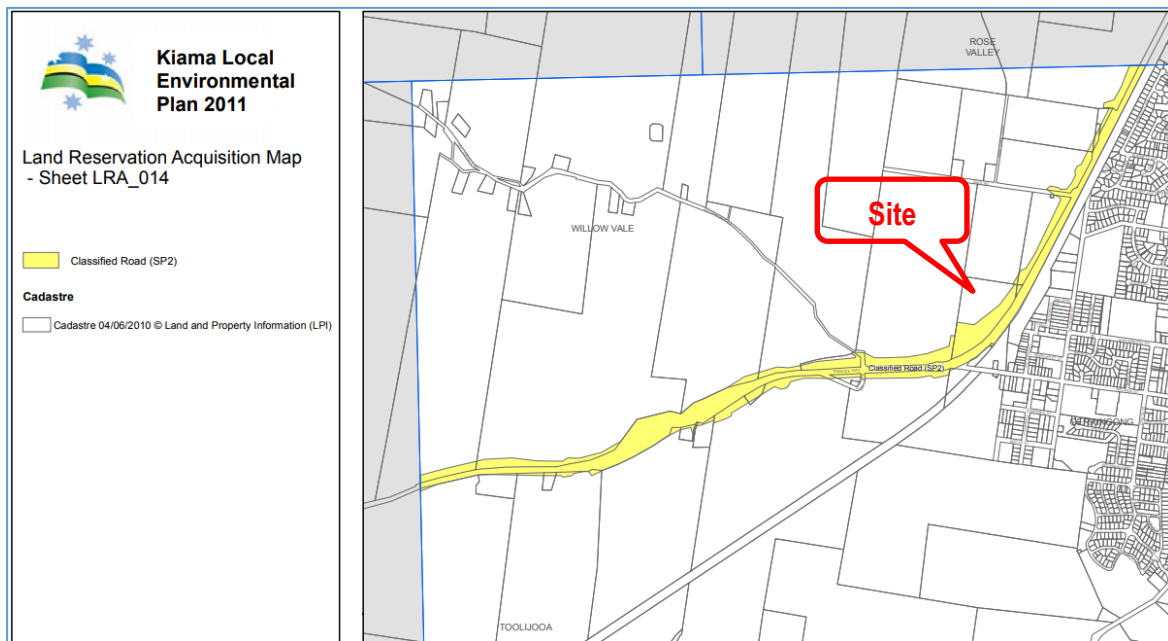
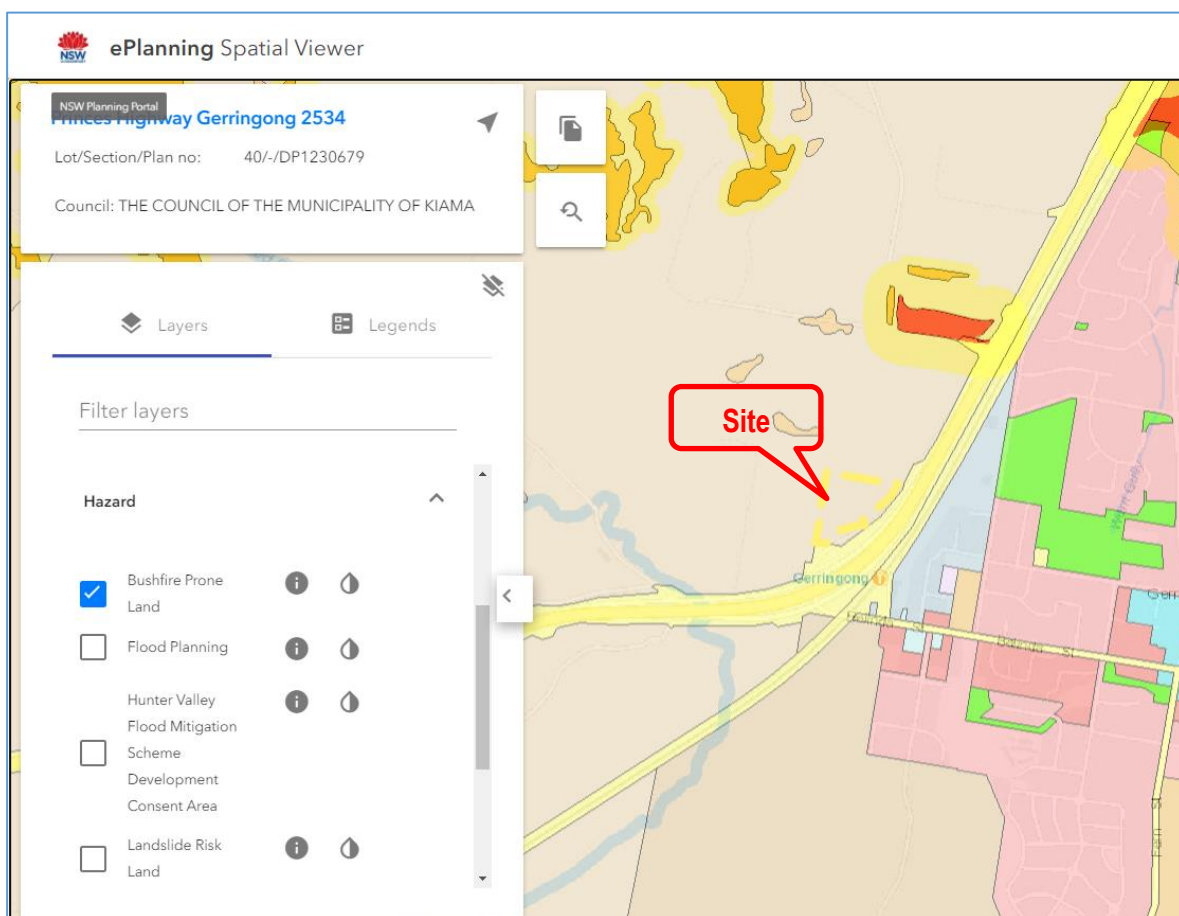


Figure 9 – Bushfire Prone Land in proximity to the site (Planning Portal: KLEP 2021)



## Status of current investigations

In recognition of the potential for General Industry, Landscape Material Supplies and ancillary land uses on the site an initial pre-lodgement PP meeting was held with KMC staff on 23 November 2020 which provided feedback of the following matters to be addressed in the PP and/or accompanying studies:

- Traffic Impact;
- Acoustic Impacts;
- Visual Impact with photomontages of potential built forms & landscaping;
- Agricultural Capacity of Site;
- Economic impact/demand.

Taking on board the above feedback, the following accompanying studies are provided and should be read as appendixes to this PP:

- Traffic and Parking Impact Assessment, prepared by McLaren Traffic Engineering;
- Environmental Noise Impact Assessment, prepared by Harwood Acoustics;
- Visual Impact Assessment & Supporting Plans & Photomontages, prepared by Edmiston Jones;
- Agricultural Viability Assessment, prepared by Cowman Stoddart Pty Ltd;
- Economic Impact Assessment, prepared by Atlas Urban Economics

Further discussion and feedback from utility service providers with easements on the site and providers of future services (i.e. Sydney Water & Endeavour Energy) can be undertaken as a condition of Gateway Determination.

Key findings of the above investigations are summarised in **Table 3** and the resulting concept master plan for the site are shown in **Figure 10** (larger version of plan is shown in **Appendix B**). These findings build on KMC's awareness that the LGA has an immediate need to supply land for the purpose of manufacturing and production for both local business sustainability and growth.

Further to these investigations, the initial pre-lodgement PP meeting with KMC staff recognised that general industry (as defined in KLEP 2011), which this site has the potential to provide, is currently not permissible in either the IN2 or B7 land zonings and therefore the PP should not suggest definitive zonings but rather outline the desired future intent for the property (i.e. general industry, etc.). This approach will enable Council to determine the appropriate land zoning and other potential amendments that may be required to KLEP 2011.

In recognition of this Council request, the PP as a first stage of this process relates to incorporating General Industry, Landscape Material Supplies and ancillary land uses as additional land uses in Schedule 1 of the KLEP 2011. A concept master plan for the site demonstrates these future uses.

## Concept master plan outline

To understand the site use potential from allowing this PP land use change to occur, a concept master plan has been prepared and is shown in **Figure 10** (larger version of plan is shown in **Appendix B**).

When reviewing the concept master plan, it must be understood that the proposal has not undertaken detailed investigations which would normally be prepared for any subdivision or built form. Therefore, this plan must only be considered as an indication of what possible land use could occur on the site.

In summary and as shown in the concept master plan, future industry use envisages six (6) likely building/site uses which are detailed in **Table 1**.

## Proposed land uses

The outcome of this Planning Proposal will include the following General Industry and Landscape Material Supplies with ancillary land uses within Schedule 1 of the KLEP 2011. The following definitions have been taken from the KLEP 2011.

**general industry means** a building or place (other than a heavy industry or light industry) that is used to carry out an **industrial activity**.

### **Note—**

General industries are a type of **industry**—see the definition of that term in this Dictionary.

**industrial activity means** the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

**landscaping material supplies means** a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

### **Note—**

Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

In addition to the above proposed land use the following ancillary land uses are required to support related General Industrials and Landscape Material Supplies operations.

**business identification sign means** a sign—

(a) of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

### **Note—**

Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**building identification sign means** a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

### **Note—**

Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**industrial retail outlet means** a building or place that—

- (a) is used in conjunction with an industry (other than an artisan food and drink industry) or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located, but does not include a warehouse or distribution centre.

**Note—**

See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

In accordance with the above definitions, and understanding there is an immediate need to supply land for the purpose of manufacturing and production for both local business sustainability and growth, the following related land use activities are proposed to be achieved on the site:

- Firewood storage and sales
- Auto repairs / services
- Kitchen / cabinet manufacturing
- Arborist depot
- Processing of landscape materials/supplies
- Return & earn facility
- Hardware supplies & sales
- Plumbing / electrical supplies

In recognition of the above proposed permissible site uses, the accompanying concept master plan demonstrates the following possible site / building outcomes could be achieved on the site.

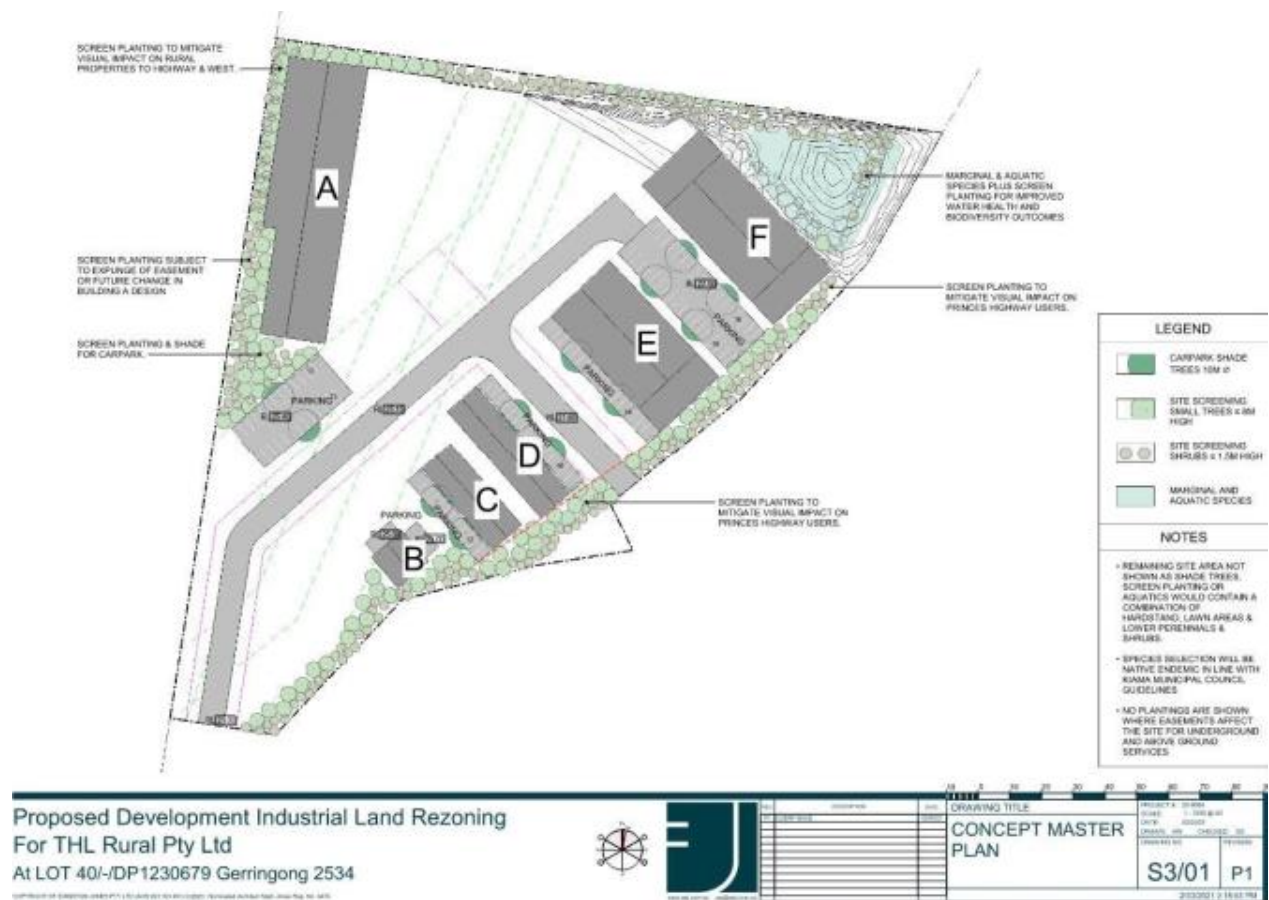
**Table 1: Concept Master Plan Summary**

Building	Gross Floor Area (sqm)	Possible Use
A	2,129	Wholesale Landscape Supplies
B	110	Firewood Business
C	408	Fabrication/Manufacturing/Services Business
D	540	Fabrication/Manufacturing/Services Business
E	1,350	Fabrication/Manufacturing/Services Business
F	1,600	Fabrication/Manufacturing/Services Business

The exact site use would be subject to further investigation at the development application lodgement stage which could involve subdivision (i.e. Community Title or Strata) of the site and may require changes/amendment to existing easement arrangements on the site.



Figure 10 – Site Concept Master Plan



## Strategies planning assessment

In preparing this PP, the following KMC or State Government strategies or plans have been assessed as being consistent with the land use change and subsequent future development of the site and are listed below and reviewed further in **Part 3 – Justification**.

- *Kiama Local Strategic Planning Statement 2020;*
- *Kiama Regional Economic Development Strategy 2018-2022;*
- *Kiama Council Community Strategic Plan 2017-2027;*
- *Kiama Operational Plan 2020-21 & Delivery Program 2017-21; and*
- *Illawarra Shoalhaven Regional Plan 2041.*

## 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 allow Clause 2.5 of and Schedule 1 of the KLEP 2011 to provide for General Industry, Landscape Material Supplies and ancillary land uses on Lot 40 DP 1230679 at Gerringong which is currently zoned as RU1 – Primary Production. As explained in this PP and accompanying reports, this land use change will assist in meeting a significant shortage of such land in the LGA and surrounds and makes use of a degraded agricultural land that has convenient interchange access to the adjacent Princes Highway.

As outlined above, KMC is aware that the LGA has an immediate need to supply land for the purpose of manufacturing and production for both local business sustainability and growth. Hence, the type of businesses / land use activity to be undertaken under the land use permissibility of General Industry, Landscape Material Supplies and ancillary land uses include:

- Firewood storage and sales
- Auto repairs / services
- Kitchen / cabinet manufacturing
- Arborist depot
- Processing of landscape materials/supplies
- Return & earn facility
- Hardware supplies & sales
- Plumbing / electrical supplies

The intended outcome of the PP is to achieve future land use of the site as shown in the Concept Master Plan (see **Figure 10** & larger version of plan is shown in **Appendix B**) and similar land building/site uses are detailed above in **Table 1**.

Figure 11 – Site Photo – View of southern vehicle entrance to the site – Looking North



## **PART 2 – EXPLANATION OF PROVISIONS FOR THE PROPOSED INSTRUMENT**

*(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 Schedule 1 of KLEP 2011 so that the related Clause 2.5 allows General Industry, Landscape Material Supplies and ancillary land uses of the site. As outlined above and in Part 1, the type of businesses / land use activity to be undertaken under the land use permissibility of General Industry, Landscape Material Supplies and ancillary land uses include:

- Firewood storage and sales
- Auto repairs / services
- Kitchen / cabinet manufacturing
- Arborist depot
- Processing of landscape materials/supplies
- Return & earn facility
- Hardware supplies & sales
- Plumbing / electrical supplies

Whilst it is noted that no specific clause amendments to KLEP 2011 are proposed, feedback from the pre-lodgement PP meeting with KMC staff recognised that general industry (as defined in KLEP 2011) is currently not permissible in either the IN2 or B7 land zonings and therefore the PP should not suggest definitive zonings but rather outline the desired future intent for the property (i.e. general industry, etc.) which is outlined above.

As Kiama Municipal Council (KMC) is aware, the LGA has an immediate need to supply land for the purpose of manufacturing and production for both local business sustainability and growth. This PP advances a first stage of this process by incorporating General Industry, Landscape Material Supplies and ancillary land uses as additional land uses in Schedule 1 of the KLEP 2011.

A minor mapping change to KLEP 2011 is required to show Lot 40 DP 1230679 on the “Additional Permitted Use” mapping (shown in Appendix D). No changes to the height of building mapping are proposed as future built development will be compatible with those buildings allowed in a rural setting and unlikely to exceed the maximum height limit of 11m which is relevant to nearby built form on the eastern side of the adjacent Princes Highway.

These above amendments are required so the future use of the site 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—*
  - a) 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,*
  - b) 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,*
  - c) to conserve and protect the area’s water resources, groundwater, waterways, and water quality for their biodiversity, ecological, health and recreational values,*
  - d) to protect agricultural land and restrict its fragmentation for purposes other than primary production,*
  - e) 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,*
  - f) to consolidate future population growth and medium density housing primarily in locations near shops and public transport,*



- g) 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,
- h) to protect and maintain land used or to be used for employment in rural and urban areas,
- i) to promote and co-ordinate the orderly and economic use and development of land,
- j) to maintain, protect and enhance environmentally sensitive land for its biodiversity and ecological values,
- k) to protect Kiama's cultural heritage.

Figure 12 – Site Photo – View on the site – Looking north



### 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 in part consistent with the following KMC endorsed strategic studies identified in **Table 2**. In addition, initial site investigation findings of the various accompanying assessments are identified in **Table 3** which were recommended in pre-lodgement PP feedback received from KMC staff on 23 November 2020.



**Table 2 – Summary of the site's supporting strategic studies**

Plan / Strategy	Key findings summary
KLEP 2011	<p>Clause 2.5 - Additional permitted uses for particular land allows for</p> <p>(1) Development on particular land that is described or referred to in Schedule 1 may be carried out—</p> <p>(a) with development consent, or</p> <p>(b) if the Schedule so provides—without development consent,</p> <p>in accordance with the conditions (if any) specified in that Schedule in relation to that development.</p> <p>(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.</p> <p>Based on this finding, the PP is aimed at listing the site for General Industry, Landscape Material Supplies and ancillary land uses.</p>
Kiama Local Strategic Planning Statement 2020	<ul style="list-style-type: none"> <li>• Sets out the following strategic outcomes:               <ul style="list-style-type: none"> <li>➤ 20-year vision for land use in the local area</li> <li>➤ special characteristics which contribute to local identity</li> <li>➤ shared community values to be maintained and enhanced</li> <li>➤ how growth and change will be managed into the future</li> </ul> </li> <li>• At page 34 identifies that the Kiama LGA; "has just 3.58ha of land zoned for light industry – this represents 0.014% of the total area of the Municipality. The demand for light industrial land and premises in Kiama is solid with a number of businesses having indicated that they wish to expand. <b>The lack of available land is forcing businesses that need additional space to relocate to industrial and business parks in neighbouring local government areas.</b> The following three (3) planning priorities have been identified to develop a diverse and resilient economy for our Municipality:               <ul style="list-style-type: none"> <li>○ Foster Economic Diversity;</li> <li>○ Manage tourism development and the visitor economy; and</li> <li>○ Strengthen Commercial Centres.</li> </ul> </li> </ul> <p>The above finding is also consistent with the PP applicant business operations that can only part operate (office/administration functions only) in the Kiama LGA due to no current supply of industrial land or similar land to support General Industry, Landscape Material Supplies and ancillary land uses.</p> <ul style="list-style-type: none"> <li>• At page 35, under the Action plan to Develop a Diverse and Resilient Economy under the planning priority of Foster Economic Diversity, the following outcomes are identified:               <ul style="list-style-type: none"> <li>○ <b>"Support growth in key industries and encourage twenty-first century industry and business models through well planned urban and rural land development (Medium term priority).</b></li> <li>○ <b>Identify land and propose appropriate zoning that is suitable for small scale service industrial uses in the short to medium term (short term priority).</b></li> </ul> </li> </ul> <p>The PP is consistent with achieving the above findings.</p>

Plan / Strategy	Key findings summary
<p><i>Kiama Regional Economic Development Strategy 2018-2022</i></p>	<ul style="list-style-type: none"> <li>• Sets out the vision of: <i>“To be a strong vibrant economy outside of current holiday peaks with carefully managed growth and employment opportunities in tourism, agribusiness and other emerging industries and to capitalise on the region’s unique opportunities in digital connectivity.</i></li> <li>• At page 3 identifies, <i>“Support growth in key industries and encourage twenty-first century industry and business models through well planned urban and rural land development”.</i></li> <li>• At page 13 identifies that; <b><i>“industrial land offers the potential to attract larger employers to Kiama. Kiama does not currently support large industrial employers.”</i></b></li> </ul> <p>The PP is consistent with achieving the above findings and the supply of industrial land or similar land to support General Industry, Landscape Material Supplies and ancillary land uses.</p>
<p><i>Kiama Council Community Strategic Plan 2017-2027;</i></p>	<ul style="list-style-type: none"> <li>• The PP is in part consistent with the Kiama Council Community Strategic Plan’s objectives of: <i>A diverse, thriving economy</i> and the supporting strategy of; <b><i>“3.1 Promote and encourage business development and economic prosperity in the local area”.</i></b></li> </ul> <p>The PP is consistent with achieving the above strategy.</p>
<p><i>Kiama Operational Plan 2020-21 &amp; Delivery Program 2017-21;</i></p>	<ul style="list-style-type: none"> <li>• The PP is in part consistent with the <i>Kiama Operational Plan 2020-21 &amp; Delivery Program 2017-21;</i>’s values and principle of: <i>“Will build on the strengths of the community to create a Municipality that is a vibrant place to live, work and enjoy”</i></li> <li>• Action Code 3.1.3.5 specifically states; <b><i>“Ensure suitable land is available for small scale service industrial uses and identify modest area/s of land that is suitable in the short to medium term”.</i></b></li> </ul> <p>The PP is consistent with achieving the above action and the supply of industrial land or similar land to support General Industry, Landscape Material Supplies and ancillary land uses.</p>

**Table 3 – Summary of key investigation findings**

Investigation	Key findings summary
Traffic and Parking Impact Assessment	<ul style="list-style-type: none"> <li>• The proposal will only result in the change of land use of the land.</li> <li>• Application of Council's DCP rates for Light Industrial (as a worst-case parking scenario), requires the provision of 93 car parking spaces across the site for the current concept masterplan. When the exact operational details of each individual building are known a more refined parking requirement can be determined during the development application stage.</li> <li>• If the site is subdivided after the change of land use and each building is operated independently (i.e., separate parking areas are provided for each building) each individual building in isolation shall provide the appropriate number of disabled spaces in accordance with the BCA requirements.</li> <li>• The detailed design of the internal road network (either public or private) shall be assessed at the DA Stage but shall be designed such as to accommodate the largest commercial vehicle intended to use the site, which is currently identified as a 20m AV and a 19m Truck and Dog.</li> <li>• The internal car park and loading facilities within each building is to be designed in accordance with AS2890.1:2004, AS2890.2:2018 and AS2890.6:2006. The detailed design of the internal car parks and loading facilities will be reviewed during the development application stage.</li> <li>• The immediate external road network (Sims Road, Belinda Street and the Princes Highway on and off ramps) have been assessed with Swept Path Testing of a 20m AV and 19m Truck and Dog and have sufficient width and intersection design to accommodate these large vehicles accessing the site. The results have been reproduced within Annexure F below.</li> <li>• The traffic generated by the proposed change of land use has been found to range between 43 (34 in, 9 out) and 73 (59 in, 14 out) vehicle trips during the AM peak and 48 (9 in; 39 out) and 80 (16 in, 64 out) during the PM peak hour, under the average and high-range case, respectively. SIDRA Intersection analysis indicates that the traffic generation of the proposal in both the average and high range cases, would have a negligible impact on the existing road network surrounding the site. There are no changes to the existing Level of Service of the surrounding intersections due to the future traffic generation of the planning proposal.</li> <li>• In view of the foregoing, <b>the subject planning proposal is supportable in terms of traffic flow, road safety and parking impacts</b>. It is recognised that this assessment has been informed by a concept masterplan for the site and a more detailed assessment would be required when considering the future buildings or subdivision.</li> </ul>
Environmental Noise Impact Assessment	<ul style="list-style-type: none"> <li>• The assessment has considered a concept master plan of the possible future site uses.</li> <li>• Noise goals have been established at the nearest residential receptor locations to the Site in accordance with the NSW EPA's Noise Policy for Industry 2017 project noise trigger levels.</li> <li>• An example of typical noise levels arising from any future use of the site are provided in Section 5 of this Report based on typical industrial activity.</li> <li>• The level of noise emission from any future industrial premises can easily be controlled, if required, to meet the EPA's project noise trigger levels at all</li> </ul>

Investigation	Key findings summary
	<p>receptor locations. Any noise controls, if required would not be particularly onerous.</p> <ul style="list-style-type: none"> <li>• Dependant on the exact use of the land, further acoustical assessments could be required.</li> <li>• <b>There is no reason acoustically that the subject land cannot be used for general industries and landscape material supplies.</b></li> </ul>
Visual Impact Assessment	<ul style="list-style-type: none"> <li>• The visual impact of the proposed land use change of the site and consideration of a possible concept master plan has been assessed following a site inspection of the property and its visual catchment with subsequent desktop analysis. RMS and AILA guidelines have been considered and applied in the assessment methodology as previously outlined.</li> <li>• Taking into account the static or mobile receptors as defined in the introduction to this assessment it is noted that: <ul style="list-style-type: none"> <li>○ Static receptors (people with views of the proposal from their dwellings and places of work) are limited to those living, working and visiting adjacent properties and those within the Gerringong urban area.</li> <li>○ Mobile receptors, commuters and tourists using the Princes Highway who will be travelling at a likely 100km/hour will be generally screened from the proposed development by the proposed boundary planting treatment.</li> </ul> </li> <li>• This assessment has determined that there will be a range of likely impacts arising from this land use change on the Princes Highway, Rural Farmlands and Gerringong Urban Zones. These impacts will be of similar nature and scale as previously experienced in this location with the operations of a site depot for roadworks by the RMS.</li> <li>• It is recognised that the likely impact on both static and mobile receptors in zones will be significantly mitigated by a combination of the proposed screen planting and other more dominant visual elements within the landscape. In addition, the land use change process would be well served by applying building design principles into any consent that reflects the rural architectural character of the immediate surrounds through limited building form and material and colour palette selections.</li> <li>• <b>The visual impact of the proposed land use change is considered acceptable.</b> On this basis, it is concluded that the proposed concept masterplan is appropriate in the context and will be unlikely to have undue visual impact on the landscape character zones identified.</li> <li>• The planning proposal prepared by Allen Price &amp; Scarratts confirms that the proposed development has the sound planning justification. Having regard to the need for industrial growth in this area, I consider the proposal to be satisfactory in terms of the visual impact.</li> </ul>
Agricultural Viability Assessment,	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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 usage.</li> </ul>



Investigation	Key findings summary
	<ul style="list-style-type: none"> <li>• 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.</li> <li>• The land is not identified as Biophysical Strategic Agricultural Land (BSAL).</li> <li>• Lot 40 adjoins larger agricultural holdings but is on the fringe of these properties, it will have no impact on their continued agricultural use.</li> <li>• 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.</li> <li>• <b>The PP will not have an adverse impact on the agricultural value of rural land.</b></li> <li>• From an agricultural perspective, there is no reason why the land should not be used for General Industry and Landscape Material Supply land uses.</li> </ul>
Economic impact/demand	<ul style="list-style-type: none"> <li>• The economic impacts of the Proposal are found to be significant. The future development of the Site for industrial uses is expected to generate an additional \$20 million in annual Gross Regional Product (GRP) for the Kiama LGA and support around 62 full-time jobs on Site.</li> <li>• The Proposal Case is estimated to result in the following economic impacts during the construction phase: <ul style="list-style-type: none"> <li>○ \$9.6 million in output (including \$6.2 million in direct activity).</li> <li>○ \$3.3 million contribution to GRP (including \$1.5 million in direct activity).</li> <li>○ \$1.9 million in incomes and salaries paid to households (including \$1.0 million in direct income).</li> <li>○ 23 FTE jobs (including 11 FTE directly employed in construction activity).</li> </ul> </li> <li>• Following construction, the Proposal Case is estimated to support the following net annual economic activity through direct and flow-on impacts: <ul style="list-style-type: none"> <li>○ \$48.4 million in output (including \$31.4 million in direct activity).</li> <li>○ \$20.0 million contribution to GRP (including \$11.5 million in direct activity).</li> <li>○ \$10.6 million in incomes and salaries paid to households (including \$6.3 million in direct income).</li> <li>○ 115 FTE jobs (including 62 directly related to activity on the Site).</li> </ul> </li> <li>• The Proposal is not anticipated to negatively impact the Illawarra Agricultural Region and is well-buffered to ensure little impact on adjoining landowners. The Proposal directly responds to a key action of the Kiama LSPS – delivering new industrial or similar land supply to accommodate employment growth and diversify the local economy. Importantly, the Proposal will provide opportunities for local Kiama businesses to locate and/or expand without needing to relocate outside Kiama.</li> <li>• The economic impacts estimated in this chapter demonstrate <b>the Proposal has economic merit, having the ability to contribute immediately to the Kiama local economy.</b></li> </ul>
Preliminary Biodiversity assessment	<ul style="list-style-type: none"> <li>• Due to past use, filling and modification of the site has largely removed all native flora from the site and diversion of a watercourse around the site. A walkover of the site has deemed that no further biodiversity assessment is deemed necessary at this time to accompany the PP application.</li> </ul>

Investigation	Key findings summary
Preliminary Flood assessment	<ul style="list-style-type: none"> <li>Whilst not required by KMC staff, it is noted that past filling and modification of the site which has diverted a watercourse around the site, and therefore further flood assessment is deemed not necessary at this time to accompany the PP application.</li> </ul>
Preliminary Aboriginal Heritage assessment	<ul style="list-style-type: none"> <li>Whilst not required by KMC staff, a walkover of the site did not identify any Aboriginal Heritage items for assessment due to the modified nature of the site which is consistent with cross referencing with an Aboriginal Heritage Information Management System (AHIMS) search. Therefore, further assessment is deemed not necessary at this time to accompany the PP application.</li> </ul>
Preliminary European Heritage assessment	<ul style="list-style-type: none"> <li>Whilst not required by KMC staff, a walkover of the site did not identify any European Heritage items for assessment due to the modified nature of the site which is consistent with cross referencing with the KLEP 2011 heritage mapping. Therefore, further assessment is deemed not necessary at this time to accompany the PP application.</li> </ul>

### 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 land use change for the site.

## 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 in part consistent with the following regional strategic planning framework.

#### ***Illawarra Shoalhaven Regional Plan 2041***

The PP is in part consistent with the *Illawarra Shoalhaven Regional Plan 2041*. 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.*
- *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 site is in part consistent with the following objectives and strategies identified in the Plan:

**Objective 4:** *Activate regionally significant employment precincts to support new and innovative economic enterprises*

**Strategy 4.1** *Support new and innovative economic enterprises in local strategic planning and local plans by:*

- *retaining and managing regionally significant employment lands and safeguarding them from competing pressures*
- *providing flexibility in local planning controls*
- *aligning infrastructure to support the rollout of employment land in the region*

The Plan outlines that this can be achieved by retaining and managing employment land and creating flexible planning and development controls that respond to new opportunities and technologies, including catalytic investments.

Whilst not specifically identified as regionally significant employment lands, the site with proximity and relatively easy access to the Princes Highway makes it's significant in the subregional context.

**Objective 16:** *Support the development of a circular economy*

**Strategy 16.1** *Support the development of a circular economy including understanding opportunities for industrial symbiosis in local strategic planning and waste management strategies.*

The Plan identifies that high levels of industrial activity in the Illawarra Shoalhaven presents a huge opportunity to develop a circular economy with further work required to better understand the feasibility of industrial symbiosis to maximise efficiencies, share resources and materials, reduce operating costs and improve environmental outcomes.

**Objective 25:** *Collaborate to leverage opportunities from Western Sydney's growth*

**Strategy 25.1** *Engage and collaborate on opportunities for mutual and sustainable social, economic and employment benefits across the Illawarra Shoalhaven and Western Sydney.*

The PP is consistent with this objective and strategy as proposed uses of the site could continue to work with Sydney businesses to benefit and strengthen local skills and the local economy.

### 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 intention of the land use change to allow for General Industry, Landscape Material Supplies and ancillary land uses of the site which is endorsed in part or in full the following local strategic planning reports:

- Kiama Local Strategic Planning Statement 2020;;
- Kiama Regional Economic Development Strategy 2018-2022;
- Kiama Regional Economic Development Strategy 2018-2022;
- Kiama Council Community Strategic Plan 2017-2027;
- Kiama Operational Plan 2020-21 & Delivery Program 2017-21.

### 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 4** and relevant SEPPs summarised in the following subsections.

Table 4 – 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
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	✓
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 site 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 site has in the past been used for grazing before its recent use by RMS as an office/depot site when upgrading the Princes Highway in this location. Subsequently, the site has been filled, compacted and changed over this time. Further, the site has recent approval for a dwelling house which indicates that relevant site remediation has been undertaken. No evidence of land contamination was found when walking the site.

### **SEPP Infrastructure 2007**

As the land use change is likely to result in traffic generation related to General Industry, Landscape Material Supplies and ancillary land uses over an area of 5,000m<sup>2</sup> and within 90m of a Classified Road, Clause 104 of the SEPP (Infrastructure) 2007 is relevant and referral to the Transport for NSW (TfNSW) would be required. It is also expected that the TfNSW will also be involved in the providing feedback on the planning proposal.

### **SEPP (Primary Production and Rural Development) 2019**

SEPP (Primary Production and Rural Development) does apply to the site due to its current land zoning of RU1 – Primary Production and the following assessment in Table 5 is made against the aims of the policy. As outlined below, this assessment also relies on information within the accompanying Agricultural Viability Assessment for the site.

*Table 5 – 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 General Industry, Landscape Material Supplies and ancillary land uses for the adjacent Gerringong township. The township and surrounding Kiama LGA have exhausted supply of industrial or similar land and as outlined in findings of the accompanying Agricultural Viability Assessment, the site provides a viable option to meet this land storage.
(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,	As outlined in the accompanying Agricultural Viability Assessment and other accompanying information, the land use change provides an efficient use of the site without necessarily creating conflict and sterilisation of rural land or compromising 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 site and surrounds are not identified as State significant agricultural land.
(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.

Policy Aim	Assessment Comment
(e) to encourage sustainable agriculture, including sustainable aquaculture,	The PP does not prevent the continued sustainable use of surrounding agricultural land and the site identified as not a variable sustainable agricultural site in the accompanying Agricultural Viability Assessment.
(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.

### 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 C** and relevant directions discussed below.

#### **Direction 1.2 Rural Zones**

This direction applies when a relevant planning authority prepares a PP 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 6 – Rural Zones Direction Assessment

Direction Requirement	Assessment Comment
<p>(a) justified by a strategy which:</p> <p>(i) gives consideration to the objectives of this direction,</p> <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>	<p>As outlined in this document, the proposal is consistent with this direction as the PP does not change the current RU1 zoning and is in part consistent with the following strategic plans:</p> <ul style="list-style-type: none"> <li>• <i>Kiama Local Strategic Planning Statement 2020;</i></li> <li>• <i>Kiama Regional Economic Development Strategy 2018-2022;</i></li> <li>• <i>Kiama Regional Economic Development Strategy 2018-2022;</i></li> <li>• <i>Kiama Council Community Strategic Plan 2017-2027;</i></li> </ul>

Direction Requirement	Assessment Comment
	<ul style="list-style-type: none"> <li><i>Kiama Operational Plan 2020-21 &amp; Delivery Program 2017-21</i></li> <li><i>Illawarra Shoalhaven Regional Plan 2041</i></li> </ul> <p>Further, the accompanying Agricultural Viability Assessment concludes the site is no longer viable to support agricultural activities.</p>
<i>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</i>	The accompanying Agricultural Viability Assessment concludes the site is no longer viable to support agricultural activities.
<i>(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</i>	The PP is consistent with outcomes of the Illawarra Shoalhaven Regional Plan 2041.
<i>(d) is of minor significance</i>	Not applicable.

The PP is not inconsistent with this direction.

Further, while the PP proposes no change to the current RU1 zoning, the accompanying Agricultural Viability Assessment as detailed in Table 3 clearly demonstrates support for the land use change and gives effect to 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 7 – Rural Lands Direction Assessment

Direction Requirement	Assessment Comment
<i>(4) A planning proposal to which clauses 3(a) or 3(b) apply must:</i>	Noted.
<i>(a) 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</i>	<p>The PP is consistent with the following strategic plans:</p> <ul style="list-style-type: none"> <li><i>Kiama Local Strategic Planning Statement 2020;;</i></li> <li><i>Kiama Regional Economic Development Strategy 2018-2022;</i></li> </ul>

Direction Requirement	Assessment Comment
<i>applicable local strategic planning statement</i>	<ul style="list-style-type: none"> <li>• <i>Kiama Regional Economic Development Strategy 2018-2022;</i></li> <li>• <i>Kiama Council Community Strategic Plan 2017-2027;</i></li> <li>• <i>Kiama Operational Plan 2020-21 &amp; Delivery Program 2017-21</i></li> <li>• <i>Illawarra Shoalhaven Regional Plan 2041</i></li> </ul>
<i>(b) consider the significance of agriculture and primary production to the State and rural communities</i>	As outlined in findings of the accompanying Agricultural Viability Assessment, it is unrealistic to expect the site can provide a future commercial agricultural use when considering its small area, past soil disturbance and dwelling approval.
<i>(c) 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>	Due to the degraded nature of the site the accompanying concept master plan does not specifically identify the need to protect native vegetation, cultural heritage, nor identify any important water resources. However, if identified through agency assessment this can be investigated through a condition of Gateway determination.
<i>(d) 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>	As outlined in findings of the accompanying Agricultural Viability Assessment the constraints of the land have been considered and conclude the site cannot provide a future commercial agricultural use.
<i>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</i>	As outlined in findings of the accompanying Agricultural Viability Assessment, it is unrealistic to expect the site can provide a future commercial agricultural use. Further this assessment concludes no impacts are likely to surrounding agricultural activities.
<i>(f) support farmers in exercising their right to farm</i>	As outlined in findings of the accompanying Agricultural Viability Assessment, it is unrealistic to expect the site can provide a future commercial agricultural use. Further this assessment concludes no impacts are likely to surrounding agricultural activities.
<i>(g) 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>	As outlined in findings of the accompanying Agricultural Viability Assessment, it is unrealistic to expect the site can provide a future commercial agricultural use when considering its small area, past soil disturbance and dwelling approval. Further this assessment concludes no impacts are likely to surrounding agricultural activities.

Direction Requirement	Assessment Comment
<i>(h) 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 site. Further this assessment concludes no impacts are likely to surrounding agricultural activities.
<i>(i) consider the social, economic and environmental interests of the community.</i>	The PP via agricultural and economic impact assessments has initially considered social, economic and environmental interests of the community and future investigation can be considered at Gateway determination.
<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>	As outlined in findings of the accompanying Agricultural Viability Assessment, it is unrealistic to expect the site can provide a future commercial agricultural use.
<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>	As outlined in findings of the accompanying Agricultural Viability Assessment, it is unrealistic to expect the site can provide a future commercial agricultural use.
<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>	Not applicable as the site is not proposed for additional rural residential purposes.

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 8 - Heritage Conservation Direction Assessment**

<b>Direction Requirement</b>	<b>Assessment Comment</b>
<i>(4) A planning proposal must contain provisions that facilitate the conservation of:</i>	
<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>	Initial Aboriginal Heritage Diligence Assessment (via an AHIMS search) and European Heritage assessment has not identified any items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance on in close proximity to the site.
<i>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i>	Initial Aboriginal Heritage Diligence Assessment (via an AHIMS search) did not identify object on in close proximity to the site.
<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>	Initial Aboriginal Heritage Diligence Assessment (via an AHIMS search) did not identify object on in close proximity to the site.

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.

As outlined in Section 3.2.3, preliminary investigations note the site has in the past been used for grazing before its recent use by RMS as an office/deport site when upgrading the Princes Highway in this location. Subsequently, the site has been filled, compacted and changed over this time. Further, the site has recent approval for a dwelling house which indicates that relevant site remediation has been undertaken. No evidence of land contamination was found when walking the site.

The PP is not inconsistent with this direction.

### **Direction 5.10 Implementation of Regional Plans**

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

**Table 9 – 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>	The PP is generally consistent with the Illawarra – Shoalhaven Regional Plan 2036.

The PP is not inconsistent with this direction.

### **Direction 6.1 Approval and Referral Requirements**

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

Table 10 – Approval and Referral Requirements Directions Assessment

Direction Requirement	Assessment Comment
<p>(4) <i>A planning proposal must:</i></p> <p>(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></p> <p>(b) <i>not contain provisions requiring concurrence, consultation or referral of a 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>(ii) <i>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>(c) <i>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>(ii) <i>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>	It is expected that Kiama Council will be the planning authority for the PP and planning standards would be the same or similar as provisions as within the KLEP 2011.

The PP is not inconsistent with this direction.

### **Direction 6.3 Site Specific Provisions**

*This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.*

*Table 11 – Site Specific Provisions Directions Assessment*

<b>Direction Requirement</b>	<b>Assessment Comment</b>
<i>(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</i>	<p>The PP is consistent with (c) and allows the land use as described above on the site without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. Consistent with this requirement, the additional land uses will be listed under Clause 2.5 of the KLEP 2011 and are already defined in the Plan's dictionary.</p> <p>It is noted that a PP must not contain or refer to drawings that show details of the development proposal however, concept master plans are provided to demonstrate any visual concerns associated with the future land use of the site. The PP does not approve this concept master plan.</p>
<i>(a) allow that land use to be carried out in the zone the land is situated on, or</i>	
<i>(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</i>	
<i>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended</i>	
<i>(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.</i>	

### **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?**

Due to the modified nature of the site and connection of services to or nearby the site, preliminary biodiversity assessment has not identified any critical habitat or threatened species, populations or ecological communities, or their habitats, that will be adversely affected as a result of the PP.

Through future development of the site there is an opportunity to rehabilitate and improve the native flora of the boundary through the planting of screening buffers.

#### **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?**

Other environmental impacts are not anticipated as the PP involves land zone amendments which focus on land that has been significantly cleared and altered from its original natural condition to provide for agricultural farming purposes and as well as an office/depot site for adjacent highway improvement works. However, any future use of the land will consider environmental impacts in more detail as part of the development assessment process.

The PP will generate additional traffic which is considered in the accompanying traffic impact assessment and in the majority will not result in any significant change in demand or use of these services infrastructure.

It is expected that water quality measures will be incorporated into the future development approval works to protect downstream riparian health.

### **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 use change via list in Schedule 1 of the KLEP 2011 are considered minimal in the context of the proximity of the site to the adjacent Gerringong township and existing services.

As outlined in the accompanying economic impact assessment, the associated land use change is likely to add to the economic viability of the township, including the business community in and surrounding Gerringong CBD and the wider Kiama LGA. Overall, the PP will have positive social impacts for the community with additional business and associated economic outcomes.

The future development of the site to provide General Industry, Landscape Material Supplies and ancillary land uses is expected to generate an additional \$20 million in annual GRP for the Kiama LGA and support around 62 full-time jobs on the site. The comparison is made against little economic gains for the existing approval on the site for single detached dwelling which is limited by easements and past use that has degraded the site.

## **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 Determination process, confirmation of capacity of the site to reconnect to existing services such as infrastructure, including sewer treatment, water, electricity, telecommunications and stormwater drainage should be undertaken. It is understood that past RMS use of the site did previously establish such infrastructure connection and reconnection will be negotiated with the relevant necessary public infrastructure authority to achieve the intended land use change outcomes.

### **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 recommendations of the Gateway determination however, 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)*

As outlined in the above Part 2, the PP seeks only one amendment to KLEP 2011 mapping to show Lot 40 DP 1230679 on the “Additional Permitted Use” mapping (shown in Appendix D).

## 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 at a minimum:

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

Any further consultation required by the Gateway Determination will also be undertaken.

## PART 6 – PROJECT TIMELINE

In accordance with the DPIE guidelines, the following estimated timeline is provided in **Table 12**, which includes the tasks deemed necessary for the making of this local environmental plan.

*Table 12– Estimate project timeline*

Task	Responsibility	Timeframe	Date (approximate)
Planning Proposal lodgement	Applicant	N/A	March 2021
Initial Council exhibition of the PP	KMC	6 weeks	April 2021
Council resolution to support the PP	KMC	Less than 90 days	July 2021
Lodgement of PP for Gateway determination	KMC	8 weeks	September 2021
Gateway determination issued	DPIE	6 weeks	November 2021
Applicant response to any Gateway conditions	Applicant to provide to KMC	2 months	January 2022
Public exhibition of PP	KMC	Minimum of 28 days	February 2022
Report to Council to finalise PP and adopt LEP changes	KMC	4-6 weeks	April 2022
Making of Local Environmental Plan amendments	Minister for Planning	6 weeks	May 2022



## CONCLUSION

The land which is subject to this PP is Lot 40 DP 1230679, approximately 2.95ha in area and results in the opportunity to significantly increase land supply for related General Industry and Landscape Material Supplies and ancillary land uses for Gerringong, Kiama and the surrounding area. Further, the PP makes use of a site that has in the past been used for grazing before its recent use by RMS as an office/depot site when upgrading the Princes Highway in this location. Subsequently, the site has been filled, compacted and changed over this time and received recent approval for a dwelling house which has removed the opportunity for viable agricultural use of this site.

This PP provides sound planning justification for an amendment to KLEP 2011 which in part consistent with the Kiama Local Strategic Planning Statement 2020, Kiama Regional Economic Development Strategy 2018-2022, Kiama Council Community Strategic Plan 2017-2027, Kiama Operational Plan 2020-21 & Delivery Program 2017-21, and Illawarra Shoalhaven Regional Plan 2041, hence it meets strategic merit test requirements.

Significant site analysis has informed the PP concept master plan design with consideration of the visual, agricultural, economic and social values/impacts and accordingly we seek KMCs support for Gateway determination. This has included investigating the follow key development considerations;

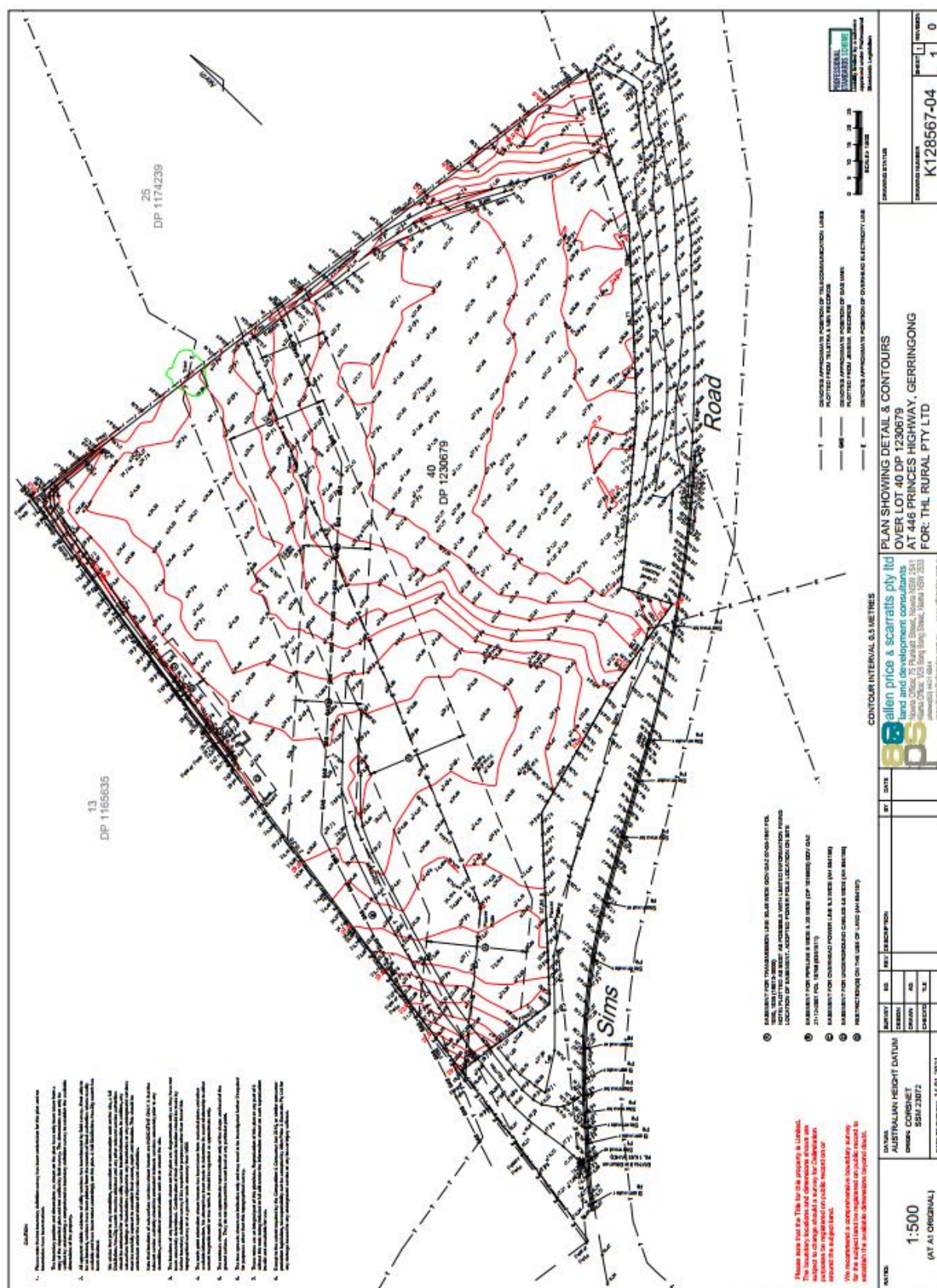
- Traffic Impact;
- Acoustic Impacts;
- Visual Impact with photomontages of potential built forms & landscaping;
- Agricultural Capacity of Site;
- Economic impact/demand.

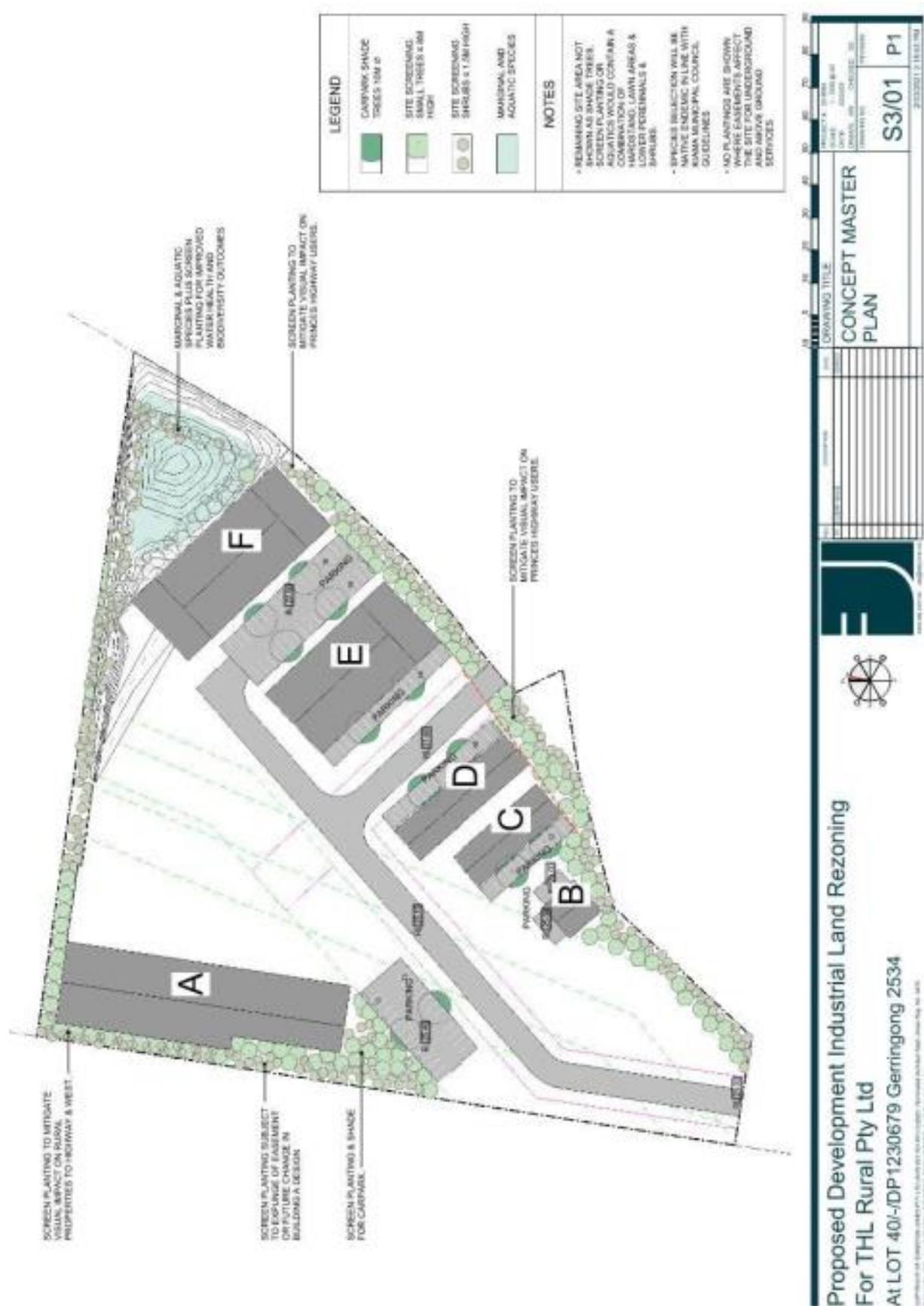
As outlined in the accompany Economic Impact Assessment, the site after this land use change has the ability to generate an additional \$20 million in annual GRP for the Kiama LGA and support around 62 full-time jobs on the site.

In addressing the above considerations, the PP now provides KMC with the required information to forward this application through the DPIE's Gateway process.

The PP provides the opportunity for long awaited land supply to facilitate outcomes to support supply of General Industry, Landscape Material Supplies and ancillary land uses growth for the Kiama LGA and through concept master planning for the site its future use will be designed to complement with surrounding setting. The PP also recognises the associated economic benefits to residents and visitors of Gerringong.

In summary, the site is relatively modified and constrained with limited (if any) ability to provide for its current permissible use land of RU1 – Primary Production. However, as outlined in this PP the site via a land use change to be listed in Schedule 1 of the KLEP 2011 has the ability to be serviced by the infrastructure necessary to support efficient delivery associated land use activities with a landscaped buffer interface to the adjacent rural land.







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

Direction		Applicable	Relevant	Not inconsistent
<b>1 Employment and Resources</b>				
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
<b>2 Environment and Heritage</b>				
2.1	Environmental Protection Zones	✓	✗	n/a
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
<b>3 Housing, Infrastructure and Urban Development</b>				
3.1	Residential Zones	✗	✗	n/a
3.2	Caravan Parks and Manufactured Home Estates	✗	✗	n/a
3.3	Home Occupations	✗	✗	n/a
3.4	Integrating Land Use and Transport	✗	✗	n/a
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
<b>4 Hazard and Risk</b>				
4.1	Acid Sulphate Soils	✗	✗	n/a
4.2	Mine Subsidence and Unstable Land	✗	✗	n/a
4.3	Flood Prone Land	✗	✗	n/a
4.4	Planning for Bushfire Protection	✗	✗	n/a
<b>5 Regional Planning</b>				
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
<b>6 Local Plan Making</b>				
6.1	Approval and Referral Requirements	✓	✓	See Section 3.2.4
6.2	Reserving Land for Public Purposes	✗	✗	n/a
6.3	Site Specific Provisions	✓	✓	See Section 3.2.4

## Appendix D – Larger Scale of proposed KLEP 2011 Mapping Amendment

