



New South Wales

Kiama Local Environmental Plan 2011 (Amendment No 16)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

MONICA GIBSON

As delegate for the Minister for Planning and Public Spaces

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1 Name of Plan

This Plan is *Kiama Local Environmental Plan 2011 (Amendment No 16)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to land in Zone R2 Low Density Residential and Zone R3 Medium Density Residential under *Kiama Local Environmental Plan 2011*.

Schedule 1 Amendment of Kiama Local Environmental Plan 2011

[1] Clause 1.8A Savings provisions relating to development applications

Insert at the end of the clause—

- (2) If a development application has been made before the commencement of *Kiama Local Environmental Plan 2011 (Amendment No 16)* in relation to land to which that Plan applies and the application has not been finally determined before that commencement, the application must be determined as if that Plan had not commenced.

[2] Land Use Table

Insert “Multi dwelling housing;” in alphabetical order in item 3 of Zone R2 Low Density Residential.

[3] Clauses 4.1E and 4.1F

Insert after clause 4.1D—

4.1E Minimum site areas for dual occupancies and multi dwelling housing in Zone R2

- (1) This clause applies to land in Zone R2 Low Density Residential.
- (2) Despite any other provision of this Plan, development for the purposes of multi dwelling housing is not permitted in Zone R2 Low Density Residential unless the development is for the purpose of terraces.
- (3) In the case of land to which this clause applies that is located in Jamberoo, development consent must not be granted to development for the purpose of dual occupancies and multi dwelling housing unless the site area per dwelling is equal to or greater than 400 square metres for the following purposes—
 - (a) a dual occupancy,
 - (b) terraces.
- (4) In the case of land to which this clause applies that is not located in Jamberoo, development consent must not be granted to development for the purpose of dual occupancies and multi dwelling housing unless the site area per dwelling is equal to or greater than 300 square metres for the following purposes—
 - (a) a dual occupancy,
 - (b) terraces.
- (5) Despite clause 3B.1A of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, development for the purposes of manor houses within the meaning of that Policy is not permitted on land to which this clause applies.
- (6) In this clause and clause 4.1F—

manor house has the same meaning as in clause 1.5 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

terraces means multi dwelling housing where all dwellings are attached and face, and are generally aligned along, 1 or more public roads.

4.1F Minimum site areas for dual occupancies, manor houses and multi dwelling housing in Zone R3

- (1) This clause applies to land in Zone R3 Medium Density Residential.

- (2) Development consent must not be granted to development for the following purposes unless the site area per dwelling is equal to or greater than 200 square metres for that purpose—
- (a) a dual occupancy,
 - (b) a manor house,
 - (c) terraces.

Note. Clause 3B.1A of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that development for the purposes of manor houses is permitted with development consent in Zone R3.