



New South Wales

Kiama Local Environmental Plan 1996 (Amendment No 61)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (W04/00070)

KRISTINA KENEALLY, M.P.,
Minister for Planning

2008 No 637

Clause 1 Kiama Local Environmental Plan 1996 (Amendment No 61)

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1 Name of plan

This plan is *Kiama Local Environmental Plan 1996 (Amendment No 61)*.

2 Aims of plan

The aims of this plan are:

- (a) to replace the current series of black and white zoning maps under *Kiama Local Environmental Plan 1996* with a new series of coloured zoning maps, and
- (b) to restrict certain development in Zone No 3 (a) or 3 (d) in the Kiama town centre and in Zone No 3 (a) in the Gerringong town centre, and
- (c) to rezone Lot 11, DP 626845, 1 Allowrie Street, Jamberoo, (the Jamberoo RSL Hall site) to Zone No 3 (a) General Business and ensure that its redevelopment is carried out in a way that protects and enhances the cultural heritage values of the surrounding historic town centre precinct, and
- (d) to rezone part of Lot 2, DP 740400 in Ocean Street, Kiama to Zone No 2 (a) Residential "A" and to restrict further subdivision of, and residential development on, the land.

3 Land to which plan applies

This plan applies to all land to which *Kiama Local Environmental Plan 1996* applies.

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 6 Definitions

Omit the definition of *the map* from clause 6 (1). Insert instead:

the map means Sheets 1–3 of the map marked “Kiama Local Environmental Plan 1996 (Amendment No 61)”, as amended by the maps (or specified sheets of maps) marked as follows:

Kiama Local Environmental Plan 1996 (Amendment No 61)—
Sheets 4 and 5

[2] Clause 8

Omit the clause. Insert instead:

8 Zones indicated on the map

For the purposes of this plan, land to which this plan applies is in a zone specified below if the land is shown on the map in the way stated below in relation to that zone.

Zone No 1 (a)	Rural “A”—shown coloured cream and lettered “1 (a)”
Zone No 2 (a)	Residential “A”—shown coloured scarlet and lettered “2 (a)”
Zone No 2 (b)	Residential “B”—shown coloured scarlet and lettered “2 (b)”
Zone No 3 (a)	General Business—shown coloured blue and lettered “3 (a)”
Zone No 3 (b)	Special Business (Heritage)—shown coloured blue and lettered “3 (b)”
Zone No 3 (c)	Neighbourhood Business—shown coloured blue and lettered “3 (c)”
Zone No 3 (d)	Business (Tourist Related)—shown coloured blue and lettered “3 (d)”
Zone No 4 (b)	Extractive Industrial—shown coloured purple and lettered “4 (b)”
Zone No 4 (c)	Light Industrial—shown coloured purple and lettered “4 (c)”

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Zone No 5 (a)	Special Uses (Schools, etc)—shown coloured yellow and lettered “5 (a)” and indicating the designated special use
Zone No 5 (b)	Special Uses (Railways)—shown coloured grey and lettered “5 (b)”
Zone No 6 (a)	Existing Recreation—shown coloured green and lettered “6 (a)”
Zone No 6 (b)	Private Recreation—shown coloured green and lettered “6 (b)”
Zone No 6 (c)	Proposed Recreation—shown coloured green and lettered “6 (c)”
Zone No 7 (b)	Rural Environmental Protection (Estuarine Wetlands)—shown coloured orange and lettered “7 (b)”
Zone No 7 (b1)	Rural Environmental Protection (Wetlands Buffer)—shown coloured orange and lettered “7 (b1)”
Zone No 7 (d)	Rural Environmental Protection (Scenic)—shown coloured orange and lettered “7 (d)”
Zone No 7 (e)	Rural Environmental Protection (Hinterland)—shown coloured orange and lettered “7 (e)”
Zone No 7 (f)	Rural Environmental Protection (Foreshore Protection)—shown coloured orange and lettered “7 (f)”
Zone No 7 (l)	Rural Environmental Protection (General)—shown coloured orange and lettered “7 (l)”
Zone No 8 (a)	National Parks—shown coloured white with green hatching and lettered “8 (a)”
Zone No 9 (a)	Proposed Arterial Road—shown coloured grey without lettering

[3] Clause 20C

Insert after clause 20B:

20C Particular development prohibited in Ocean Street, Kiama

- (1) This clause applies to land in Zone 2 (a) Residential “A” situated in Ocean Street, Kiama, being part of Lot 2, DP 740400.
- (2) Despite any other provision of this plan, development for any of the following purposes is prohibited on the land:

- (a) subdivision (other than for a purpose mentioned in subclause (3)),
 - (b) dual occupancy development (other than a granny flat),
 - (c) integrated housing development,
 - (d) units for aged persons,
 - (e) villa homes and courtyard houses.
- (3) Consent is not required for a subdivision for the purpose only of any one or more of the following:
- (a) widening a public road,
 - (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
 - (c) a minor alignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
 - (d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (e) rectifying an encroachment on a lot,
 - (f) creating a public reserve,
 - (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences.

[4] Clauses 23B and 23C

Insert after clause 23A:

23B Restrictions on certain development in Zone No 3 (a) or 3 (d) in the Kiama town centre and Zone No 3 (a) in the Gerringong town centre

- (1) This clause applies to land in:
 - (a) Zone No 3 (a) or 3 (d) in the Kiama town centre, and
 - (b) Zone No 3 (a) in the Gerringong town centre.
- (2) The Council must not consent to development for the purpose of the erection of a new building or the conversion of an existing building on the land unless:

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- (a) a significant part of the ground level (excluding any land used to provide vehicular access) will be available for business purposes including any associated business car parking, or
 - (b) any associated residential car parking will not be located at the ground level of the building or its curtilage.
- (3) However, the Council may grant consent to such development if it is satisfied that:
 - (a) providing residential car parking at a level other than the ground level is impractical because of underlying geological or water table conditions or for civil engineering design reasons, or
 - (b) the scale of the proposed development is minor in the context of the remaining part of the land's potential for further development, or
 - (c) the development will not inhibit or restrict the future development of the remaining ground level part of the land for business purposes and associated business car parking.
- (4) Before granting consent to development mentioned in subclause (2), the Council must consider if any associated business or residential car parking area is designed in a way that:
 - (a) will enable a significant part of the ground level to be used, or to be capable of being used, for business purposes, and
 - (b) includes safety design features to protect pedestrians from car movements to and from the land, and
 - (c) includes good urban and architectural design outcomes that contribute positively to the town centre streetscape and enhances the attractiveness of the centre as a place to conduct business.
- (5) In this clause:
 - dwelling** includes a serviced apartment but excludes a room or suite of rooms in a boarding-house, hotel or motel.
 - residential car parking** means car parking required for a dwelling of any type intended for occupation by:
 - (a) permanent residents, or
 - (b) semi-permanent residents or tenants under rental agreements or leases, or
 - (c) tourists, or
 - (d) small business operators who may occupy a dwelling for the conduct of their business.

23C Development on Lot 11, DP 626845, 1 Allowrie Street, Jamberoo (the Jamberoo RSL Hall site)

- (1) This clause applies to development for any of the following purposes on Lot 11, DP 626845, 1 Allowrie Street, Jamberoo (the Jamberoo RSL Hall site):
 - (a) any alteration or addition to the existing RSL Hall building other than of a minor nature that does not impact on the Allowrie Street streetscape, the adjoining heritage item known as “Fredericks Store” or Reid Park,
 - (b) the erection of a building to replace the existing RSL Hall building, including any subsequent addition or alteration to the replacement building,
 - (c) any other form of development that is not routine maintenance or repairs.
- (2) Despite any other provision of this plan, the Council must not consent to the development unless:
 - (a) it has considered a heritage impact assessment report, prepared by a qualified heritage consultant, submitted with the development application, and
 - (b) it is satisfied the design of the development:
 - (i) is in keeping with heritage conservation design guidelines in the report, and
 - (ii) has been prepared by a person with recognised heritage design skills, and
 - (iii) will achieve the aims mentioned in subclause (3).
- (3) The report must provide heritage conservation design guidelines that, if followed, will protect:
 - (a) the historic streetscape in the vicinity of the land, including “Fredericks Store” and other nearby historic buildings, and
 - (b) the visual built landscape, in particular building facades or structures on the RSL Hall site, as viewed from Reid Park.