

**15.3 Endorse for Gateway: Planning Proposal PP-2025-61 - Part of 48 Campbell Street, Gerringong (Sunnymede)**

CSP Objective: Outcome 4.1 We love where we live; our housing reflects our values.

CSP Strategy: 4.1.3 Manage growth sustainably and thoughtfully.

Delivery Program: 4.1.3.1 Local Housing Strategy facilitates the provision of adequate housing supply within the Municipality

**Summary**

The purpose of this report is to seek Council's support of the Sunnymede (previously known as Elambra West) Planning Proposal PP-2025-61 (Attachment 1) to proceed to Gateway determination. A Planning Proposal (PP) is the process to amend the zoning or development standards in a Council's Local Environmental Plan (LEP).

This PP seeks to amend the Kiama Local Environmental Plan 2011 (LEP) to extend the Gerringong residential zone from Campbell Street to align with the southern boundary of 48 Campbell Street, (Lot 2 DP 1168922), Gerringong to facilitate the delivery of approximately 147 residential lots, open space, riparian corridors and associated infrastructure.

This site has been strategically identified by Council since 1995, and a previous Planning Proposal for the site was supported by Council in April 2021. The PP has now been updated to satisfy the requirements of the Gateway Determination issued for the previous PP (PP-2021-3536). The current PP is accompanied by a letter of offer to enter into a Planning Agreement which will ensure that the required infrastructure provision is secured for the site.

It is recommended that Council endorse Planning Proposal PP-2025-61 (Attachment 1) and submit it to the NSW Department of Planning, Housing and Infrastructure (DPHI) for a Gateway determination. If a Gateway Determination is made, the Planning Proposal would be placed on public exhibition to enable community, stakeholder and state agency consultation to occur.

**Financial implication**

The *Planning Proposal Stage 1 – Major* fee has been paid by the proponent in accordance with the current adopted Fees and Charges 2024-25. Should the PP progress as recommended in this report, the *Planning Proposal - Stage 2 – Major* fee will become payable.

**Risk implication**

If the PP is not supported the development can not proceed, which will impact on the delivery of new homes that are needed. It is also noted that if the PP is not supported by the Council, the proponent may seek a Rezoning Review by the Regional Planning Panel, and the Panel would then become the PP Authority.

**Policy**

The Planning Proposal has been prepared and assessed in accordance with:

- *Environmental Planning and Assessment Act 1979*
- Local Environmental Plan Making Guideline, DPHI, August 2023

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- Illawarra Shoalhaven Regional Plan 2021 (DPHI, 2021)
- Kiama Council's Planning Proposal Policy, 2018
- Kiama Council's Community Participation Plan, 2020
- Kiama Council's Local Strategic Planning Statement, 2020

**Consultation (internal)**

The PP was referred to Councils Infrastructure team (Subdivision Engineer) for comments in relation to transport and flooding. The Planning Agreement was referred to Council's Infrastructure (engineering and parks and gardens) and Finance.

**Communication/Community engagement**

Should the Planning Proposal be supported and Gateway Determination issued by the DPHI, the determination will outline the duration and extent of public exhibition required with the community, and which state agencies Council must consult with.

The LEP Making Guideline recommended period of public exhibition for a 'Complex' Planning Proposal is 30 working days. The Kiama Council Community Participation Plan has a minimum public exhibition period of 28 days to enable community feedback.

The PP will be advertised on Council's Your Say page, with a link to the NSW Planning Portal for additional information and where submissions are to be made.

**Attachments**

Nil

**Enclosures**

- 1 Attachment 1 - Planning Proposal Report - PP-2025/61

**RECOMMENDATION**

That Council

1. Endorse Planning Proposal PP-2025-61 (Sunnymede) (attachment 1 to the report) for the purpose of seeking Gateway determination
2. Submit the Planning Proposal to the Department of Planning, Housing and Infrastructure for a Gateway determination.
3. When submitting the Planning Proposal for a Gateway determination, identify that Council is seeking to be authorised as the Local Plan Making Authority.
4. Should a Gateway determination be issued, any conditions required, including public exhibition and consultation with the community, key authorities and government agencies, be actioned by staff.
5. Note that the planning agreement negotiations will continue in accordance with Council's Planning Agreement Policy, separately but concurrently to the Planning

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Proposal process, and that a Draft Planning Agreement will be reported back to Council for endorsement prior to exhibition.

6. Receive a further report regarding the finalisation of the Planning Proposal.

## Background

A Local Environmental Plan (LEP) establishes the statutory planning controls for land including the zone, permissible and prohibited development, minimum lot size, height limits and floor space ratio. The LEP also includes provision for land to be identified as an Urban Release Area (URA).

### Planning Proposal (PP)

A Planning Proposal (PP) is the process to amend the zoning or development standards in a Council's Local Environmental Plan (LEP).

The Planning Proposal process is set out in the *Local Environmental Plan Making Guidelines* (NSW Department of Planning and Environment, August 2023). A summary of the steps in the process is:

Stage 1: Pre-lodgement Scoping proposal – assessed internally by Council staff.

Stage 2: Planning Proposal – assessed by Council staff, then endorsed by Council.

Stage 3: Gateway Determination – assessed and issued by DPHI.

Stage 4: Post Gateway – Council (or PPA) actions Gateway requirements.

Stage 5: Public Exhibition and Assessment – actioned by the Council (or PPA).

Stage 6: Finalisation of the change to the LEP- Council endorsed, finalised by DHPI.

If a PP is not supported by Council the proponent may lodge a Rezoning Review, and the PP will then be considered by the Regional Planning Panel. A proponent can also seek a review of the Gateway conditions or determination.

Where Council does not support the PP, the Planning Proposal Authority (PPA) may become the Southern Regional Planning Panel (not the Council).

### The site

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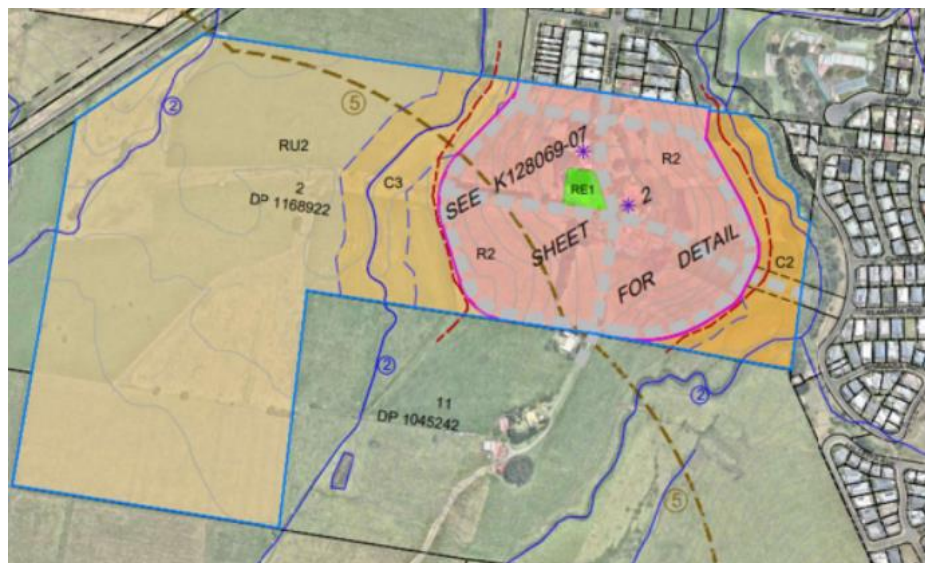


Figure 1: Site URA Map

The site is known as 48 Campbell Street, (Lot 2 DP 1168922), Gerringong (Figure 1). The site is immediately adjacent to the west of Elambra Estate and is currently accessed via Campbell Street. The site is zoned RU2 Rural Landscape and is predominantly used for agricultural practices. It is noted that the site is predominantly cleared, however vegetation on the site, including a large fig tree, are located adjacent to the existing rural dwellings on the site and the riparian corridor.

The eastern part of this site has been strategically identified as a potential urban expansion area in the Gerringong Charette (1995), Kiama Urban Strategy (2011) and the Kiama Local Strategic Planning Statement (2020). The site is also included in the Kiama Draft Local Housing Strategy (recently on public exhibition).

#### Previous Planning Proposals

A similar Planning Proposal PP-2021-3536 for the site was supported by Council in April 2021. The DPHI assessment identified the proposal has strategic merit and is a valuable source of new housing for Kiama LGA, and a Gateway Determination was issued in June 2021. The Gateway Determination conditions included:

- Additional technical studies required – Aboriginal Cultural Heritage Assessment, Flood Assessment, Stage 1 Land Contamination Assessment, and a Flora and Fauna Assessment
- Ministerial Directions – demonstrate consistency with section 9.12 Direction in relation to the provision of infrastructure and updated project timeline.
- State Agency Consultation - State Agency consultation identified the need for further technical studies and revisions to the planning proposal which would take additional time to complete. Referrals were completed only weeks prior to the Gateway Determination expiring and the proposal had not yet proceeded to public consultation.
- Public Exhibition – this did not occur before the Gateway lapsed.

The conditions of the Gateway Determination were not completed before it lapsed after 12 months. Accordingly, on 21 June 2022, the delegate of the Minister determined, in

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accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination for planning proposal PP-2021-3536 to **not proceed**.

This was reported to the 18 October 2022 Council meeting, and it was noted that DPHI confirmed that a new Gateway Determination could be sought once the State Agency issues and additional technical studies had been completed. The Department noted they would prioritise consideration of a new Gateway Determination.

The applicant lodged a new PP in November 2023 (PP-2023-1114). Council liaised with DPE (now DPHI), NSW Biodiversity Conservation and Science and NSW SES to obtain feedback on whether the PP had addressed outstanding issues, in particular flooding requirements. Council held a meeting with the applicant to discuss the additional information required by the State Agencies, including addressing the most recent Flood Risk Management Manual 2023 and demonstrating sufficient flood emergency evacuation. There was insufficient information to support the PP at that time, and it was withdrawn by the applicant.

**Current Proposal**

The applicant submitted a new PP in January 2025 (PP-2025-61) which seeks to:

- Identify part of the subject site as an Urban Release Area (URA)
- Rezone part of the site to Zone R2 Low density Residential with a minimum lot size of 450sqm, floor space ratio of 0.45:1 and 8.5m height limit. The estimated lot yield is 147 lots.
- Rezone part of the site to Zone C2 Environmental Conservation.
- Rezone part of the site to Zone C3 Environmental Management.
- Rezone part of the site to RE1 for a future local park.

The PP has been prepared to address the requirements of the previous Gateway Determination, including updated technical studies, flood modelling and the issues raised by state agencies, as well as current Ministerial Directions and NSW Guidelines. The PP was accompanied by the following technical studies:

- Aboriginal Heritage Assessment
- Agricultural Assessment and supplementary report
- Bushfire Report
- Contamination Remediation Action Plan
- Ecological Constraints Analysis
- Endeavour Energy Feasibility Assessment
- Integrated Water Cycle Management Strategy
- Residential Land Supply Analysis
- Proposed Structure Plan
- Sydney Water Feasibility Advice

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- Traffic and Parking Impact Assessment
- Visual Impact Assessment
- Utilities and Wastewater Feasibility Assessment

The PP was also accompanied by a letter of offer to enter into a Planning Agreement.

**Assessment process**

Stage 1: Pre-lodgement Scoping proposal

Given the history of previous Planning Proposals, a Stage 1 Scoping Proposal was not required, however engagement between staff and the proponent is ongoing.

Stage 2: Planning Proposal – assessed by Council staff, then endorsed by Council

Council's planning team have been working collaboratively with the proponent to ensure that the various planning issues are worked through efficiently to achieve the best outcome for the site and future residents.

The PP has been reviewed and assessed against all relative criteria including:

- *Environmental Planning and Assessment Act 1979.*
- NSW DPHI's Local Environmental Plan Making Guideline.
- Relevant Ministerial Directions issued under s9.1 of the Act.
- Kiama Council's Planning Proposal Policy.

The Local Environmental Plan Making Guidelines outline that a Planning Proposal is required to have both Strategic Merit and Site-Specific Merit for a Gateway Determination to be issued. The PP was also referred internally for consideration.

Strategic Merit test

The strategic merit test poses three main criteria for assessing the strategic merit of a Planning Proposal. Proposals must be:

1. Consistent with the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment.
2. Consistent with a relevant local strategy that has been endorsed by the Department.
3. Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

The PP has strategic merit as it facilitates a new Urban Release Area identified by the Gerringong Charette (1995), Kiama Urban Strategy (2011), Kiama Local Strategic Planning Statement (2020), Draft Kiama Local Housing Strategy (2025) and it is generally consistent with the Illawarra Shoalhaven Regional Plan 2041. The Regional Plan recognises

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Strategic Planning – Draft Local Housing Strategy

The Draft Local Housing Strategy has been considered during the assessment of the PP. The site is identified as a Tier 3 greenfield development site, therefore the non-negotiable principles for greenfield development have been considered and met.

**Table 1 Draft Non-Negotiable Principles for Greenfield Development Compliance**

Principle	Met?	Comment
Urban expansion areas are master planned to ensure each area has appropriate connections to the existing road and public transport networks.	Yes	The Sunnymede site is an identified growth area that has provided a master plan demonstrating connectivity to the adjoining urban areas and transport networks.
Engagement with State Government to ensure state infrastructure and services can be planned and delivered for each urban expansion areas has occurred.	Yes	Engagement has occurred with State Agencies and additional engagement will occur during public exhibition.
The Sydney Water system has capacity to provide sewer and water connectivity to each urban expansion area.	Yes	The applicant has obtained a Sydney Water Feasibility Analysis confirming that there is capacity within the existing system to service this development.
Each urban expansion area is provided with mix of land use zones to ensure a diversity of housing typologies, employment lands, open space and natural areas.	In part	The size and location of this site limits opportunities for housing diversity, however, opportunities will be further explored as the application progresses. Open space and natural areas have been provided.
Employment lands are provided within each urban expansion to ensure local services are provided to new residents and to minimise traffic impacts and movement.	Not applicable	The site does not require employment lands to be provided on site.
Financial liability to council is minimised – where land such as riparian corridors and stormwater management lands and	Yes	The applicant has offered to enter into a Planning Agreement under which the riparian corridors will be revegetated,

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Principle	Met?	Comment
infrastructure are proposed to be dedicated to Council, these are dedicated free of cost following rehabilitation and/or construction works, with a maintenance period and with in-perpetuity funding.		maintained and then dedicated to Council with a monetary contribution for the ongoing maintenance.
Each urban expansion area is provided with useable public open space which meets both quantum and quality standards.	Yes	The PP proposed to provide a local park to service the new estate. The land dedication and embellishment will be included in the Planning Agreement.
Heritage Items and values are identified and preserved.	Not applicable	There are no heritage items on this site.
Areas of high environmental significance are appropriately retained and managed within urban expansion areas	Yes	The riparian corridors to the east and west of the site will be protected through a Conservation zoning and revegetated as required as part of the development.

The Objective of the PP is to provide additional residential lots that will deliver additional dwellings and residential population with close proximity to existing schools, shops and community facilities. The PP also proposes to provide the required infrastructure to support the development through a Planning Agreement.

**Site-Specific Merit test**

The Planning Proposal must demonstrate that it has site-specific merit. In order to establish site-specific merit, the PP must meet the following criteria.

**1. The natural environment (including known significant environmental values, resources or hazards).**

The PP was referred internally to Council's Infrastructure Team (Subdivision Engineer) for comments in relation to flooding, emergency evacuation and traffic.

The initial PP lodged in January 2025 did not include the bridge to the adjoining Elambra Estate and proposed access via Campbell Street (only). The flood model prepared on this basis indicated that in the 1 in 500 AEP flood the worst-case scenario Probable Maximum Flood (PMF) duration of isolation (shelter in place) for the site is 3.8 hours. The preliminary engineering comments were that the PP was unlikely to be supported as it does not meet the Section 9.1 Ministerial Direction or the NSW Governments Shelter in Place Guideline.

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The Department of Planning, Housing and Infrastructure published the Shelter-in-Place Guideline for Flash Flooding in January 2025. The considerations for assessment states that shelter-in-place for greenfield developments is not supported. This PP is considered a greenfield development and therefore the original proposal for 3.8 hours shelter in place would not be supported.

The applicant was advised that the PP would need to be amended to demonstrate that flood free access can be achieved to the entire site.

The applicant provided additional information and amended the PP in April 2025. The PP was updated to incorporate a concept design for a future bridge crossing to connect the URA to the existing Elambra Estate via Union Way (and Elambra Parade).

The updated flood modelling demonstrates that the future bridge crossing achieves flood free access to the entire URA, and shelter in place is no longer required, satisfying the Section 9.1 Ministerial Direction 4.1 – Flooding and the NSW Shelter in Place Guideline 2025.

**2. The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to the proposal.**

The site is adjacent to existing residential development along Campbell Street and in Elambra Estate. Appropriate buffers, by way of perimeter roads, will ensure future residential development does not impact adjacent agricultural lands.

**3. The services and infrastructure that are or will be available to meet the demands arising from the Planning Proposal and any proposed financial arrangements for infrastructure provision.**

The PP is accompanied by a Letter of Offer to enter into a Planning Agreement under Section 7.4 of the *Environmental Planning and Assessment Act 1979*.

The Letter of Offer and in principle agreement has been negotiated between staff and the applicant in accordance with Council's adopted Planning Agreements Policy.

Under the Planning Agreement the following contributions (land, works, monetary contributions) are proposed to be provided with the development:

- Delivery of a new access road and bridge crossing to Union Way/Elambra Pde.
- Delivery of a new local park (land dedication and embellishment).
- Riparian corridors (land dedication, maintenance period and a monetary contribution toward ongoing maintenance).
- Monetary contribution towards administration (1.5% of the cost of works).

The Planning Agreement will be registered on the land title and proposes to exclude the application of section 7.12 to the development (the subdivision of land).

The Planning Agreement will ensure that adequate infrastructure provision is secured.

Council's Strategic Planning Team will continue negotiations with the applicant to further refine the details and to prepare a draft a Planning Agreement. The Draft Planning Agreement and further information will be reported to Council seeking endorsement for public exhibition (ideally concurrently with the PP).

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The Planning Agreement process will proceed separately but concurrently to the PP.

The proposal has site specific merit as it will facilitate a new Urban Release Area and is consistent with the approved uses and likely future uses of the land. The PP is consistent with all Section 9.1 Ministerial Directions that apply to the site and recognises the natural environment. The site is in close proximity to existing services and will also provide additional infrastructure through a Planning Agreement. Please refer to Table 1 for the Section 9.1 Ministerial Directions Compliance Checklist..

**Table 2 Ministerial Directions Compliance Checklist**

Ministerial Direction	Comment
<b>1. Planning Systems</b>	
1.1 Implementation of Regional Plans	The PP is consistent with the Illawarra-Shoalhaven Regional Plan 2041 and therefore consistent with Direction 1.1.
1.2 Development of Aboriginal Land Council Land	The PP is accompanied by an Aboriginal Heritage Diligence Assessment (November 2020) and Aboriginal Cultural Heritage Assessment (January 2022) and does not identify any items of significance.  The site is not identified on the Land Application map of <i>State Environmental Planning Policy (Aboriginal Land) 2019</i> . Therefore, the PP is considered consistent with Direction 1.2.
1.3 Approval and Referral Requirements	As the site is proposed as an Urban Release Area, a site specific DCP will be required in accordance with Part 7 (clause 7.4) of the Kiama Local Environmental Plan 2011.
1.4 Site Specific Provisions	This Direction does not apply.
<b>Planning Systems – Place-based</b>	
1.5 to 1.22	These directions do not apply to the Kiama LGA.
<b>2. Design and Place</b>	
There are currently no Directions in this Focus Area.	
<b>3. Biodiversity and Conservation</b>	



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3.1 Conservation zones	<p>The PP is accompanied by an Ecological Constraints Analysis (May 2020).</p> <p>The Proposed C2 zoned land that overlays the Union Creek riparian area does not reduce the conservation standards that apply to the land. The PP does not seek to change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of "Rural Lands". The PP does not have negative impacts on the Union Creek riparian area.</p> <p>The presence of a mature fig tree within the study area poses a 'High' constraint. Hollows are present, which are important habitat for native fauna, particularly microbats, many of which are threatened. The PP proposes to rezone surrounding land of the mature fig tree to retain the ecological value it holds.</p> <p>The PP is considered consistent with Direction 3.1</p>
3.2 Heritage Conservation	<p>The PP is accompanied by an Aboriginal Heritage Diligence Assessment (November 2020) and Aboriginal Cultural Heritage00 Assessment (January 2022) and does not identify any items of significance. The PP is considered consistent with Direction 1.2</p>
3.3 Sydney Drinking Water Catchments	<p>This direction does not apply to the PP.</p>
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	<p>This Direction does not apply to the Kiama LGA.</p>
3.5 Recreation Vehicle Areas	<p>The direction does not apply to the PP.</p>
3.6 Strategic Conservation Planning	<p>The direction does not apply to the PP.</p>
<b>4. Resilience and Hazards</b>	
4.1 Flooding	<p>The site is flood affected.</p> <p>The PP is accompanied by an amended Flood Risk Impact Assessment (2025) Prepared by Martin and Associates which</p>

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	<p>considers the Flood Risk Management Manual 2023.</p> <p>An access road and bridge crossing are proposed over Union Creek to Union Way (and Elambra Parade) southeast of the site in accordance with the Flood Risk Management Manual 2023. The PP only seeks to rezone areas above the PMF to residential. It is demonstrated that the proposed URA is located above the PMF level and will therefore not result in offsite impacts.</p> <p>The PP Flood modelling demonstrates that safe and full flood free access can be achieved to the entire URA site in the 1 in 500 AEP flood and worst-case scenario PMF.</p> <p>No shelter in place is required.</p> <p>Council's Subdivision Engineer has reviewed the amended PP design and flood modelling that incorporates a future bridge crossing that connects the URA to Elambra. No concerns have been raised. The PP will be referred to the relevant State Agencies as part of the consultation process.</p> <p>Therefore, the PP is considered consistent with Direction 4.1.</p>
4.2 Coastal Management	<p>The site is not located within a Coastal Zone and therefore the direction does not apply to the PP.</p>
4.3 Planning for Bushfire Protection	<p>The PP is accompanied by a Bushfire Report prepared by Bushfire &amp; Evacuation Solution and considers the Planning for Bushfire Protection 2019 (PBP). The PP recommends APZs appropriate to future residential development.</p> <p>The PP provides provision for public access roads, reticulated water supplies for firefighting and utility installations. The hazard areas affecting the site are assessed as a low to medium risk. The primary access to the site via the existing public access roads is to the north through the existing</p>

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	<p>urban landscape and away from the primary bushfire threat to the south, west and east.</p> <p>The PP is considered consistent with Direction 4.3.</p>
4.4 Remediation of Contaminated Land	<p>The PP is accompanied by a Contamination Remediation Action Plan (February 2022).</p> <p>Part of the site is contaminated due to the historical agricultural use. The PP (and RAP) proposes that remediation of the contaminated soil will occur as a combination of off-site disposal and onsite encapsulation.</p> <p>If an encapsulation cell is the preferred option, the RAP outlines that this will be located on residual rural land and the exportation of some soil off the URA site which will be overseen by an accredited site auditor. Life-time perpetuity of this cell would need to be in place.</p> <p>It is considered that the PP demonstrates that the site can be made suitable for the proposed rezoning to residential land and is considered consistent with Direction 4.4.</p>
4.5 Acid Sulfate Soils	<p>The PP considers the Acid Sulfate Soils Planning Guidelines. Class 4 and Class 5 acid sulfate soils have been identified in close proximity to the URA site, on the lower flood prone which are not proposed to be disturbed.</p> <p>Future development of the URA site is unlikely to significantly disturb these soils. If required, the applicant is willing to undertake acid sulfate soil investigations as part of a future subdivision application.</p> <p>For the purposes of a rezoning PP, it is considered that the proposal is consistent with Direction 4.5.</p>
4.6 Mine Subsidence and Unstable Land	<p>The direction does not apply to the PP.</p>
<b>5. Transport and Infrastructure</b>	

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5.1 Integrating Land Use and Transport	<p>The provisions of the PP will not impact on transport choice and will not impact on permitted uses and the types of business that can be established in any proposed business zone.</p> <p>The Guidelines for planning and development have been considered in the structure plan design. The Right Place for Business and Services – Planning Policy have been considered in the structure plan design.</p> <p>The PP proposed an additional road and bridge crossing to provide connectivity to the adjoining urban area.</p> <p>Therefore, the PP is consistent with Direction 5.1.</p>
5.2 Reserving Land for Public Purposes	<p>The new URA area will incorporate land reserved for Public Open Space. Land will be rezoned RE1 and included in a Planning Agreement to secure this outcome.</p> <p>This PP will not create, alter or reduce existing zonings or reservations of land for public purposes and therefore the PP is consistent with Direction 5.2.</p>
5.3 Developing Near Regulated Airports and Defense Airfields	The direction does not apply to the PP.
5.4 Shooting Ranges	The direction does not apply to the PP.
<b>6. Housing</b>	
6.1 Residential Zones	<p>The PP applies to an identified Urban Release Area for the rezoning of rural land to residential land. The proposed URA will be rezoned to R2 Low Density Residential and vary in lot sizes, with a minimum lot size of 450sqm.</p> <p>The PP will facilitate residential development to allow for a mixture of housing types and design on the urban edge of Gerringong Township with connections to and efficient use of existing infrastructure and services.</p>

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	Therefore, the PP is consistent with Direction 6.1.
6.2 Caravan Parks and Manufactured Home Estates	The direction does not apply to the PP.
<b>7. Industry and Employment</b>	
7.1 Business and Industrial Zones	The new URA is zoned for residential land and therefore the direction does not apply to the PP.
7.2 Reduction in non-hosted short-term rental accommodation period	The direction does not apply to the PP.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	The direction does not apply to the PP.
<b>8. Resources and Energy</b>	
8.1 Mining, Petroleum Production and Extractive Industries	The direction does not apply to the PP.
<b>9. Primary Production</b>	
9.1 Rural Zones	<p>The planning proposal seeks to rezone a portion of land from an existing rural zone to a residential zone.</p> <p>The eastern part of this site has been strategically identified as a potential urban expansion area in the Gerringong Charette (1995), Kiama Urban Strategy (2011) and the Kiama Local Strategic Planning Statement (2020).</p> <p>The objective of this direction is to protect the agricultural production value of rural land. The PP is accompanied by an Agricultural Assessment which indicates that all future residential development will be carried out on Class 3 land.</p> <p>All Class 2 land will continue to be used for agriculture purposed and will continue to support farming.</p> <p>The URA has been designed to protect native vegetation, cultural heritage, and</p>

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	<p>water resources through the rehabilitation of the Union Creek watercourse.</p> <p>Therefore, the PP is considered consistent with Direction 9.1.</p>
9.2 Rural Lands	<p>The PP proposes future development to occur on Class 3 land only. Class 2 land will continue to be used for agricultural purposes to continue farming.</p> <p>Continued Agricultural Use of the Class 2 land will provide opportunities for investment in productive and sustainable rural economic activities.</p> <p>The Agricultural Assessment and Structure Plan minimises the fragmentation of rural land, consolidation of residual agricultural land and reduce the risk of land use conflict to ensure that the objectives of this Direction are met.</p> <p>The PP is accompanied by a Remediation Action Plan which proposes to export some contaminated soil from the site, and the rest of the contaminated soil will be moved to an encapsulation cell that will be created on the residual rural land.</p> <p>The outcome of the encapsulation sell will need to be assessed, approved and managed via development consent to minimise any associated environmental effects. Life-time perpetuity of the encapsulation cell would need to be in place.</p> <p>Therefore, the PP is considered consistent with Direction 9.2.</p>
9.3 Oyster Aquaculture	The direction does not apply to the PP.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	The direction does not apply to the PP.

Stage 3: Gateway Determination – issued by DHPI

Should the recommendations in this report be endorsed, the next steps are for the Planning Proposal to be submitted to the Department of Planning, Housing and Infrastructure for a Gateway determination. Council should also advise that they are seeking to be authorised as the Local Plan Making Authority (LPMA).



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Stage 4: Post Gateway – Council (or PPA) actions Gateway requirements.

The Gateway determination may include conditions requiring additional information, public exhibition and consultation with key authorities and Government agencies which will be actioned by Council staff accordingly.

Stage 5: Public Exhibition and Assessment

Once all additional information, agency engagement has occurred, the Planning Proposal will be placed on public exhibition in accordance with Council's Community Participation Plan (CPP) 2019. This includes making the Planning Proposal documents publicly available for a minimum of 28 days and notifying members of the community who may be affected.

Stage 6: Finalisation of the change to the LEP- Council endorsed, finalised by DPHI.

Following this consultation process, the Planning Proposal would be reported back to Council with a recommendation that the Proposal is progressed to finalisation and that Council use its plan making delegations to finalise the relevant amendments to Kiama LEP 2011.

To amend the Kiama LEP 2011, Council must request the NSW Parliamentary Counsel's Office (PCO) to draft the legal instrument that will give effect to this PP, in accordance with section 3.36(1) of the Environmental Planning & Assessment Act, 1979. Following receipt of the final legal instrument and mapping, Council will refer the final instrument to the NSW Department of Planning, Housing and Infrastructure for review and Gazettal in the Government Gazette and NSW Legislation website.

**Conclusion**

This Planning Proposal seeks to amend the Kiama Local Environmental Plan 2011 to extend the Gerringong residential zone from Campbell Street to align with the southern boundary of 48 Campbell Street, (Lot 2 DP 1168922), Gerringong to facilitate the delivery of approximately 147 residential lots, open space, riparian corridors and associated infrastructure.

It is recommended that Council endorse Planning Proposal PP-2025-61 (Attachment 1) and submit it to the NSW Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination.



# Planning Proposal

Sunnymede Urban Release Area

For  
SMG Property Holdings Pty Ltd  
Site address  
Lot 2 DP 1168922, No. 48 Campbell Street,  
Gerringong

Date  
19/12/2024  
Project Reference: K128069

Allen Price



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SC3908	
Technical Information	Required
<p>A detailed Land Contamination Assessment that addresses and/or incorporates the following:</p> <ul style="list-style-type: none"> <li>If a contamination encapsulation cell is proposed, <ul style="list-style-type: none"> <li>a detailed design for the containment cell for placement of asbestos impacted soils is provided. The design must be undertaken by a suitably qualified engineer and be approved by a site auditor prior to its construction.</li> <li>An EMP provided. Engagement of an accredited site auditor to provide a Site Audit Statement will ensure that the EMP is appropriate and can be enforced.</li> </ul> </li> <li>RAP report prepared, or reviewed and approved, by a certified contaminated land consultant.</li> </ul> <p>It is noted that a NSW EPA-accredited Site Auditor will need to be engaged by the Applicant throughout the duration of works. And that ongoing management, in perpetuity, of the encapsulation cell will be the legal responsibility of the landowner or any future landowner/s.</p> <p>Alternatively, offsite disposal will not require the above.</p>	
Utilities and Infrastructure Assessment	
<p>A detailed Utilities and Infrastructure Assessment that addresses and/or incorporates the following:</p> <ul style="list-style-type: none"> <li>Hydraulic modelling, undertaken by a Water Servicing Coordinator, to investigate the impact of the proposed development on the existing Gerringong water and wastewater system and determine appropriate connection points and servicing arrangements including any upgrade requirements to our infrastructure. This work can be done in consultation with Sydney Water under the feasibility application process. has been conducted to note potential impacts on the local network.</li> <li>A Wastewater servicing strategy which identifies connection points.</li> </ul>	





SC3908

**Next Steps**


The information needs to be uploaded to the NSW ePlanning Portal (Portal) as a new planning proposal. Council will then undertake an evaluation of the Planning Proposal to check that:

- the scope of the proposal is clearly articulated
- the planning proposal addresses any comments and/or study requirements sought by council, authorities and government agencies
- that all studies and supporting documentation is included with the planning proposal
- all section 9.1 Directions and SEPPs have been adequately addressed
- relevant regional/district plans and LSPS (if relevant) have been addressed

If all necessary information has been submitted, Council will forward the Planning Proposal to the Department of Planning & Environment and request a Gateway Determination.

Should you have any queries regarding your application, please contact me on 4232 0444.

Yours faithfully



Suzi Stojcevska  
Strategic Planner

4

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Appendix E – Gerringong Charrette 1995 URA Map Extract.....

Appendix F – Kiama Local Strategic Planning Statement 2020 .....

Appendix G – Southern Regional Planning Panel Record of Decision .....

Appendix H – Summary of the PP consistency against s9.1 Directions .....

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Table of Revisions

Initial	Rev	Date	Details
JH	0	02/12/2020	Document completed for Kiama Municipal Council consideration
JH	1	25/02/2022	Document updated to incorporate Gateway Determination requirements
JH	2	18/03/2022	Document updated to incorporate DPIE feedback
JH	3	04/04/2022	Document updated to incorporate KLEP 2011 mapping feedback
ST	4	26/05/2023	Document updated to address authority pre-exhibition comments
ST	5	22/11/2023	Document updated in response to new bushfire mapping
ST	6	19/12/2024	Document updated in response to new flooding requirements

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## 1.0 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 and Environment's "Local Environmental Plan Making Guideline"; and,
- Kiama Municipal Council's Planning Proposal Policy.

The PP seeks to amend the Kiama Local Environmental Plan (LEP) 2011 and to extend the Gerringong residential zone from Campbell Street to align with the southern boundary of 48 Campbell Street, (Lot 2 DP 1168922), Gerringong. This extension is consistent with the Gerringong Charrette 1995 (Figure 1, below) and the Kiama Local Strategic Planning Statement (KLSPS) 2020 as well as strategic outcomes identified in Illawarra – Shoalhaven Regional Plan and Illawarra Shoalhaven Urban Development Program Update. The outcome of this rezoning process will result in the creation of the Sunnymede Urban Release Area (URA).

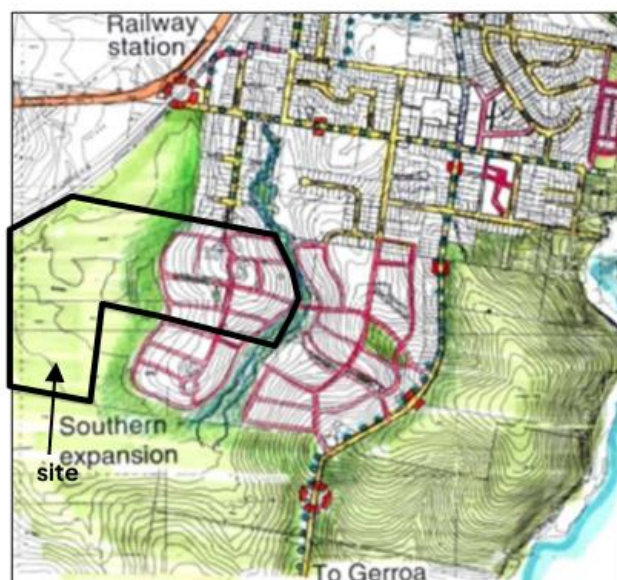


Figure 1: Subject site (black outline) as identified in the Gerringong Charrette 1995

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

To assist Kiama Municipal Council (KMC) to support this PP and formally progress it to the Department of Planning, Housing and Infrastructure (DPHI), this document provides Council with

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the majority of the background information it requires to demonstrate the strategic justification for this proposal.

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



Figure 2: Site Photo looking from site to adjacent Elambra Estate (Source: AP)

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## 2.0 BACKGROUND

### Subject Land / Proposal

This PP has been prepared following the discontinuation of the previous planning proposal for the site on 22 June 2022 in response to pre-exhibition agency comments and issuance of KMC's consolidated pre-exhibition comments into a 'Planning Proposal Requirements' checklist (**Appendix A**).

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

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

The proposed URA is located adjacent to the south-western edge of the existing Gerringong urban area and is located approximately 1.2km via the road network to the town centre. As shown in the images below, the land which is the subject of this PP is approximately 45.83 hectares(ha) in area with a proposed urban area of 12.78ha which is generally cleared, currently zoned RU2 and is not flood affected.

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

Lot 2 DP 1168922 provides legal access for the existing two rural dwellings as related agricultural farming operations on adjacent Lot 11 DP 1045242. Lot 11 has legal access across Lot 2, via a Right of Access.

A survey plan of the site showing these lots, general landform and easements is provided as **Appendix B**. In addition, a larger proportion of Lot 2 will continue to support agricultural farming operations on the lower flood affected land and which is a higher class of agricultural graded farming land.

The URA is in close proximity to the existing Gerringong township to the east and north which has the land zoning R2 – Low Density Residential which has a minimum lot size of 450m<sup>2</sup>. The land to the west and south of the URA is zoned RU1 – Primary Production and RU2–Rural Landscape.

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

Whilst only to be used as a guide to identify site potential, initial scoping investigations of the URA indicate a yield of approximately 148 residential lots could be developed in a number of stages and in a similar form to that at the adjacent Elambra Estate. Developable residential land is limited by the flooding potential on parts of the site which in some aspect's mirrors the same developable land height in the adjacent Elambra Estate.

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

- R2 – Low Density Residential with an area of approximately 12.37ha
- C2 – Environmental conservation reserve with an area of approximately 3.19ha
- C3 – Environmental Management 4.74ha
- RE1 – Public Recreation 0.25ha
- RU2 – Rural Landscape residual land with an area of approximately 25.27ha



*Figure 3: Site Locality Plan (Source: SIX Maps)*

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### Current Land Use Zones

Current land use zones affecting the URA site is shown in Figure 4.

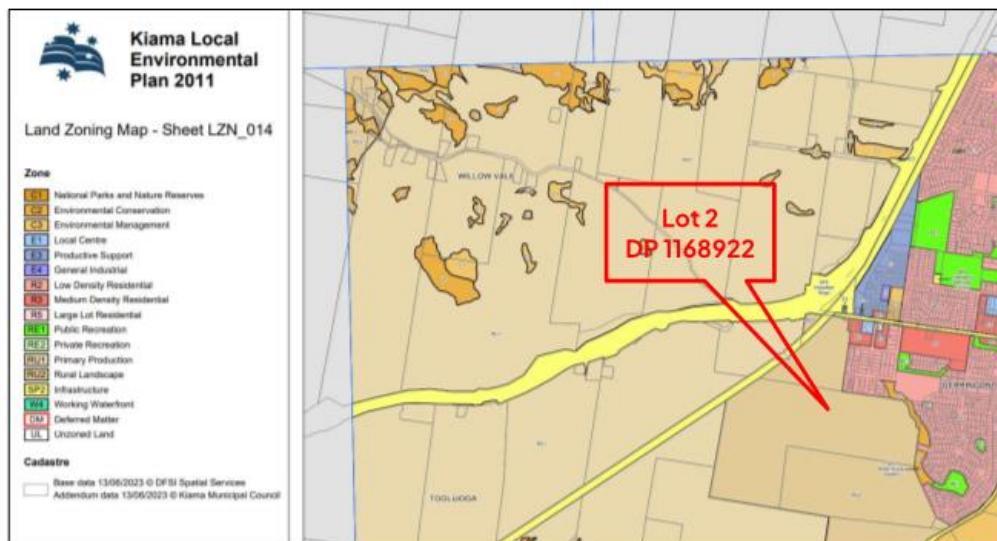


Figure 4: Current Land Zones affecting the URA site (Source: KLEP 2011).

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

### Other KLEP 2011 / Site Considerations

In addition to the current land use zone controls, other KLEP 2011 and site considerations are shown in Figures 5–9 and include acid sulfate soils, minimum lot size, riparian land / watercourses, known heritage items, bushfire prone lands and site access.

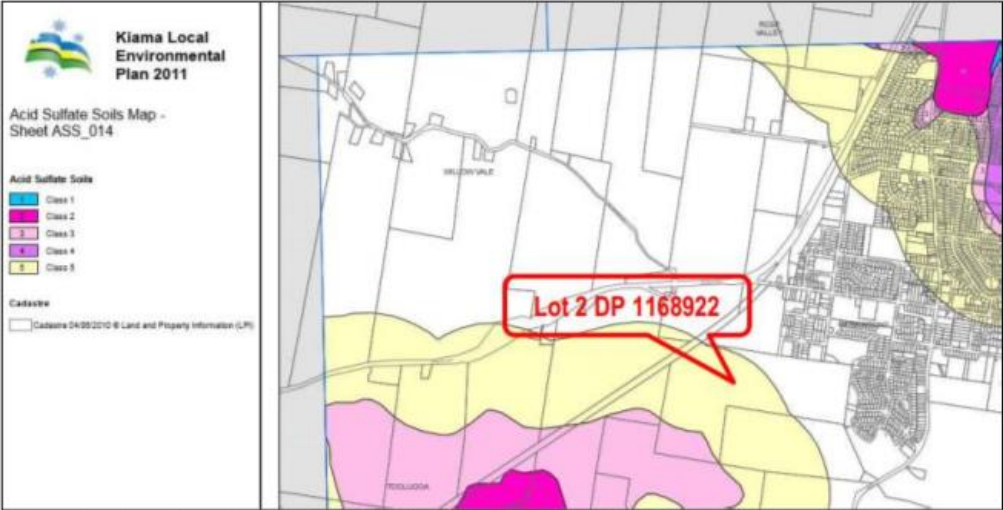


Figure 5: Class 5 Acid sulfate soils affecting the URA site (Source: KLEP 2011)

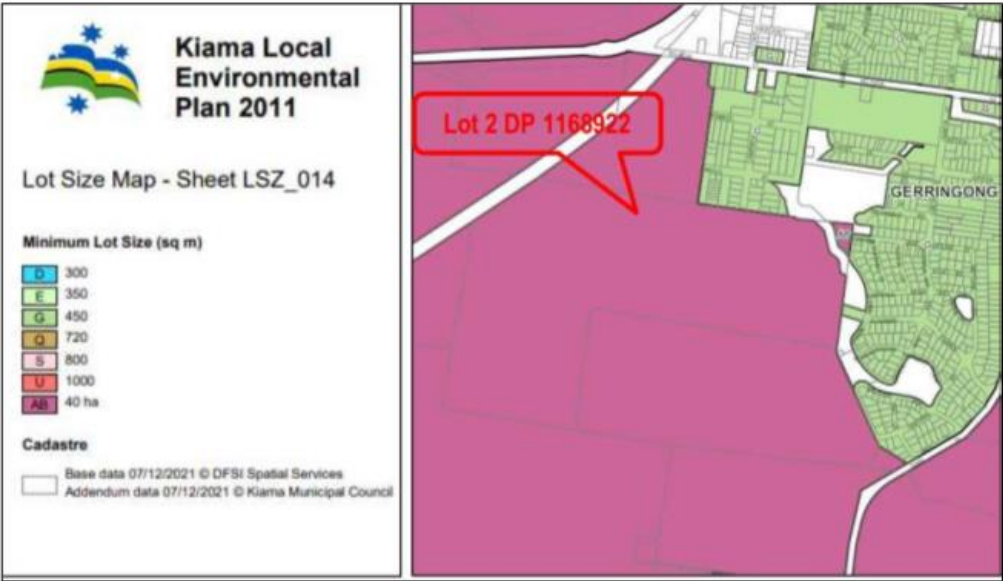


Figure 6: 40ha minimum lot size affecting the URA site (Source: KLEP 2011)

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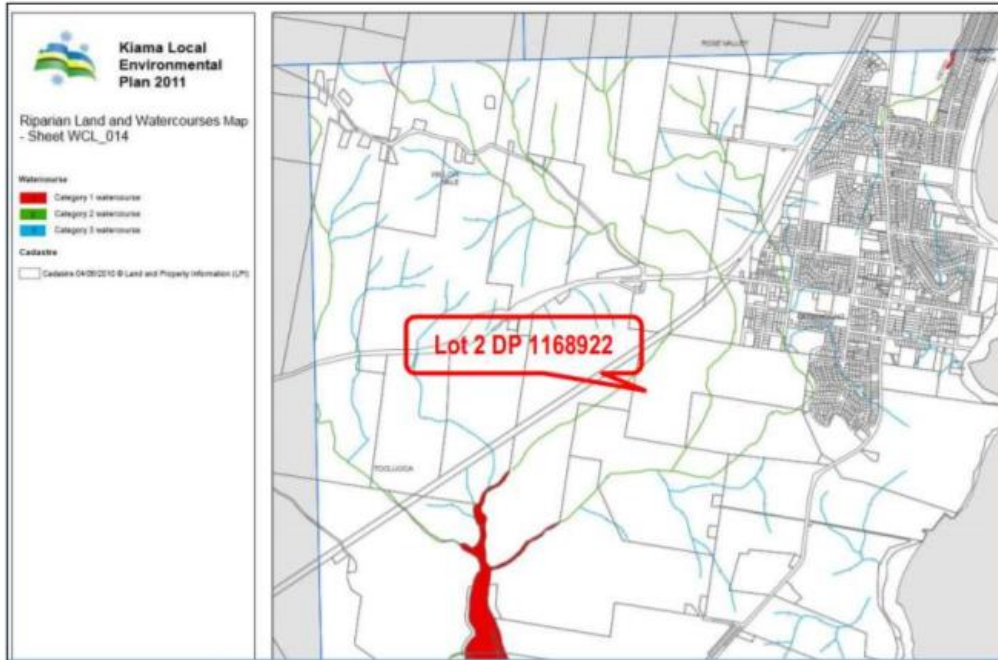


Figure 7: Riparian Land and Watercourses affecting the URA site (Source: KLEP 2011)

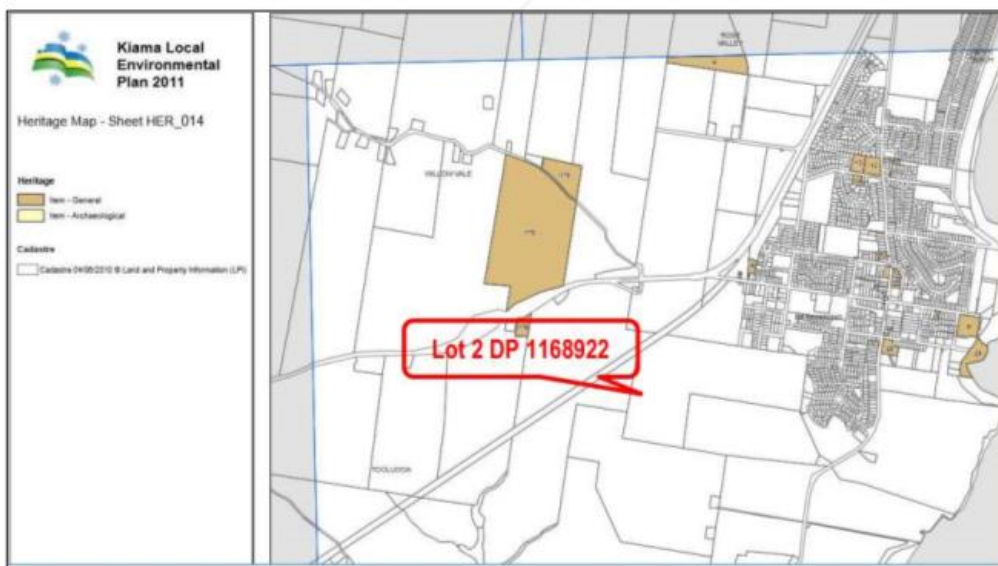


Figure 8: Heritage items in proximity to the URA site (Source: KLEP 2011). Note - No heritage items are located on or in proximity to the URA site.

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Figure 9: Bushfire prone land mapping of the URA site (Source: NSW Spatial Viewer)

Access to the site is provided from Campbell Street.

#### Preliminary investigation – 2020

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

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

Key findings of these investigations are summarised in Table 1 and the resulting updated URA structure plan with zoning information is shown in Figure 10 (larger version of plan is shown in **Appendix C**). This structure plan could be supported with a site specific Development Control Plan to establish design and character controls.

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

- R2 – Low Density Residential with an area of approximately 12.37ha
- C2 – Environmental conservation reserve with an area of approximately 3.19ha
- C3 – Environmental Management 4.74ha

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- RE1 – Public Recreation 0.25ha
- RU2 – Rural Landscape residual land with an area of approximately 25.27ha

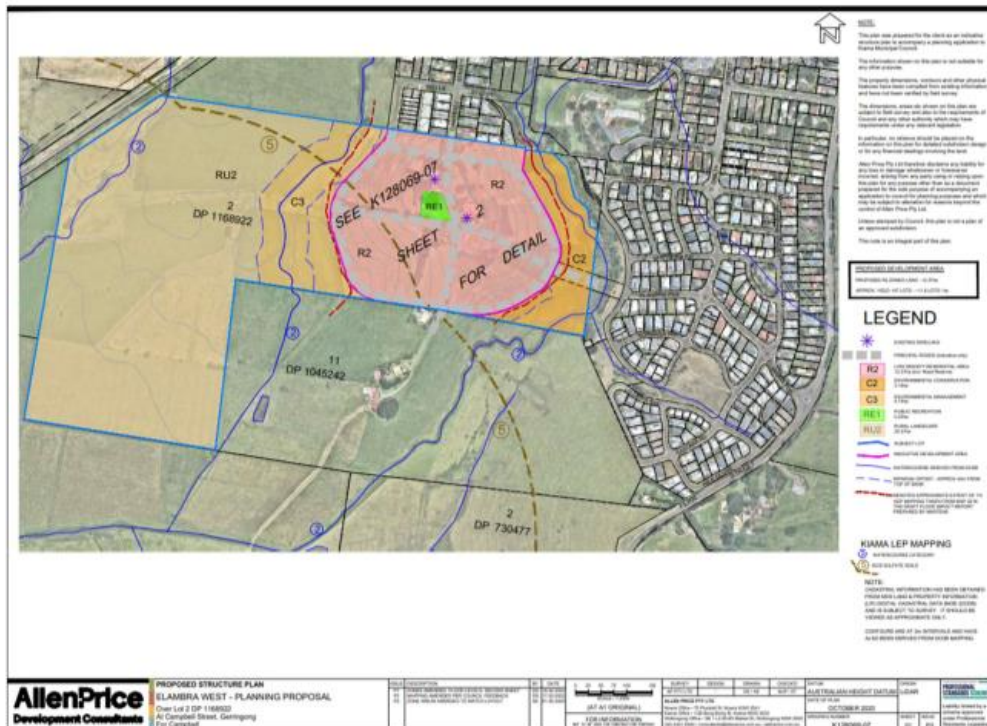


Figure 10: URA Structure Plan

### Discontinued Planning Proposal – 2022

On 24 June 2021 the PP received a gateway determination to proceed to public exhibition subject to conditions which required pre-exhibition consultation with state agencies. This Gateway determination required the plan to be made within 12 months. On 22 June 2022 due to agency consultation identifying the need for further information and revisions to the PP, the Gateway determination was altered to not proceed and KMC was asked to submit an updated planning proposal once the agency issues and revisions had been completed.

### Pre-Exhibition Comments by State Agencies – 2022

Council undertook pre-exhibition consultation with state agencies as required under the previously issued Gateway determination. Of the eight state agencies consulted, five (5) requested additional information. In response, Council consolidated the state agency pre-exhibition comments into a 'Planning Proposal Requirements' checklist (**Appendix A**) which was issued to the proponent on 19 August 2022.





Following a meeting with KMC and state agency staff on 17 November 2022, KMC provided points of clarification on various aspects of the Planning Proposal requirements checklist – on the basis of these discussions had with the proponent and state agencies. These points of clarification are summarised in Table 1 (below) which are accompanied with the proponent's response.

Table 1: – KMC Points of Clarification on Planning Proposal Requirements and Proponent Response

Issue/Requirement	Proponent Response
<b>Flood and Risk Assessment</b>	
<ul style="list-style-type: none"> <li>Update planning proposal to address access for emergency services and emergency evacuation method during flood (i.e. shelter in place) including flood duration and avoiding impacts on adjoining properties.</li> <li>It is noted that no additional flood modelling is considered to be required following discussions with Council</li> </ul>	<p>Refer to updated Local Planning Direction Discussion (Direction 4.3 Flood Prone Land - Section 3.2.4)</p> <p>For consistency, a Flood Assessment was prepared using ARR2019 methodology as adopted by KMC in the Gerringong &amp; Jamberoo Flood Investigation 2022. Storm frequencies are adopted in accordance Section 2.3 of the NSW DPE Flood Impact and Risk Assessment Guide LU01.</p> <p>Rezoning is proposed to be limited to land above the PMF such that any future DCP will have minimal/nil impact to the existing flood regime.</p>
<b>Water cycle and Stormwater Management Assessment</b>	
<ul style="list-style-type: none"> <li>Update planning proposal to further consider higher level implications of rezoning on Illawarra</li> <li>Shoalhaven Regional Plan, Minnamurra River Coastal Zone Management Plan and Council's Water Sensitive Urban Design Policy.</li> <li>Update planning proposal to commit to adopting water controls as part of a future site specific DCP post rezoning based on the above stormwater requirements</li> </ul>	<p>Refer to updated Strategic Planning Framework Discussion (Section 3.2.1)</p>
<b>Agricultural Land Assessment</b>	
<ul style="list-style-type: none"> <li>Update agricultural assessment to address impacts to agricultural viability, as a result of onsite encapsulation, and ongoing environmental management responsibility. This will need to outline</li> </ul>	<p>Refer to accompany Agriculture Assessment (Update), SEPP (Primary Production 2019 discussion (Section 3.2.3) and Local Planning Direction Discussion (Direction 9.2 Rural Land - Section 3.2.4).</p>

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the minimum encapsulation cover depth requirement	
Land Contamination Assessment	
<ul style="list-style-type: none"> <li>Update the planning proposal (including relevant local planning direction discussion) to discuss the 3 different contamination options recommended by the Detailed Site Investigation report.</li> </ul>	Refer to Local Planning Direction Discussion (Direction 4.4 Contaminated Land - Section 3.2.4)
Utilities and Infrastructure Assessment	
<ul style="list-style-type: none"> <li>Prepare a detailed Utilities and Infrastructure Assessment that addresses hydraulic modelling considerations on the existing</li> <li>Gerringong water and wastewater system.</li> <li>Update planning proposal to address findings of Utilities and Infrastructure Assessment</li> </ul>	Refer to accompanying Utilities and Infrastructure Assessment, and Local Planning Direction Discussion (Direction 6.1 Residential Zones - Section 3.2.4).

#### Updated Flooding Requirements 2023-2024

Following resubmission of the PP in November 2023 KMC undertook further pre-gateway consultation with state agencies and on 7 December 2023 issued its Key Issues Document – **Appendix D** which required additional information requirements raised by the Department of Planning and Environment – Biodiversity and Conservation Division (BCD), and NSW State Emergency Services (SES).

We understand these key requirements for updating were primarily identified to address the new risk policy settings established by the Flood Risk Management Manual which was released by the NSW Government in June 2023. Hence, the flood assessment requirements have increased substantially since lodging the original planning proposal which has had knock on impacts for related riparian and stormwater updates.

Following a meeting with the BCD, NSW SES, Department of Planning – Southern Region and Council on 14 February 2024, and upon review of the actions from this meeting (**Appendix B** – Meeting Actions), we engaged Martens and Associates (Martens) who are specialised expert consultants in flood engineering to review the current TUFLOW Flood Model prepared for the planning proposal.

The engagement of Martens facilitated a separate parallel engagement which independently reviewed and supplemented the AP flood modelling work carried out for the project and also mapped the top of bank for Union Creek to inform riparian mapping of Union Creek.

In December 2024 Martens finalised their Flood Impact and Risk Assessment (FIRA) in support of the planning proposal. The FIRA assessed the current Probable Maximum Flood applied to the planning proposal showing full extent of where and when flood

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isolation occurs in relation to the site and related isolation period periods (including longest period of isolation) including road closures on Belinda Street and recommend off-site solutions to prevent extended periods of flooding. The FIRA also assessed access for emergency services and emergency evacuation method during flood (i.e. shelter in place) including flood duration and avoiding impacts on adjoining properties (if required).

Table 2 (below) provides an overview of how the FIRA has now addressed the new requirements of the Flood Risk Management Manual in response to KMC and agency requirements.

*Table 2:- KMC/Agency Key Issues on Planning Proposal and Proponent Response*

Item	KMC/Agency Key Issues	Proponent Response
	BCD - Flood & Coastal Management	
1	As the proposal involves the rezoning of flood prone land the section 9.1 local planning direction 4.1 Flood applies and the matter should be considered in accordance with the Flood Risk Management Manual, 2023. To address flood risk management issues the planning proposal should be supported by a Flood Impact and Risk Assessment (FIRA) and guidance for preparing a FIRA can be found at: Flood Impact and Risk Assessment [NSW Environment and Heritage]	Martens has prepared a FIRA and supplementary assessment related to a proposed access road and bridge crossing over Union Creek to Union Way southeast of the site in accordance with the Flood Risk Management Manual 2023. The FIRA and supplementary assessment accompanies this planning proposal submission.
2	The referred flood assessment and planning proposal indicate that the proposed development area will be limited to an area above Probable Maximum Flood (PMF) extents and that no development or earthworks are proposed within the floodplain. This has not been reflected in the proposed zoning boundary and should be updated or clarified. Any proposed modification to the floodplain should be assessed and adverse impacts addressed as part of the FIRA.	Section 5.6.2 of the FIRA and supplementary assessment demonstrates the proposed URA is located above the PMF level and will therefore not result in offsite impacts. No modification of the floodplain is proposed.
3	To establish the safe occupation and efficient evacuation requirements of the planning direction further assessment of the potential period of flood isolation of the site is required. This should include an assessment over the full range of possible floods to address the frequency and duration of access roads being cut-off by floodwaters. The frequency of flood related road closures on Belinda Street contributes to the flood	Refer to Sections 5.6.4 and 6 Modelling of the FIRA and supplementary assessment which has considered the full range of flood events up to and including the PMF event, including the full range of flood durations up to 96 hours. Modelling demonstrates that the proposed development will not result in offsite impacts on the floodplain environment in all flood events due to

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	isolation issue and off-site solutions may need to be considered.	being located above the PMF level and will not impact existing flood emergency response or pose an increased risk to the community. Modelling indicates that the proposed URA, southeast access road and bridge are flood free in all events up to and including the PMF.  Hence there will be no adverse effects on the safe occupation, evacuation or capacity of evacuation routes for existing developments and no increased flood risk to life.
4	Council should seek advice from the NSW State Emergency Services (SES) on the adequacy of the proposed Shelter In Place approach for a planned flood isolated community	This table includes responses to SES comments.  Modelling has considered the full range of flood events up to the worst case PMF event and demonstrated that the proposed development will not adversely impact existing flood emergency response or pose an increased risk to the community.  The FIRA is to be submitted for consideration by Council, SES and BCD. It is recommended that any further comments from Council and state agencies in relation to flooding be addressed as part of the public exhibition process.
5	NRAR and DPI-Fisheries should also be consulted on appropriate riparian buffer requirements to ensure that vegetated riparian zones are adequately provided for with C2 zoning. Following this consultation, Council should confirm that the FIRA flood modelling adequately accounts for the proposed future design conditions in the waterway, vegetated riparian corridors, stormwater management infrastructure and climate change etc	Refer to Section 5.6.2 and 5.6.3 of the FIRA. No modification of the floodplain is proposed and proposed riparian zones will not result in a significant change to the hydraulic characteristics of flood prone land either side of the proposed URA and will not have a significant impact on existing flood characteristics or cause off-site impacts.  Changes to overland flows as a result of the proposed development are expected to be minor and can be easily managed through appropriate design of internal site grading,

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		<p>stormwater systems and roads, including possible OSD, which can be undertaken at the DA stage to eliminate any potential runoff or conveyance issues.</p> <p>Section 5.6.5 of the FIRA indicates that climate change has been considered by way of modelling the 0.2% AEP as a surrogate for climate change in accordance with FRM guide FBO1. Results show there is no significant change to flood characteristics, levels, velocities, or hazards as a result of climate change and there is no increased risk to the site posed by climate change.</p>
6	<p>A Water Cycle and Stormwater Management Assessment has not been provided, but rather is proposed to be completed at the development application stage. An assessment of potential impacts of the altered land-use on water quality prior as part of the planning proposal at the rezoning stage is required to ensure adequate spatial provisions for water quality management assets and riparian treatments are incorporated in the proposed land-use zone boundaries and are consistent with Strategy 11 of the Illawarra Shoalhaven Regional Plan and council's certified Crooked River Coastal Zone Management Plan (CZMP).)</p>	<p>An Integrated Water Cycle Management Strategy (Allen Price Pty Ltd) has been prepared which assesses the potential water quality impacts of the proposed rezoning and accompanies the planning proposal.</p>
7	<p>As detailed in our previous advice (DCO22/401496, 24/05/22) the planning proposal involves the rezoning of flood prone land. It should therefore be considered in accordance with section 9.1(2) Local Planning Direction – Focus Area 4: Resilience and Hazards 4.1 Flooding and the NSW Government's Flood Prone Land Policy as set out in the Flood Risk Management Manual, 2023 (FRMM).</p>	<p>A compliance assessment against the relevant provisions of the Direction 4.1 – Flooding of the Section 9.1 Ministerial Local Planning Directions (2022) was previously provided in Section 8.1 of the 2024 FIRA. Selected responses affected by the proposed southeast access road and bridge have been updated. The assessment demonstrates that all applicable flood planning requirements for the proposed development site are effectively addressed and that compliance with the Ministerial Direction is achieved. Therefore, the MA flood study is</p>

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		consistent with the principles of the FPLP.
8	<p>The flood assessment has not adequately considered the flood related public safety risks associated with the proposed development. It notes that the development will be isolated for 5 hours, however the FIRA has only considered events up to 6 hours duration, which has not considered the full range of potential durations or frequency of flood isolation.</p> <p>To understand the potential period of isolation, longer duration PMF events need to be modelled, such that the range of potential isolation periods (including the longest period of isolation) has been considered.</p> <p>To confirm that the safe occupation and efficient evacuation and flood access requirements of the Local Planning Direction are met, it is recommended that the determining authority seek clarification from the SES on the adequacy of the stay in place approach that the proponent has proposed for this future community.</p> <p>The watercourse lines presented in the proposal have not been surveyed and appear to differ significantly from what is on ground. The top of bank of the watercourse has not been established and the presented riparian corridors appear to be too small and should be reviewed</p>	<p>The updated flood modelling results show that the proposed southeast access road and bridge enhances the site evacuation strategy by providing a new flood free evacuation route. The route is shown in Attachment C, Map L1. In the event of a flood, site occupants can evacuate to the Gerringong town centre by travelling southeast via the proposed access road and bridge, east along Elambra Parade, and north along Fern Street. The proposed access road and bridge are located above the PMF level and remain flood-free in all events up to and including the PMF. The offsite evacuation route also remains trafficable in all flood events, including the PMF. There is therefore no need for any site residents to shelter-in-place (SIP) for any period of time. Further, the proposed bridge enables flood free access for all existing residential development between Belinda Street and the site, thereby conferring a large reduction in flood risk to the existing community. To assist in informing their evacuation residents should be aware of weather forecasts and warnings by subscribing to SES, BOM, Early Warning Network and other relevant warning systems.</p>
9	<p>No consideration appears to have been given to the dynamic nature of the waterway, the associated vegetation and its impact on flood levels. The planning proposal should include consultation with NRAR and DPI-Fisheries on vegetated riparian buffer requirements and to establish any geomorphic assessment requirements as part of the planning proposal, including consideration of waterway health and watercourse stability. There is potential to provide public open space and recreation areas adjacent to the waterways on the</p>	<p>Refer to responses 13, 14 and 15.</p>

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	floodplain providing opportunities to promote the development.	
10	This revised planning proposal relates to earlier flood risk management advice and is supported by a Flood Impact Risk Assessment (FIRA), however there remains unaddressed issues, particularly assumptions regarding flood event modelling leading to a 6 hour isolation duration.	Refer to responses 1, 7, 8 and 9.
11	This emergency management issue warrants further consideration by the SES, council and BCD specialist flood staff to ensure the PP is supported by a FIRA that is consistent with the objectives of the section 9.1 local planning direction 4.1 Flood and the principles of the Flood Risk Management Manual	Refer to responses 1, 2, 3 and 13.
12	The consent authority will need to ensure that the planning proposal is considered against the relevant Ministerial Section 9.1 Directions, including 4.1 – Flooding and is consistent with the NSW Flood Prone Land Policy as set out in the Flood Risk Management Manual 2023 (the Manual) and supporting guidelines, including the Support for Emergency Management Planning. Key considerations relating to emergency management	Refer to Table 14 in the FIRA for compliance assessment against the 7 principles for emergency management which shows the PP is consistent with the principles of the FRM guide EM01 (2022)
13	In summary, we: • Note the proposed site at 48 Campbell Street becomes isolated by frequent flooding.	As discussed elsewhere, in the event of a flood, site occupants can evacuate to the Gerringong town centre by travelling southeast via the proposed access road and bridge, east along Elambra Parade, and north along Fern Street.
	• Recommend that the building footprint reflects the flood assessment and planning proposal to ensure development area will be limited to above the Probable Maximum Flood (PMF).	As discussed elsewhere, the URA will be above the PMF.
14	• Recommend clarifying the frequency and maximum duration of isolation for the site, to better understand the potential emergency management risks.	Refer to responses 8 and 9.
15	• Recommend investigating the provision of a safe access and egress during floods (for example to a 1 in 500 year flooding) to reduce the secondary risks associated with isolation.	Section 5.6.4. Modelling in FIRA has considered the full range of events up to the PMF including the 0.2% AEP flood. Results show that in existing

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<p>You may also find the following Guidelines, originally developed for the Hawkesbury Nepean Valley and available on the NSW SES website useful:</p> <ul style="list-style-type: none"> <li>i. Reducing Vulnerability of Buildings to Flood Damage</li> <li>ii. Designing Safer Subdivisions</li> <li>iii. Managing Flood Risk Through Planning Opportunities</li> </ul>	<p>conditions, safe access and egress is available up to and including the FMF flood event.</p>
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### 3.0 STATEMENT OF OBJECTIVES OR INTENDED OUTCOMES

#### Part 1: Statement of Objectives or Intended Outcomes

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

The objective of the PP is to amend KLEP 2011 and to extend the Gerringong residential zone from Campbell Street to the southern boundary of 48 Campbell Street, (Lot 2 DP 1168922), Gerringong which is consistent with the Gerringong Charrette and KLSPS. The URA property description and current land use zone as outlined in Table 3.

*Table 3: Property description and current URA land use zone*

Lot DP / Property Address	Current KLEP 2011 Land Use Zone
Lot 2 DP 1168922, No. 48 Campbell Street, Gerringong	RU2 – Rural Landscape, C3 Environmental Management

Outcomes of the PP include:

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

The proposed land use zone amendments are shown in Figure 15 (larger version of plan is shown in Appendix C) and Part 3 of this document. Beyond the proposed residential, riparian corridor reserve and public recreation reserve, the residual land of Lot 2 which consists of flood affected and higher agricultural class land will remain zoned RU2.

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*Figure 11: Site Photo looking from Wingeewah Road to the proposed URA site*

#### **Part 2: Explanation of Provisions**

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

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

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Table 4: Proposed KLEP 2011 Map amendments

Map type	Map sheet (identification numbers)	Reasoning for amendment	Proposed change
Land Zoning – LZN 014	4400_COM_ LZN_014_020_20211207	Site is currently RU2 –Rural Landscape.	Part site mapped R2- Low Density Residential, RU1 – Public Recreation, C3 Environmental Management and C2 – Environmental Conservation
Lot Size – LSZ 014	4400_COM_ LSZ_014_020_20211207	Minimum lot size is currently 40ha.	Part site mapped with a minimum lot size of 450m <sup>2</sup>
Floor Space Ratio (FSR)– FSR 014	4400_COM_ FSR_014_020_20211207	No FSR current applies.	Part site mapped with a FSR of 0.45:1.
Height of Buildings – HOB 014	4400_COM_ HOB_014_020_20211207	Not mapped with a maximum building height..	Part site mapped with a maximum building height of 8.5m.
Urban Release Area – URA 014	4400_COM_ HOB_014_020_20211207	Not mapped as Urban Release Area.	Part site mapped as Urban Release Area.

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

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

- (1) This Plan aims to make local environmental planning provisions for land in Kiama in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
  - 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,

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- 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.

### Part 3: Justification of Objectives, Outcomes and Process

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

#### 3.1 – Need for the Planning Proposal

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

The PP is the result of the following KMC endorsed strategic studies identified in Table 5 recommending either part or all of the URA (i.e. Lot 11 DP 1045242 is not included in all studies). Also provided are initial site investigation findings of the various accompanying assessments as outlined in Table 5 and as recommended in early feedback received from KMC staff in September 2019

*Table 5: Summary of URA supporting strategic studies*

Study	Key findings summary
Gerringong Charrette 1995	<ul style="list-style-type: none"><li>• Identifies the proposed URA (Lot 2 DP 1168922) for proposed residential use which is shown in the mapping extract provided as Appendix I.</li><li>• In terms of forecasting residential land supply at Gerringong and the immediate surrounding area, the document makes the following related points:<ul style="list-style-type: none"><li>○ Estimated 4% annual population growth with a population of roughly 7,730 people in the year 2020.</li></ul></li></ul>

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	<ul style="list-style-type: none"> <li>○ The proposed URA proposes approximately 148 lots at a rate of 12 dwellings per Ha.</li> <li>• The Gerringong southern expansion area is identified as a green field site of two gentle hills with Union Creek flowing between them, and is roughly bordered by Fern Street to the east, the flood plain and farmland to the west and south, and existing town to the north.</li> <li>• The Charrette has played a significant role in the development outcomes, land supply and related community / business development that has been realised throughout the township of Gerringong since its inception.</li> <li>• A lack of greenfield residential land supply has meant that the Charrette population and dwelling supply predictions have not been achieved.</li> </ul>
<b>Kiama Local Strategic Planning Statement 2020</b>	<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>• Identifies Gerringong as a local town centre providing a range of business and retail uses, including supermarket, health and other services.</li> <li>• Identifies urban growth area (future housing opportunities) for the Gerringong southern expansion area - as outlined on pages 23 and 25.</li> </ul>
<b>Aboriginal Heritage Diligence Assessment</b>	<ul style="list-style-type: none"> <li>• Aboriginal objects are likely to occur in identified areas of moderate potential within the study area which are generally in proximity to the existing fig tree site.</li> <li>• The preparation of an Aboriginal Cultural Heritage Assessment is recommended to determine the complete impact on the archaeological resource.</li> <li>• Archaeological sites in this area occur primarily on the crests of low spurs, on elevated topographies adjacent to major creek lines, in or near riparian corridors and on major ridge crests.</li> <li>• Foothills contain many paleochannels, and the current creek alignments should not be relied upon in order to determine the location of archaeological sites.</li> </ul>

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	<ul style="list-style-type: none"> <li>No previously recorded Aboriginal archaeological sites will be impacted by the proposed works.</li> <li>The location of the study area was likely used as a travel route between the Illawarra escarpment and the coast. Archaeological deposits within the study area, if present, would most likely be represented by artefacts, isolated artefacts or potential archaeological deposits.</li> </ul>
<b>Agriculture Assessment</b>	<ul style="list-style-type: none"> <li>The land is partly mapped as: <ul style="list-style-type: none"> <li>Class 2 land and generally comprises the more fertile alluvial creek flats which are subject to occasional flooding.</li> <li>Class 3 land (lower valued land) and comprises the hilly grazing land above the flood line.</li> </ul> </li> <li>All the proposed urban residential development will be on the Class 3 land.</li> <li>The majority of higher quality Class 2 land will continue to be used for agriculture.</li> <li>Lot 2 DP 1168922 agricultural changes involve an approximate area of 16 ha excised from a property of 45.83 ha (total residential &amp; riparian land) that results in a 34% reduction in carrying capacity from 58 to 43 cows. At this reduced level of production, it can continue as a viable part-time primary production enterprise.</li> <li>The township of Gerringong is surrounded by prime agricultural land and if it expands outwards, there is no poor quality agricultural land which could be utilised. This proposal's residential development is fortuitously confined to Class 3 land and allows the continued use of the Class 2 land for agriculture.</li> <li>There will only be a minor loss in agricultural production resulting from the proposed rezoning.</li> <li>From this initial assessment, an Aboriginal Cultural Heritage Assessment has now been prepared to address Ministerial Direction 3.2 which identified and assessed 5 artefacts found on the site. Further, this onsite work identified that no further assessment or works are required to be undertaken for the study area. However, before any works can occur on the site, the proponent will need to apply to Heritage NSW for an Aboriginal Heritage Impact Permit to destroy artefacts found on the site.</li> </ul>
<b>Agriculture Assessment (Supplementary)</b>	<ul style="list-style-type: none"> <li>The proposed encapsulation cell is planned to be located on prime Class 2 agricultural land which requires an route across prime agricultural land which will be difficult to rehabilitate.</li> </ul>

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	<ul style="list-style-type: none"> <li>The Agricultural Assessment (Supplementary) examines the impacts of the proposed encapsulation site recommended by ENRS and an alternative encapsulation site immediately west of the proposed residential zone at the foot of the hillside.</li> <li>This report compares the implications for agriculture and concludes that both encapsulation site options are feasible on a strategic-level subject to site-specific issues being addressed as part of a future development application.</li> </ul>
<b>Ecological Constraints Assessment</b>	<ul style="list-style-type: none"> <li>The presence of a mature fig tree within the study area poses a 'High' constraint. This tree may be remnants of an endangered ecological community. Hollows are present, which are important habitat for native fauna, particularly microbats, many of which are threatened. It is recommended that this tree be given protection via re-zoning surrounding land to retain the ecological value it holds.</li> <li>Riparian land is also present within and around the site, and these have been deemed to require a riparian setback as required by Natural Resources Access Regulator,</li> <li>Union Creek as a third-order stream contains permanent water with dense vegetation, and thus potentially important habitat for threatened microbats and possibly the endangered Green and Gold Bell Frog.</li> <li>From this initial assessment, additional Flora &amp; Fauna Assessment has now been prepared to address Ministerial Direction 2.1 which accompanies the proposal as an addendum assess to the previous assessment which in part recommends the following requirements: <ul style="list-style-type: none"> <li>The fig tree reserve to be zoned RE1 -Public Recreation. However, this land zone change to RE1 requires further consideration and agreement by KMC and the fig tree will in the short term remain on land zoned R2.</li> <li>Union Creek riparian corridor (reserve) to be zoned C2 - Environmental Conservation.</li> <li>Establishment of a Vegetation Riparian Zone.</li> <li>Guidelines for future embellishment of the riparian reserve.</li> <li>A 40 meter (average) riparian buffer from the top of bank for Union Creek and where appropriate applies a watercourse alignment averaging for a distance of 15m.</li> <li>A Vegetation Management Plan be prepared as a requirements of a future subdivision plan application.</li> </ul> </li> </ul>

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<b>Residential Land Supply &amp; Demand Analysis</b>	<ul style="list-style-type: none"> <li>The findings of the residential land supply and demand analysis at Gerringong conclude that current land supply is not adequate to meet current needs. Strategic supply analysis identifies available land for release which forms the Sunnymede Urban Release Area which is potentially overdue and associated land supply shortage is influencing market choices.</li> <li>Key factors driving demand for land release in Gerringong include: <ul style="list-style-type: none"> <li>Steady population growth;</li> <li>Demand to live in such a coastal location;</li> <li>Preference for green field development over infill development;</li> <li>Limited feasible areas / opportunities for infill development;</li> <li>Proximity and improved travelling options to Wollongong &amp; Sydney;</li> <li>Limited vacant land supply on the market;</li> <li>Gerringong Charrette 1995 forecasting further residential land supply at Gerringong;</li> <li>KLSPS has identified urban growth area (future housing opportunities) for the Gerringong southern expansion area</li> <li>Illawarra Shoalhaven Regional Plan 2041 identifying Gerringong to provide future land and housing supply;</li> <li>land supply in the Kiama LGA is already identified in supporting strategies (via Planning Proposal process) can be re-zoned to reduce current demand.</li> <li>Available new release land in the Kiama LGA appears to be in short supply since 2012/13 and greenfield dwelling potential in Elambra Estate, was exhausted in 2016/17.</li> <li>dwelling approvals for the Kiama LGA in general are increasing every year.</li> <li>only 86 greenfield residential lots are zoned for potential release to service the whole Kiama LGA.</li> <li>average dwelling completions for the 20 years is 143 which is an indication of a strong local housing market in the Kiama LGA.</li> <li>high infill dwelling development in the Kiama LGA is a reflection of the limited capacity for greenfield housing.</li> <li>greenfield dwelling forecasts have identified potential supply of 617 future lots for the whole Kiama LGA of which more than the 148 lots identified at Sunnymede.</li> </ul> </li> <li>The Sunnymede Planning Proposal offers KMC and the surrounding/wider community the opportunity to deliver residential land to meet part of current supply shortfall.</li> </ul>
<b>Traffic &amp; Parking Assessment</b>	<ul style="list-style-type: none"> <li>Access to the site continues via Campbell Street to the north.</li> <li>Access to the adjacent Elambra Parade is not required.</li> <li>The intersection of Campbell Street / Belinda Street requires the implementation of LATM devices to lower speeds along Belinda Street on the approach to Campbell Street which addresses an existing intersection sightline issue.</li> <li>The detailed design of the internal road network should be assessed at the DA Stage.</li> </ul>

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	<ul style="list-style-type: none"> <li>It is expected that waste collection will be completed by Council's waste collection service along the internal road network.</li> <li>Courier and removalist vehicles can utilise on-street parking for deliveries as these types of deliveries will be infrequent.</li> <li>The internal road network must be assessed against the relevant sections of Council's standard engineering drawings at the DA Stage.</li> <li>The traffic generated by the development is not expected to adversely affect the traffic flow efficiency and performance of nearby critical intersections or the existing road network either in the existing conditions or in the 10-year growth scenarios.</li> <li>The traffic flow and parking impacts of the URA proposal are supportable though further detailed assessment.</li> </ul>
<b>Visual Impact Analysis</b>	<ul style="list-style-type: none"> <li>The assessment recognises the visual amenity of the rural landscape surrounding the Gerringong township and in particular the view lines both from the urban area and views from the rural land to the town and Sunnymede site.</li> <li>The assessment recognises that both views to and from the Sunnymede site are compromised by existing surrounding development which has occurred over time and associated visual impacts cannot be fully mitigated.</li> <li>The urban setting proposed by the URA is mostly visible from adjacent dwellings in Elambra Estate. This visual impact can be mitigated with use of perimeter and watercourse landscape plantings.</li> <li>The urban setting proposed by the URA is not likely to significantly compromise existing view lines from surrounding dwellings from the adjacent Elambra site which is generally at the same landform height or higher than the proposal site.</li> <li>The existing view lines from the surrounding rural landscape is already compromised by visual impacts of the Gerringong township and the URA does not necessarily add a further significant compromise in this visual setting. This visual impact can be mitigated with use of perimeter and watercourse landscape plantings.</li> <li>The visual impact to the URA is in a compromised setting with existing surrounding residential development and therefore the site (when developed) won't necessarily be obvious on its own when looking from a distance to the site. This visual impact can be mitigated with use of perimeter and watercourse landscape plantings.</li> <li>The URA site is not located within an existing "Scenic Protection Area".</li> <li>The URA does not visually affect a surrounding heritage site.</li> <li>The URA proposes to retain the existing large fig tree which can enhance the future visual interest of the site as part of a public reserve system with use of perimeter and watercourse landscape plantings.</li> <li>Embellishment of Union Creek and its incorporation into a public reserve system can significantly increase the visual amenity of this watercourse.</li> <li>The extension of the urban setting in general does not significantly reduce existing public viewpoints and the new urban / rural interface can be mitigated and transitioned where possible through perimeter and watercourse landscape plantings.</li> </ul>

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<b>Preliminary European Heritage assessment</b>	<ul style="list-style-type: none"> <li>Preliminary European Heritage assessment has relied on a walk over of the URA site and cross referencing with KLEP 2011 heritage mapping. As shown in Figure 7, no heritage items are located on or in proximity to the URA site.</li> <li>A site walkover did not find any significant items however, it was noted that the site has an original farm dwelling.</li> </ul>
<b>Flood Impact Risk Assessment</b>	<ul style="list-style-type: none"> <li>The proposed development is not subject to flood hazards in all events up to and including the PMF due to being located above the PMF level and outside the flood planning area (FPA).</li> <li>The proposed development will not result in offsite impacts due to being located above the PMF.</li> <li>Flood risk to life is managed via an evacuation strategy which is available via the existing road network to Gerringong town centre in flood events up to and including the 1 in 500 AEP flood. Safe shelter-in-place (SIP) within the site above the PMF level is also available as a backup strategy in larger flood events.</li> <li>The proposed development can become isolated due to flooding on Belinda Street in events larger than the 1 in 500 AEP, with a maximum isolation period for site residents of 3.8 hours in the PMF event. This duration is less than the maximum SIP period of 6 hours recommended in the draft SIP guideline and is considered acceptable for residents sheltering in their homes.</li> <li>Secondary risks associated with isolation are acceptable as the site is cut off from emergency services less than once every 500 years on average, for a maximum duration of approximately 2 hours in the PMF event.</li> <li>The proposed development will not increase risks for the existing community as it will not change the frequency and duration of offsite flooding and will not impact existing safe occupation, efficient evacuation and evacuation route capacities.</li> <li>There is a negligible change to flood characteristics and site flood risks including isolation period as a result of climate change.</li> <li>The proposed development is compatible with the existing floodplain environment.</li> <li>Compliance with Ministerial Directions, FRMM and draft SIP guide flood planning requirements are achieved.</li> <li>Flood related comments provided by Council and other state agencies have been effectively addressed.</li> </ul>
<b>Supplementary Flood Modelling Report</b>	<ul style="list-style-type: none"> <li>Martens and Associates was engaged to prepare the accompanying Supplementary Flood Modelling Report to evaluate the potential impacts of the proposed bridge crossing via Elambra Parade. As part of this additional modelling work, the 2024 Flood Impact Risk Assessment hydraulic model was updated to include the proposed southeast access road and bridge, associated earthworks and riparian planting to assess whether the southeast access road can provide a flood emergency evacuation route for the proposed development.</li> </ul>

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	<ul style="list-style-type: none"> <li>The model was used to assess flooding for the full range of events up to and including PMF to determine site flood conditions under both existing and proposed conditions.</li> <li>The Assessment concluded that: <ul style="list-style-type: none"> <li>The proposed southeast access road and bridge provides flood free access for residents and the surrounding community in all events up to and including the PMF, enhancing the evacuation capability and reducing the flood risk of the area.</li> <li>The proposed development will not result in unacceptable or materially adverse off-site impacts on people, property or the environment in all events up to and including the PMF.</li> <li>Compliance with the Ministerial Local Planning Directions and FRMM flood planning requirements and principles are achieved.</li> </ul> </li> </ul>
<b>Preliminary service infrastructure assessment</b>	<ul style="list-style-type: none"> <li>Preliminary service infrastructure assessment is based on the findings of the Illawarra Shoalhaven Urban Development Program Update 2018. The report is based on information gathered during the annual developer forum held in 2016 and 2017, which was attended by Sydney Water, Councils, and relevant developers to discuss historical housing supply and forecast lot production. It provides the estimates of land supply as at the end of financial year 2016/17 and short-term forecasts until 2021/22 and identified the follow points specific to the URA: <ul style="list-style-type: none"> <li>Greenfield dwelling forecasts have identified potential supply of 617 future lots for the whole Kiama LGA of which more than the 148 lots identified at Sunnymede.</li> <li>Sunnymede has capacity within the water and wastewater systems as well as electricity network for servicing and presents an additional housing opportunity if required.</li> </ul> </li> <li>Preliminary feedback from Endeavour Energy has also been sought.</li> </ul>
<b>Utilities and Infrastructure Assessment</b>	<ul style="list-style-type: none"> <li>The proposed residential site is within the Gerringong Reduced 1 Pressure Zone. Based on the number of dwellings, preliminary assessment shows that the water infrastructure system has capacity to service the developments. There are several DN100 water mains adjacent to the site and a DN200 water main at Fern Street.</li> <li>The topography will not allow for a single loading point for gravity wastewater servicing. New pump/s will be required to service the development, transferring flows to the existing network. If new pumped flows from the development are discharged to either SP0683 or SP1141, these stations may require pump capacity upgrades.</li> </ul>
<b>Contamination assessment</b>	<ul style="list-style-type: none"> <li>As a condition of Gateway Determination, a Stage 1 Land Contamination Assessment was required to address Ministerial Direction 2.6. Finding from the Stage 1 Assessment concluded some soil contamination was present on the PP site and that additional Stage 2 Assessment was required. Key findings of this stage 2 assessment (Detailed Site Investigation) that accompanying the proposal and in summary makes the following conclusions: <ul style="list-style-type: none"> <li>Restrict access to a significantly contaminated area and where appropriate make them safe in general accordance with the SafeWork NSW Code of Practice (2019).</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"><li>○ Disturbance of materials with potential to disturb friable asbestos should be appropriately supervised</li><li>○ Avoid disturbance of any area containing non-friable asbestos materials.</li><li>○ Preparation of a RAP to meet Ministerial Direction 4.4 – Remediation of Contaminated Land by a suitably qualified environmental consultant.</li><li>• As outlined above, the RAP recommends a series of works and processes to make contaminated areas of the site safe and environmentally acceptable for related land uses which includes off site disposal and onsite encapsulation</li></ul>
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**PP for land from Saddleback Mountain Road to south of Weir Street, South Kiama – NSW Planning Panels – Rezoning Review – Record of Decision**

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

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

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

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



Figure 12: Site Photo showing existing condition of the Union Creek watercourse.

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

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

**3.2 – Relationship to Strategic Planning Framework**

**3.2.1 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?**

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

***Illawarra Shoalhaven Regional Plan 2041.***

The PP is consistent with the Illawarra Shoalhaven Regional Plan 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.

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

Key inputs to the Plan have included:

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

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

Objective 11: Protect important environmental assets

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

Objective 12: Build resilient places and communities

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

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

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

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

Objective 17: Secure Water Resources

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Strategy 17.1 in part seeks to locate, design, construct and manage new developments to minimise impacts on water catchments and seeks to incorporate water sensitive urban design particularly where development is likely to impact water catchments, water quality and flows.

Objective 18: Provide housing supply in the right locations

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

Objective 19: Deliver housing that is more diverse and affordable

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

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

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

#### **Illawarra Shoalhaven Urban Development Program Update 2018**

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

The UDP enables the DPH and I to:

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

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

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

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- Available new release land appears to be in short supply in the Kiama LGA since 2012/13, when dwelling completions fell after peaking at 89 to an average of 23 per year to 2016/17. At the same time in-fill dwelling completion was 77 and continued to grow to an average of 81 per year to 2016/17.
- Dwelling approvals in the Kiama LGA reached a ten year high in 2015/16 with 210 approvals.
- Detached dwellings (higher on greenfield sites) is preferable over multi-units in the Kiama LGA.
- The proportion of multi-unit approvals in the Kiama LGA has increased over the last ten years, accounting for 18% in the first five years to 2011/12 then increasing to 38% of all approvals for the last 5 years (2012/13 to 2016/17) which could be attributed to limited greenfield land available.
- The greenfield dwelling potential in Elambra Estate was exhausted in 2016/17 with the construction of the final subdivision stages and registration of lots.
- Only 86 greenfield residential lots are zoned for potential release to service the whole Kiama LGA.
- Average dwelling completions for the last 20-years is 143 per annum which is an indication of a strong local housing market in the Kiama LGA.
- High infill dwelling development in the Kiama LGA is a reflection of the limited capacity for greenfield housing.
- Greenfield dwelling forecasts have identified potential supply of 617 future lots for the whole Kiama LGA of which more than the 148 lots identified at Sunnymede.
- Sunnymede has capacity to be integrated with the water and wastewater systems as well as electricity network for servicing and presents an additional housing opportunity if required.

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

#### **Kiama Local Strategic Planning Statement 2020**

Council has adopted the Kiama Local Strategic Planning Statement (LSPS) to establish:

- a 20-year vision for land use in our local area
- the special characteristics that contribute to local identity
- shared community values to be maintained and enhanced
- how growth and change will be managed into the future.

The site is listed and mapped as Site 7 for potential urban expansion – one of only nine sites across the LGA. The LSPS states that ‘these areas have been identified through the Kiama Urban Strategy and have been the subject of community consultation and discussion.

#### **Draft Kiama Growth and Housing Strategy –2025**

The draft Kiama Growth and Housing Strategy seeks to set a path of action for growth and housing in the Kiama area through to 2041. The strategy includes actions and proposes a

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land use framework to improve housing choice, diversity and affordability to meet the current and future needs of the community.

The subject site is identified under the draft strategy as a “Tier: 3 Land under consideration for rezoning” – see Figure 13 below



*Figure 13: Site Section under draft Kiama Local Housing Strategy*

To frame future discussions about growth within the URA a series of master plan principles have been prepared and supplied at **Appendix J**. Amongst other items, the master plan principles take into account the following main opportunities and constraints:

- Requirements for bushfire hazard protection including reinforcing the existing perimeter road concept which separates the riparian areas from the developable parts of the land.
- The riparian areas containing existing landscaped setbacks to Union Creek and the unnamed waterway to the west.
- The topography of the site with expansive western escarpment viewlines from the middle of the site being substantially higher
- Maximising community benefit (New central park reserve) and publicly accessible green spaces along riparian areas.
- The urban design approach responding to site accessibility to Gerringong train station (<800m) by adopting the following future development areas:
  - Medium Density Area : 15-25 dwellings/ha
  - Low Density Area: 10-15 dwellings/ha

On 28 April 2025 Kiama Council completed exhibition of their draft local housing strategy and intend to report back to council by mid 2025.

#### ***Minnamurra River Coastal Zone Management Plan***

As shown in Figure 14, the subject site does not fall within the Minnamurra River Coastal Zone Management Plan (MRCZMP) catchment. However, as indicated in Council's 'Planning Proposal Requirements' checklist (**Appendix A**) and pre-lodgement discussions with Council is understood that Council requires the proponent to prepare

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suitable measures to manage impacts to coastal waterways and the MRZCMP should be considered as a basis for ongoing pollutant and nutrient runoff management.

The MRCZMP identifies catchment-wide management issues and addresses state government requirements for coastal zones including the following actions for Council to develop as part of its Urban Stormwater Asset Management Plan:

- Collection of data including asset condition;
- Identification of stormwater management issues and rectification actions;
- Identification of the need for stormwater treatment and pollution controls including gross pollutant traps;
- Development of a renewal strategy;
- Development of guidelines for maintenance and asset rectification; and
- Training of Council staff

To ensure the future development minimises pollutant and nutrient runoff to coastal waterways, the proponent intends to incorporate the above stormwater treatment requirements as guiding actions for adopting water controls as part of a future site specific DCP post rezoning.

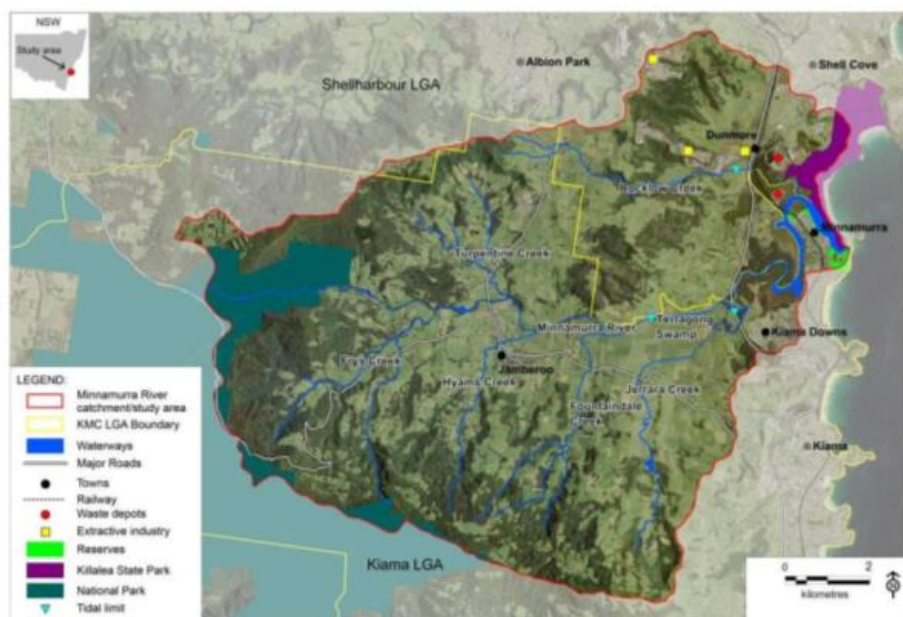


Figure 14: The Minnamurra River CZMP study area (Minnamurra River Catchment) and key features (Source: NSW DPIE)

#### **Kiama Water Sensitive Urban Design Policy**

The Kiama Water Sensitive Urban Design Policy outlines requirements for large scale development proposals for the subdivision of land 10 lots and over. For Large Scale

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Development the quality of stormwater discharging from the development shall meet the following targets unless locally specific "sustainable load targets", or in the case of extremely sensitive environments, a "neutral or beneficial" pollutant load target may be requested.

Table 3: Water Quality Targets

Pollutant	Target
Gross Pollutants	70% retention of baseline annual load
Total suspended solids	80% retention of baseline annual load
Total Phosphorous (TP)	45% retention of baseline annual load
Total Nitrogen	45% retention of baseline annual load*

To address the above water quality targets an Integrated Water Cycle Management Strategy (Allen Price Pty Ltd) for the site has been prepared to accompany the future residential subdivision development application in accordance with the above water quality targets and acceptable solutions. The IWCMS assesses the proposed rezoning to approximate the extent of water quality and quantity treatment devices that would be required for an eventual future subdivision. The IWCMS concludes that sufficient area had been indicated for water quality treatment devices around the east, west and south perimeters of the site.

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

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

- Gerringong Charrette 1995;
- KLSPPS 2020; and

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

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

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

The PP is considered generally consistent with applicable State Environmental Planning Policies (SEPP) which are assessed in Table 6 and relevant SEPPs summarised in the following subsections.

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Table 4: SEPP Summary

SEPPs relevant to the Site	Relevant to PP	Relevant to PP
State Environmental Planning Policy (Biodiversity and Conservation) 2021		x
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008: Land Application		x
State Environmental Planning Policy (Housing) 2021		x
State Environmental Planning Policy (Industry and Employment) 2021		x
State Environmental Planning Policy (Planning Systems) 2021		x
State Environmental Planning Policy (Precincts – Central River City) 2021		x
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021		x
State Environmental Planning Policy (Precincts – Regional) 2021		x
State Environmental Planning Policy (Precincts – Western Parkland City) 2021		x
State Environmental Planning Policy (Primary Production) 2021	Chapter 2 Primary production and rural development	✓
State Environmental Planning Policy (Sustainable Buildings) 2022		x
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 2: Coastal Management	✓

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Chapter 4: Remediation of Land	☰	x
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#### SEPP (Primary Production) 2019

SEPP (Primary Production) 2019 does apply to the URA and the following assessment in Table 8 is made against the aims of the policy.

Policy Aim	Assessment Comment
(a) to facilitate the orderly economic use and development of lands for primary production,	to facilitate the orderly economic use and development of lands for primary production,
(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,	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,
(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	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,
(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,	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,
(e) to encourage sustainable agriculture, including sustainable aquaculture	to encourage sustainable agriculture, including sustainable aquaculture,
(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,	to require consideration of the effects of all proposed development in the State on 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.	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.

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

#### **SEPP (Resilience and Hazards) 2021 – Chapter 2: Coastal Management**

As shown in Figure 15, the SEPP (Resilience and Hazards) 2021 – Chapter 2: Coastal Management mapping does not apply to the URA site.

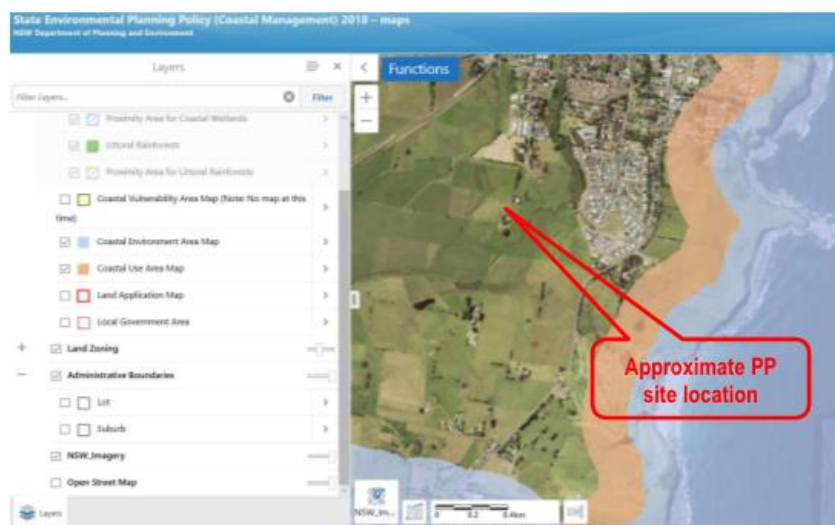


Figure 15: SEPP Coastal Management 2018 mapping (Source: NSW DPIE)

#### **SEPP (Resilience and Hazards) 2021– Chapter 4: Remediation of Land**

SEPP (Resilience and Hazards) 2021– Chapter 4: Remediation of Land applies to the PP and relates to remediation of contaminated land and requires amongst other things, investigations to be undertaken as part of the development assessment process, to determine whether the subject land is likely to be contaminated and if so, what remediation work is required.

Preliminary investigations note the URA is used for grazing, bulky agriculture items, machinery sheds and stockyards and identified shallow asbestos soil contamination requiring remediation prior to the lodgement of a subdivision application – as shown in the Figure 16.





Figure 16: Site Photo of onsite machinery sheds

As a requirement of Gateway Determination Stage 1 and 2 Land Contamination Assessment and a subsequent Remediation Action Plan (RAP) has been prepared as per SEPP (Resilience and Hazards) 2021- Chapter 4: Remediation of Land requirements. The RAP identifies the following remediation options:

- Excavation and offsite disposal;
- Excavation and onsite encapsulation; or
- Manual emu picking of asbestos fragments

The appropriate site remediation method will not be finalised until the validation testing and clearance certification (if required) of quantum of contaminated material to be removed and/or encapsulated is confirmed. However, remediation works, as specified in the RAP, are to be completed and validated prior to the submission of the Subdivision Development Application to KMC.

Should encapsulation through the above assessment be identified as the preferred site remediation method, the final size of the encapsulation cell will not be finalised until the early site works phase commences, when contaminated soil containing asbestos material is excavated and stockpiled. Therefore, the RAP specifies that the encapsulation cell will require a Site Management Plan, NSW EPA Site Auditor engagement and sign off (Site Audit Statement). The RAP will be assessed and approved as part of the future development application for early site works post-rezoning. Refer to Direction 4.4 Remediation of Contaminated Land (below) regarding suitability of the site for rezoning.

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### 3.2.4 Is the Planning Proposal consistent with applicable Local Planning 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 H** and relevant directions discussed below.

#### **Direction 1.1 Implementation of Regional Plans**

This direction applies as the PP meets the following requirements:

This direction applies to a relevant planning authority when preparing a planning proposal for land to which a Regional Plan has been released by the Minister for Planning.

*Table 7 – Implementation of Regional Plans Directions Assessment*

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

#### **Direction 1.3 Approval and Referral Requirements**

This direction applies as the PP meets the following Clause 1 requirements:

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

*Table 8 – Approval and Referral Requirements Directions Assessment*

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

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Direction Requirement	Assessment Comment
<p>(i) the appropriate Minister or public authority, and</p> <p>(ii) the Planning Secretary (or an officer of the Department nominated by the Planning Secretary),</p> <p>prior to undertaking community consultation in satisfaction of Schedule 1 of the EP&amp;A Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <p>(i) can satisfy the Planning Secretary (or an officer of the Department nominated by the Planning Secretary), that the class of development is likely to have a significant impact on the environment, and</p> <p>(ii) has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Planning Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 of the EP&amp;A Act.</p>	

### Direction 3.1 Conservation Zones

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

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

Table 10 - Conservation Zones Direction Assessment

Direction Requirement	Assessment Comment
(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.	The PP is consistent with this requirement and facilitates the protection of the Union Creek riparian area.
(2) A planning proposal that applies to land within a conservation zone	

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or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of "Rural Lands".	The PP is consistent with this requirement and the proposed C2 zoned land that covers the Union Creek riparian area does not reduce the conservation standards that apply to the land or does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of "Rural Lands".
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The PP is not inconsistent with this direction.

### Direction 3.2 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 11 - Heritage Conservation Direction Assessment

Direction Requirement	Assessment Comment
(l) A planning proposal must contain provisions that facilitate the conservation of:	Noted.
(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,	The accompanying Aboriginal Heritage Diligence Assessment – November 2020 and Aboriginal Cultural Heritage Assessment – January 2022 has examined the site and not identified any items of significance.
(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and	Noted and this is considered in the Aboriginal Heritage Diligence Assessment – November 2020 and Aboriginal Cultural Heritage Assessment – January 2022.
(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an	The accompanying Aboriginal Heritage Diligence Assessment – November 2020 and Aboriginal

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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.	Cultural Heritage Assessment – January 2022 has examined the site and not identified any items of significance.
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The PP is not inconsistent with this direction.

#### **Direction 4.1 Flooding**

The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.

This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

*Table 12 - Flooding*

Direction Requirement	Assessment Comment
(1) A planning proposal must include provisions that give effect to and are consistent with: (a) the NSW Flood Prone Land Policy, (b) the principles of the Floodplain Development Manual 2005, (c) the Considering flooding in land use planning guideline 2021, and (d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.	The proposed R2 land zoning area and flood line for the URA has been informed by the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 which are detailed in the accompanying flood assessment.
(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a	The proposed Urban Release Area is located above the PMF and outside the flood planning area and hence is capable of being

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Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.	rezoned from a rural to residential land use.
<p>(3) A planning proposal must not contain provisions that apply to the flood planning area which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit development for the purposes of residential accommodation in high hazard areas,</p> <p>(d) permit a significant increase in the development and/or dwelling density of that land,</p> <p>(e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</p> <p>(f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,</p> <p>(g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or</p>	<p>The PP intends to take a conservative approach by rezoning only areas above the PMF to residential with a view of carrying out more detailed flood modelling for the proposed development layout (as part of developing the future site-specific DCP prior to lodgement of any future DA). As all proposed R2 areas would be flood-free during PMF event, the proposal is not likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures.</p> <p>Therefore, the PP is not in conflict with these flood planning requirements and is has considered relevant development controls for the future residential land use.</p>

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<p>(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</p>	
<p>(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the dwelling density of that land,</p> <p>(d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</p> <p>(e) are likely to affect the safe occupation of and efficient evacuation of the lot, or</p> <p>(f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.</p>	
<p>(5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a</p>	

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Floodplain Risk Management Study or Plan adopted by the relevant council.	
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#### Direction 4.3 Planning for Bushfire Protection

The objective of this direction is to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and encourage sound management of bush fire prone areas.

This direction applies when a relevant planning authority prepares a planning proposal where land is mapped as bushfire prone land. This direction is relevant as the subject site is mapped as bushfire prone land.

Table 13 – Planning for Bushfire Protection Assessment

Direction Requirement	Assessment Comment
(1) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.	It is expected the planning proposal will be referred to the RFS for comment during public exhibition.
(2) A planning proposal must: (a) have regard to Planning for Bushfire Protection 2019, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).	A Bush Fire Strategic Study (Study) has been prepared by Bushfire & Evacuation Solutions which accompanies this proposal. The Study has been undertaken in accordance with the information requirements and assessment methodology prescribed under Planning for Bushfire Protection 2019 (PBP) and recommends APZs appropriate to future residential and SFPP development.
(3) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:  (a) provide an Asset Protection Zone (APZ) incorporating at a minimum:	The Study recommends APZs (managed in accordance with Inner protection Area standards) commensurate with the bushfire risk and

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<p>i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</p> <p>ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area</p>	<p>associated development type and in accordance with the acceptable solutions of PBP.</p> <p>N/A</p> <p>The Study makes reference to the Acceptable Solutions of PBP and are relevant for future planning for the Sunnymede URA in relation to provision for public access roads, reticulated water supplies for firefighting and utility installations. The hazard areas affecting the site are assessed as a low to medium risk. The primary access to the site via the existing public access roads is to the north through the existing urban landscape and away from the primary bushfire threat to the south, west and east.</p>
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#### Direction 4.4 Remediation of Contaminated land

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

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

Table 14 - Remediation of Contaminated land Assessment

Direction Requirement	Assessment Comment
(1) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land specified in paragraph (2) if the inclusion of the land in that zone would permit a change of use of the land, unless:	Detailed contamination assessments have been prepared for the site which have identified partial contamination of the site as a result of historical agricultural use which is proposed for remedial in the RAP accompanying the PP.
(a) the planning proposal authority has considered whether the land is contaminated, and	Based on the results of environmental sampling including the collection of soil and representative material samples, the RAP estimates a combined total volume of 3,345m <sup>3</sup> or 5,686 tonnes of asbestos impacted soil within the site and has concluded that the final remedial strategy for the project appropriate for the current concentrations and volumes of contaminated soil present at the site to be a combination of: <ul style="list-style-type: none"> <li>• Off-Site Disposal</li> <li>• Onsite Encapsulation</li> </ul> The RAP outlines how the site will be made for residential use if an encapsulation cell is the preferred disposal option this would occur on the residual rural land and exportation of some soil off the URA site which will be overseen by an accredited site auditor.
(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and	
(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.	
In order to satisfy itself as to paragraph (4)(c), the planning proposal authority may need to include certain provisions in the local environmental plan.	
(2) Before including any land to which this direction applies in a	

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particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.	It is considered that sufficient information has been provided to demonstrate the suitability of the site for rezoning, and that further site assessment and the RAP can be subject to detailed assessment as part of any future development application.
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#### Direction 4.5 Acid Sulfate Soils

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

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

Table 15 – Acid Sulfate Soils Directions Assessment

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

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

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

The PP is not inconsistent with this direction.

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### Direction 5.1 Integrating Land Use and Transport

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

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

Table 16 – Integrating Land Use and Transport Directions Assessment

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

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

The PP is not inconsistent with this direction.

### Direction 5.2 Reserving Land For Public Purposes

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

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

Table 17 – Reserving Land For Public Purposes Directions Assessment

Direction Requirement	Assessment Comment
(1) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning	The proposal is consistent with this requirement, and it does not create, alter or reduce existing zonings or reservations of land for public purposes. However, the PP proposes to increase the network



Direction Requirement	Assessment Comment
Secretary (or an officer of the Department nominated by the Secretary).	of public land through the dedication of public reserves for recreation and riparian corridors.
(2) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:	
(a) reserve the land in accordance with the request, and	
(b) include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and	
(c) identify the relevant acquiring authority for the land.	
(3) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:	
(a) include the requested provisions, or	
(b) take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of the land before it is acquired.	
(4) When a Minister or public authority requests a relevant	

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Direction Requirement	Assessment Comment
planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.	

The PP is not inconsistent with this direction.

#### Direction 6.1 Residential Zones

This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.

Table 18 - Residential Zones Directions Assessment

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

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satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	
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The PP is not inconsistent with this direction.

#### Direction 9.2 Rural Lands

This direction applies when a relevant planning authority prepares a planning proposal for land outside the local government areas of lake Macquarie, Newcastle, Wollongong and LGAs in the Greater Sydney Region (as defined in the Greater Sydney Commission Act 2015) other than Wollondilly and Hawkesbury, that:

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

Table 19 – Rural Lands Direction Assessment

Direction Requirement	Assessment Comment
(1) A planning must:	N/A
(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 applicable local strategic planning statement	The PP is consistent with the following strategic plans: <ul style="list-style-type: none"> <li>Gerringong Charrette 1995</li> <li>KLSPS 2020</li> <li>Illawarra Shoalhaven Regional Plan 2041</li> <li>Illawarra Shoalhaven Urban Development Program Update 2018</li> </ul>
(b) consider the significance of agriculture and primary production to the State and rural communities	All future residential development will be on the Class 3 land and the Class 2 land will continue to be used for agriculture. The significance of agriculture and primary production of the Class 2 land has been a key factor in determining a possible site for relocation of the future contaminated soil encapsulation cell from the Class 2 land. This is a recommendation of the accompanying agricultural

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Direction Requirement	Assessment Comment
	assessment update which on the basis of this change being made supports the URA.
(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	The accompanying structure plan and this assessment identifies the need to protect native vegetation, cultural heritage, and the importance of water resources through rehabilitating the Union Creek watercourse.
(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions	The accompanying agricultural assessment update supports the URA and identifies that all the residential development will be on the Class 3 land and the Class 2 land on the flood plain will continue to be used for agriculture.
(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities	The accompanying agricultural assessment update recognises the opportunity of Class 2 land to continue for agriculture use and provide opportunities for investment in productive and sustainable rural economic activities.
(f) support farmers in exercising their right to farm	The accompanying agricultural assessment update recognises the opportunity of Class 2 land to continue to support farming.
(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	The accompanying agricultural assessment update and structure plan design recognises the opportunity to minimise the fragmentation of rural land, consolidation of residual agriculture land and reduce the risk of land use conflict.
(h) consider State significant agricultural land identified in State Environmental Planning Policy (Primary Production and	Not applicable as no State significant agricultural land identified on the URA site.

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Direction Requirement	Assessment Comment
Rural Development) 2019 for the purpose of ensuring the ongoing viability of this land	
(i) consider the social, economic and environmental interests of the community.	The PP has initially considered social, economic and environmental interests of the community and further investigation can be considered through the Gateway assessment process.
(2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:	N/A
(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses	The accompanying agricultural assessment update and structure plan design recognises the opportunity to minimise the fragmentation of rural land, consolidation of residual agriculture land and reduce the risk of land use conflict.
(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	The accompanying agricultural assessment update recognises the opportunity of Class 2 land to continue for agriculture use and provide opportunities for investment in productive and sustainable rural economic activities.
(c) where it is for rural residential purposes: <ul style="list-style-type: none"> <li>i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres</li> <li>ii. is necessary taking account of existing and future demand and supply of rural residential land.</li> </ul>	As shown in the accompanying structure plan, the URA design has considered the availability of human services, utility infrastructure, transport and proximity to existing centres and accompanying studies have taken account of existing and future demand and supply of rural residential land.

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The PP is not inconsistent with this direction.

### 3.3 – Environmental, Social and Economic Impact

#### 3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

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

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

The PP will not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats as it involves a rezoning of land which is already predominately cleared and has been used for cattle grazing for some time.

The PP provides for a 40 metre riparian buffer from the top of bank for Union Creek (assumes a generous creek width of up to 10m wide) and where appropriate applies watercourse alignment averaging for a distance of up of 15m.

The Natural Resources Access Regulator (NRAR) requires approval for development on waterfront land (i.e. within 40m of top of bank). A Vegetated Riparian Zone (VRZ) either side of mapped drainage lines are also required (NRAR 2018).

The proposed rezoning represents an opportunity to rehabilitate and improve the VRZ either side of Union Creek which treats and carries largely untreated stormwater from the adjacent Gerringong township to Crooked River.

Most of the subject site does not intersect with waterfront land and thus avoids direct impact to watercourses. There are two certain areas that do have direct impacts to the riparian area, both along the eastern perimeter of the subject site, these are the intended road crossings/entrance ways. As above, necessary approvals for controlled activities on waterfront land will be needed from NRAR.

An outcome of the PP will then result in the proposed riparian protection and planting of this adjacent watercourse and an overall improved biodiversity outcome which will be facilitated via a Vegetation Management Plan as a requirement of subdivision consent.

No site-specific Development Control Plan (DCP) currently applies to the site. However, the proponent commits to water quality controls which minimise adverse impacts on the natural water cycle (where post development conditions mimic the natural hydrologic regime for the broadest range of storm events practicable).

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

In recognition of the requirement to resolve soil contamination from past use of the site, related assessments and the RAP will involve moving most of any soil contamination to an

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encapsulation cell to be created on the residual rural land. Some soil will also be exported from the site. The outcome of resolving this soil contamination will need to be assessed, approved and managed via development consent to minimise any associated environmental effects.

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

To ensure the future development incorporates sufficient stormwater treatment controls as part of a future site specific DCP post rezoning, the proponent commits to preparing a Comprehensive Water Cycle Strategy for the site in accordance with the KWSUDP water quality targets and acceptable solutions.

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

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

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

## **3.4 – State and Commonwealth Interests**

### **3.4.1 Is there adequate public infrastructure for the planning Proposal?**

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

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

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

## **PART 4 – MAPPING**

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

The PP proposes amendments to the maps are shown in **Table 21** (larger scale of proposed KLEP 2011 mapping modifications shown in **Appendix F**). At the conclusion of

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the PP process, it is expected KMC will prepare mapping associated with this amendment in accordance with the Standard Technical Requirements for KLEP 2011 Maps.

*Table 20 – Proposed amendments to KLEP 2011 mapping*

Map type	Map sheet (identification numbers)
Land Zoning – LZN 014	4400_COM_ LZN_014_020_20211207
Lot Size – LSZ 014	4400_COM_ LSZ_014_020_20211207
Floor Space Ratio (FSR)– FSR 014	4400_COM_ FSR_014_020_20211207
Height of Buildings – HOB 014	4400_COM_ HOB_014_020_20211207
Urban Release Area – URA 014	New sheet to be created and numbered



Figure 15: Existing Land Zoning Map (LZN 014)

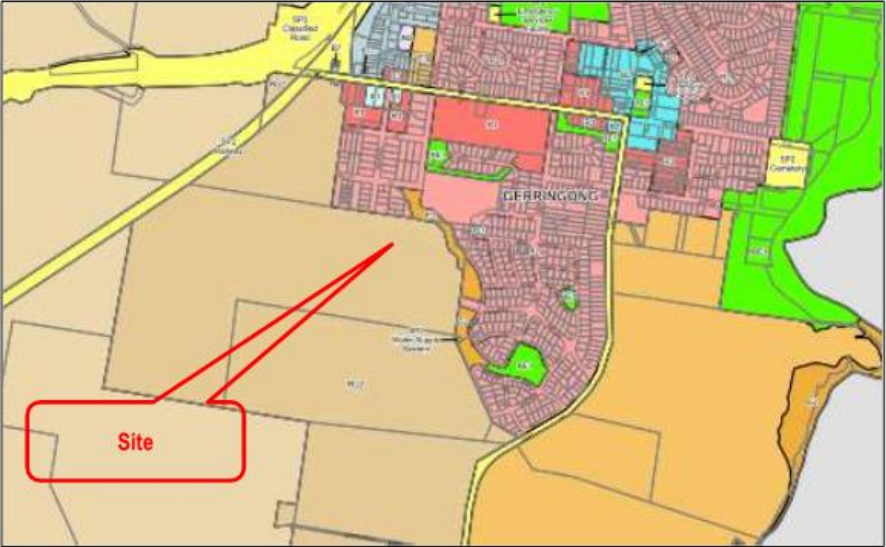
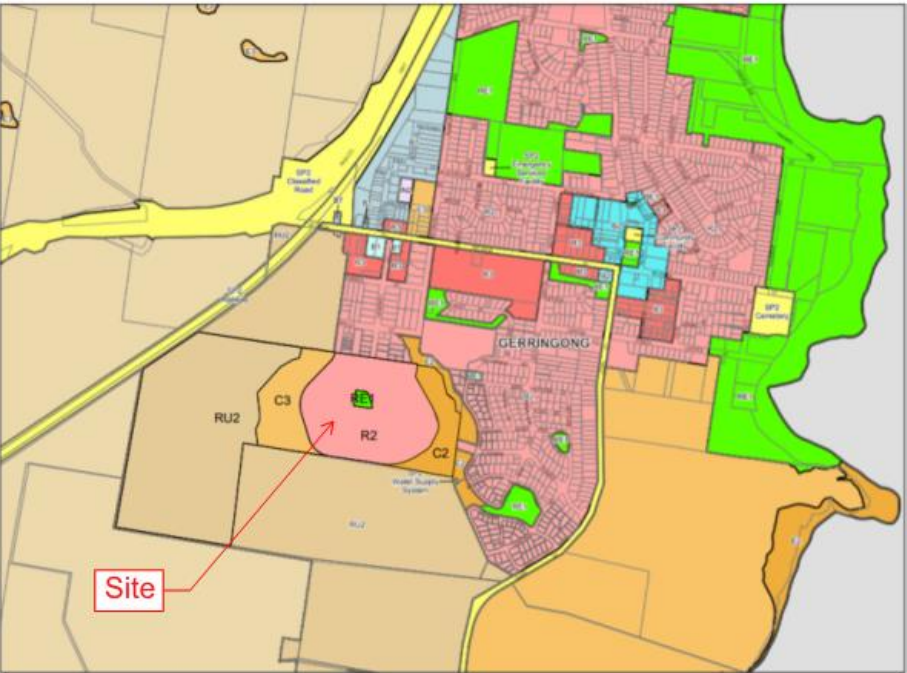


Figure 17: Modified Land Zoning Map (LZN 014)



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Figure 18: Existing Minimum Lot Size Map (LSZ\_014)

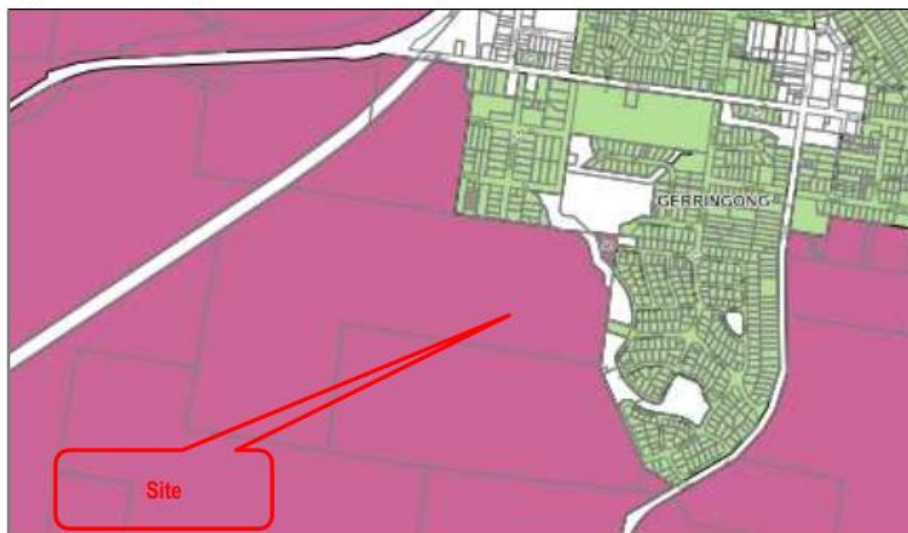


Figure 19: Modified Minimum Lot Size Map (LSZ\_014)



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Figure 20: Existing Floor Space Ratio Map (FSR 014)

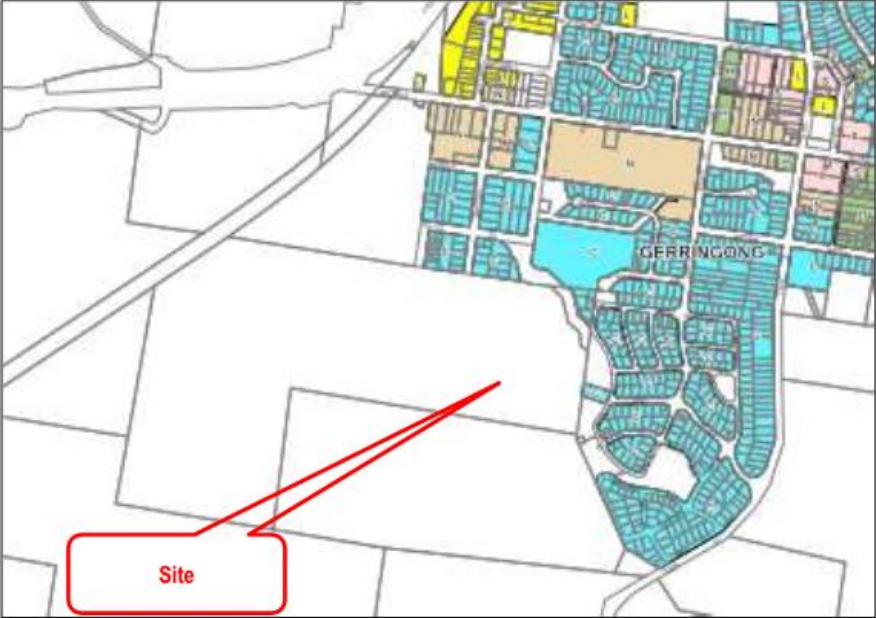


Figure 21: Modified Floor Space Ratio Map (FSR 014)



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Figure 22: Existing Height of Buildings Map (HOB 014)



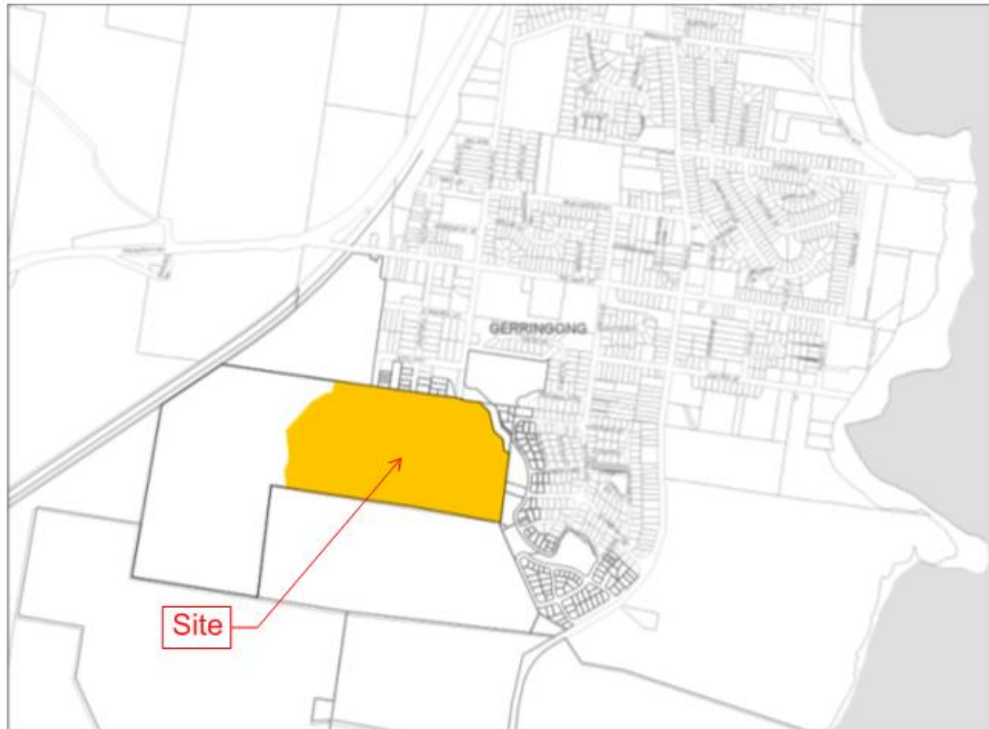
Figure 23: Proposed Height of Buildings Map (HOB 014)



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Figure 24: Modified Urban Release Area Map (URA 014) – Note no existing map relates to the site



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## PART 5 – COMMUNITY CONSULTATION

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

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

The exhibition would involve:

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

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

## PART 6 – PROJECT TIMELINE

In accordance with the DPIE guidelines, the following estimated timeline is provided in Table 21, which includes the tasks deemed necessary for the making of this local environmental plan.

Table 21- Estimate project timeline

Task	Responsibility	Estimated timeframe	Date (approximate)
PP submitted on NSW Planning Portal	Proponent	Not relevant	December 2024
Council resolution to support the PP	KMC	16 weeks*	June 2025*
Lodgement of PP for Gateway Determination	KMC	4 weeks	June 2025
Gateway Determination issued	DPE	4 weeks	July 2025
Public exhibition of PP	KMC	Minimum of 28 days	August 2025
Report to Council to finalise PP and adopt LEP changes	KMC	8 weeks	October 2025

\* On 20 April 2021 KMC Resolved to support the PP

## CONCLUSION

The land which is subject to this PP is 48 Campbell St, Gerringong (Lot 2 DP 1168922) and results in the opportunity for only 148 lots. Beyond the proposed residential and public reserve areas, the residual land of Lot 2 which consists of flood affected and higher agricultural class land will remain zoned RU2. Further, the PP continues to provide legal access for the existing two rural dwellings and associated agricultural farming on adjacent Lot 11 DP 1045242.

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

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

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

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

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

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

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

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

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## 4.0 APPENDICES

### Appendix A – Planning Proposal Requirements checklist



Phone enquiries:  
Suzi Stojcevska  
4232 0444

Reference:  
Council: SC3807

19 August 2022

James Harris  
Allen Price & Scarrrats  
Via: jamesharris@allenprice.com.au

Dear Applicant

#### Planning Proposal Requirements

**Property Description:** LOT: 2 DP: 1168922  
48 Campbell Street, Gerringong  
**Proposed Development:** Planning Proposal to rezone part of 48 Campbell Street Gerringong to facilitate residential development.

As you are aware the NSW Department of Planning and Environment (DPE) has terminated this Proposal as the Gateway timeframe has elapsed.

Five of the Eight state agencies, consulted with as part of the terminated Gateway, requested additional information. Council has met with several of the State agencies to better understand their concerns and has engaged with the NSW Planning Delivery Unit to ensure all agencies provide efficient and effective comments.

Council has consolidated that State agencies' concerns/requests below for your convenience. The following information will need to be submitted to Council as part of a new Planning Proposal, via the NSW Planning Portal. There will be no additional Council lodgement fees as part of submitting this new Planning Proposal.

Water cycle and stormwater management

Contamination and Acid Sulphate Soils

Utilities and Infrastructure

Agricultural Land Assessment

#### Checklist:

In addition to the documents previously submitted, Technical Information is to be submitted upon the re-lodgement of the Planning Proposal;

**All correspondence** Chief Executive Officer PO Box 75 Kiama NSW 2533 11 Manning Street Kiama NSW 2533  
**Contacts** P 02) 4232 0444 E council@kiama.nsw.gov.au W www.kiama.nsw.gov.au ABN 22 379 679 108  
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SC3908

Technical Information	Required
<b>Flood &amp; Risk Assessment</b>	
<p>A detailed Flood &amp; Impact Risk Assessment that addresses and/or incorporates the following:</p> <ul style="list-style-type: none"> <li>ARR87 methodology,</li> <li>The following Standard Scenarios, in accordance with section 2.3 of the Flood Impact and Risk Assessment Guide LU01: <ul style="list-style-type: none"> <li>5 Years,</li> <li>20 Years,</li> <li>100 Years</li> <li>PMF</li> <li>Climate Change Scenarios</li> <li>Modification to flood plain for cut/fill balance demonstrated along with management measures</li> <li>The developed case is modelled to establish the FPA and rezoning footprint including consideration of the final landform and vegetated extents of the riparian corridor in accordance with NRAR guidelines</li> </ul> </li> <li>Access for emergency services and emergency evacuation, having regard to impacts of flooding on Belinda Street.</li> <li>Rain grid models including losses and volume loss addressed (a volume comparison as a minimum)</li> <li>Flood hazards analysed in accordance with the Manual and Australian Institute for disaster resilience guideline 7-3 (current industry best practice)</li> <li>A standard detailed survey upstream/downstream and within site needs to be undertaken.</li> </ul> <p>In accordance with Ministerial Direction 4.1 Flooding, areas identified as being within the flood planning area must not be rezoned from Rural Zones to a Residential, Business, Industrial or Special Purposes. The re-submitted Proposal should propose the rezoning of areas identified as being within the flood planning area are to either C3 Environmental Management or remain as rural.</p> <p>The riparian corridors and associated buffers, as contained within the Department of Planning &amp; Environment's, riparian corridor guidelines must be adopted.</p> <p>Consideration is also to be given to need for any watercourse crossings, either permanently over Union Creek or temporarily over lower order drainage lines to the proposed onsite encapsulation cell.</p>	
<b>Water cycle &amp; Stormwater Management Assessment</b>	
<p>A detailed Water cycle &amp; Stormwater Management Assessment that addresses and/or incorporates the following:</p> <ul style="list-style-type: none"> <li>Suitable controls implemented to manage impacts to the waterway from the proposal consistent with the Illawarra Shoalhaven Regional Plan (ISRP), the certified Minnamurra River Coastal Zone Management Plan (CZMP) and Councils WSUD Policy (2005).</li> </ul>	
<b>Agricultural Land Assessment</b>	
<p>A detailed Agricultural Land Assessment that addresses and/or incorporates the following:</p> <ul style="list-style-type: none"> <li>The Proposal's impact on the agricultural viability of adjoining rural zoned lands.</li> <li>The impact of the encapsulation cell on the agricultural viability of the site (refer to Contamination Assessment requirements)</li> </ul>	
<b>Land Contamination Assessment</b>	



SC3908	
Technical Information	Required
<p>A detailed Land Contamination Assessment that addresses and/or incorporates the following:</p> <ul style="list-style-type: none"> <li>• If a contamination encapsulation cell is proposed, <ul style="list-style-type: none"> <li>◦ a detailed design for the containment cell for placement of asbestos impacted soils is provided. The design must be undertaken by a suitably qualified engineer and be approved by a site auditor prior to its construction.</li> <li>◦ An EMP provided. Engagement of an accredited site auditor to provide a Site Audit Statement will ensure that the EMP is appropriate and can be enforced.</li> </ul> </li> <li>• RAP report prepared, or reviewed and approved, by a certified contaminated land consultant.</li> </ul> <p>It is noted that a NSW EPA-accredited Site Auditor will need to be engaged by the Applicant throughout the duration of works. And that ongoing management, in perpetuity, of the encapsulation cell will be the legal responsibility of the landowner or any future landowner/s.</p> <p>Alternatively, offsite disposal will not require the above.</p>	
Utilities and Infrastructure Assessment	
<p>A detailed Utilities and Infrastructure Assessment that addresses and/or incorporates the following:</p> <ul style="list-style-type: none"> <li>• Hydraulic modelling, undertaken by a Water Servicing Coordinator, to investigate the impact of the proposed development on the existing Gerringong water and wastewater system and determine appropriate connection points and servicing arrangements including any upgrade requirements to our infrastructure. This work can be done in consultation with Sydney Water under the feasibility application process. has been conducted to note potential impacts on the local network.</li> <li>• A Wastewater servicing strategy which identifies connection points.</li> </ul>	



SC3908

**Next Steps**

The information needs to be uploaded to the NSW ePlanning Portal (Portal) as a new planning proposal.

Council will then undertake an evaluation of the Planning Proposal to check that:

- the scope of the proposal is clearly articulated
- the planning proposal addresses any comments and/or study requirements sought by council, authorities and government agencies
- that all studies and supporting documentation is included with the planning proposal
- all section 9.1 Directions and SEPPs have been adequately addressed
- relevant regional/district plans and LSPS (if relevant) have been addressed

If all necessary information has been submitted, Council will forward the Planning Proposal to the Department of Planning & Environment and request a Gateway Determination.

Should you have any queries regarding your application, please contact me on 4232 0444.

Yours faithfully

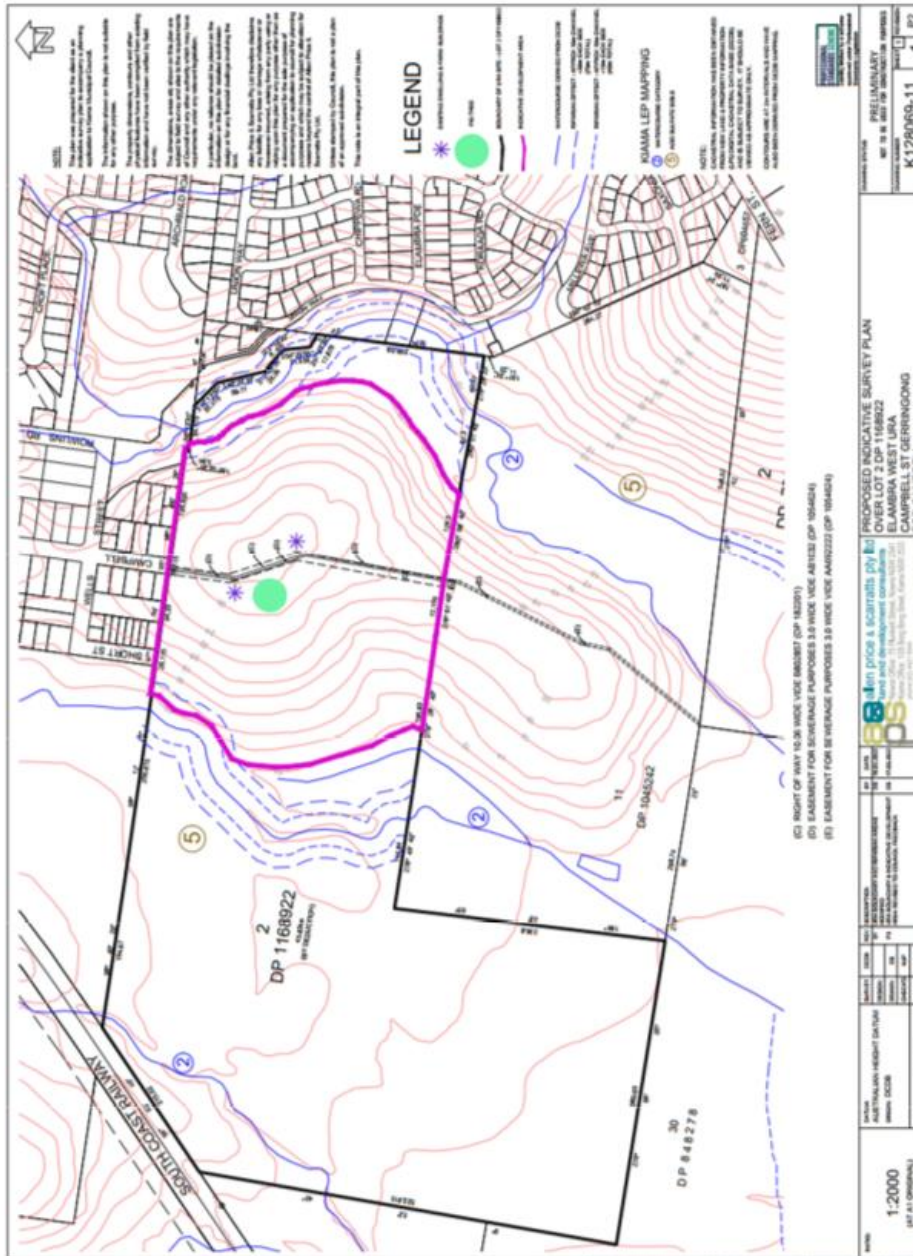
A handwritten signature in black ink, appearing to be 'Suzi Stojcevska', written in a cursive style.

Suzi Stojcevska  
Strategic Planner





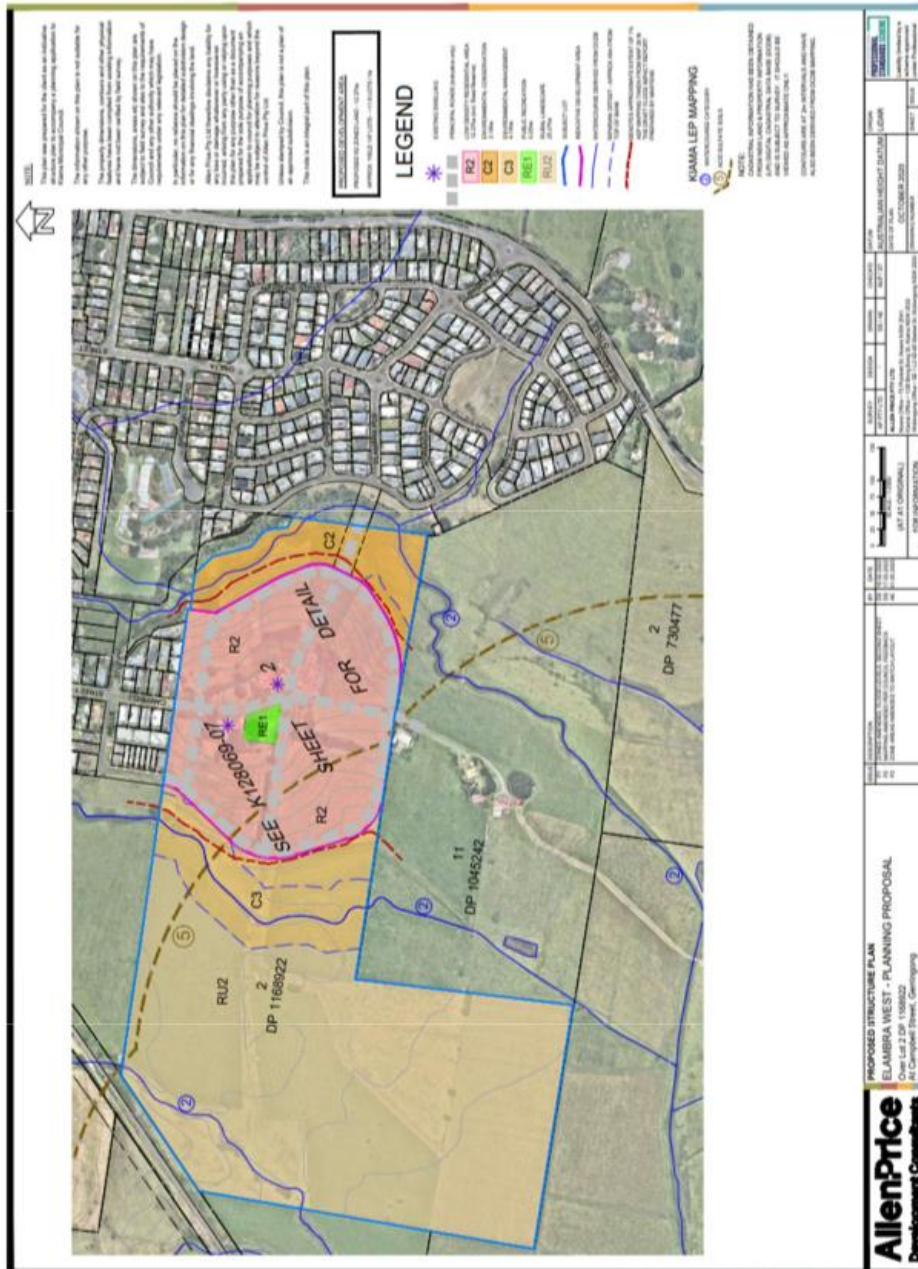
## Appendix B – Survey plan of site



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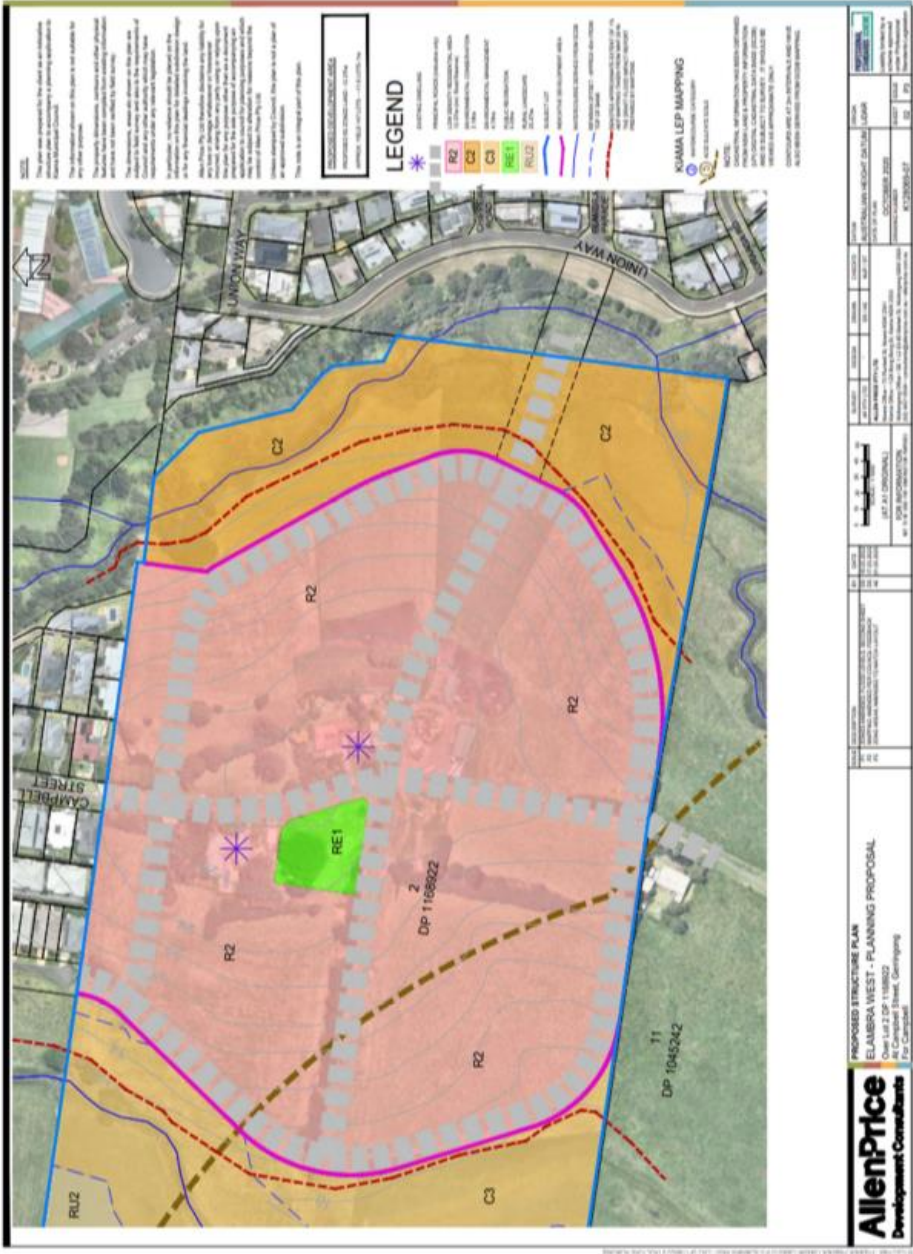


## Appendix C – Structure Plan



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## Appendix D – Key Issues Document

### BCD – Flood & Coastal Management

DPE - Biodiversity and Conservation Division (BCD) has reviewed the updated information for the Elamra West Urban Release Area (26 May 2023) and the Supplementary Flood Assessment (APS, Feb 2022) regarding flood and coastal management issues associated with a revised Planning Proposal and offers the following advice for consideration by council.

#### **Summary:**

- As the proposal involves the rezoning of flood prone land the section 9.1 local planning direction 4.1 Flood applies and the matter should be considered in accordance with the Flood Risk Management Manual, 2023. To address flood risk management issues the planning proposal should be supported by a Flood Impact and Risk Assessment (FIRA) and guidance for preparing a FIRA can be found at: [Flood Impact and Risk Assessment \[NSW Environment and Heritage\]](#)
- The referred flood assessment and planning proposal indicate that the proposed development area will be limited to an area above Probable Maximum Flood (PMF) extents and that no development or earthworks are proposed within the floodplain. This has not been reflected in the proposed zoning boundary and should be updated or clarified. Any proposed modification to the floodplain should be assessed and adverse impacts addressed as part of the FIRA.
- To establish the safe occupation and efficient evacuation requirements of the planning direction further assessment of the potential period of flood isolation of the site is required. This should include an assessment over the full range of possible floods to address the frequency and duration of access roads being cut-off by floodwaters. The frequency of flood related road closures on Belinda Street contributes to the flood isolation issue and off-site solutions may need to be considered.
- Council should seek advice from the NSW State Emergency Service (SES) on the adequacy of the proposed shelter in place approach for a planned flood isolated community.
- NRAR and DPI-Fisheries should also be consulted on appropriate riparian buffer requirements to ensure that vegetated riparian zones are adequately provided for with C2 zoning. Following this consultation, Council should confirm that the FIRA flood modelling adequately accounts for the proposed future design conditions in the waterway, vegetated riparian corridors, stormwater management infrastructure and climate change etc.
- A Water Cycle and Stormwater Management Assessment has not been provided, but rather is proposed to be completed at the development application stage. An assessment of potential impacts of the altered land-use on water quality prior as part of the planning proposal at the rezoning stage is required to ensure adequate spatial provisions for water quality management assets and riparian treatments are incorporated in the proposed land-use zone boundaries and are consistent with Strategy 11 of the Illawarra Shoalhaven Regional Plan and council's certified Crooked River Coastal Zone Management Plan (CZMP).

#### Floodplain Risk Management :

As detailed in our previous advice (DCO22/401496, 24/05/22) the planning proposal involves the rezoning of flood prone land. It should therefore be considered in accordance with section 9.1 (2) Local Planning Direction - Focus Area 4: Resilience and Hazards 4.1 Flooding and the NSW Government's Flood Prone Land Policy as set out in the Flood Risk Management Manual, 2023 (FRMM).

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The policy aims to reduce the impact of flooding and flood liability on individual owners and occupiers, and to reduce private and public losses resulting from flooding utilising ecologically positive methods wherever possible.

The flood assessment has not adequately considered the flood related public safety risks associated with the proposed development. It notes that the development will be isolated for 5 hours, however the FIRA has only considered events up to 6 hours duration, which has not considered the full range of potential durations or frequency of flood isolation. To understand the potential period of isolation, longer duration PMF events need to be modelled, such that the range of potential isolation periods (including longest period of isolation) has been considered. To confirm that the safe occupation and efficient evacuation and flood access requirements of the Local Planning Direction are met, it is recommended that the determining authority seek clarification from the SES on the adequacy of the stay in place approach that the proponent has proposed for this future community.

The watercourse lines presented in the proposal have not been surveyed and appear to differ significantly from what is on ground. The top of bank of the watercourse has not been established and the presented riparian corridors appear to be too small and should be reviewed.

No consideration appears to have been given to the dynamic nature of the waterway, the associated vegetation and its impact on flood levels. The planning proposal should include consultation with NRAR and DPI-Fisheries on vegetated riparian buffer requirements and to establish any geomorphic assessment requirements as part of the planning proposal, including consideration of waterway health and watercourse stability. There is potential to provide public open space and recreation areas adjacent to the waterways on the floodplain providing opportunities to promote the development.

#### Coastal Management and Water Quality:

As detailed in previous advice (DCO22/401496, 24/05/22), the development is not located within the coastal zone. However, the potential impacts of water quality on the downstream Crooked River estuary should be considered as part of the assessment of this planning proposal consistent with the certified Crooked River Coastal Zone Management Plan (CZMP) and Strategy 11 of the Illawarra Shoalhaven Regional Plan.

The updated Planning Proposal dated 26 May 2023 (Rev 4) has been reviewed. There is no evidence that comments previously raised regarding the current watercourse mapping and vegetated riparian zone boundaries have been addressed. It is unclear if any consultation with NRAR and DPI has occurred to help resolve these concerns. NRAR and DPI-Fisheries should be consulted to inform vegetated riparian buffer requirements and the adequacy of proposed C2 zoning to achieve suitable waterway management objectives as part the planning proposal process.

A Water Cycle and Stormwater Management Assessment has not been provided as recommended. Rather the documentation indicates this can be undertaken during the development application stage with consideration of Councils WSUD Policy and the development of a site specific DCP post rezoning. An assessment of potential impacts is considered an important element of the rezoning process to ensure adequate spatial provisions are incorporated into the planning proposal and by demonstrating the impacts of the proposed development on water quality and the health of the downstream estuary can be managed.

Strategy 11.5 of the Illawarra Shoalhaven Regional Plan to Protect coastal lakes and estuaries by implementing the NSW Government's Risk Based Framework for considering waterway health outcomes in Strategic Land-Use Planning decisions has not yet been addressed.

Strategy 11.6 of the ISRP promotes the alignment of local plans with any certified Coastal Zone Management Plan (CZMP) or certified Coastal Management Program. The Crooked River CZMP (rather than the Minnamurra River CMP) supports strict controls on runoff from new developments in the Crooked River catchment and this should be addressed in assessing development suitability and best





practice WSUD initiatives to minimise future water quality, volume and velocity impacts to the estuary.

#### Other Comments

- This revised planning proposal relates to earlier flood risk management advice and is supported by a Flood Impact Risk Assessment (FIRA), however there remains unaddressed issues, particularly assumptions regarding flood event modelling leading to a 6 hour isolation duration.
- This emergency management issue warrants further consideration by the SES, council and BCD specialist flood staff to ensure the PP is supported by a FIRA that is consistent with the objectives of the section 9.1 local planning direction 4.1 Flood and the principles of the Flood Risk Management Manual.
- It would also benefit from consultation from DPE-Planning to establish consistency with the land use planning element of the Flood Prone Land Package, including the proposed Shelter in Place approach.

#### SES

The NSW State Emergency Service (NSW SES) is the agency responsible for dealing with floods, storms and tsunamis in NSW. This role includes, planning for, responding to and coordinating the initial recovery from floods. As such, the NSW SES has an interest in the public safety aspects of the development of flood prone land, particularly the potential for changes to land use to either exacerbate existing flood risk or create new flood risk for communities in NSW.

The consent authority will need to ensure that the planning proposal is considered against the relevant Ministerial Section 9.1 Directions, including 4.1 – Flooding and is consistent with the NSW Flood Prone Land Policy as set out in the Flood Risk Management Manual 2023 (the Manual) and supporting guidelines, including the Support for Emergency Management Planning. Key considerations relating to emergency management.

In summary, we:

- **Note** the proposed site at 48 Campbell Street becomes isolated by frequent flooding<sup>1</sup>.
- **Recommend** that the building footprint reflects the flood assessment and planning proposal to ensure development area will be limited to above the Probable Maximum Flood (PMF).
- **Recommend** clarifying the frequency and maximum duration of isolation for the site, to better understand the potential emergency management risks.
- **Recommend** investigating the provision of a safe access and egress during floods (for example to a 1 in 500 year flooding) to reduce the secondary risks associated with isolation.

You may also find the following Guidelines, originally developed for the Hawkesbury Nepean Valley and available on the NSW SES website useful:

- i. Reducing Vulnerability of Buildings to Flood Damage
- ii. Designing Safer Subdivisions
- iii. Managing Flood Risk Through Planning Opportunities

\*\*Attachment A attached to email



Appendix E – Gerringong Charrette 1995 URA Map Extract



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Appendix F – Kiama Local Strategic Planning Statement 2020



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## Appendix G – Southern Regional Planning Panel Record of Decision



### REZONING REVIEW RECORD OF DECISION SOUTHERN REGIONAL PLANNING PANEL

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

#### REZONING REVIEW

2019STH006 – Kiama – RR\_2019\_KIAMA\_002\_00 – at land from Saddleback Mountain Road to south of Weir Street, South Kiama (AS DESCRIBED IN SCHEDULE 1)

#### Reason for Review:

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

#### PANEL CONSIDERATION AND DECISION

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

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

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

The decision was unanimous.

#### REASONS FOR THE DECISION

##### Overview

The Panel has been requested to undertake a Rezoning Review of Planning Proposal RR\_2019\_KIAMA\_002\_00 on land between Saddleback Mountain Road and Weir Street, Kiama. The land comprises 5 lots currently zoned RU2 rural landscape (majority), E3 Environmental Management and E2 Environmental Conservation. It is proposed to rezone the land to R2 low density residential and E2 environmental conservation. Minimum lot sizes are proposed to range from 300 – 450 sqm for the for the residential lots with an approximate yield of 455 lots.

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

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

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

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#### Mitigation of environmental impact

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

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

The Panel recommends the Gateway process require:

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

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

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

#### Recommendations

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





#### Strategic Merit

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

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

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

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

#### Site specific merit

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




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

Constraints on the site include:

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

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



PANEL MEMBERS	
 Pam Allan (Chair)	 Alison McCabe
 Renata Brooks	

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#### Appendix H – Summary of the PP consistency against s9.1 Directions

Direction		Applicable	Relevant	Not
<b>1 Planning Systems</b>				
1.1	Implementation of Regional Plans	ü	ü	See Section 3.2.4
1.2	Development of Aboriginal Land Council Land	ü	ü	n/a
1.3	Approval and Referral Requirements	ü	ü	See Section 3.2.4
1.4	Site Specific Provisions	ü	ü	n/a
<b>1 Planning Systems – Place Based</b>				
1.5	Parramatta Road Corridor Urban Transformation Strategy	ü	ü	n/a
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	ü	ü	n/a
1.7	Implementation of Greater Parramatta Priority Growth Area Interim	ü	ü	n/a
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and	ü	ü	n/a
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	ü	ü	n/a
1.10	Implementation of the Western Sydney Aerotropolis Plan	ü	ü	n/a
1.11	Implementation of Bayside West Precincts 2036 Plan	ü	ü	n/a
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	ü	ü	n/a
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	ü	ü	n/a
1.14	Implementation of Greater Macarthur 2040	ü	ü	n/a
1.15	Implementation of the Pyrmont Peninsula Place Strategy	ü	ü	n/a
1.16	North West Rail Link Corridor Strategy	ü	ü	n/a
1.17	Implementation of the Bays West Place Strategy	ü	ü	n/a
1.18	Implementation of the Macquarie Park Innovation Precinct	ü	ü	n/a
1.19	Implementation of the Westmead Place Strategy	ü	ü	n/a
1.20	Implementation of the Camellia-Rosehill Place Strategy	ü	ü	n/a
1.21	Implementation of South West Growth Area Structure Plan	ü	ü	n/a
1.22	Implementation of the Cherrybrook Station Place Strategy	ü	ü	n/a
<b>2 Design and Place</b>				
<b>3 Biodiversity and Conservation</b>				

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	Direction	Applicable	Relevant	Not
3.1	Conservation Zones	ü	ü	See Section 3.2.4
3.2	Heritage Conservation	ü	ü	See Section 3.2.4
3.3	Sydney Drinking Water Catchments	ü	ü	n/a
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	ü	ü	n/a
3.5	Recreation Vehicle Areas	ü	ü	n/a
3.6	Strategic Conservation Planning	ü	ü	n/a
3.7	Public Bushland	ü	ü	n/a
3.8	Willandra Lakes Region	ü	ü	n/a
3.9	Sydney Harbour Foreshores and Waterways	ü	ü	n/a
3.10	Water Catchment Protection	ü	ü	n/a
<b>4 Resilience and Risk</b>				
4.1	Flooding	ü	ü	See Section 3.2.4
4.2	Coastal Management	ü	ü	n/a
4.3	Planning for Bushfire Protection	ü	ü	See Section 3.2.4
4.4	Remediation of Contaminated Soils	ü	ü	See Section 3.2.4
4.5	Acid Sulfate Soils	ü	ü	See Section 3.2.4
4.6	Mine Subsidence and Unstable Land	ü	ü	n/a
<b>5 Transport and Infrastructure</b>				
5.1	Integrating Land Use and Transport	ü	ü	See Section 3.2.4
5.2	Reserving Land for Public Purposes	ü	ü	See Section 3.2.4
5.3	Development Near Regulated Airports and	ü	ü	n/a
5.4	Shooting Ranges	ü	ü	n/a
<b>6 Housing</b>				
6.1	Residential Zones	ü	ü	See Section 3.2.4
6.2	Caravan Parks and Manufactured Home Estates	ü	ü	n/a
<b>7 Industry and Employment</b>				
7.1	Employment Zones	ü	ü	n/a
7.2	Reduction in non-hosted short-term rental accommodation period	ü	ü	n/a
7.3	Commercial and Retail Development along the Pacific Highway, North	ü	ü	n/a

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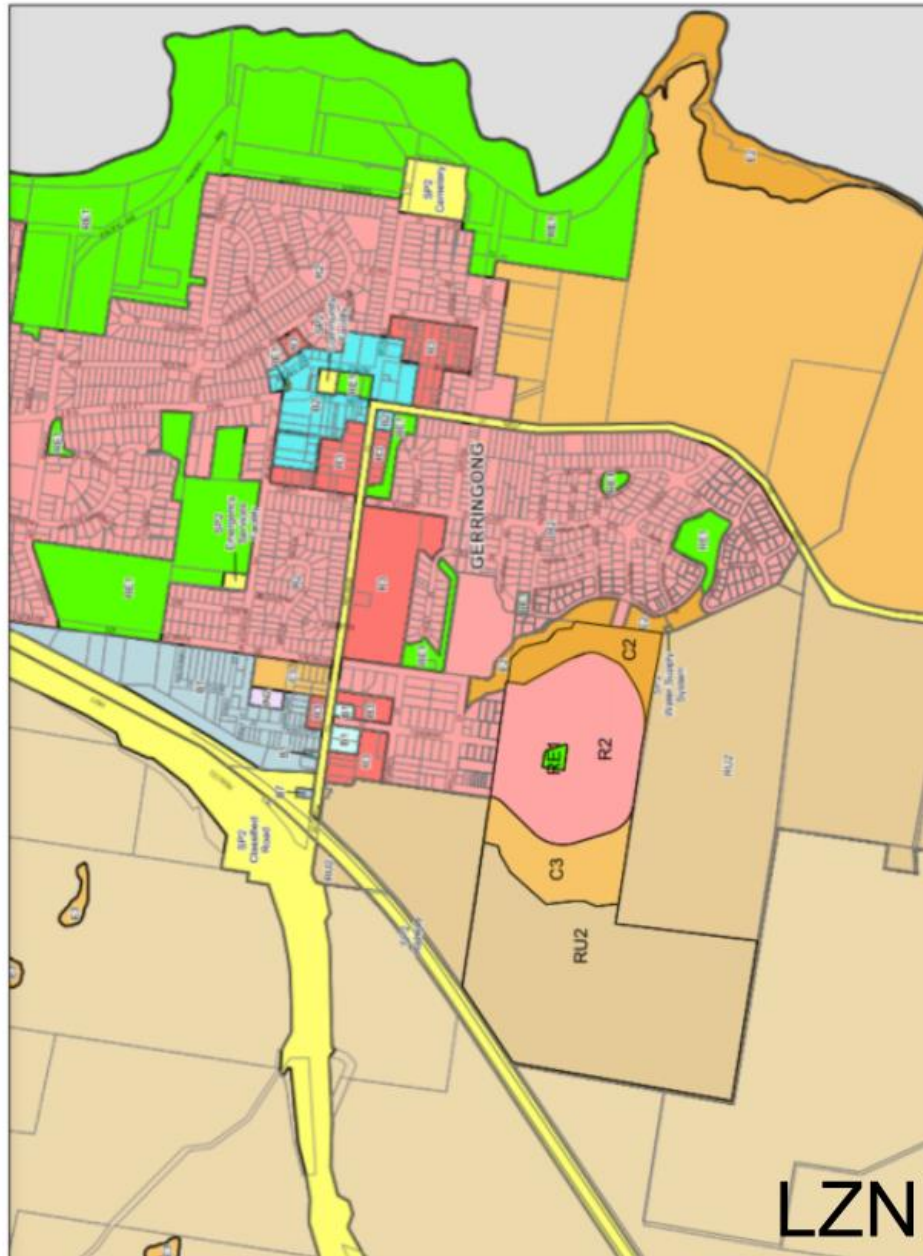
Direction		Applicable	Relevant	Not
8 Resources and Energy				
8.1	Mining, Petroleum Production and Extractive Industries	ü	û	n/a
9 Primary Production				
9.1	Rural Zones	û	û	n/a
9.2	Rural Lands	ü	ü	See Section 3.2.4
9.3	Oyster Aquaculture	ü	û	n/a
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	û	û	n/a

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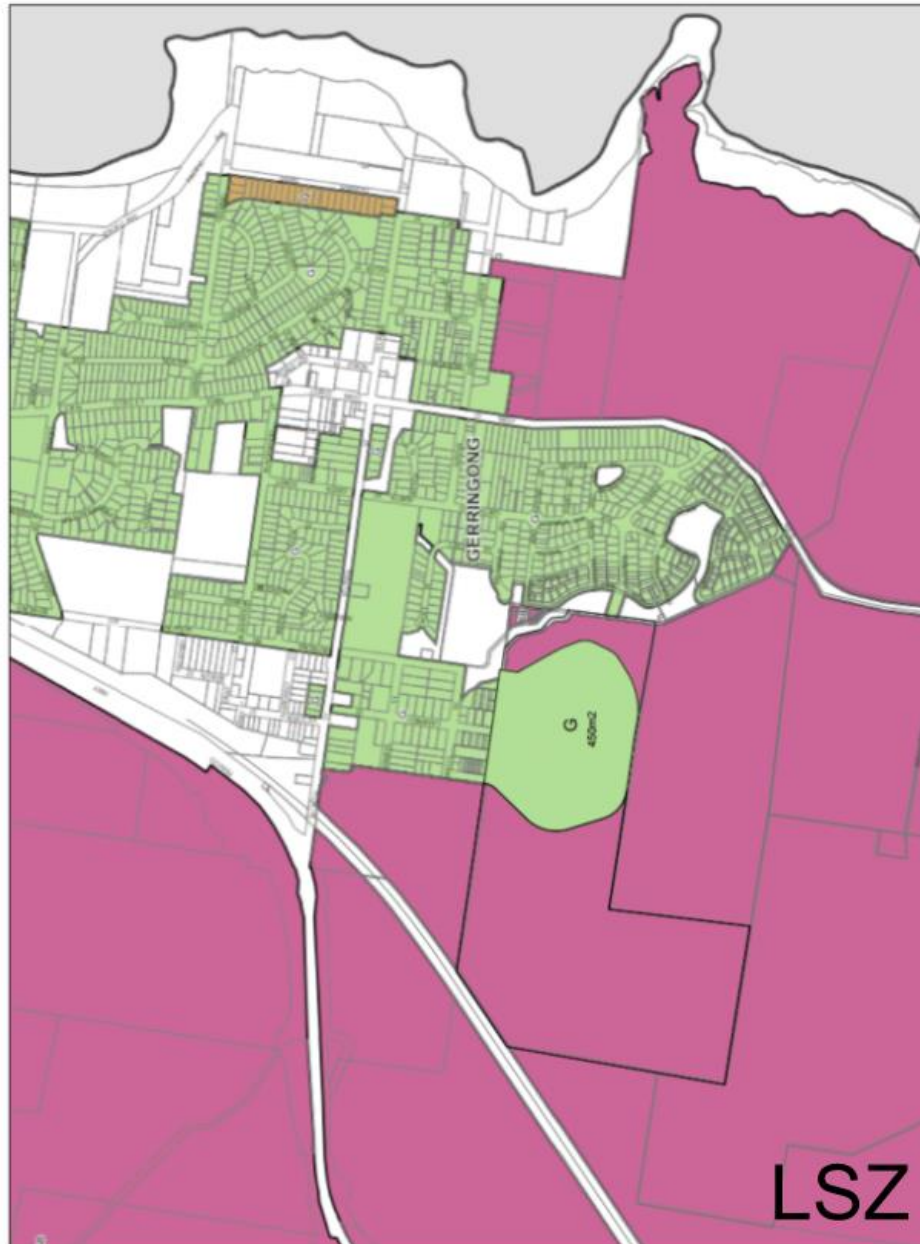




Appendix I – larger scale of proposed KLEP 2011 mapping modifications



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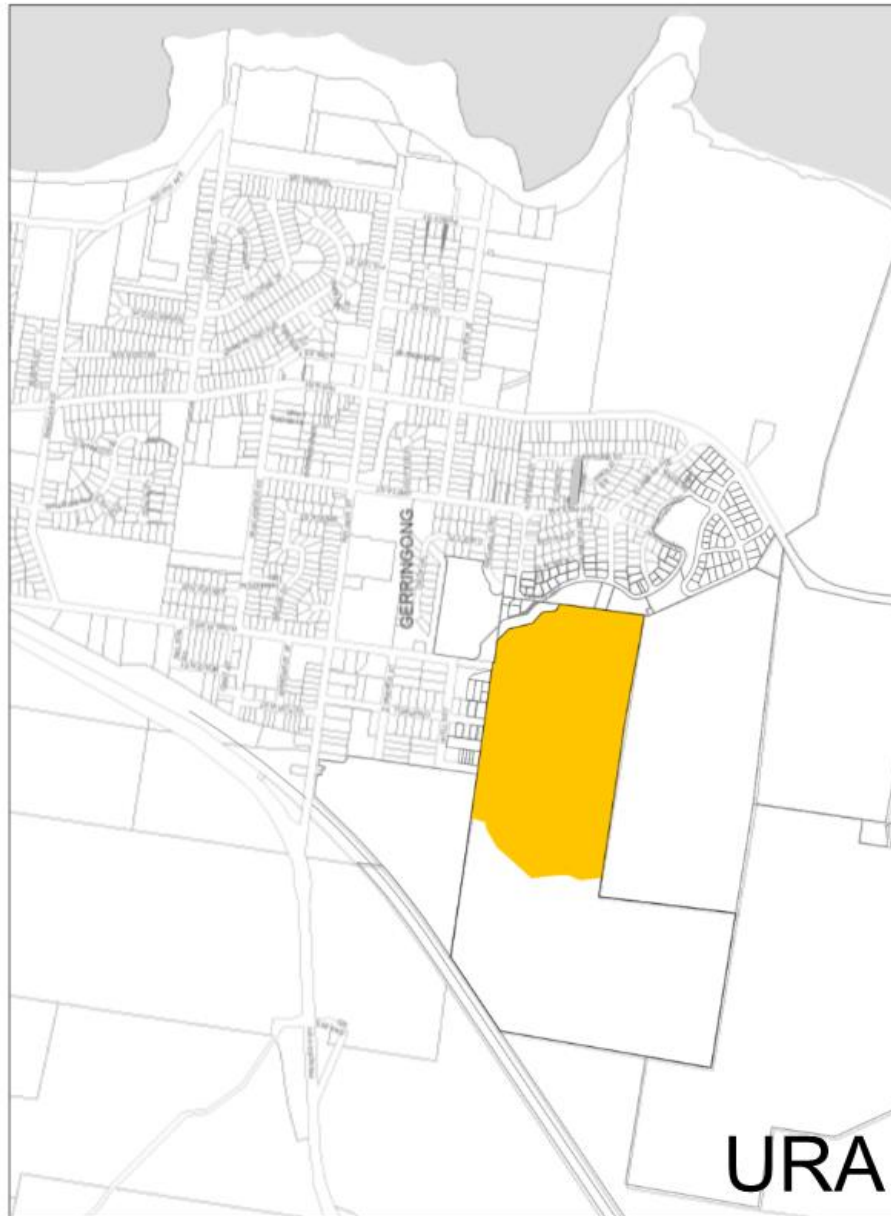


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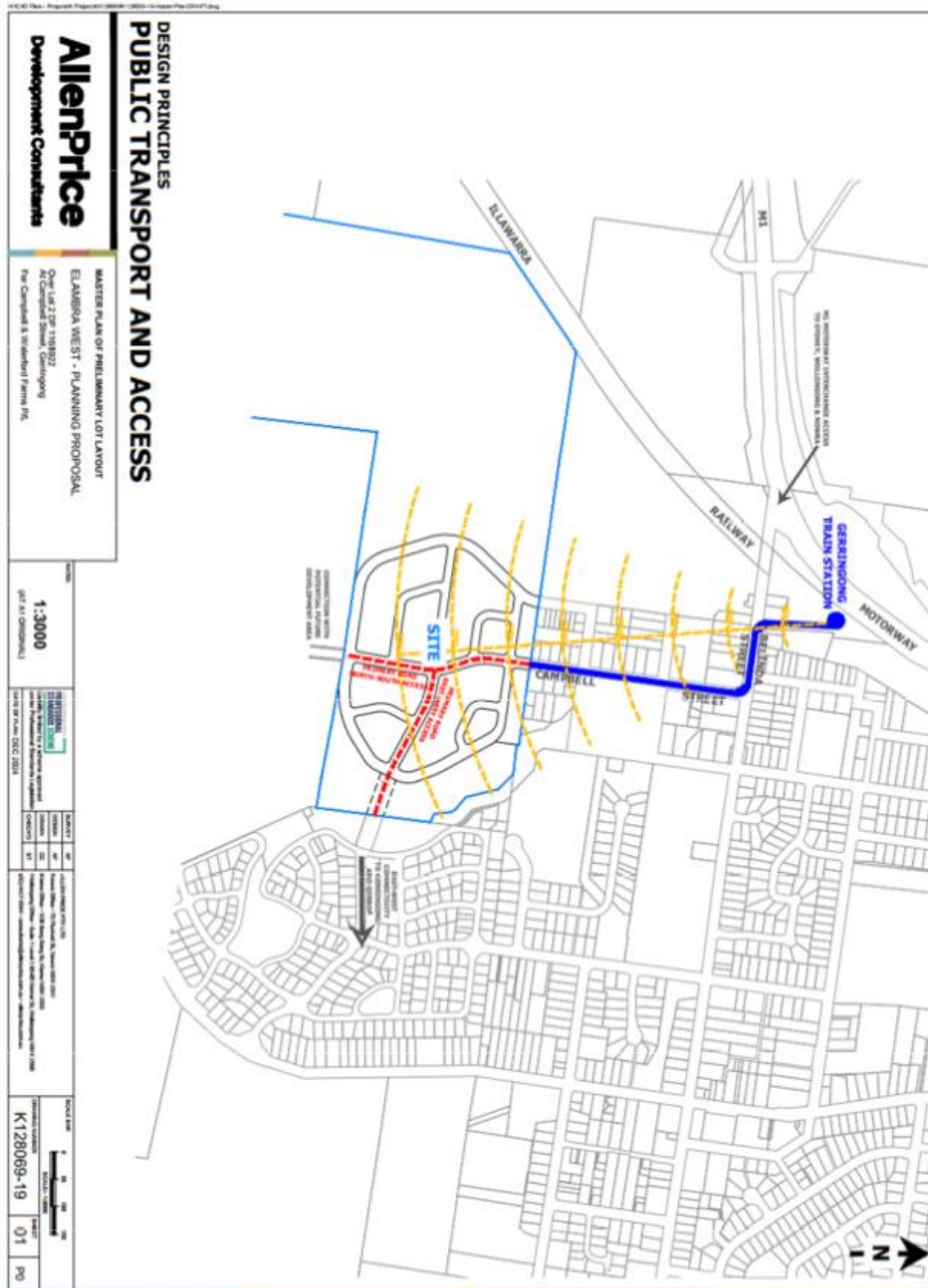


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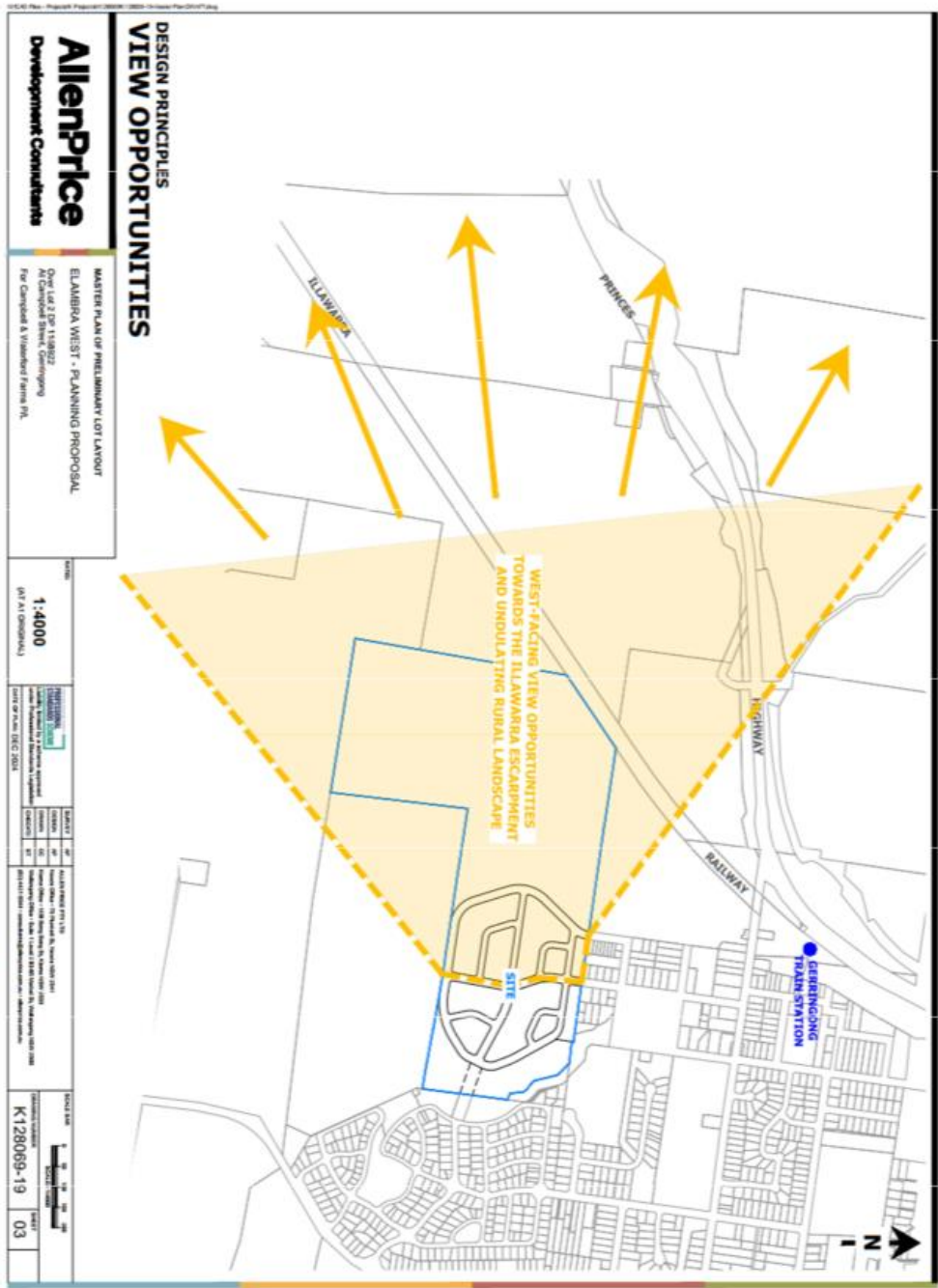




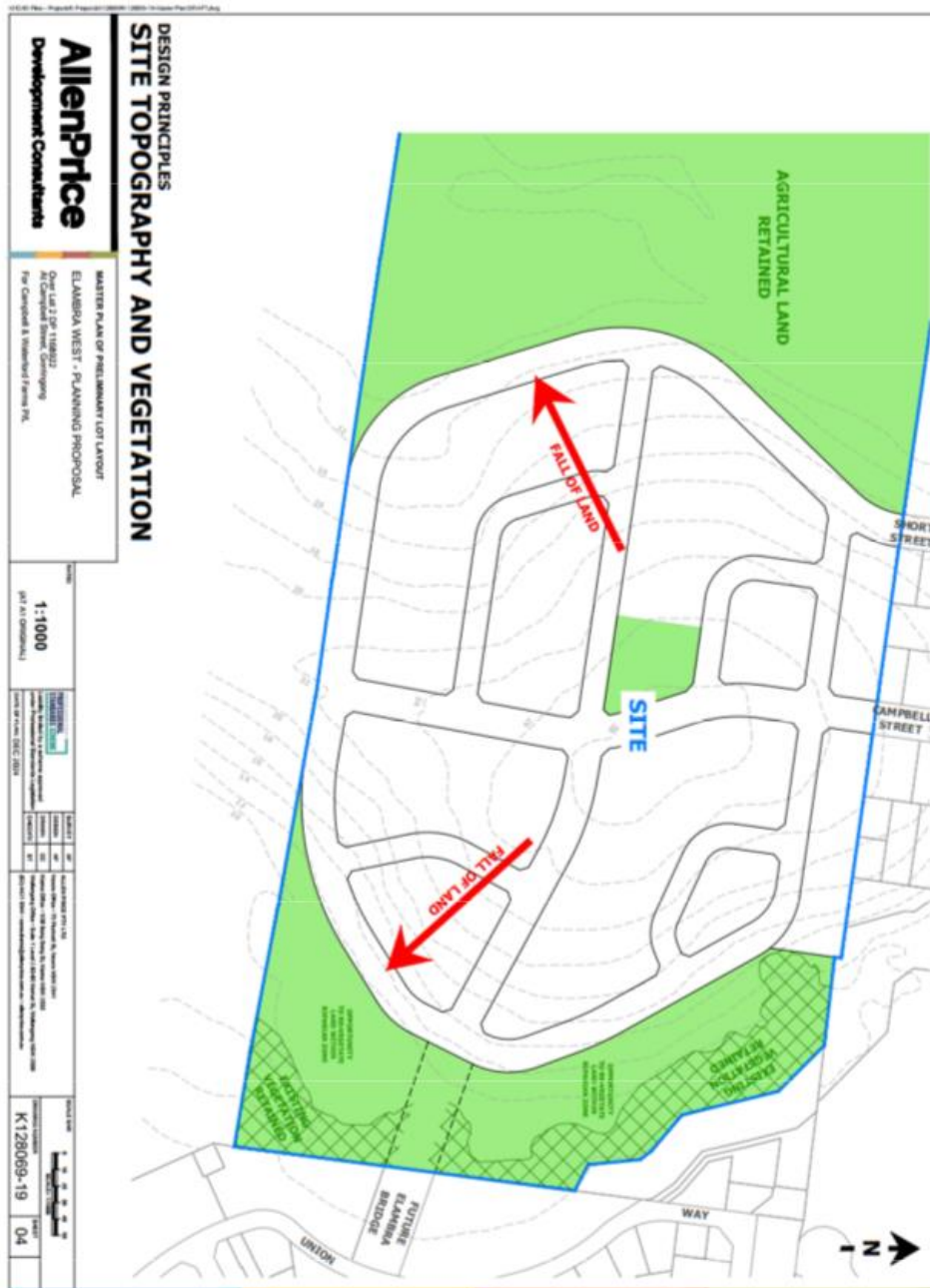
## Appendix J – Master Plan Principles



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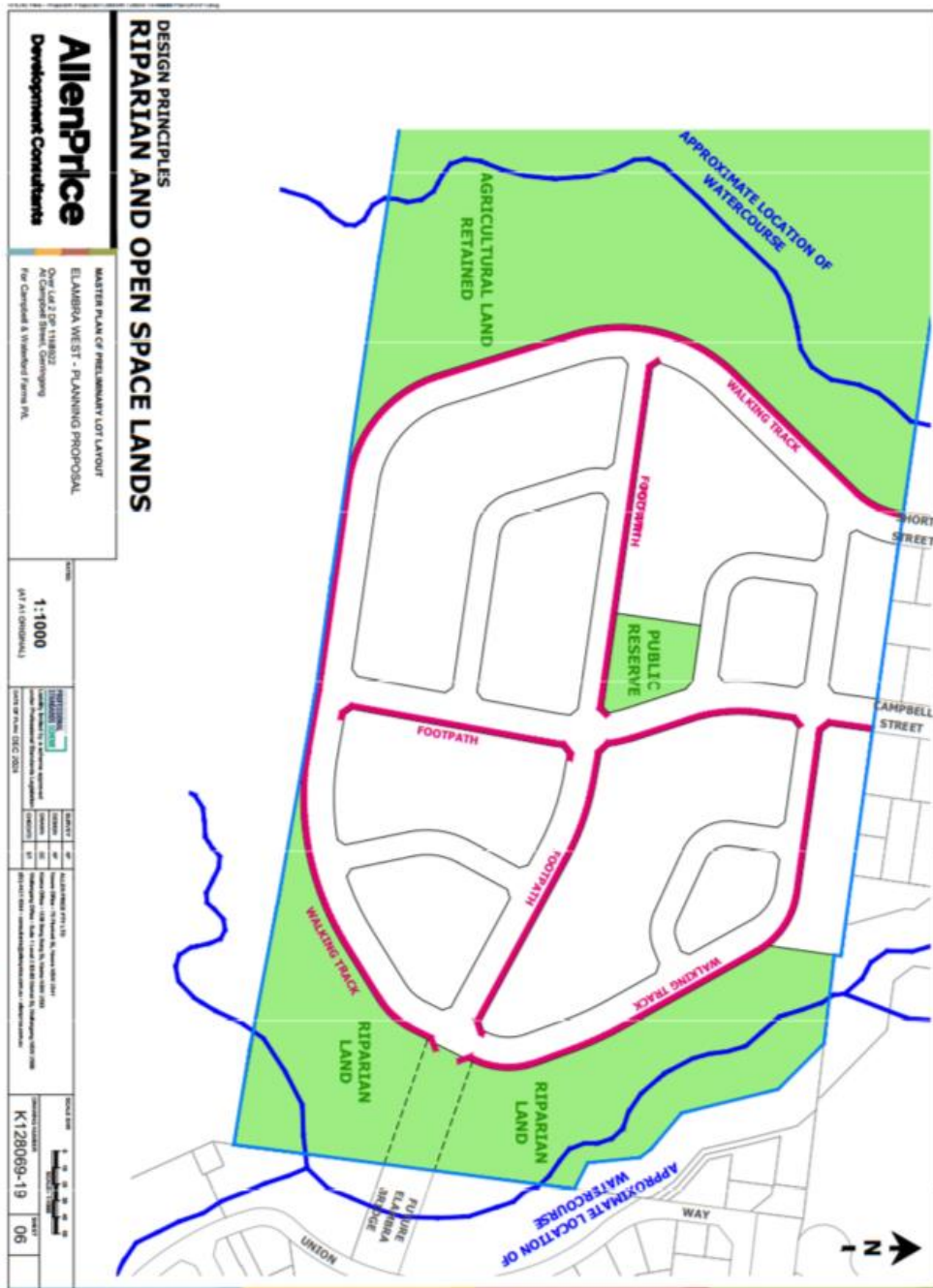


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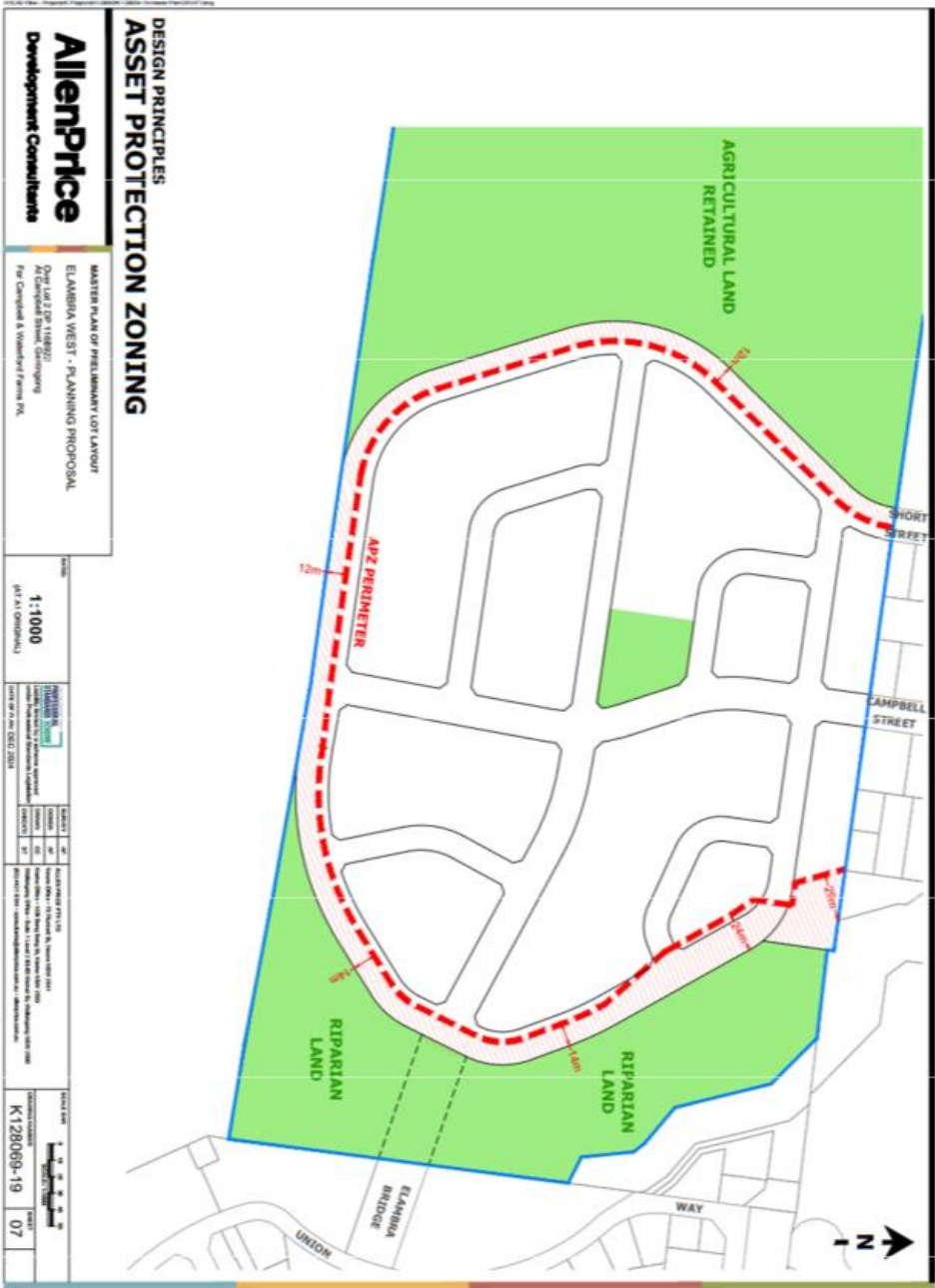
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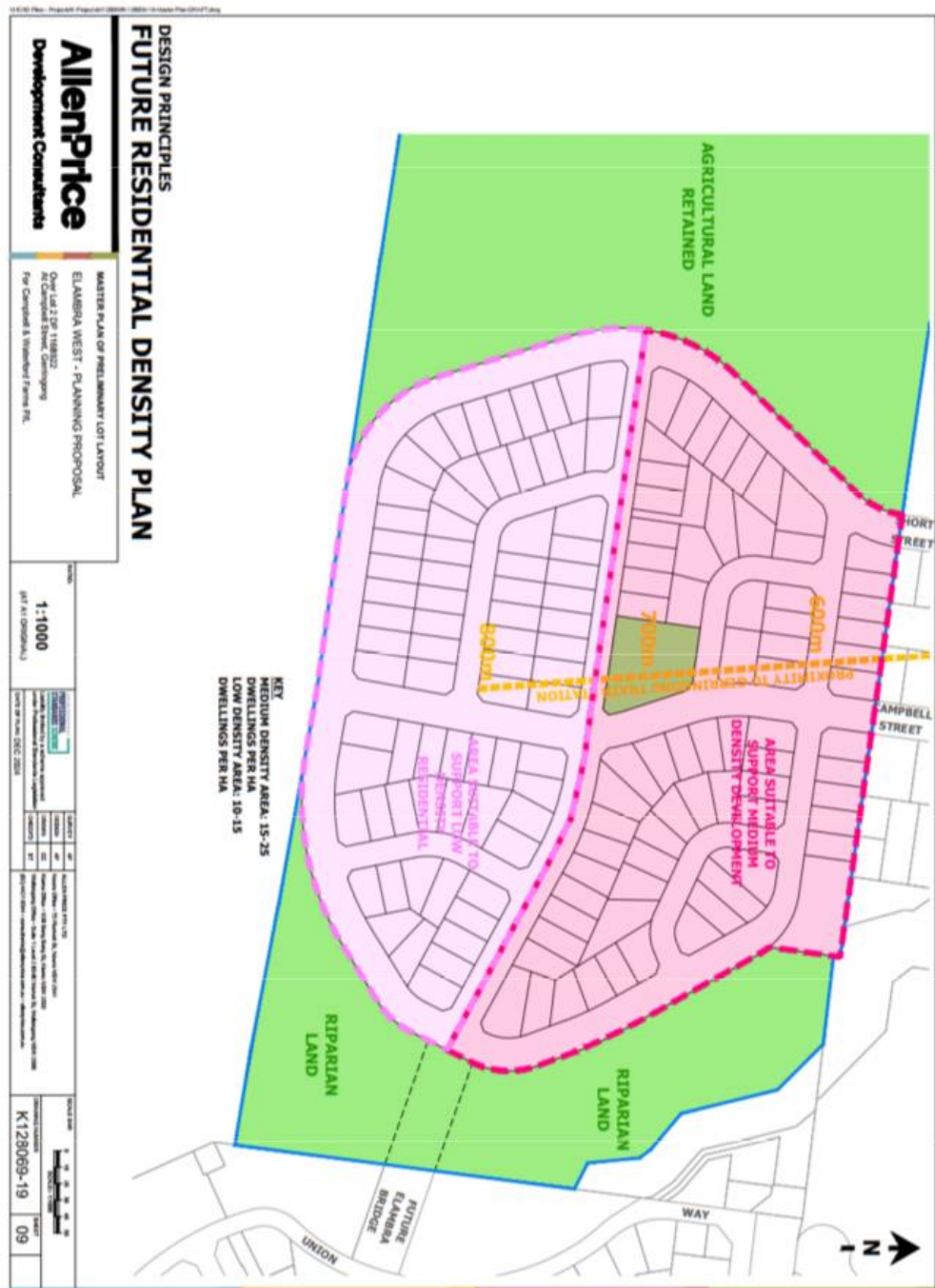


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