



Kiama Local Environmental Plan 1996 (Amendment No 52)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (W01/00104/PC)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure and Planning
(Planning Administration)

2003 No 556

Clause 1 Kiama Local Environmental Plan 1996 (Amendment No 52)

Kiama Local Environmental Plan 1996 (Amendment No 52)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Kiama Local Environmental Plan 1996 (Amendment No 52)*.

2 Aims of plan

This plan aims:

- (a) to rezone part of the land to which this plan applies to 4 (c) Light Industrial and part to 7 (b1) Rural Environmental Protection (Wetlands Buffer), and
- (b) to prohibit development for certain purposes on the land to be rezoned 4 (c) that would otherwise be permissible on land within that zone so as to avoid adverse environmental impact on the Willow Gully Creek catchment or the Spring Creek catchment, and
- (c) to allow development on the land to be rezoned 4 (c) for a purpose permitted within that zone that is not so prohibited, or for the purpose of a printery, only if it is not likely to pose a hazard or threat to the Willow Gully Creek catchment or the Spring Creek catchment, and
- (d) to conserve, protect and maintain a riparian corridor, and
- (e) to provide a natural vegetation buffer area between the land to be rezoned 4 (c) and residential areas located near that land, and
- (f) to protect the amenity of residential areas located near the land to be rezoned 4 (c), and
- (g) to protect the visual landscape and natural ecological value of the Willow Gully Creek catchment and the natural ecological value of the Spring Creek catchment.

The land to which this plan applies was deferred matter (within the meaning of section 68 (5) of the *Environmental Planning and Assessment Act 1979* when *Kiama Local Environmental Plan 1996* commenced.

3 Land to which plan applies

This plan applies to land situated in the area of Kiama, as shown edged heavy black on the map marked “Kiama Local Environmental Plan 1996 (Amendment No 52)” deposited in the office of the Council of the Municipality of Kiama.

4 Amendment of Kiama Local Environmental Plan 1996

Kiama Local Environmental Plan 1996 is amended as set out in Schedule 1.

2003 No 556

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Schedule 1 Amendments

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(Clause 4)

[1] Clause 6 Definitions

Insert in appropriate order in the definition of *the map* in clause 6 (1):

Kiama Local Environmental Plan 1996 (Amendment No 52)

[2] Clause 25A

Insert after clause 25:

25A Development within Zone No 4 (c) in Willow Gully Creek and Spring Creek catchments

- (1) This clause applies to land within Zone No 4 (c), being Lot 17 DP 708075 and Lot 5 DP 748680, Kiama.
- (2) The objectives of this clause are as follows:
 - (a) to prohibit development for certain purposes on the land to which this clause applies that would otherwise be permissible on land within Zone No 4 (c) so as to avoid adverse environmental impact on the Willow Gully Creek catchment or the Spring Creek catchment,
 - (b) to allow development on the land to which this clause applies for a purpose permitted within Zone No 4 (c) that is not prohibited under this clause, or for the purpose of a printery, only if it is not likely to pose a hazard or threat to the Willow Gully Creek catchment or the Spring Creek catchment,
 - (c) to protect the amenity of residential areas located near the land to which this clause applies,
 - (d) to protect the visual landscape and natural ecological value of the Willow Gully Creek catchment and the natural ecological value of the Spring Creek catchment.
- (3) Despite the land uses for Zone No 4 (c) as set out in the Land Use Table to clause 9, the Council may consent to development for the purpose of a printery on land to which this clause applies.
- (4) Despite any other provision of this plan, development for any of the following purposes is prohibited on land to which this clause applies:

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- (a) car repair stations, motor showrooms, liquid fuel depots, service stations, transport terminals,
 - (b) light industries (other than printeries) that manufacture, or produce as a by-product, or that process or package or otherwise use, or that store on-site, petroleum, oil products, solvents, paints, fertilizers, chemicals, or any other toxic or hazardous substance, or any substance of a like kind, whether solid, liquid or gas,
 - (c) warehouses used for storing any substance referred to in paragraph (b),
 - (d) generating works, sawmills, junkyards.
- (5) In deciding whether or not to grant consent to development on land to which this clause applies for a purpose permitted on land within Zone No 4 (c) or for the purpose of a printery, the Council must have regard to the following:
- (a) the potential for the development or its associated activities or processes to threaten the ecology of the Willow Gully Creek catchment or the Spring Creek catchment (taking into account, for example, the potential for substances to be stored at the site to threaten the water quality of these areas if introduced, accidentally or otherwise, into the environment, or the potential for the development or its associated activities or processes to involve the clearing of native vegetation in these areas),
 - (b) whether adequate environmental safeguards will be implemented in relation to the proposed development and its associated activities and processes (especially in relation to substances which, if not effectively controlled or managed on site, may pose a threat to the ecology of the Willow Gully Creek catchment or the Spring Creek catchment),
 - (c) whether adequate arrangements will be in place for the treatment, storage and disposal of waste products associated with the development (in particular, whether such arrangements are in keeping with environmental practices and procedures that may be required by any regulatory authority including the Council),
 - (d) whether the site will be connected to a sewer servicing the site,

2003 No 556

Kiama Local Environmental Plan 1996 (Amendment No 52)

Schedule 1 Amendments

- (e) whether adequate measures will be implemented to enable stormwater and other run-off from vehicular driveways, parking areas and other hard stand areas and paved storage areas on the site to be treated effectively on the site,
 - (f) the potential for activities and processes associated with the development to have a detrimental effect on the amenity of nearby residential areas by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.
- (6) The Council must not grant consent to development on land to which this clause applies for a purpose permitted on land within Zone No 4 (c) or for the purpose of a printery unless the Council is satisfied that the development:
 - (a) will not pose a hazard or threat to the Willow Gully Creek catchment or the Spring Creek catchment, and
 - (b) will not impact adversely on the amenity of nearby residential areas, and
 - (c) will not impact adversely on the visual landscape.
- (7) The Council, in granting consent to development on land to which this clause applies, may impose conditions prohibiting the use, creation, storage or generation of any substance.
- (8) The Council, in granting consent to development on Lot 5, DP 748680, Kiama, may impose conditions requiring the rehabilitation of those parts of the wetlands buffer and riparian corridor (as shown on the map marked “Kiama Local Environmental Plan 1996 (Amendment No 52)”) within or adjacent to the boundaries of the Lot in a manner that is designed:
 - (a) to minimise the visual impact of the development as viewed from nearby residences and public roads, and
 - (b) to enhance the ecological value of the Willow Gully Creek and the Spring Creek catchments, and
 - (c) to enhance local biodiversity values (including connectivity and habitat values).

BY AUTHORITY
