



New South Wales

Kiama Local Environmental Plan 2011 (Amendment No 21)

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*.

**EDWARD PATERSON, MANAGER STRATEGIC PLANNING
KIAMA MUNICIPAL COUNCIL**
As delegate for the local plan-making authority

Kiama Local Environmental Plan 2011 (Amendment No 21)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Kiama Local Environmental Plan 2011 (Amendment No 21)*.

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 the land to which *Kiama Local Environmental Plan 2011* applies.

4 Maps

The maps adopted by *Kiama Local Environmental Plan 2011* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 **Amendment of Kiama Local Environmental Plan 2011**

[1] Part 7

Insert after Part 6—

Part 7 Urban release areas

7.1 Development to which Part applies

This Part applies to development on land shown hatched and marked “Urban Release Area” on the Urban Release Area Map.

7.2 Concurrence of Planning Secretary

- (1) Development consent to development to which this Part applies must not be granted unless the consent authority has obtained the concurrence of the Planning Secretary.
- (2) In deciding whether to grant concurrence, the Planning Secretary must consider the following—
 - (a) the impact of the development on—
 - (i) existing designated State public infrastructure, and
 - (ii) the need for additional designated State public infrastructure,
 - (b) the cumulative impact of the development with other development that has, or is likely to be, carried out in surrounding areas on—
 - (i) existing designated State public infrastructure, and
 - (ii) the need for additional designated State public infrastructure,
 - (c) the steps taken to address those impacts, including whether a planning agreement has been, or will be, entered into contributing to designated State public infrastructure.
- (3) In deciding whether to grant concurrence, the Planning Secretary must also consult the public authorities that the Planning Secretary considers relevant to the development.
- (4) This clause does not apply to development if all or part of the land on which the development is to be carried out is in a special contributions area to which a determination under the Act, section 7.23 applies.
- (5) In this clause—

designated State public infrastructure means public facilities or services that are provided or financed by the State, or if provided or financed by the private sector, to the extent of the financial or in-kind contribution by the State, of the following kinds—

 - (a) State and regional roads,
 - (b) bus interchanges and bus lanes,
 - (c) rail infrastructure and land,
 - (d) regional parks and public space,
 - (e) social infrastructure and facilities, including schools, hospitals, emergency services and justice facilities.

7.3 Public utility infrastructure

- (1) Development consent must not be granted to development to which this Part applies unless the consent authority is satisfied that—
 - (a) public utility infrastructure that is essential for the development is available, or
 - (b) the public utility infrastructure will be available when required.
- (2) In this clause—

public utility infrastructure includes infrastructure for the following—

 - (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage.

[2] Schedule 1 Additional permitted uses

Insert at the end of the Schedule, with appropriate clause numbering—

Use of certain land at Eddy Street, Kiama

- (1) This clause applies to Lot 1, DP 883525, 20 Eddy Street, Kiama, identified as “9” on the Additional Permitted Uses Map.
- (2) Development for the purposes of community facilities is permitted without development consent.

[3] Dictionary

Insert in appropriate order—

Urban Release Area Map means the Kiama Local Environmental Plan 2011 Urban Release Area Map.