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Planning Proposal to amend the Kiama LEP 2011 – Housekeeping 2025

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Planning Proposal for housekeeping amendments to the Kiama LEP 2011

This Housekeeping LEP Planning Proposal seeks to amend the Kiama Local Environmental Plan (LEP) 2011 to correct mapping anomalies, minor road realignments, to rezone some state agency owned land and update a number of LEP Maps as required.

1.0 Statement of objectives

The Planning Proposal (PP) applies to a number of sites throughout the Kiama Municipal Council Local Government Area and proposes housekeeping amendments to the LEP.

The Kiama Local Environmental Plan (LEP) 2011 is proposed to be amended as follows:

1. Amend the development standards of nine (9) State Agency Owned sites to ensure they are consistent with the current and intended use of the sites.
 - a. Transport for NSW
 - b. Sydney Water
 - c. Endeavour Energy
2. Apply a minimum Lot Size of 40ha to a number of sites throughout the Kiama LGA that are zoned RU1 Primary Production, C2 Environmental Conservation and C3 Environmental Management. A 40ha minimum lot size applied to these sites under the Kiama 1996 LEP and was intended to have applied to the sites under the Kiama LEP 2011 when it was prepared.
3. Make other minor development standard amendments (as outlined in detail in Section 2). This applies to some sites along Caliope Street, Kiama and 1 Newing Circuit, Kiama Downs.

To make the above changes, the following LEP Maps will be amended – refer to the individual Map Appendix for site specific details as referenced for each item under section 2.0:

- Land Zone (LZN) Map Sheets – 8, 10, 12 & 14
(See Map Appendix 1, 2, 4, 6 & 10)
- Minimum Lot Size (LSZ) Map Sheets – 7, 8, 11, 12, 13 & 14
(See Map Appendix 5, 7, 8, 9 & 11)
- Height of Building (HOB) Map Sheets – 11, 12 & 14
(See Map Appendix 3, 12 & 14)
- Floor Space Ratio (FSR) Map Sheets – 12
(See Map Appendix 13)

2.0 Explanation of provisions

The Planning Proposal seeks to amend the Kiama LEP 2011 via the following:

1. State Agency Owned Sites:

1. Rezone five (5) Transport for NSW owned surplus lots and amend LZN LEP maps to reflect the changes. Transport NSW are supportive of these changes which are required following completion of the M1 bypass construction project. Parts of the new highway corridor are also required to be rezoned to align with the new road corridor property boundaries.

- i. **Part of Lot 21 DP 1302563** (Parent Lot 2 DP 1299743) – 62 Willow Springs Road, Broughton Village - remove current SP2 Infrastructure zoning and apply both RU2 Rural Landscape and C3 Environmental Management zoning consistent with the remainder of the lot.

LZN – rezone from SP2 to RU2 and C3: Map Sheet LZN – 10
(shown on Map Appendix 1)

- ii. **Part of Lot 20 DP 1302563** (Parent Lot 1 DP 1299743) – Princes Highway, Broughton Village - remove current SP2 Infrastructure zoning and apply both RU2 Rural Landscape and C3 Environmental Management zoning consistent with the remainder of the lot.

LZN – rezone from SP2 to RU2 and C3: Map Sheet LZN – 10
(shown on Map Appendix 1)

- iii. **Part of Lot 79 DP 1188637** (Parent Lot 2 DP 882532) – 387 Donovan Road, Broughton Village - remove current SP2 Infrastructure zoning and apply RU2 Rural Landscape zoning consistent with the remainder of the lot.

LZN – rezone from SP2 to RU2: Map Sheet LZN – 10
(shown on Map Appendix 1)

- iv. **Part of Lot 417 DP 1186383** – 261 Donovan Road, Broughton Village – remove current SP2 Infrastructure zoning and apply RU2 Rural Landscape zoning consistent with the remainder of the lot.

LZN – rezone from SP2 to RU2: Map Sheet LZN – 10
(shown on Map Appendix 1)

- v. **Part of Lot 503 DP 1294373** – Princes Highway, Toolijooa – remove current SP2 Infrastructure zoning and apply both RU2 Rural Landscape and C3 Environmental Management zoning that is consistent with the adjoining zoning.

LZN – rezone from SP2 to RU2 and C3: Map Sheet LZN – 10
(shown on Map Appendix 1)

- vi. **Part of Princes Highway, Toolijooa and Broughton Village** – remove current RU2 Rural Landscape and C3 Environmental Management zoning and apply SP2 Infrastructure zoning that is consistent with the highway realignment and intended use of *Classified Road*.

Note: the remaining sections of the now constructed Princes Highway that require amendments to align the road boundary with the appropriate Land Use Zone and other LEP constraints will be completed as part of a separate Housekeeping Planning Proposal in the near future.

LZN – rezone from RU2 and C3 to SP2: Map Sheet LZN – 10
(shown on Map Appendix 1)

2. Rezone two (2) Endeavour Energy owned sites and amend LZN, HOB and LSZ LEP maps to reflect the changes. Endeavour Energy are supportive of rezoning the following sites:
 - i. **Lot 1 DP 566687** – 55 Rowllins Road, Gerringong – remove current E3 Productive Support Zone and apply SP2 Infrastructure zoning consistent with the current and intended use of the site as *Public Utility Undertaking*.

LZN – rezone from E3 to SP2; Map Sheet LZN – 14
(shown on Map Appendix 2)

HOB – amend from 11m to NIL; Map Sheet HOB – 14
(shown on Map Appendix 3)
 - ii. **Lot 1 DP 1183082** – 34 Golden Valley Road, Jamberoo - remove current RU2 Rural Landscape zoning and apply SP2 Infrastructure zoning to the lot to reflect the current and intended use of the site as *Public Utility Undertaking*.

LZN – rezone from RU2 to SP2; Map sheet LZN – 8
(shown on Map Appendix 4)

LSZ – amend from 40ha to Nil; Map sheet LSZ – 8
(shown on Map Appendix 5)

3. Sydney Water are supportive of these changes to rezone the following two (2) Sydney Water owned site as follows:
 - i. **Lot 1 DP 1065357** – Park Road, Gerroa – remove current RE1 Public Recreation Zone and apply SP2 Infrastructure zoning to reflect the current and intended use of the site as a *Water Supply System*.

LZN – rezone from RE1 to SP2; Map Sheet LZN – 14
(shown on Map Appendix 6)
 - ii. **Lot 1 DP 1090646** – Golden Valley Road, Jamberoo – Remove the current RU2 Rural Landscape Zoning and apply SP2 Infrastructure zoning consistent with the current and intended use of the site as a *Water Supply System*.

LZN – rezone from RU2 to SP2; Map Sheet LZN – 8
(shown on Map Appendix 4)

LSZ – amend from 40ha to Nil; Map sheet LSZ – 8
(shown on Map Appendix 5)

2. Minimum Lot Size - Subdivision

Apply a minimum lot size of 40ha to the following sites that are zoned RU1 Primary Production, C2 Environmental Conservation and C3 Environmental Management. These sites do not currently have a minimum lot size indicated on the LEP map layer. The LEP Minimum Lot Size (LSZ) map layer will be amended to include a minimum lot size to reflect the objectives of the zone.

It is important to note that the now repealed Kiama LEP 1996 applied the minimum lot size to a *zone* and not to each individual parcel/property. The relevant clauses of the Kiama 1996 LEP are:

- Part 3, Clause 10 Rural “A” Zone - Subdivision
- Part 8 Environmental protection, Clause 27 Rural Environmental Protection (Estuaries Wetlands) Zone - Subdivision
- Part 8 Environmental protection, Clause 30 Rural Environmental Protection (Scenic) Zone - Subdivision

- Part 8 Environmental protection, Clause 33 Rural Environmental Protection (Hinterland) and (Foreshore Protection) Zones - Subdivision

When the Kiama LEP 2011 was prepared, the intention was that the minimum lot size would be applied to each site individually. Unfortunately, some sites were missed in the process and a minimum lot size was not indicated on the site. This occurred on sites where a 40ha minimum lot size applies, and therefore some sites currently do not show any minimum lot size, however a minimum lot size of 40ha should have applied as this is consistent with the 1996 LEP and the objectives of the 2011 LEP.

It is important that a minimum lot size of 40ha is applied to these sites to ensure protection of the environment and to mitigate the types of development that may occur as a result.

This housekeeping PP will fix these anomalies and apply a minimum lot size of 40 ha to the following lots.

Map Layer LSZ – change from nil to 40ha/AB; Map sheet: LSZ – 7, 8, 11, 12, 13 & 14
(shown on Map Appendix 7, 8 & 9)

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 – Rowllins 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

3. Minor amendments:

3.1 **Part of Lot 671 DP 1308222 – 23 Caliope Street, Kiama**

A recent boundary adjustment completed as Exempt Development under the Codes SEPP resulted in the new residential lot having split LEP zones. The PP will rezone the small portion of RU2 Rural Landscape zoning (approx. 85sqm) to R2 Low Density Residential to correct this anomaly and ensure the lot has consistent planning controls as follows:

LZN – Rezone from RU2 to R2; Map sheet LZN – 12
(shown on Map Appendix 10)

LSZ – Amend from 40ha to 450sqm; Map sheet LSZ – 12
(shown on Map Appendix 11)

HOB – Amend from Nil to 8.5m; Map sheet HOB – 12
(shown on Map Appendix 12)

FSR – Amend from Nil to 0.45; Map sheet FSR – 12
(shown on Map Appendix 13)

3.2 **Part of Lot 10 DP 1210621 – 11 Caliope Street, Kiama and the adjacent part of Caliope Street, Kiama**

A recent subdivision did not align with the LEP boundaries resulting in Lot 10 having split zoning and the misalignment of the other LEP constraints, as well as the road boundary.

Lot 10:

The PP will rezone the small portion of RU2 Rural Landscape (approx. 37sqm) to R2 Low Density Residential to correct this anomaly and ensure the lot has consistent planning controls as follows:

LZN – Rezone from RU2 to R2; Map sheet LZN – 12
(shown on Map Appendix 10)

LSZ – Amend from 40ha to 450sqm; Map sheet LSZ – 12
(shown on Map Appendix 11)

HOB – Amend from Nil to 8.5m; Map sheet HOB – 12
(shown on Map Appendix 12)

FSR – Amend from Nil to 0.45; Map sheet FSR – 12.
(shown on Map Appendix 13)

Part of Caliope Street - road corridor:

The PP will rezone the small portion of R2 Low Density Residential (approx. 37sqm) to RU2 Rural Landscape to correct this anomaly and ensure the road corridor has consistent planning controls as follows:

LZN – Rezone from R2 to RU2; Map sheet LZN – 12
(shown on Map Appendix 10)

LSZ – Amend from 450sqm to 40ha; Map sheet LSZ – 12
(shown on Map Appendix 11)

HOB – Amend from 8.5m to Nil; Map sheet HOB – 12
(shown on Map Appendix 12)

FSR – Amend from 0.45 to Nil; Map sheet FSR – 12
(shown on Map Appendix 13)

3.3 **Part of Lot 341 DP 790657 – 1 Newing Circuit, Kiama Downs**

This site is zoned C3 Environmental Management. Most of the site does not have a Height of Building (HOB) control which is consistent with this zone, however there are two small portions of the site that have a HOB. Remove the Height of Building constraint on two small parts of the lot (approx. 450sqm and 265sqm) to be consistent with property boundary.

HOB – Amend from 8.5m to nil; Map sheet: HOB – 11, 12
(shown on Map Appendix 14)

3.0 Justification for objectives

3.1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The Planning Proposal is the indirect result of the Kiama Local Strategic Planning Statement 2020 (LSPS) and other strategies.

The LSPS identifies the need to review and update the Kiama Local Environmental Plan (LEP) 2011 to ensure that the planning principles will enable Development Applications to be made that will achieve the community's vision. The Draft Kiama Local Housing Strategy 2025 also identifies the need to review the LEP to ensure the planning controls will enable development to occur.

Council's Strategic Planning works program, prepared to assist in the implementation of the Kiama LSPS 2020, identifies the need to undertake housekeeping PP's to ensure the Kiama LEP 2011 remains contemporary.

In accordance with Council's Planning Proposal Policy, Council will only prepare a maximum of two (2) 'housekeeping' PP's per calendar year.

A Council Report will seek Council endorsement of this Housekeeping LEP Planning Proposal at the June 2025 Ordinary Council Meeting.

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

The Planning Proposal seeks to rezone land, amend the minimum lot size and correct other mapping anomalies.

A Planning Proposal is the mechanism available for amending the current provisions of the LEP. It is the only mechanism available to rezone land and to amend LEP maps.

The current zoning of the nine (9) State Agency Owned sites outlined in Section 2.0 does not reflect the current and intended use of the site. Therefore, a PP is required to rezone the sites accordingly.

A number of sites throughout the Kiama Municipality do not indicate a minimum lot size on the LEP Minimum Lot Size Map Sheets. A minimum lot size of 40ha applied to these sites in accordance with the Kiama 1996 LEP, however the LSZ Maps for these sites were not completed when the Kiama 2011 LEP was endorsed. Therefore, a PP is required to apply a minimum lot size of 40ha on applicable sites and to correct this anomaly.

Some sites on Caliope Street Kiama have split zoning due to a recent boundary adjustment and subdivision. These sites will be partially rezoned to make the land zone consistent with the remainder of the site. A PP is required to correct these mapping anomalies.

3.3 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The applicable regional plan is the Illawarra-Shoalhaven Regional Plan (ISRP) 2041. It is considered that the proposed amendments to the Kiama LEP 2011 are consistent with the objectives contained within the plan, specifically Objective 18 and Objective 21:

- *Objective 18 – Provide housing supply in the right locations*

The PP is considered consistent with and gives effect to Objective 18 of the ISRP.

- *Strategy 18.1 - Identify urban growth boundaries and facilitate opportunities to support ongoing supply of housing in appropriate locations*

The PP is consistent with strategy 18.1. The PP seeks to apply a minimum lot size to a number of sites in the Kiama Municipality to ensure the supply of housing occurs in appropriate locations.

- *Objective 21 – Respond to the changing needs of local neighbourhoods*

The PP seeks to rezone nine (9) State Agency Owned sites to reflect the current and intended use of the site.

These amendments are consistent with this Objective as it explores flexibility and supporting a mix of land uses so that local streets and spaces can be adapted to new uses and user needs over time.

3.4 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The PP will give effect to Council's Strategic Planning works program, prepared to assist in the implementation of the Kiama LSPS 2020. There is an identified need to undertake housekeeping PP's to ensure the Kiama LEP 2011 remains contemporary.

The PP gives effect to planning priorities contained within the Kiama LSPS which provide rationale for ongoing updates required to the LEP and DCP.

- *Theme 3: Protect Rural Landscapes - Planning Priority 8 aims to protect viable agriculture and agricultural lands.*

The PP seeks to amend the LEP minimum subdivision lot size maps to apply a minimum lot size of 40ha to a number of sites throughout the Kiama LGA. This will ensure protection of the rural lands and to mitigate the types of development that may occur as a result.

- *Theme 4: Mitigate and adapt to climate change and protect our environment - Planning Priority 10 aims to conserve areas of environmental significance.*

This PP seeks to amend the LEP minimum subdivision lot size maps to apply a minimum lot size of 40ha to a number of sites throughout the Kiama LGA. This will ensure protection of the environment and to mitigate the types of development that may occur as a result.

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

The following State Environmental Planning Policies (SEPP's) are applicable to the Planning Proposal (PP):

- *State Environmental Planning Policy No. 55 (Resilience and Hazards) 2021*
 - *Chapter 4 – Remediation of Land*

SEPP 55 requires Council to be satisfied that the land is suitable (or can be made suitable) for the proposed use/s.

The PP seeks to rezone nine (9) State Agency Owner sites throughout the Kiama LGA. These sites owned by Transport for NSW, Sydney Water and Endeavour Energy. The sites are or were used for infrastructure purposes and are not zoned accordingly. These sites are outline in section 2.0. The PP seeks to rezone these sites to reflect the current and intended use of the site.

Residential development is not permitted on the subject sites and therefore it is considered that the sites are suitable in their current state and neither investigation or remediation works are required. The PP is therefore considered to be consistent with SEPP No. 55.

- *SEPP Biodiversity and Conservation 2021*

The PP seeks to amend the minimum subdivision lot size to a number of sites throughout the Kiama LGA that are zoned RU1 Primary Production, C2 Environmental Conservation and C3 Environmental Management. A 40ha minimum lot size applied to these sites pursuant to the Kiama 1996 LEP and should have applied to the sites under the Kiama LEP 2011 when it was endorsed.

Currently no minimum lot size applies to these sites, and therefore there is a risk that land may be subdivided under 40ha which would be inconsistent with the zone objectives.

This amendment ensures protection of the environment, biodiversity values of trees and other vegetation and ensures that subdivision of these lands does not occur.

- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

The PP proposes to rezone land that is used for public infrastructure to ensure that it is zoned and identified to reflect the use of the land.

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

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

A Section 9.1 Ministerial Directions Compliance Checklist has been compiled by Kiama Council:

Assessment of Section 9.1 Ministerial Directions – Compliance Checklist

Ministerial Direction	Comment
1. Planning Systems	
1.1 Implementation of Regional Plans	<p>The Planning Proposal is the indirect result of the Kiama Local Strategic Planning Statement 2020 (LSPS) and other strategies.</p> <p>The LSPS identifies the need to review and update the Kiama Local Environmental Plan (LEP) 2011 to ensure that the planning principles will enable Development Applications to be made that will achieve the community's vision. The Draft Kiama Local Housing Strategy 2025 also identifies the need to review the LEP to ensure the planning controls will enable development to occur.</p> <p>Therefore, the PP is consistent with Direction 1.1.</p>
1.2 Development of Aboriginal Land Council Land	<p>The sites included in this PP are not identified on the Land Application map of <i>State Environmental Planning Policy (Aboriginal Land) 2019</i>. Therefore, this direction does not apply to the PP.</p>
1.3 Approval and Referral Requirements	<p>This direction does not apply to the PP.</p>
1.4 Site Specific Provisions	<p>This direction does not apply to the PP.</p>
Planning Systems – Place-based	
1.5 to 1.22	<p>These directions do not apply to the Kiama LGA.</p>
2. Design and Place	
<p>There are currently no Directions in this Focus Area.</p>	
3. Biodiversity and Conservation	
3.1 Conservation zones	<p>The PP seeks to apply a minimum lot size of 40ha to a number of sites throughout the Kiama LGA that are zoned RU1 Primary Production, C2 Environmental Conservation and C3 Environmental Management.</p> <p>These sites do not currently have a minimum lot size indicated on the LEP Minimum Lot Size map layer. The LEP Minimum Lot Size (LSZ) map layer will be amended to include a minimum lot size to reflect the objectives of the zone.</p> <p>It is important that a minimum lot size of 40ha is applied to these sites to ensure protection of the environment and to mitigate the types of development that may occur as a result.</p> <p>Therefore, the PP includes provisions that facilitate the protection and conservation of environmentally sensitive areas and is consistent with Direction 3.1.</p>

3.2 Heritage Conservation	The sites included in this PP are not heritage items or located in heritage conversation zones and therefore this direction does not apply to the PP.
3.3 Sydney Drinking Water Catchments	This direction does not apply to the PP.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	This direction does not apply to the Kiama LGA.
3.5 Recreation Vehicle Areas	The direction does not apply to the PP.
3.6 Strategic Conservation Planning	The direction does not apply to the PP.
4. Resilience and Hazards	
4.1 Flooding	<p>The PP seeks to apply a minimum lot size of 40ha to a number of sites throughout the Kiama LGA that are zoned RU1, C2 and C3; to rezone part of lot for nine (9) state agency owned sites to ensure the land zoning is consistent with the current and intended use of each site; and minor amendments to correct split zoning resulting from recent subdivisions and boundary adjustments on sites along Caliope Street, Kiama.</p> <p>The PP ensures the appropriate use of land and helps to prevent incompatible land uses in areas, including in flood affected areas.</p> <p>The PP aims to better protect the environment and to mitigate the types of development that may occur on sites.</p> <p>The PP does not propose additional urban development on flood affected land.</p> <p>Therefore, the PP is considered consistent with Direction 4.1</p>
4.2 Coastal Management	The sites included in this PP are not located within a Coastal Management Zone and therefore the direction does not apply to the PP.
4.3 Planning for Bushfire Protection	<p>The PP seeks to apply a minimum lot size of 40ha to a number of sites throughout the Kiama LGA that are zoned RU1, C2 and C3; to rezone part of lot for nine (9) state agency owned sites to ensure the land zoning is consistent with the current and intended use of each site; and minor amendments to correct split zoning resulting from recent subdivisions and boundary adjustments on sites along Caliope Street, Kiama.</p> <p>The PP ensures the appropriate use of land and helps to prevent incompatible land uses in areas, including in bushfire prone areas.</p> <p>The PP aims to better protect the environment and to mitigate the types of development that may occur on sites.</p> <p>Therefore, the PP is considered consistent with Direction 4.3.</p>

4.4 Remediation of Contaminated Land	This direction does not apply to the PP.
4.5 Acid Sulfate Soils	This direction does not apply to the PP.
4.6 Mine Subsidence and Unstable Land	The direction does not apply to the PP.
5. Transport and Infrastructure	
5.1 Integrating Land Use and Transport	The provisions of the PP will not impact on transport choice and will not impact on permitted uses and the types of business that can be established in any proposed business zone. Therefore, the PP is consistent with Direction 5.1.
5.2 Reserving Land for Public Purposes	<p>The PP seeks to rezone public land at Lot 1 DP 1065357 Park Road, Gerroa. The site is currently zoned RE1 Public Recreation Zone. The PP seeks to rezone the site to SP2 Infrastructure zoning to reflect the current and intended use of the site as a <i>Water Supply System</i>.</p> <p>The site has existing Sydney Water infrastructure and is not currently utilised for recreational purposes. Therefore, rezoning the site to SP2 will reflect the current and intended use of the site and will not reduce land fit for recreational public purposes. Therefore, the PP is considered consistent with Direction 5.2.</p>
5.3 Developing Near Regulated Airports and Defence Airfields	The direction does not apply to the PP.
5.4 Shooting Ranges	The direction does not apply to the PP.
6. Housing	
6.1 Residential Zones	<p>The PP applies to a few sites along Caliope Street, Kiama that are located in a Residential zone.</p> <p>A recent boundary adjustment completed as Exempt Development under the Codes SEPP resulted in the new residential lot having split LEP zones.</p> <p>The PP will rezone the small portion of RU2 Rural Landscape zoning to R2 Low Density Residential to correct this anomaly and ensure the lot has consistent planning controls.</p> <p>The portion of land that is being zoned to R2 is small and will not impact on the existing development potential (housing types) that may occur on these sites. Rezoning these small portions of land will not impact on the environment, resource lands, or the access to infrastructure and services on the site.</p> <p>Therefore, Therefore, the PP is consistent with Direction 6.1.</p>
6.2 Caravan Parks and Manufactured Home Estates	The direction does not apply to the PP.
7. Industry and Employment	

7.1 Business and Industrial Zones	The sites included in the PP are not located in Business and Industrial Zones. The PP does not propose to rezone land to Business or Industrial land zones. Therefore, this direction does not apply to the PP.
7.2 Reduction in non-hosted short-term rental accommodation period	The direction does not apply to the PP.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	The direction does not apply to the PP.
8. Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	The direction does not apply to the PP.
9. Primary Production	
9.1 Rural Zones	<p>The PP seeks to apply a minimum lot size of 40ha to a number of sites throughout the Kiama LGA that are zoned RU1 Primary Production which do not currently have a minimum lot size indicated on the LEP map layer.</p> <p>The LEP Minimum Lot Size (LSZ) map layer will be amended to include a minimum lot size to reflect the objectives of the zone.</p> <p>It is important that a minimum lot size of 40ha is applied to these sites to ensure protection of the rural land to mitigate the types of development that may occur as a result.</p> <p>Therefore, the PP includes provisions that facilitate the protection and conservation of rural zones and is consistent with Direction 9.1.</p>
9.2 Rural Lands	<p>The PP seeks to apply a minimum lot size of 40ha to a number of sites throughout the Kiama LGA that are zoned RU1 Primary Production which do not currently have a minimum lot size indicated on the LEP map layer.</p> <p>The LEP Minimum Lot Size (LSZ) map layer will be amended to include a minimum lot size to reflect the objectives of the zone.</p> <p>It is important that a minimum lot size of 40ha is applied to these sites to ensure protection of the rural land to mitigate the types of development that may occur as a result.</p> <p>Therefore, the PP includes provisions that facilitate the protection and conservation of rural land and is consistent with Direction 9.2.</p>
9.3 Oyster Aquaculture	The direction does not apply to the PP.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	The direction does not apply to the PP.

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 PP seeks to rezone a number of state agency owned sites to more accurately reflect the current use of the site.

The PP seeks to amend the minimum subdivision lot size to a number of sites throughout the Kiama LGA that are zoned RU1 Primary Production, C2 Environmental Conservation and C3 Environmental Management. Currently no minimum lot size applies to these sites, therefore this amendment ensures protection of the environment, biodiversity values of trees and other vegetation and ensures that development only occurs in appropriate places.

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

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

The Biodiversity Conservation Act 2016, State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and Chapter 2 of the Kiama Development Control Plan 2020 will continue to apply to development involving the removal of vegetation.

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

Due to the nature of the PP it is considered unlikely that any environmental effects will occur as a result of the proposed changes. None of the sites this PP applies to are identified as items of environmental heritage in Schedule 5 of the Kiama Local Environmental Plan 2011.

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

Economic Effects

The components of the PP are for housekeeping purposes and are considered to have a neutral economic effect as they do not restrict permitted development from occurring as intended.

Social Effects

The components of the PP are for housekeeping purposes and are considered to have a neutral social effect as they do not restrict permitted development from occurring as intended.

3.10 Is there adequate public infrastructure for the planning proposal?

The PP seeks to rezone state agency owned land to reflect the current and intended use of the site. The proposed rezoning will not impact on the existing public infrastructure available to the site.

The PP seeks to apply a minimum subdivision lot size to a number of sites throughout the Kiama LGA that do not currently have a minimum lot size. These sites are zoned RU1 Primary Production, C2 Environmental Conservation and C3 Environmental Management. These amendments will have no impact on public infrastructure and are for housekeeping purposes only.

The PP is for administrative and housekeeping purposes only. It does not propose to increase development potential and therefore does not impact on existing public infrastructure.

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

Post Gateway consultation

Council proposes to consult with the following agencies:

- Sydney Water
- Transport for NSW
- Endeavour Energy

4.0 Mapping

The PP requires the following LEP Maps to be amended:

- Land Zoning Map:
 - Sheet LZN_008
 - Sheet LZN_010
 - Sheet LZN_012
 - Sheet LZN_014

- Minimum Lot Size Map:
 - Sheet LSZ_007
 - Sheet LSZ_018
 - Sheet LSZ_011
 - Sheet LSZ_012
 - Sheet LSZ_013
 - Sheet LSZ_014

- Height of Building Map:
 - Sheet HOB_011
 - Sheet HOB_012
 - Sheet HOB_014

- Floor Space Ratio Map:
 - Sheet FSR_012

5.0 Community Consultation

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

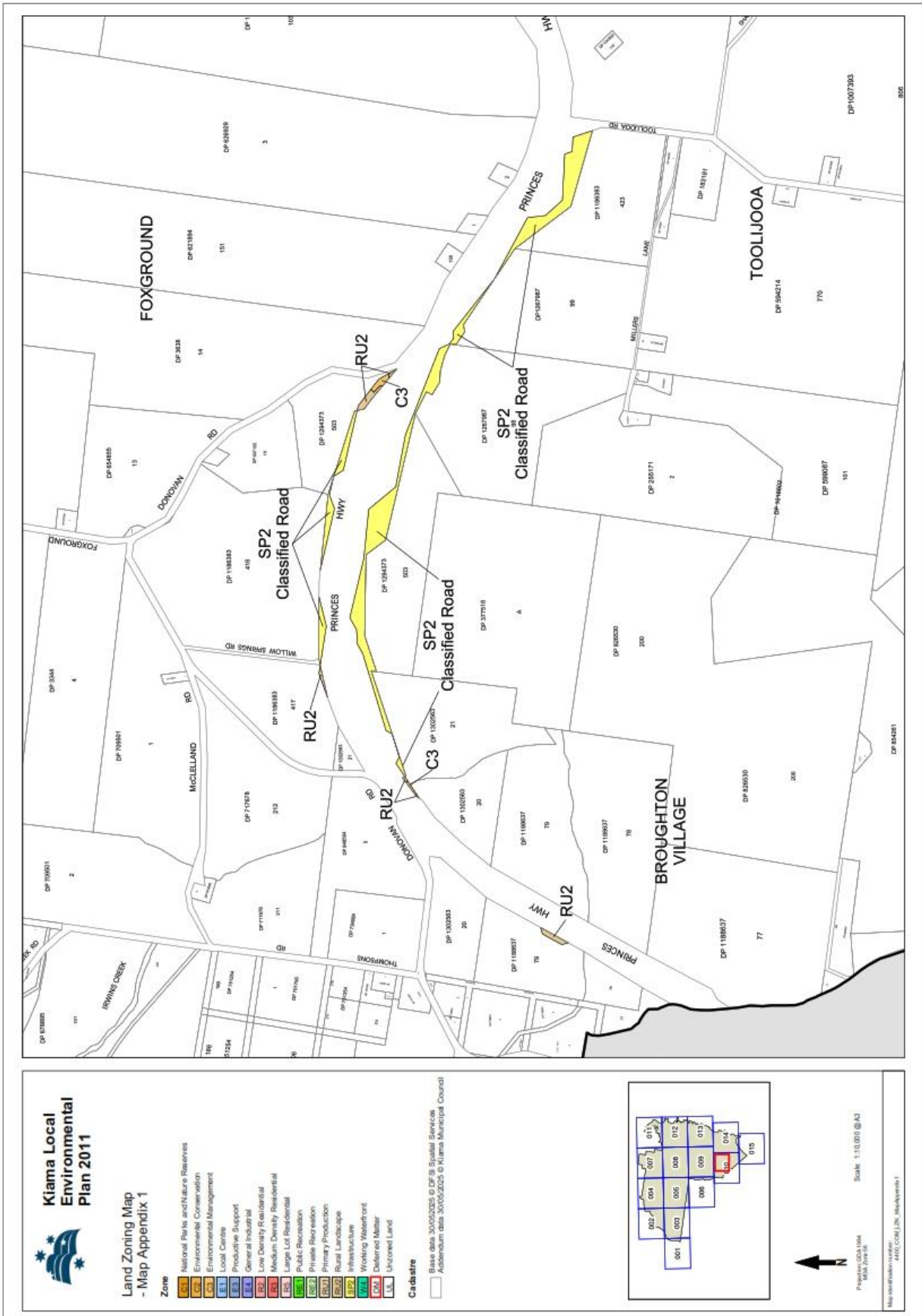
- Information available on the NSW Planning Portal.
- A link to the NSW Planning Portal from Council's Your Say website.
- Notification letters to affected land owners.
- Notification letters to identified State agencies and as required by the Gateway Determination.

6.0 Project Timeline

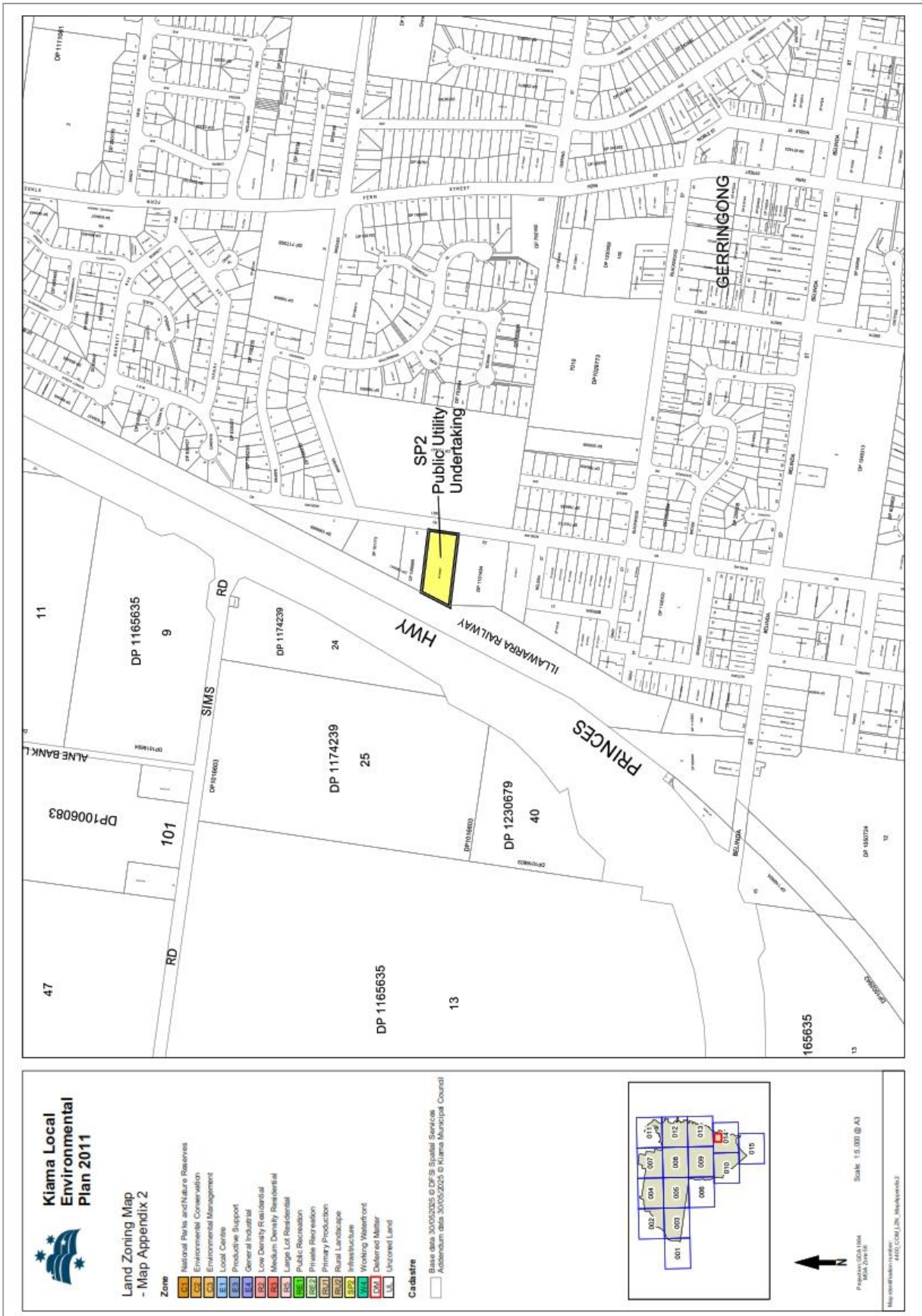
The timeframe for the Planning Proposal is that, from date of Gateway determination to date of submission to the Department of Planning, Housing and Infrastructure (DPHI), to finalise the LEP is a period of nine months.

Step in process	Timeframe	Target date
Submit to DPHI seeking a Gateway Determination	2 weeks from Council endorsement	June 2025
Receive Gateway Determination	4 weeks from submission date	July 2025
Preparation of any outstanding studies (if required)	N/A	N/A
Consult with State/Commonwealth agencies	4 weeks from receiving Gateway Determination	August 2025
Exhibition of PP and technical studies (assuming no requirement to resubmit to DPHI)	4 weeks from completing agency consultation	September 2025
Date of Public Hearing (if required)	N/A	N/A
Review of Public Submissions and preparation of report to Council	4 weeks from end of exhibition period	October 2025
Report to Council for final endorsement	First available Council meeting after completion of review of submissions (allow 8 weeks)	November 2025
Seek Parliamentary Counsel Office's (PCO) opinion.	2 weeks from date of Council meeting minutes being published	November 2025
Submit maps to DPHI for review	2 weeks from date of Council meeting minutes being published	December 2025
Submit to DPHI to publish LEP amendment	4-6 weeks from date PCO's opinion requested	January 2026
Anticipated publication date of LEP amendment	2 weeks from date of submission to DPHI	February 2026

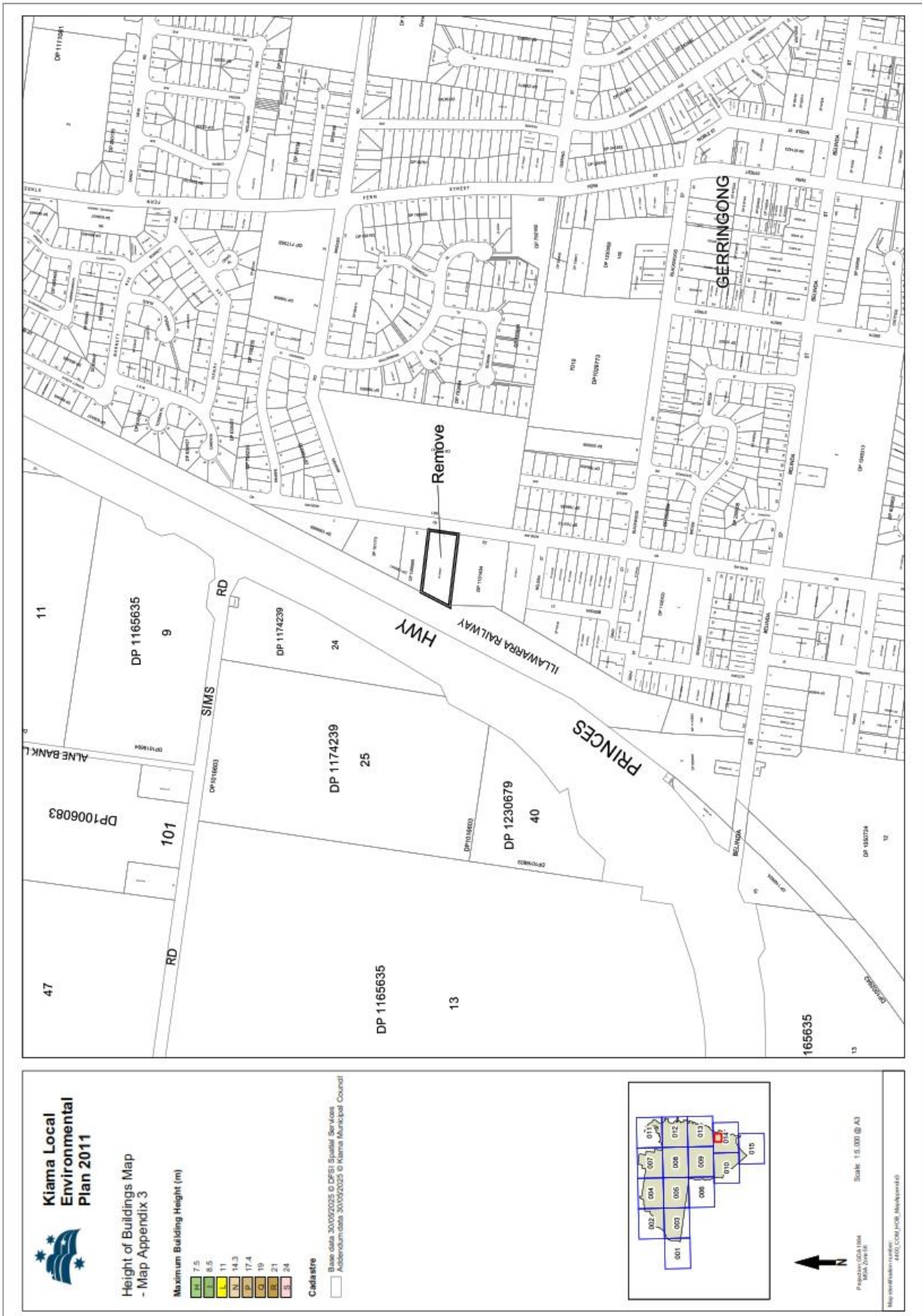
Map Appendix 1



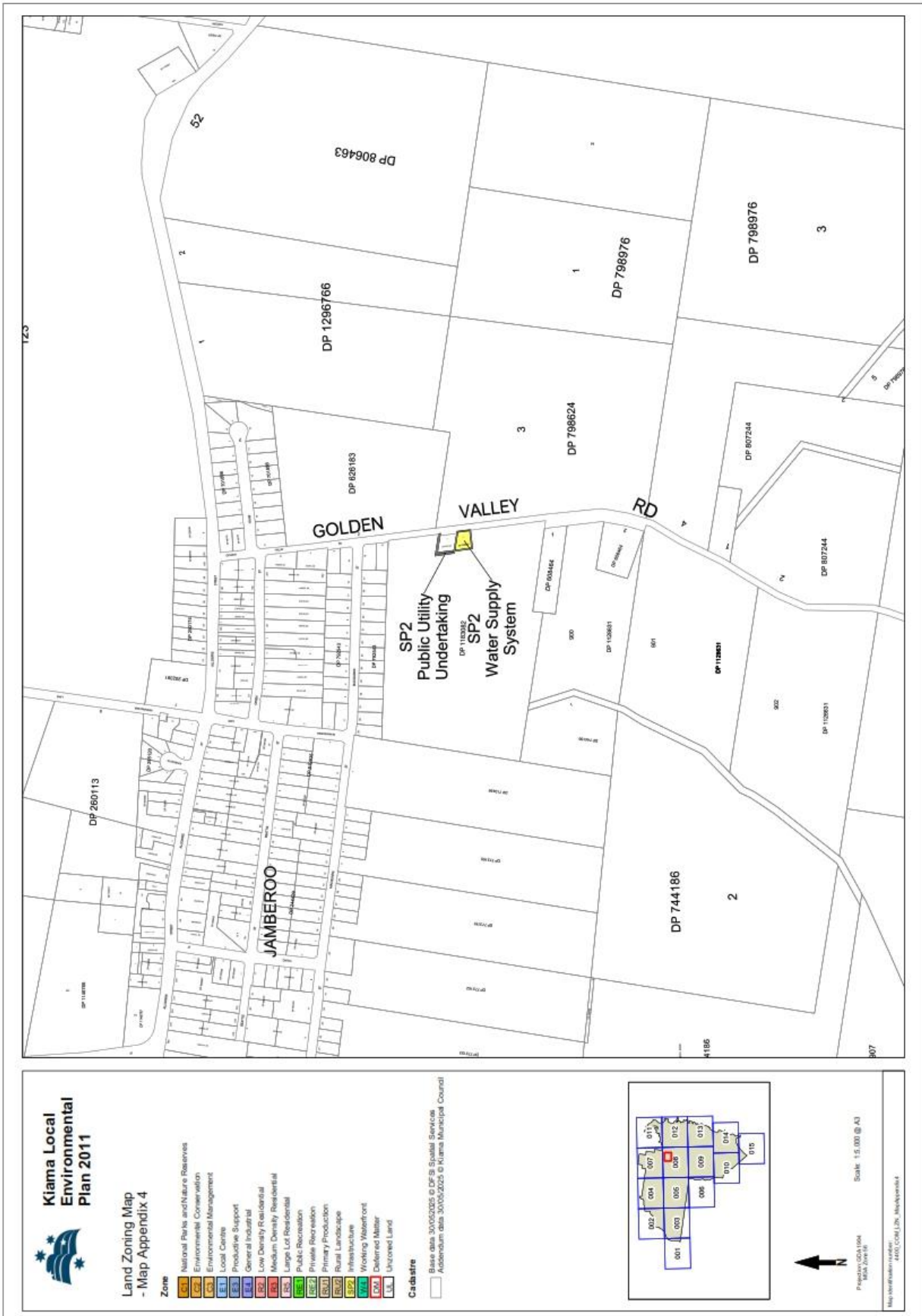
Map Appendix 2



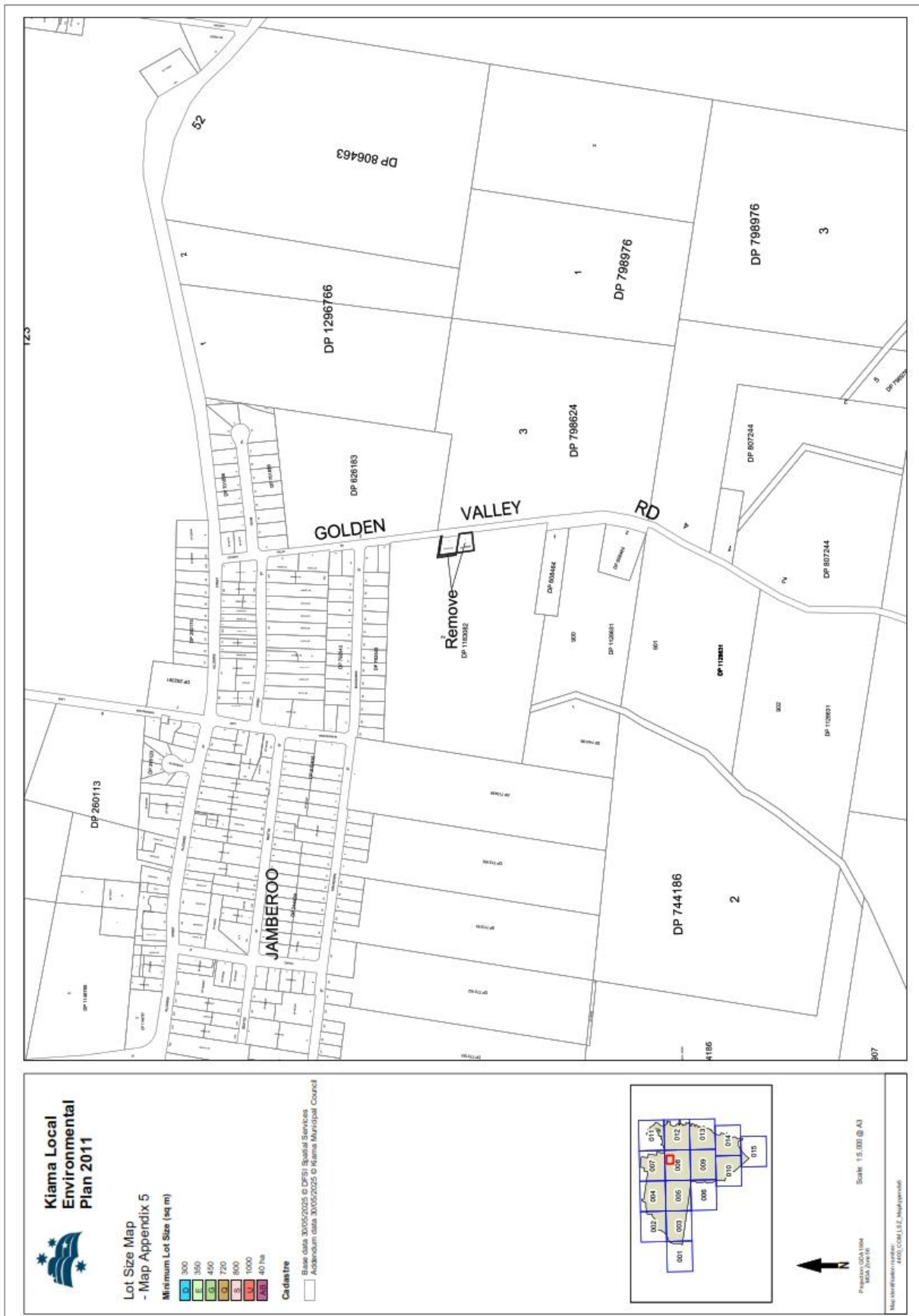
Map Appendix 3



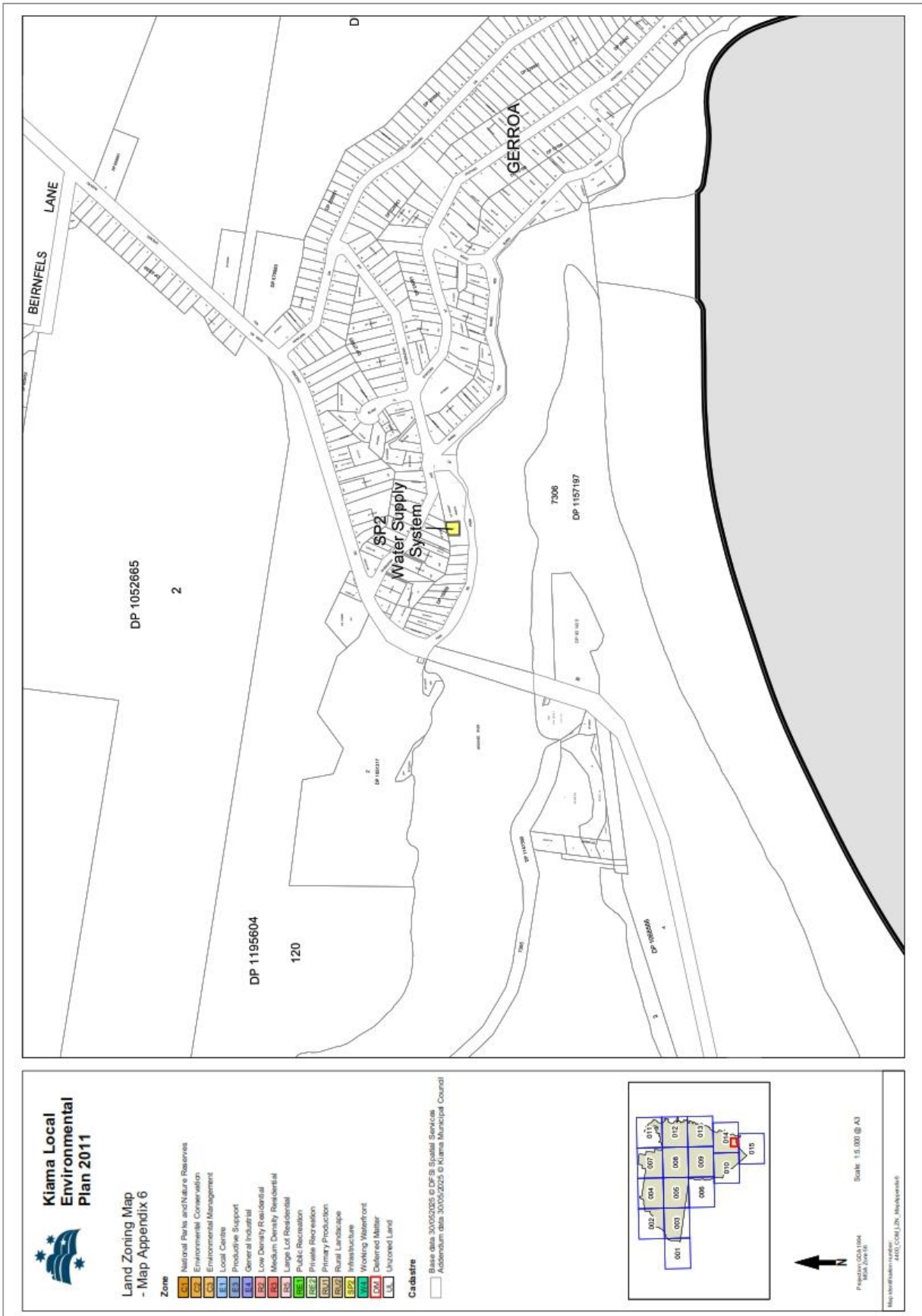
Map Appendix 4



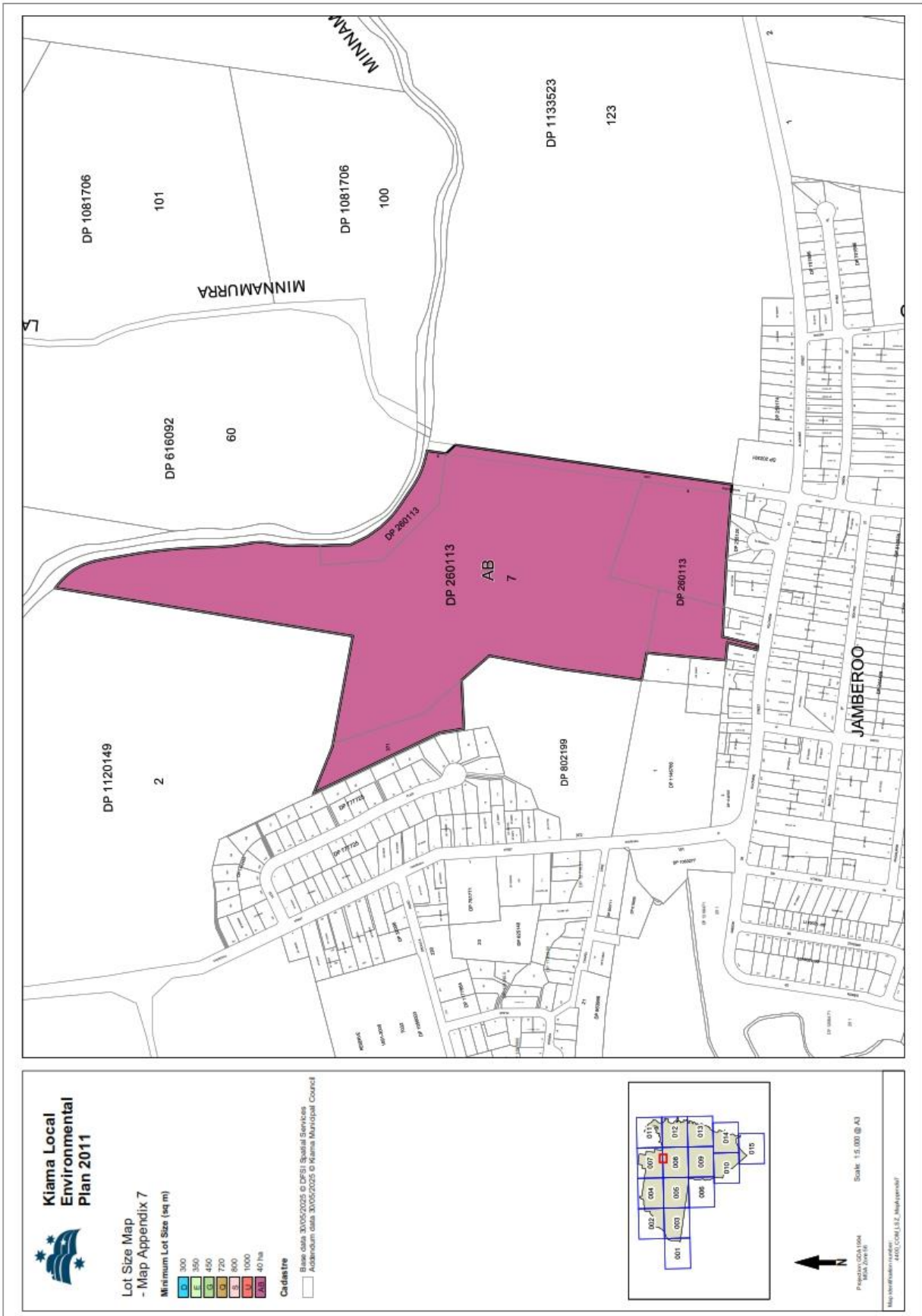
Map Appendix 5



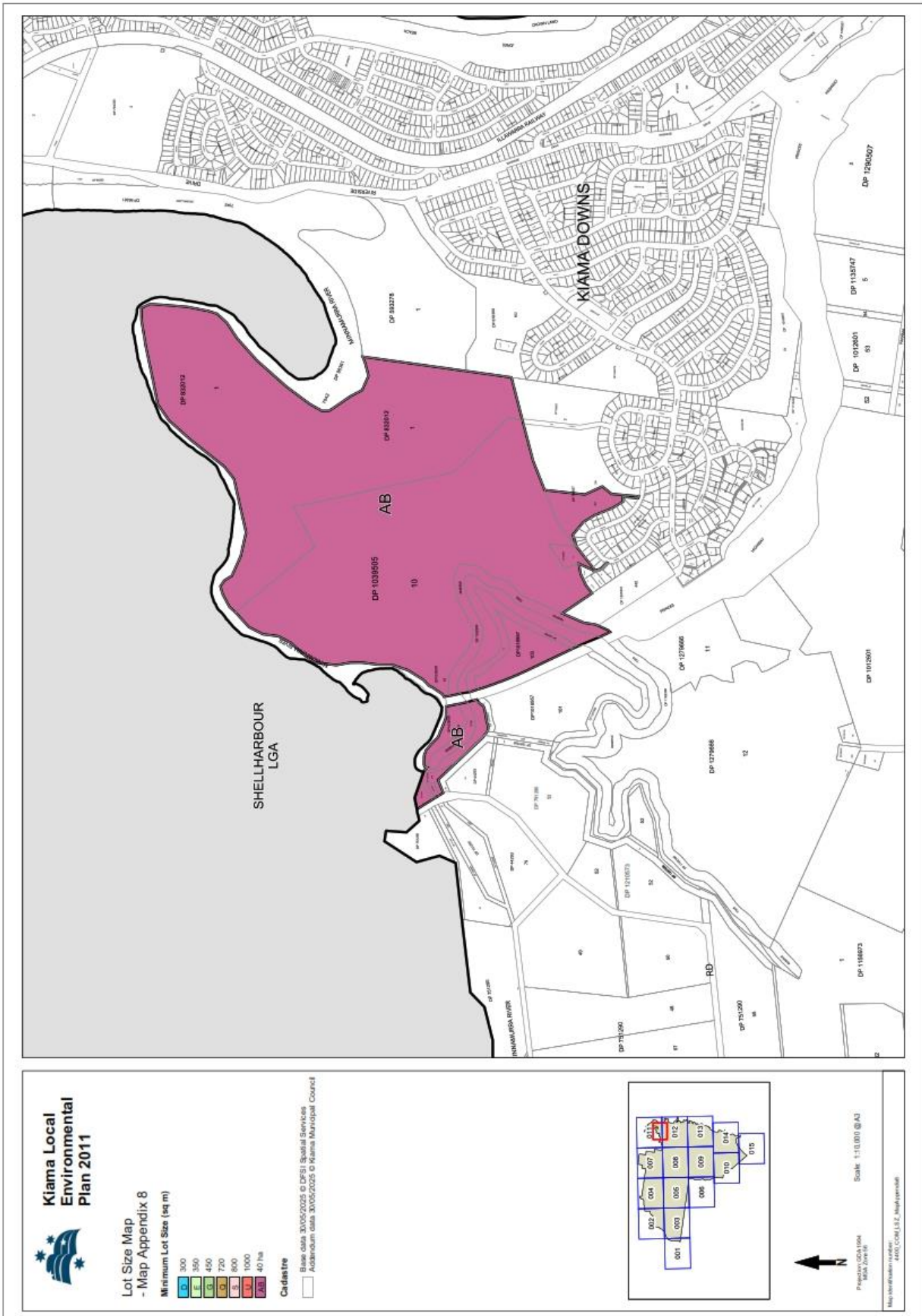
Map Appendix 6



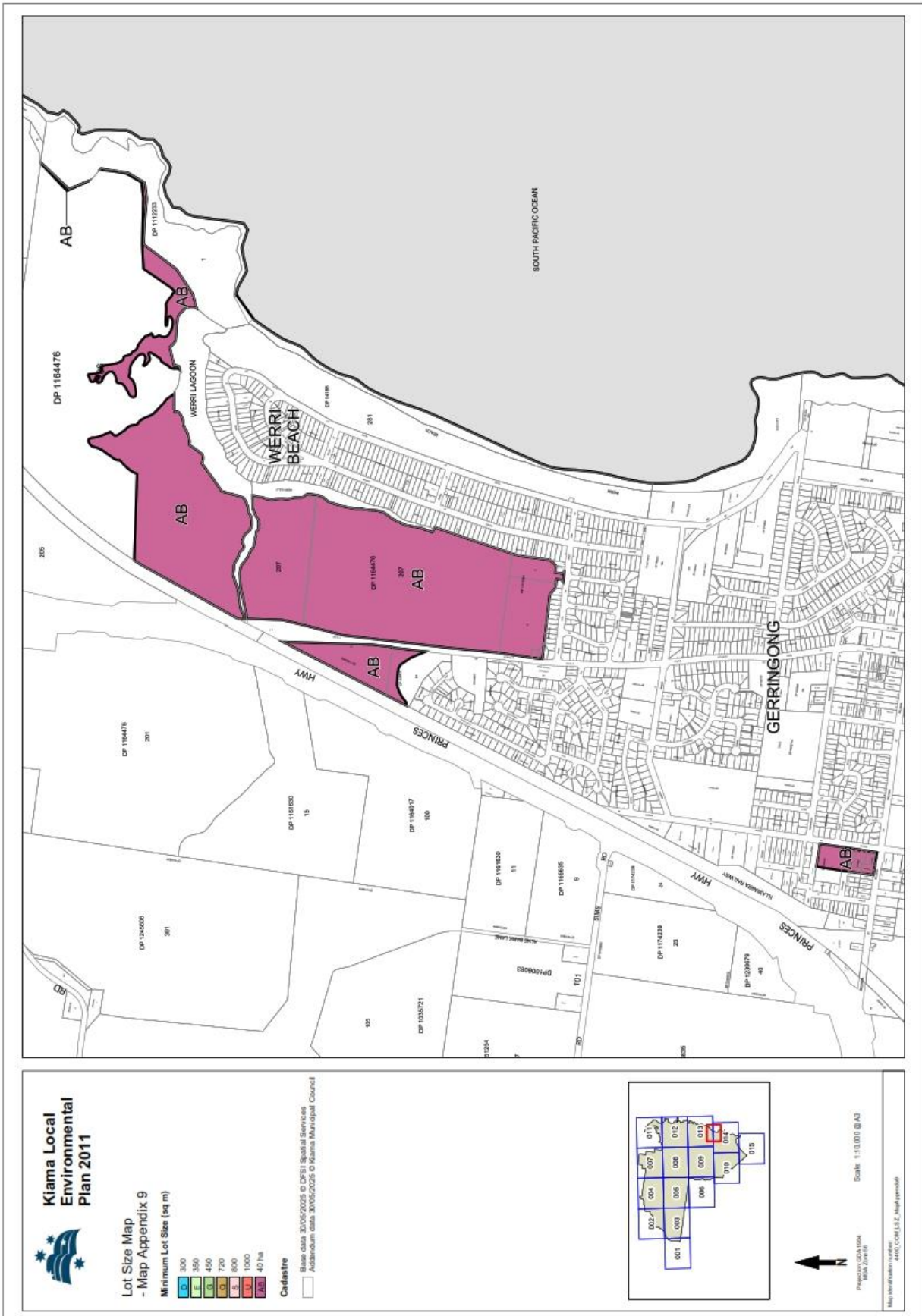
Map Appendix 7



Map Appendix 8



Map Appendix 9



Map Appendix 10



Map Appendix 11



Map Appendix 12



Map Appendix 13



Map Appendix 14

