



KIAMA MUNICIPAL COUNCIL  
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May 2018

## Planning Proposal to Amend LEP 2011



With respect to:

Tourist & visitor  
accommodation in certain  
rural and environmental  
areas

Planning Proposal to amend LEP 2011 with respect to:  
Tourist & visitor accommodation in certain rural and environmental areas

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## **Planning Proposal for amendments to the *Kiama Local Environmental Plan 2011* to permit certain types of tourist & visitor accommodation in certain rural and environmental areas.**

### **Part 1 – Statement of the objectives**

The Planning Proposal (PP) seeks to amend the Kiama Local Environmental Plan (LEP) 2011 to permit *bed and breakfast accommodation* with consent in the RU1 Primary Production zone and permit *eco-tourist facilities* with consent in the RU2 Rural Landscape and E3 Environmental Management zones.

The objective of this PP is to:

1. Permit *bed and breakfast accommodation*, with development consent, within the RU1 Primary Production zone; and
2. Permit *eco-tourist facilities*, with development consent, within the RU2 Rural Landscape and E3 Environmental Management zones.

### **Part 2 – Explanation of provisions**

The Kiama LEP 2011 is to be amended by:

1. Amending the Land Use Table to make *bed and breakfast accommodation* permissible with consent within the RU1 Primary Production zone; and
2. Amending the Land Use Table to make *eco-tourist facilities* permissible with consent within the RU2 Rural Landscape and E3 Environmental Management zones; and
3. Including compulsory clause 5.13 Eco-tourist facilities.

The *Kiama Local Environmental Plan (LEP) 2011* commenced on December 2011. The LEP consolidated planning controls into the one local environmental plan and also transitioned existing controls into the NSW Government's Standard Instrument Local Environmental Plan format.

Since this time, Council continually reviews the LEP 2011 to ensure it aligns with local strategic documents and community expectations. Over the past six (6) years some shortcomings have been identified with the current provisions of the LEP 2011.

Currently the only form of tourism and visitor accommodation permissible in all rural/environmental areas of the Municipality is *farm stay accommodation*. *Bed and breakfast accommodation* is permissible in certain rural/environmental areas of the Municipality. It is considered that the inclusion of *bed and breakfast accommodation* and *eco-tourist facilities* as permissible types of tourism and visitor accommodation in the rural/environmental areas will contribute to the local tourism economy whilst ensuring the continuation/productivity of the rural/environmental areas.

This Planning Proposal does not include mapping amendments to Kiama LEP 2011.

## Part 3 – Justification for objectives

### 3.1: Is the planning proposal a result of strategic study or report?

The Planning Proposal is not the result of any strategic study or report. The Planning Proposal is the result of a Council resolution to endorse the subject amendments to the LEP 2011.

The Kiama Rural Lands Study 2006, prepared by Edge Land Planning, outlines that tourism is an increasingly important activity in the Municipality and is an industry that should be actively encouraged in the rural areas. Tourism in the rural areas should be low impact and in keeping with the existing character of the area. In light of this recommendation it is considered appropriate to permit a wider range of *tourist and visitor accommodation* in the rural/environmental areas as long as they are low impact and in keeping with the existing rural/environmental character. *Bed and breakfast accommodation* and *eco-tourist facilities* are types of accommodation that will achieve this goal in certain zones.

Currently the only form of tourism and visitor accommodation permissible in all rural/environmental areas of the Municipality is *farm stay accommodation*. The LEP 2011 definition for *farm stay accommodation* is provided below.

***farm stay accommodation*** means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Clause 5.4 of the LEP 2011 limits the number bedrooms associated with *farm stay accommodation* to five (5).

Clause 6.10 of the LEP 2011 enables existing dwellings to be used as *tourist and visitor accommodation* (except *bed and breakfast accommodation*) for a maximum period of 60 consecutive days in any 12-month period without requiring development consent.

*Bed and breakfast accommodation* is permissible in the RU2 Rural Landscape and E3 Environmental Management zones of the Municipality. *Eco-tourist facilities* are prohibited development within the Municipality.

The inclusion of *bed and breakfast accommodation* and *eco-tourist facilities* as permissible types of tourism and visitor accommodation in certain rural/environmental areas will contribute to the local tourism economy whilst ensuring the continuation/productivity of the rural/environmental areas.

#### *Bed and breakfast accommodation*

The LEP 2011 definition for *bed and breakfast accommodation* is provided below.

***bed and breakfast accommodation*** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

(a) meals are provided for guests only, and

*(b) cooking facilities for the preparation of meals are not provided within guests' rooms, and*

*(c) dormitory-style accommodation is not provided.*

In accordance with the definition contained within the LEP 2011 *bed and breakfast accommodation* can only occur within existing dwellings. In this regard, any *bed and breakfast accommodation* will be low impact as they will only be occurring within the curtilage of an existing dwelling. The definition also ensures that *bed and breakfast accommodation* are not used as a means of obtaining additional 'dwelling entitlements' on rural/environment properties.

Under the provisions of the previous Kiama LEP 1996 *bed and breakfast accommodation* were permissible in the Rural A zone (now RU1 and RU2 zones) as a type of tourist facility. This permissibility has not been carried over to the RU1 zone in the current LEP.

As a comparison, it is noted that *bed and breakfast accommodation* is permissible in the RU1 zone in Shellharbour, Shoalhaven and Eurobodalla LEPs.

As *bed and breakfast accommodation* is only allowed to occur within existing dwellings it is consistent with the objectives of the RU1 zone, which are provided below, and the recommendations of the Kiama Rural Lands Study 2008.

### **Zone RU1 Primary Production**

#### **1 Objectives of zone**

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To protect agricultural land for long term agricultural production.*
- *To provide opportunities for employment-generating development that adds value to local agricultural production through food and beverage processing.*

Clause 5.4(1) of the LEP 2011 currently limits the number of bedrooms associated with *bed and breakfast accommodation* five (5). This development standard would not change as a result of this proposed LEP amendment. In this regard, the most notable difference associated with this proposal and the current arrangements in the RU1, RU2 and E3 zones is the ability to prepare and provide meals for guests on site. This would ultimately require the applicant/operator to obtain the necessary approvals/licenses from the NSW Food Authority and Council as part of the Development Application process.

### **Eco-tourist facilities**

The LEP 2011 definition for an *eco-tourist facility* is provided below.

***eco-tourist facility*** means a building or place that:

*(a) provides temporary or short-term accommodation to visitors on a commercial basis, and*

*(b) is located in or adjacent to an area with special ecological or cultural features, and*

*(c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.*

*It may include facilities that are used to provide information or education to visitors and to exhibit or display items.*

The Department of Planning and Environment (DPE) issued the *Standard Instrument (Local Environmental Plans) Order 2006*, which required all local governments in NSW to prepare the one (1) Standard Instrument LEP, which would apply to their specific local government areas. Council had already begun a review of its LEP 1996 in 2003 and integrated this review into the new Standard Instrument LEP template. A copy of the draft Kiama LEP 2011 was publicly exhibited in the Kiama Independent, Kiama Advertiser, the Illawarra Mercury, and on Council's website from 17 September 2010 until 31 January 2011, with late submissions accepted until 7<sup>th</sup> February 2011. Following this exhibition period, the Department of Planning and Environment released Planning Circular PS 11-011, on 10<sup>th</sup> March 2010, which made amendments to the Standard Instrument LEP template. These amendments included the introduction of *eco-tourist facilities* as new term that cater for low impact tourist use located in or adjacent to an area with special ecological or cultural features. As this definition was introduced after the draft LEP 2011 was publicly exhibited Council chose not to include it as a permissible land use in the Municipality.

While *eco-tourist facilities* are currently not a permissible land use in the Municipality PS 11-011 required the inclusion of the definition and any supplementary provisions in the LEP 2011 to ensure consistency with the Standard Instrument LEP template. Clause 5.13 is a compulsory clause of the Standard Instrument LEP template that needs to be included if *eco-tourist facilities* are permitted with consent by the LEP.

**5.13 Eco-tourist facilities [compulsory if eco-tourist facilities permitted with consent]**

(1) *The objectives of this clause are as follows:*

- (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,*
- (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.*

(2) *This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.*

(3) *The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:*

- (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and*
- (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and*
- (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and*
- (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and*
- (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and*

- (f) *waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and*
- (g) *the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and*
- (h) *any infrastructure services to the site will be provided without significant modification to the environment, and*
- (i) *any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and*
- (j) *the development will not adversely affect the agricultural productivity of adjoining land, and*
- (k) *the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:*
  - i) *measures to remove any threat of serious or irreversible environmental damage,*
  - ii) *the maintenance (or regeneration where necessary) of habitats, efficient and minimal energy and water use and waste output,*
  - iii) *mechanisms for monitoring and reviewing the effect of the development on the natural environment,*
  - iv) *maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.*

Council will not be able to grant consent to a Development Application for an *eco-tourist facility* unless it has satisfied the provisions of Clause 5.13. Complying with the provisions of Clause 5.13 will ensure consistency with the objectives of E3 zone; to protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.

### **Zone E3 Environmental Management**

#### **1 Objectives of zone**

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To allow limited types of agriculture subject to effective environmental safeguards and sound land management practices.*

It will also ensure that *eco-tourist facilities* are consistent with the objectives of the RU2 and the recommendations of the Kiama Rural Lands Study 2008.

### **Zone RU2 Rural Landscape**

#### **1 Objectives of zone**

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To protect agricultural land for long term agricultural production.*
- *To provide opportunities for employment-generating development that adds value to local agricultural production through food and beverage processing and integrates with tourism.*



As a comparison, it is noted that *eco-tourist facilities* are permissible in the RU2 and E3 zones in Shellharbour and Shoalhaven LEPs. The Eurobodalla LEP does not include the RU2 and E3 zones.

It is also acknowledged that Chapter 13 of the Kiama Development Control Plan (DCP) 2012 needs to be amended to include development controls for *eco-tourist facilities*. Currently Chapter 13 contains development controls for *bed and breakfast accommodation* and *farm stay accommodation*. Any amendment to Chapter 13 should include similar development controls to ensure development for *eco-tourist facilities* are carried out in an appropriate fashion. Council has resolved to amended Chapter 13 concurrently with this LEP amendment.

The proposed amendments to the LEP will apply to the RU1 Primary Production, RU2 Rural Landscape and E3 Environmental Conservation across the Municipality.

This PP seeks to make several amendments to the LEP. In light of this Council staff consulted with the DPE regarding the bundling of these amendments into the one PP. The DPE have confirmed that as the proposed amendments are all relating to visitor and tourism development within the municipality that it is appropriate to combine these amendments into the one PP.

**3.2: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

A Planning Proposal is the only mechanism available for amending the current provisions of the LEP.

**3.3: Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including any exhibited draft plans or strategies)?**

The applicable regional strategy for the area is the Illawarra-Shoalhaven Regional Plan (ISRP). It is considered that the proposed amendments to the LEP 2011 are consistent with Goals 1 and 4 of the ISRP.

The proposed amendments to the LEP 2011 will assist in diversifying Kiama's tourism industry. While not expressly listed by the directions of Goal 1, the proposed amendments will assist in delivering a prosperous Illawarra-Shoalhaven. Goal 1 of the ISRP outlines that tourism is a priority growth sector for the region. *Bed and breakfast accommodation* and *eco-tourist facilities* will contribute to trail and experience based tourism.

The proposed amendments to the LEP 2011 will not be inconsistent with Goal 4 of the IRSP; 'A Region That Makes Appropriate Use of Agricultural and Resource Lands'. As *bed and breakfast accommodation* can only occur within existing dwellings its inclusion in the RU1 Primary Production zone will not compromise the directions of Goal 4.

**3.4: Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?**

The Kiama Rural Lands Study 2006, prepared by Edge Land Planning, outlines that tourism is an increasingly important activity in the Municipality and is an industry that should be actively encouraged in the rural areas. Tourism in the rural areas should be low impact and in keeping with the existing character of the area. In light of this recommendation it is considered appropriate to permit a wider range of *tourist and visitor accommodation* in the rural/environmental areas as long as they are low impact and in keeping with the existing rural/environmental character. *Bed and breakfast accommodation* and *eco-tourist facilities* are types of accommodation that will achieve this goal in certain zones.

The Kiama Rural Lands Study 2006 comments on the fact that tourism and other economic development initiatives should be encouraged to ensure the continuation of existing agricultural practices. The Planning Proposal is consistent with the Kiama Rural Lands Study 2006 as it would contribute to maintaining Kiama's rural landscape as well as contributing to the broader region's tourism sector.

**3.5: Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The planning policy is consistent with applicable State Environmental Planning Policies (SEPP), in particular:

State Environmental Planning Policy	Assessment of Compliance
<b>State Environmental Planning Policy No 55 – Remediation of Land</b>	N/A as the Planning Proposal seeks only to expand upon the types of tourist and visitor accommodation permissible within the Rural and Environmental zones of the Municipality. The Proposal does not include the inclusion of land in the Rural and Environmental zones that would permit a change of use that is not already permissible. The provisions of SEPP 55, or any subsequent amendments, would be applied to any future development applications for such change of uses.

State Environmental Planning Policy	Assessment of Compliance
<b>State Environmental Planning Policy (Rural Lands)</b>	Ministerial Direction 1.5 requires that the subject Proposal must be consistent with the Rural Planning Principles listed in SEPP (Rural Lands).
<b>7 Rural Planning Principles</b>	

State Environmental Planning Policy	Assessment of Compliance
<i>The Rural Planning Principles are as follows:</i>	
<p>(a) <i>the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,</i></p> <p>(b) <i>recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,</i></p> <p>(c) <i>recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,</i></p>	<p>The introduction of <i>bed and breakfast accommodation</i> into the RU1 Primary Production zone will not reduce the opportunities for current and potential productive and sustainable economic activities in rural areas as this form of accommodation can only operate within existing dwellings.</p> <p>The introduction of <i>eco-tourist facilities</i> into the RU2 Rural Landscape and E3 Environmental Management zones will not reduce the opportunities for current and potential productive and sustainable economic activities in rural areas. The provision of the compulsory clause 5.13 will require the consent authority to be satisfied that the development will not have an adverse impact on the productivity of agricultural land.</p> <p>Both <i>bed and breakfast accommodation</i> and <i>eco-tourist facilities</i> create are land uses that are compatible with existing agricultural practices. The diversification of permissible land use within rural land will enable landholders to diversify their practices in order to respond the changing nature of agriculture.</p> <p>Both <i>bed and breakfast accommodation</i> and <i>eco-tourist facilities</i> create are land uses that are compatible with existing agricultural practices. These additional permissible land uses will provide positive social and economic benefits for rural land uses. These additional permissible land uses will enable landholders to supplement their income via tourist accommodation. This additional revenue can then be used to enhance the existing rural land uses.</p>

State Environmental Planning Policy	Assessment of Compliance
<p>(d) <i>in planning for rural lands, to balance the social, economic and environmental interests of the community,</i></p> <p>(e) <i>the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,</i></p> <p>(f) <i>the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,</i></p> <p>(g) <i>the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,</i></p> <p>(h) <i>ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</i></p>	<p>within rural land will enable landholders to diversify their practices in order to respond the changing nature of agriculture.</p> <p>Not applicable as the proposal is not proposing the provision of additional rural lands.</p> <p>The subject proposal will not alter the existing level of protection for natural resources within the municipality. The provision of the compulsory clause 5.13 will ensure that <i>eco-tourist facilities</i> have minimal impact on natural resources and biodiversity.</p> <p>The subject proposal will enable a greater level of flexibility to manage rural properties. However, the proposed amendments will not alter the existing opportunities for housing opportunities within rural areas.</p> <p>Not applicable as the subject proposal will not provide for the opportunity for additional rural housing.</p> <p>The proposal is considered to be consistent with both the Illawarra-Shoalhaven Regional Plan.</p>

**3.6: Is the planning proposal consistent with applicable Ministerial Directions (s 9.1 directions)?**

A Section 9.1 Ministerial Directions - Compliance Checklist has been compiled by Kiama Council and is included in Appendix 1.

Council finds the proposal consistent with all applicable Section 9.1 Ministerial Directions.

**3.7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The proposal will not alter any existing measures to conserve that critical habitat or threatened species, populations or ecological communities, or their habitats.

***Bed and Breakfast Accommodation***

As *bed and breakfast accommodation* can only occur within existing dwellings, it is unlikely that threatened species, critical habitat etc. will be adversely affected as a result of this proposal.

***Eco-tourist facilities***

The provision of the compulsory clause 5.13 will require the consent authority to be satisfied that the development will not have an adverse impacts on the natural environment. Clause 5.13 also requires that any development for *eco-tourist facilities* conserve and provide opportunities for the regeneration of natural environments.

**3.8: Are there any likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

Due to the nature of the subject proposal it is considered unlikely that any environmental effects will occur as a result of the proposed changes.

***Bed and Breakfast Accommodation***

As *bed and breakfast accommodation* can only occur within existing dwellings, it is unlikely that the proposal will result in any environmental effects. As outlined above, Chapter 12 of the DCP 2012 contains development controls to ensure development for *bed and breakfast accommodation* are carried out in an appropriate fashion.

***Eco-tourist facilities***

The provision of the compulsory clause 5.13 will require the consent authority to be satisfied that the development will not have any likely environmental effects. As outlined above, Council has resolved to amend Chapter 12 of the DCP 2012, concurrently with this LEP amendment, to include development controls to ensure development for *eco-tourist facilities* are carried out in an appropriate fashion.

**3.9: Has the planning proposal adequately addressed any social and economic effects?**

The proposal is the result of both social and economic responses to the current provisions of the LEP 2011. The subject PP seeks to permit a wider range of tourist accommodation within the rural and environmental zones of the Municipality.

***Economic Benefits***

The proposal will result in increased revenue into rural and environmental areas. In 2017 the estimated total value of the tourism sector for the Kiama Municipality was approximately \$142

million. Approximately 19% of the Municipality's total workforce is employed in the tourism sector. It is estimated that for each dollar spent by a tourist in the Municipality, typically \$0.76 is spent on accommodation & food services. Tourist Accommodation plays a vital role in the type of visitors that the Municipality is able to attract and in return the impact on the Municipality's economy. Table 1 below illustrates that visitor domestic visitor who stay in the area overnight spend, on average, twice per day than 'day-trippers'.

**Table 1:** Visitor average expenditure profile

Visitor	Domestic Days	Domestic Overnight	International
Average Stay (nights)		3	6
Average Spend per trip (\$)	\$67	\$378	\$388
Average Spend per night (\$)		\$138	\$63

Providing a wider range of tourist accommodation within the Municipality will enable more visitors to stay in the area and in turn increase the amount of money spent in the immediate area and the wider Municipality/Region. This will lead to positive social effects.

### **Social Benefits**

Increases in revenues in rural and environmental areas will enable landowners to better manage their rural and environmental lands. The rural landscape is a highly valued aspect of the Municipality's culture.

Accommodation within the rural and environmental areas will enable visitors to experience the rural and environmental settings of the Municipality.

Clause 5.13 also requires that any development for *eco-tourist facilities* enhance an appreciation of the environmental and cultural values of the area. Often this is achieved by providing ancillary educational or environmental facility.

In light of this the proposal will result in both a positive social and economic effects.

### **3.10: Is there adequate public infrastructure for the planning proposal?**

The proposal seeks to permit a wider range of tourist accommodation within the rural and environmental zones of the Municipality. Generally speaking, rural and environmentally zoned properties are not serviced by Sydney Water's public infrastructure. As *bed and breakfast accommodation* can only operate within existing dwellings, the likely increase demand for Essential Energy's public infrastructure is low.

Due to the small-scale nature of *eco-tourist facilities* it is highly likely that these facilities will be provided with on-site effluent disposal systems, on-site water supply systems, and on-site renewable energy systems. As 'off-grid' development, it is unlikely that *eco-tourist facilities* will require any additional public infrastructure than that already supplied in the rural and environmental areas.

### **3.11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

#### **Pre Gateway consultation**

The proposal is very minor in nature and as such, no State or Commonwealth authorities have been consulted as part of the preparation of this Planning Proposal.

#### **Part 4 – Mapping**

This Planning Proposal does not include mapping amendments to Kiama LEP 2011.

#### **Part 5 – Community Consultation**

Council requests that the planning proposal be exhibited for a period of 28 days and include:

- Advertisement in Local Newspaper,
- Hard copies made available at the Council Administration Building,
- Electronic copy on Council's website,
- Notification letters to adjoining and surrounding property owners,
- Notification letters to relevant State agencies and other authorities/agencies nominated by the DPE.

#### **Part 6 – Project Timeline**

The timeframe for the Planning Proposal is that, from date of Gateway determination to date of submission to DPE, to finalise the LEP is a period of 12 months.

	<b>Timeframe</b>	<b>Possible dates</b>
Submit planning proposal to NSW Department of Planning & Environment (DPE) seeking a Gateway Determination		May 2018
Receive Gateway Determination	4 weeks from submission date	June 2018
Preparation of any outstanding studies (if required)	6 weeks from notification of Gateway determination.	N/A

	<b>Timeframe</b>	<b>Possible dates</b>
Consult with State/Commonwealth agencies	4 weeks from completing review of any outstanding studies	July 2018
Exhibition of PP and technical Studies (assuming no requirements to return to Gateway post additional studies)	4 weeks from completing review of any outstanding studies	August 2018
Date of Public Hearing (if applicable)	N/A	N/A
Review of Submissions and Preparation of report to Council	4 weeks	September 2018
Report to Council following exhibition	First available round after completion of review of submissions (allow 8 weeks)	October 2018
Submission to Parliamentary Counsel Office (PCO) to draft amendment.	4 weeks from Council meeting	November 2018
Submission to DPE for finalisation of LEP	6 weeks from date of submission to PCO	December 2018
Anticipated date LEP will be notified.	6 weeks from date of submission to DPE	December 2018



**Appendix 1 - Section 9.1 Ministerial Directions – Compliance Checklist**  
**prepared by Kiama Municipal Council**

Ministerial Direction	Comment
<b>1. Employment and Resources</b>	
1.1 Business and Industrial Zones	This direction does not apply to the Planning Proposal
1.2 Rural Zones	<p>The subject proposal does not seek to rezone land from rural zone to a residential, business, industrial, village or tourist zone.</p> <p>The subject PP does not contain provisions that will increase the permissible density of land within a rural zone.</p> <p>The Planning Proposal is consistent with Direction 1.2 – Rural Zones.</p>
1.3 Mining, Petroleum Production and Extractive Industries	This direction does not apply to the Planning Proposal.
1.4 Oyster Aquaculture	This direction does not apply to the Planning Proposal.
1.5 Rural Lands	<p>As shown above the subject proposal is consistent with both the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>The Planning Proposal is consistent with Direction 1.5 – Rural Lands.</p>
<b>2. Environment and Heritage</b>	
2.1 Environment Protection Zones	<p>The proposal will include the insertion of clause 5.13, which will facilitate the protection, and conservation of environmentally sensitive areas.</p> <p>The PP does not seek to reduce the environmental protection standards that apply to land within an environment protection zone.</p> <p>The Planning Proposal is consistent with Direction 2.1 – Environment Protection Zones.</p>

<b>Ministerial Direction</b>	<b>Comment</b>
2.2 Coastal Protection	<p>The subject proposal will not alter the existing provisions of the LEP, which give effect to the NSW Coastal Policy etc.</p> <p>The Planning Proposal is consistent with Direction 2.2 – Coastal Protection.</p>
2.3 Heritage Conservation	<p>The subject proposal will not alter the existing provisions of the LEP, which give effect to the heritage conservation.</p> <p>The Planning Proposal is consistent with Direction 2.3 – Heritage Conservation.</p>
2.4 Recreation Vehicle Areas	<p>The subject proposal will not alter the existing permissibility of recreation vehicle areas within the municipality.</p> <p>The Planning Proposal is consistent with Direction 2.4 – Recreation Vehicle Area.</p>
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	This direction does not apply to the Kiama Municipality.
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	This direction does not apply to the Planning Proposal.
3.2 Caravan Parks and Manufactured Home Estates	<p>The subject proposal will not alter the existing permissibility of caravan parks and manufactured home estates. within the municipality.</p> <p>The Planning Proposal is consistent with Direction 3.2 – Caravan Parks and Manufactured Home Estates.</p>
3.3 Home Occupations	<p>Home Occupations are permitted without consent within both the RU1 Primary Production, RU2 Rural Landscape and E3 Environmental Management zones under the LEP 2011. The subject proposal would not alter this permissibility.</p> <p>The Planning Proposal is consistent with Direction 3.3 – Home Occupations.</p>
3.4 Integrating Land Use and Transport	The subject PP will not create, alter or remove a zone or a provision relating to urban land.

Ministerial Direction	Comment
	The Planning Proposal is consistent with Direction 3.4 – Integrating Land Use and Transport.
3.5 Development Near Licensed Aerodromes	This direction does not apply to the Planning Proposal
3.6 Shooting Ranges	This direction does not apply to the Planning Proposal
<b>4. Hazard and Risk</b>	
4.1 Acid Sulfate Soils	<p>Chapter 3.2 of the Acid Sulfate Soils Planning Guidelines state that an Acid Sulfate Soils Study should be prepared when an intensification of land use on acid sulfate soil is proposed. It is noted that this chapter specifically refers to a proposal for rezoning. In this regard it is not considered necessary to prepare an Acid Sulfate Soils Study as this proposal does not involve an intensification of land uses on land identified as having a possibility of containing acid sulfate soils. The subject proposal will not alter the existing acid sulfate soils controls contained in Clause 5.1 of the LEP 2011.</p> <p>The Planning Proposal is consistent with Direction 4.1 – Acid Sulfate Soils.</p>
4.2 Mine Subsidence and Unstable Land	This direction does not apply to the Planning Proposal
4.3 Flood Prone Land	This direction does not apply to the Planning Proposal as it will not create, remove or alter a zone or a provision that affects flood prone land.
4.4 Planning for Bushfire Protection	<p>The proposal will apply to land identified as being bush fire prone land.</p> <p>Council will consult with the NSW Rural Fire Service following the receipt of a gateway determination.</p> <p>The subject proposal will not alter the existing relationship between the LEP and <i>Planning for Bushfire Protection 2006</i>.</p> <p>The Planning Proposal is consistent with Direction 4.4 – Planning for Bushfire Protection.</p>
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies	This direction does not apply to the Kiama Municipality.

Ministerial Direction	Comment
5.2 Sydney Drinking Water Catchments	This direction does not apply to the Kiama Municipality.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	This direction does not apply to the Kiama Municipality.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	This direction does not apply to the Kiama Municipality.
5.8 Second Sydney Airport: Badgerys Creek	This direction does not apply to the Kiama Municipality.
5.9 North West Rail Link Corridor Strategy	This direction does not apply to the Kiama Municipality.
5.10 Implementation of Regional Plans	<p>The Planning Proposal is consistent with the Illawarra-Shoalhaven Regional Plan (see Section 3.3 of this report).</p> <p>The Planning Proposal is therefore consistent with Direction 5.10 – Implementation of Regional Strategies.</p>
<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements	<p>The proposal does not propose any additional provisions that would, as a direct result, require the concurrence, consultation or referral of future development applications to a Minister or public authority.</p> <p>It is noted that when proposed on bush fire prone land <i>eco-tourist facilities</i> would require consultation with the Rural Fire Service under the provisions of clause 100B of the <i>Rural Fires Act 1997</i>. This is already the case with <i>farm stay accommodation</i> which is already permissible in the RU1 Primary Production, RU2 Rural Landscape and E3 Environmental Management zones under the LEP 2011.</p> <p>The Planning Proposal is therefore consistent with Direction 6.1 – Approval and Referral Requirements.</p>
6.2 Reserving Land for Public Purposes	The subject proposal does not include any provisions that relate to the use of land reserved for public purposes.

Ministerial Direction	Comment
	The Planning Proposal is therefore consistent with Direction 6.2 – Reserving Land for Public Purposes.
6.3 Site Specific Provisions	This direction does not apply to the Planning Proposal
<b>7. Metropolitan Planning</b>	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	This direction does not apply to the Kiama Municipality.
7.2 Implementation of the Greater Macarthur Land Release Investigation	This direction does not apply to the Kiama Municipality.
7.3 Parramatta Road Corridor Urban Transformation Strategy	This direction does not apply to the Kiama Municipality.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	This direction does not apply to the Kiama Municipality.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	This direction does not apply to the Kiama Municipality.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	This direction does not apply to the Kiama Municipality.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	This direction does not apply to the Kiama Municipality.