



**PARLIAMENTARY COUNSEL**

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*Opinion*

Environmental Planning and Assessment Act 1979  
Proposed Kiama Local Environmental Plan 2011 (Amendment No 8)

Your ref: Edward Paterson SC1752 (PP\_2016\_KIAMA\_003\_00)  
Our ref: AH e2017-150.d04

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In my opinion the attached draft environmental planning instrument may legally be made.

When the environmental planning instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.



(D COLAGIURI)

Parliamentary Counsel

5 July 2017



New South Wales

## Kiama Local Environmental Plan 2011 (Amendment No 8)

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.*

*Phil Costello*  
Phil Costello - Director Environmental Services Kiama Municipal Council  
signed under delegation for Kiama Municipal Council as delegate for the  
Minister for Planning

4 August 2017

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

### **Clause 4.1C**

Insert after clause 4.1B:

#### **4.1C    Exceptions to minimum subdivision lot sizes for certain split zones**

- (1) The objectives of this clause are as follows:
  - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,
  - (b) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.
- (2) This clause applies to each lot (an *original lot*) that contains:
  - (a) land in a rural or environmental protection zone, and
  - (b) land in a residential, business or industrial zone.
- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the *resulting lots*) if:
  - (a) one of the resulting lots will contain all of the land in a rural or environmental protection zone and:
    - (i) any existing dwelling, or
    - (ii) any land within any other zone with an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and
  - (b) each of the other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) In determining whether to grant development consent for the subdivision of land under this clause, the consent authority must consider the following:
  - (a) whether or not the development is likely to maintain or improve the environmental values and agricultural viability of the land,
  - (b) the potential impact on the natural and physical constraints affecting the land, taking into account the long-term maintenance, management and protection of the land,
  - (c) the compatibility with existing or potential land uses and measures that are deemed necessary to avoid or minimise any potential for land use conflicts.

## **Kiama Local Environmental Plan 2011 (Amendment No 8)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *Kiama Local Environmental Plan 2011 (Amendment No 8)*.

### **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 part of Lot 100, DP 1157883, 26 Drualla Road, Jamberoo and Lot 101, DP 1157883, 2A Downes Place, Jamberoo.

### **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 Minister on the making of this Plan.

## Kiama Local Environmental Plan 2011 (Amendment No 8)

*Kiama Municipal Council*  
11 Manning St.  
Kiama 2533, NSW

### Map Cover Sheet

The following map sheets are revoked:

| Map Sheet                          | Map Identification Number     |
|------------------------------------|-------------------------------|
| Floor Space Ratio Map<br>FSR_008   | 4400_COM_FSR_008_020_20151020 |
| Height of Buildings Map<br>HOB_008 | 4400_COM_HOB_008_020_20151020 |
| Lot Size Map<br>LSZ_008            | 4400_COM_LSZ_008_020_20151020 |
| Land Zoning Map<br>LZN_008         | 4400_COM_LZN_008_020_20151020 |

The following map sheets are adopted:

| Map Sheet                          | Map Identification Number     |
|------------------------------------|-------------------------------|
| Floor Space Ratio Map<br>FSR_008   | 4400_COM_FSR_008_020_20170801 |
| Height of Buildings Map<br>HOB_008 | 4400_COM_HOB_008_020_20170801 |
| Lot Size Map<br>LSZ_008            | 4400_COM_LSZ_008_020_20170801 |
| Land Zoning Map<br>LZN_008         | 4400_COM_LZN_008_020_20170801 |

Certified



Philip Costello  
Director Environmental Services  
Kiama Municipal Council

4 August 2017

As delegate for  
Minister for Planning