



Kiama Local Environmental Plan 1996 (Amendment No 22)

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*. (W95/00063/PC)

DIANE BEAMER, M.P.,

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

2004 No 561

Clause 1 Kiama Local Environmental Plan 1996 (Amendment No 22)

Kiama Local Environmental Plan 1996 (Amendment No 22)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Kiama Local Environmental Plan 1996 (Amendment No 22)*.

2 Aims of plan

The aims of this plan are:

- (a) to rezone land to which this plan applies to Zone No 1 (a) Rural "A", Zone No 2 (a) Residential "A" and Zone No 7 (b1) Rural Environmental Protection (Wetlands Buffer) under *Kiama Local Environmental Plan 1996*,
- (b) to provide planning objectives for the "Cedar Grove" urban release area, and
- (c) to protect existing cultural heritage, and
- (d) to preserve a natural riparian area on the land.

This land was a 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, being the land shown edged heavy black on the map marked "Kiama Local Environmental Plan 1996 (Amendment No 22)" 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.

Schedule 1 Amendments

(Clause 4)

[1] Clause 2 Land to which plan applies

Insert at the end of clause 2 (2):

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[2] Clause 6 Definitions

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

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[3] Clause 20B

Insert after clause 20A:

20B Development in the “Cedar Grove” urban release area

- (1) This clause applies to land shown edged heavy black on the map marked “Kiama Local Environmental Plan 1996 (Amendment No 22)” and known as the “Cedar Grove” urban release area.
- (2) The Council, in considering any development application for urban purposes on land to which this clause applies, is to ensure that the development is consistent with the following planning objectives for the “Cedar Grove” urban release area:
 - (a) a defined urban edge is created on the Kiama town boundaries that:
 - (i) provides an effective natural buffer separating urban land and agricultural land to the south, and
 - (ii) provides a visually attractive interface with rural land as viewed from rural and urban locations, and
 - (iii) has regard to natural landscape features within the area,
 - (b) the effective incorporation of three existing dwellings and their immediate residential curtilages into the subdivision design layout if they are retained,

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Schedule 1 Amendments

- (c) all road drainage and residential lots are connected to stormwater reticulation that is connected to a stormwater detention pond (if the Council is satisfied such a pond should be required) and water pollution control devices for treatment prior to discharge in order to protect the Willow Gully Creek and Spring Creek catchments and natural ecosystems and biodiversity supported by those streams and associated waterbodies,
- (d) access is provided for fire fighting vehicles to perimeter rural land for bush fire fighting purposes,
- (e) pedestrian ways and cycleways are provided within the residential estate that link with public land within and outside the estate, the existing residential estate on the northern side of Jamberoo Road and the township of Kiama,
- (f) the part of the land to which this clause applies that is within Zone No 7 (b1) is to be revegetated and preserved as a natural riparian area to be enjoyed in connection with the proposed development,
- (g) the preservation and restoration of the existing dry stone wall located on the western boundary of the land to which this clause applies,
- (h) cleared rural land within Zone No 1 (a) on the southern fringe of the proposed residential estate is revegetated as a natural forested buffer area separating the residential estate from agricultural land on the plateau above the estate to the immediate south,
- (i) effective screen planting and landscaping is provided along the southern side of Jamberoo Road adjacent to the proposed residential estate for town entry beautification and residential estate embellishment purposes,
- (j) pedestrian and traffic safety is provided for at the point of access to the planned residential estate where it connects to Jamberoo Road,
- (k) residential development in the proposed estate aims to achieve a minimum site density of 15 dwellings per hectare and is designed to complement the character of the subject land having regard to existing natural landform, riparian features, remnant native vegetation and cultural heritage,

- (l) new urban development consistent with what the Council is satisfied are “best practice” neighbourhood and environmental design principles, including:
 - (i) accessibility,
 - (ii) energy efficiency,
 - (iii) urban form and design in both the private and public realms,
 - (iv) livableness and neighbourhood character, and
 - (v) housing choice, and
 - (m) residential development in the planned estate that is not located on flood prone land and is designed in a way that protects existing development downstream from flooding as a consequence of development in the proposed estate.
- (3) A person must not alter or demolish (as defined in clause 42) a dry stone wall on land to which this clause applies except with the consent of the Council.
 - (4) A person must not damage or destroy any Aboriginal site on land to which this clause applies except with any necessary consent or permission under the *National Parks and Wildlife Act 1974*.
 - (5) Notwithstanding any other provision of this plan, a person, with the consent of the Council, may on land to which this clause applies, carry out development for the purpose of villa homes and courtyard housing to a maximum height of 2 storeys but only on lots created specifically for that purpose and identified as such in a plan of subdivision for which consent has been granted.