



KIAMA MUNICIPAL COUNCIL



PWG002687

Phone Enquiries:

Mr Edward Paterson
4232 0444

Reference:

SC1752

09 August 2016

Linda Davis
Acting Director Southern Region
Department of Planning and Environment
PO Box 5475
WOLLONGONG NSW 2520

Department of Planning
& Environment
RECEIVED

12 AUG 2016

Southern Region-Wollongong

Dear Linda

**Requesting Gateway Determination for a Planning Proposal
intending amendments to Kiama LEP 2011
for part of Lot 100 DP 1157883 and Lot 101 DP 1157883, 26 Drualla Road,
Jamberoo, NSW 2533**

Enclosed is a Planning Proposal document prepared by Kiama Municipal Council for part of Lot 100 DP 1157883 and Lot 101 DP 1157883, 26 Drualla Road, Jamberoo, NSW 2533 for initial Gateway determination.

This Planning Proposal seeks to rezone the land which fronts the unformed section of Drualla Road from RU2 Rural Landscape to R2 Low Density Residential and apply the associated controls in keeping with the adjacent land on Downes Place and Drualla Road. The subject site is identified as Site 24 in the Kiama Urban Strategy as it would provide an appropriately defined and accessible western boundary to Jamberoo Village.

As a result of the internal review process staff noted that while the Concept PP would result in residential zoned land subdivision of the site in its entirety would not be possible under the current provisions of the LEP 2011. As a result of the Concept PP Lot 100 would be zoned R2 Low Density, RU2 Rural Landscape and E3 Environmental Protection under the provisions of the LEP 2011. A minimum lot size of 40Ha would be associated with the land zoned RU2 and E3 with a 800m² minimum lot size for the land zoned R2. Council would be unable to approve the subdivision of land zoned RU2 and E3 as it would have an area less than 40Ha. It is noted that this issue is not particular to the Kiama Municipality. A number of New South Wales (NSW) Councils have adopted provisions in their LEPs, through the planning proposal process, that enable the subdivision of lots with multiple zones. Accordingly, staff have drafted a clause for inclusion into this PP based on the wording and formation of clauses that have been approved by the NSW Department of Environment and Planning and Parliamentary Counsel in other LEPs (see attached Council Report).

ALL CORRESPONDENCE

GENERAL MANAGER

PO BOX 75

KIAMA NSW 2533

ADMINISTRATION

CENTRE

11 MANNING STREET

KIAMA NSW 2533

CONTACTS

PHONE: 02 4232 0444

FAX: 02 4232 0555

council@kiama.nsw.gov.au

www.kiama.nsw.gov.au

ABN: 22 379 679 108

your council
your community

Council considered a report on this Planning Proposal on 28 June 2016, where the following recommendation was endorsed:

Item 9.2 Recommendation

Committee recommendation that Council:

- 1) *Endorse this Planning Proposal to proceed to the Department of Planning and Environment for a Gateway determination*
- 2) *Request plan making delegations for this proposal as a part of the Gateway determination.*
- 3) *On receipt of the Gateway Determination, undertake any requirements of such determination.*

Council has supported this Planning Proposal for rezoning as it would provide an appropriately defined and accessible western boundary to Jamberoo Village and will assist Council in meeting its obligations under the Illawarra-Shoalhaven Regional Plan.

Supporting Information

The following information accompanies this Planning Proposal:

1. The DoPI Attachment 1 – *Information Checklist* prepared by Kiama Municipal Council.
2. The DoPI Attachment 4 – *Evaluation criteria for the delegation of plan making functions* prepared by Kiama Municipal Council.
3. A copy of the Council report and associated minutes endorsing the planning proposal to commence dated 28 August 2016.
4. Supporting information prepared on behalf of the applicant by SET Consultants Pty Ltd:
 - Concept Planning Proposal Report
 - Flora & Fauna Assessment – prepared by Wirrimbirra Environmental Consultants Pty Ltd
 - Phase 1 Site Contamination Assessment and Preliminary Geotechnical Assessment – prepared by Network Geotechnics Pty Ltd
 - Bushfire Hazard Assessment – prepared by Wirrimbirra Environmental Consultants Pty Ltd
 - Flood Study – prepared by Site Plus Pty Ltd
 - Due Diligence Assessment – prepared by Ainsworth Heritage

Council requests delegations for this Planning Proposal and that the Department provides a gateway consideration of this Planning Proposal at its earliest convenience.

Yours faithfully



Edward Paterson
Strategic Planner/Development Assessment Officer