

Mapping Anomaly Caliope Road Kiama

Proposal Title : **Mapping Anomaly Caliope Road Kiama**

Proposal Summary : **To correct a mapping anomaly along the eastern and southern boundaries of Lot 20 DP1151501, Caliope Road Kiama by moving the R2 Low Density Residential and RU2 Rural Landscape Zone boundaries to correspond to the cadastral lot boundaries and thus allow for residential development on the entire lot as originally envisaged.**

PP Number : **PP_2014_KIAMA_001_00**

Dop File No :

14/01255

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions :
1.2 Rural Zones
1.5 Rural Lands
3.1 Residential Zones
3.4 Integrating Land Use and Transport
5.1 Implementation of Regional Strategies

Additional Information : **The Deputy Director General, as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to the Kiama Local Environmental Plan 2011 to correct a mapping anomaly and enable residential housing development on Lot 20 DP1151501, Caliope Road Kiama should proceed subject to the following conditions:**

- 1. No further technical studies or reports are required.**
- 2. Council is to prepare draft maps in accordance with Planning and Infrastructure's 'Standard technical requirements for LEP maps' when it submits the plan for finalisation.**
- 3. No community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act").**
- 4. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.**
- 5. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example if reclassifying land).**
- 6. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.**
- 7. Council be authorised to use its delegation of the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979. It is also recommended that the Council be reminded to request the use of its delegations in its Gateway request and seek to use these delegations whenever possible.**
- 8. The Director General can be satisfied that the planning proposal is consistent with s117 Directions 3.1 Residential Zones; 3.4 Integrating Land Use and Transport; and 5.1 Implementation of Regional Strategies**
- 9. The planning proposal is inconsistent with the s117 Directions 1.2 Rural Zones and 1.5 Rural Lands in that it is changing the rural zoning to allow residential development. However, the Director General can be satisfied that the inconsistencies have been justified by local planning studies and the Kiama Urban Strategy.**

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10. The Director General can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are only of minor significance.

11. No further referral is required for any s117 Directions whilst the planning proposal remains in its current form.

12. It is recommended that the Deputy Director General's letter to Kiama Council request Council to consider also correcting the adjoining mapping anomalies by moving the R2/RU2 zone boundary to the correspond to the southern cadastral boundary of lots 20-24 DP1151501 and eastern cadastral boundary of Lots 20 & 21 DP1151501. Landowners should be notified if Council seeks to include this land.

13. Council be advised that only minimal studies should be undertaken prior to Gateway determination and the detail of any studies required before or after Gateway determination should match the complexity of the planning proposal.

Supporting Reasons : The conditions are necessary to ensure that:
• A simple mapping anomaly does not become complicated by unnecessary consultation and studies.

Panel Recommendation

Recommendation Date : 06-Mar-2014

Gateway Recommendation : Passed with Conditions

Panel Recommendation : The planning proposal should proceed subject to the variations as outlined in the following conditions:

1. Council is to amend the planning proposal and accompanying maps to include and correct the mapping anomaly of Lots 21-24 DP1155392 by rezoning the land from RU2 Rural Landscape to R2 Low Density Residential. Council is to notify/consult the landowners of these additional four lots.
2. No community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act").
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.
5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has accepted delegation. Council should be issued with plan making delegation for this proposal.

Signature:



Printed Name:

JAMES MATTHEWS

Date:

19/3/14