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Gateway determination report – PP-2025-1047

Kiama Housekeeping Amendment 2025

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal - Kiama Housekeeping Amendment (version 1, 3 June 2025) and supporting maps
Kiama Municipal Council Meeting Minute – 17 June 2025
Kiama Municipal Council Meeting Report – 17 June 2025

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Kiama
PPA	Kiama Municipal Council
NAME	Kiama Housekeeping Amendment 2025
NUMBER	PP-2025-1047
LEP TO BE AMENDED	Kiama Local Environmental Plan 2011
ADDRESS	Various (refer to Section 1.4)
DESCRIPTION	Various (refer to Section 1.4)
RECEIVED	24/06/2025
FILE NO.	IRF25/1415
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to amend the Kiama Local Environmental Plan 2011 (Kiama LEP) to:

- amend the zoning, minimum lot size and building heights (in select cases) of nine (9) State agency owned and utility sites to ensure they are consistent with current and intended uses;
- amend the minimum lot size of several sites throughout the Kiama LGA that are zoned RU1 Primary Production, C2 Environmental Conservation and C3 Environmental Management to 40ha to fix anomalies; and
- make other minor development standard amendments.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Kiama LEP 2011 as summarised below.

Table 3 Proposed State agency owned site amendments*

Site	Landowner	Current zoning	Proposed zoning	Minimum Lot Size	Building Height
Part of Lot 21 DP 1302563 (Parent Lot 2 DP 1299743) – 62 Willow Springs Road, Broughton Village	Transport for NSW (TfNSW)	SP2 Infrastructure (SP2)	RU2 Rural Landscape (RU2) and C3 Environmental Management (C3)	No change	No change
Part of Lot 20 DP 1302563 (Parent Lot 1 DP 1299743) – Princes Highway, Broughton Village	TfNSW	SP2	RU2 and C3	No change	No change
Part of Lot 79 DP 1188637 (Parent Lot 2 DP 882532) – 387 Donovan Road, Broughton Village	TfNSW	SP2	RU2	No change	No change
Part of Lot 417 DP 1186383 - 261 Donovan Road, Broughton Village	TfNSW	SP2	RU2	No change	No change
Part of Lot 503 DP 1294373 - Princes Highway, Toolijooa	TfNSW	SP2	RU2 and C3	No change	No change
Part of Princes Highway, Toolijooa and Broughton Village	TfNSW	RU2 and C3	SP2 Classified Road	No change	No change
Lot 1 DP 566687 - 55 Rowllins Road, Gerringong	Endeavor Energy	E3 Productivity Support (E3)	SP2 Public Utility Undertaking	No change	11m to Nil
Lot 1 DP 1183082 – 34 Golden Valley Road, Jamberoo	Endeavor Energy	RU2	SP2 Public Utility Undertaking	40ha to nil	No change
Lot 1 DP 1065357 – Park Road, Gerroa	Sydney Water	RE1 Public Recreation	SP2 Water Supply System	No change	No change

Site	Landowner	Current zoning	Proposed zoning	Minimum Lot Size	Building Height
Lot 1 DP 1090646 – Golden Valley Road, Jamberoo	Sydney Water	RU2	SP2 Water Supply System	40ha to nil	No change

* Refer to detail and map references in part 2 of the planning proposal

The proposed changes to TfNSW owned land are required following completion of upgrades to the M1 requiring surplus lots and parts of the new highway corridor alignment to be rezoned to appropriately reflect their current and intended use.

Similarly, the proposed changes to land owned by Endeavour Energy and Sydney Water are required to their current and intended uses as outlined in Table 3.

Council advises the changes are supported by TfNSW, Endeavour Energy and Sydney Water.

Proposed minimum lot size amendments

Table 4 Proposed minimum lot size amendments*

Property description	Minimum lot size (LSZ)		
	1996 LEP (repealed)	2011 LEP	
		Current	Proposed
RU1 zoned Lots			
Lot 5 DP 260113 – 21 Allowrie Street, Jamberoo	40ha	No LSZ	40ha
Lot 6 DP 260113 – Minnamurra Lane, Jamberoo	40ha	No LSZ	40ha
Part of Minnamurra Lane - Jamberoo	40ha	No LSZ	40ha
C2 zoned Lots			
Lot 3 DP 1111061 – Sandy Wha Road, Gerringong	40ha	No LSZ	40ha
Lot 95 DP 200176 – 4 Fern Street, Gerringong	40ha	No LSZ	40ha
Part of Lot 206 DP 1164476 - 27 Princes Highway, Gerringong	40ha	No LSZ	40ha
Lot 96 DP 200176 – 2 Fern Street, Gerringong	40ha	No LSZ	40ha
Lot 103 DP 1018957 – Swamp Road, Jamberoo	40ha	No LSZ	40ha
Part of Lot 11 DP 1039505 – 37 Newing Circuit, Kiama Downs	40ha	No LSZ	40ha
Part of Lot 1 DP 1287589 – Kiama Downs	40ha	No LSZ	40ha
Part of Lot 7305 DP 1162390 – Kiama Downs	40ha	No LSZ	40ha
Part of Crown waterway – Kiama Downs	40ha	No LSZ	40ha
Lot 63 DP 751290 – Kiama Downs	40ha	No LSZ	40ha
Lot 2206 DP 1204609 – Kiama Downs	40ha	No LSZ	40ha
C3 Zoned lots			
Lots 7 & 8 DP 260113 – Minnamurra Lane, Jamberoo	40ha	No LSZ	40ha
Lot 371 DP 802199 – Churchill Street, Jamberoo	40ha	No LSZ	40ha
Part of Lot 1 DP 1166490 – Gray Street, Gerringong	40ha	No LSZ	40ha
Lots 6 & 7 DP 1161126 – 38 Belinda Street, Gerringong	40ha	No LSZ	40ha
Lot 12 DP 1166490 – Belinda Street, Gerringong	40ha	No LSZ	40ha
Lots 14 & 15 Sec 2 DP 910891 – Margaret Street, Gerringong	40ha	No LSZ	40ha
Lots 17-20 Sec 2 DP 910891 – Rowlins Road, Gerringong	40ha	No LSZ	40ha

Parts of Margaret and Belinda Streets, Gerringong	40ha	No LSZ	40ha
Lot 10 DP 1167819 – Fern Street, Gerringong	40ha	No LSZ	40ha
Part of Lot 91 DP 838437 – Fern Street, Gerringong	40ha	No LSZ	40ha
Lot 207 DP 1164476 – Fern Street, Gerringong	40ha	No LSZ	40ha
Lot 3 DP 1111061 – Sandy Wha Road, Gerringong	40ha	No LSZ	40ha
Part of road reserve through Lot 207 DP 1164476 – Fern Street Gerringong	40ha	No LSZ	40ha
Lot 341 DP 790657 – 1 Newing Circuit, Kiama Downs	40ha	No LSZ	40ha
C2 and C3 zoned lots			
Lot 10 DP 1039505 – 11 Thornett Way, Kiama Downs	40ha	No LSZ	40ha
Lot 1 DP 832012 – Thornett Way, Kiama Downs	40ha	No LSZ	40ha
Lot 2 DP 1111061 – Fern Street, Gerringong	40ha	No LSZ	40ha

* Refer to detail and map references in part 2 of the planning proposal

The minimum lot size anomalies have occurred as Kiama LEP 1996 applied minimum lot size to these zones through a clause rather than mapping. When the Kiama LEP 2011 was prepared, mapping was used to apply minimum lot size and some sites were inadvertently missed and do not show any minimum lot size where a 40ha minimum lot size should have applied, as was previously the case.

The proposal seeks to fix these anomalies to ensure protection of the environment, minimise fragmentation of rural land and to mitigate inappropriate types of development that may occur as a result.

Other minor amendments

These amendments seek to correct development standards (zoning, lots size, building height, FSR) resulting from recent subdivisions and boundary adjustments on sites along Caliope Street, Kiama.

They also seek to apply building height to parts of a site at Newing Circuit, Kiama Downs so it is consistent with the property boundary.

Table 5 Other minor amendments*

Site	Current zoning	Proposed zoning	Minimum Lot Size	Building Height	Floor Space Ratio
Part of Lot 671 DP 1308222 – 23 Caliope Street, Kiama	RU2	R2 Low Density Residential	40ha to 450m ²	Nil to 8.5m	Nil to 0.45
Part of Lot 10 DP 1210621 – 11 Caliope Street, Kiama	RU2	R2	40ha to 450m ²	Nil to 8.5m	Nil to 0.45
Part of Caliope Street - road corridor	R2	RU2	450m ² to 40ha	8.5m to nil	0.45 to nil

Site	Current zoning	Proposed zoning	Minimum Lot Size	Building Height	Floor Space Ratio
Part of Lot 341 DP 790657 – 1 Newing Circuit, Kiama Downs	C3	No change	No change	8.5m to nil	No change

* Refer to detail and map references in part 2 of the planning proposal

The above changes would be enacted by amending the relevant Kiama LEP 2011 maps.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The planning proposal is a housekeeping amendment applying to multiple sites throughout the Kiama LGA.

The specific sites are described in Section 1.3 of this report and part 2 of the planning proposal and are mapped in the planning proposal appendices.

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Kiama Local Environmental Plan 2011, which are considered suitable for community consultation.

2 Need for the planning proposal

The planning proposal is needed to amend development standards applying to State government owned land to reflect current and intended uses, fix minimum lot size anomalies on rural and environmental zoned land and rectify other minor anomalies.

Council notes housekeeping planning proposals are required to ensure the Kiama LEP 2011 and associated planning controls remain contemporary, functional and enable development that achieves the community's vision.

The Department agrees the housekeeping proposal is needed to fix minor errors and anomalies to ensure the Kiama LEP remains accurate and up to date.

A housekeeping planning proposal is considered the most efficient and only means to achieve the intended objectives and outcomes.

3 Strategic assessment

3.1 Regional Plan

Section 3.3 of the planning proposal identifies it is generally consistent with the following key Objectives and Strategies of the Illawarra Shoalhaven Regional Plan 2041:

- Objective 18 - provide housing supply in the right locations;
- Strategy 18.1 - identify urban growth boundaries and facilitate opportunities to support ongoing supply of housing in appropriate locations; and
- Objective 21 (and Strategy 21.1) - respond to the changing needs of local neighbourhoods.

This is largely because the amendments (in part) would give effect to Objective 18, seek (in part) to apply a minimum lot size to ensure housing occurs in appropriate locations and would ensure strategic planning considers changing needs, explores flexibility and supports a mix of land uses suitable for user needs over time.

The application of minimum lot size to conservation zoned land that was unintentionally not applied would be consistent with Objective 11 – Protect important environmental assets.

As the proposal is largely administrative in nature, and addresses anomalies it is considered consistent with the Regional Plan.

3.2 Local

The proposal states that it is consistent with the following local plans and strategies (Table 6).

Table 6 Local strategic planning assessment

Local Strategies	Justification
Kiama Local Strategic Planning Statement 2020	Consistent – Council has identified that the LSPS identifies the need to review and update the Kiama LEP 2011 to ensure that the planning principles will enable development applications to be made that will achieve the community's vision.
Draft Kiama Housing Strategy 2025 (Draft LHS)	Not inconsistent – Council states the Draft LHS identifies the need to review the LEP to ensure the planning controls will enable development to occur. The Draft LHS is not overly relevant to a housekeeping proposal of this nature. The proposal is not inconsistent with the Draft LHS.
Council's Planning Proposals Policy	Consistent – identifies Council drives housekeeping amendments and will prepare a maximum of two 'housekeeping' planning proposals per calendar year.

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with section 9.1 Ministerial Directions is discussed in detail in Section 3.6 of the planning proposal.

Consistency with key relevant directions is summarised below.

Table 7 9.1 Ministerial Direction assessment

Directions	Consistency	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plan	Consistent	The planning proposal is consistent with Council's LSPS which was prepared to align with the Regional Plan and satisfies objectives of the Regional Plan.
3.1 Conservation Zones	Consistent	The planning proposal would re-apply a 40ha minimum lot size to conservation zoned land which would facilitate conservation and protect the land from inappropriate development.
4.1 Flooding	Consistent	The planning proposal ensures appropriate use of land and does not propose additional urban development on flood affected land.

Directions	Consistency	Reasons for Consistency or Inconsistency
4.3 Planning for Bushfire Protection	To be determined	<p>Some sites are located on or in proximity to mapped bushfire prone land. The PP ensures the appropriate use of land and helps to prevent incompatible land uses in areas, including in bushfire prone areas.</p> <p>However, as consultation on the planning proposal has not occurred with the NSW Rural Fire Service (NSW RFS), consistency with this Direction remains unresolved.</p> <p>A Gateway condition is recommended requiring consultation with the NSW RFS, following the receipt of Gateway determination and prior to community consultation.</p>
4.4 Remediation of Contaminated Land	N/A	Council has formed a view this Direction does not apply. Council is of the view the land proposed to be rezoned is suitable in its current state for uses proposed and neither investigation nor remediation works are required.
6.1 Residential Zones	Any inconsistency of minor significance	The planning proposal would rationalise and rezone some residential land having negligible housing impacts. The application of a 40ha minimum lot size to some rural and environmental zoned lots seeks to fix historical plan making anomalies and protect this land from inappropriate development.
9.1 Rural Zones and 9.2 Rural Lands	Consistent	The planning proposal provisions largely seeks to protect rural lands and zones from inappropriate development and fragmentation and ensure zoning reflects past controls, current and intended use of some rural land.

3.4 State environmental planning policies (SEPPs)

Section 3.5 of the planning proposal assesses the consistency of the proposal with key relevant SEPPs (SEPP (Resilience and Hazards 2021), SEPP (Transport and Infrastructure 2021) and SEPP (Transport and Infrastructure) 2021).

The planning proposal is largely administrative in nature and is not considered inconsistent with key applicable SEPPs.

SEPP (Resilience and Hazards 2021)

Council has formed a view land proposed to be rezoned is suitable in its current state for uses proposed and neither investigation nor remediation works are required.

4 Site-specific assessment

4.1 Environmental

Due to the nature of the planning proposal, it is considered unlikely that any negative environmental effects will occur because of the proposed changes. It is unlikely that the proposal will have an adverse effect on any critical habitat, threatened species, populations or ecological communities or their habitats.

The application of a 40ha minimum lot size to some rural and environmental zoned lots with no current restriction would have a positive environmental impact.

4.2 Social and economic

As the planning proposal comprises a minor housekeeping amendment, social and economic effects are expected to be largely neutral.

4.3 Infrastructure

The planning proposal is largely administrative and would not adversely impact on existing public infrastructure. The rezoning of State government and utility sites to reflect current and intended uses would have a positive impact in terms of infrastructure provision.

4.4 Community

Council proposes a community consultation period of 28 days (20 working days).

The exhibition period proposed is considered appropriate, and forms a part of the conditions of the Gateway determination.

Consultation is also recommended with all landowners of sites that are the subject of this planning proposal.

4.5 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Sydney Water;
- Transport for NSW;
- NSW Rural Fire Service (following receipt of the Gateway determination and prior to community consultation); and
- Endeavour Energy.

5 Timeframe

Council proposes a 8 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a basic

The Department recommends an LEP completion date of 1 March 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

6 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority (LPMA).

It is noted that the planning proposal is of minor local significance and categorised as basic, and therefore, the Department recommends that Council be authorised to be the LPMA for this proposal.

7 Assessment summary

The planning proposal is supported to proceed with conditions for the following key reasons:

- it is not inconsistent with regional and local plans and their relevant objectives;
- there are no adverse social, economic, or environmental impacts because of the proposed amendments; and
- would fix minor errors and anomalies in the Kiama LEP to ensure it remains contemporary, accurate and up to date.

8 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Direction 4.3 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Consultation is required with the following public authorities:
 - Sydney Water;
 - Transport for NSW;
 - Endeavour Energy; and
 - NSW Rural Fire Service (following the receipt of Gateway determination and prior to community consultation).
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.
3. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.
4. The LEP should be completed on or before 1 March 2026.

Assessment officer

Andrew Hartcher

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