



New South Wales

Kiama Local Environmental Plan 1996 (Amendment No 54)

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*. (W98/00006/PC)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

Kiama Local Environmental Plan 1996 (Amendment No 54)

1 Name of plan

This plan is *Kiama Local Environmental Plan 1996 (Amendment No 54)*.

2 Aims of plan

This plan aims:

- (a) to allow, with the consent of the Council of the Municipality of Kiama, the erection of a tourist facility on the land to which this plan applies, comprising two buildings, that provide tourist accommodation and related facilities, having:
 - (i) maximum heights of 4.5 and 2.5 storeys, respectively, above ground level, and
 - (ii) a maximum floorspace ratio of 1:1, exclusive of the former Kiama Infants School building (*the former school*) situated on the land, and
- (b) to encourage the conservation of the former school and its conversion to an art gallery, including exhibition, conference and function rooms and associated amenities, and
- (c) to encourage public access, including disabled persons' access, to the land and the former school, and
- (d) to ensure any proposed development of the land is of an appropriate design having regard to the need to retain the former school, and
- (e) to protect trees that the Council considers to be significant on, and adjacent to, the land, and
- (f) to prohibit the erection of a residential flat building on the land, even if the residential flat building is proposed to be attached to a commercial or retail building, and
- (g) to prohibit any proposed tourist accommodation building referred to in paragraph (a) being used as a residential flat building, even if the tourist accommodation building is attached to a commercial or retail building.

3 Land to which plan applies

This plan applies to land situated in the local government area of Kiama, being Lots 1 and 2, DP 869103, at the corner of Minnamurra and Shoalhaven Streets, Kiama, as shown edged heavy black on the map marked “Kiama Local Environmental Plan 1996 (Amendment No 54)” deposited in the office of the Council of the Municipality of Kiama.

4 Amendment of Kiama Local Environmental Plan 1996

Kiama Local Environmental Plan 1996 is amended as set out in Schedule 1.

2002 No 368

Kiama Local Environmental Plan 1996 (Amendment No 54)

Schedule 1 Amendment

Schedule 1 Amendment

(Clause 4)

Clause 23A

Insert after clause 23:

23A Tourist and other facilities on land within Zone No 3 (b)—former Kiama Infants School site

- (1) This clause applies to land within Zone No 3 (b) and situated at the corner of Minnamurra and Shoalhaven Streets, Kiama, being Lots 1 and 2, DP 869103, and known as the former Kiama Infants School site, as shown edged heavy black on the map marked “Kiama Local Environmental Plan 1996 (Amendment No 54)”.
- (2) Despite the general objectives for Zone No 3 (b) as set out in the Land Use Table to clause 9, the objectives for the land to which this clause applies are as follows:
 - (a) to allow, with the consent of the Council, the erection of a tourist facility on the land, comprising two buildings, that provide tourist accommodation and related facilities, having:
 - (i) maximum heights of 4.5 and 2.5 storeys, respectively, above ground level, and
 - (ii) a maximum floorspace ratio of 1:1, exclusive of the former school,
 - (b) to encourage the conservation of the former school situated on the land and its conversion to an art gallery, including exhibition, conference and function rooms and associated amenities,
 - (c) to encourage public access, including disabled persons’ access, to the land and the former school,
 - (d) to ensure any proposed development of the land is of an appropriate design having regard to the need to retain the former school,
 - (e) to protect trees that the Council considers to be significant on, and adjacent to, the land,

-
- (f) to prohibit the erection of a residential flat building on the land, even if the residential flat building is proposed to be attached to a commercial or retail building,
 - (g) to prohibit any proposed tourist accommodation building referred to in paragraph (a) being used as a residential flat building, even if the tourist accommodation building is attached to a commercial or retail building.
- (3) Despite any other provision of this plan, the Council may consent to the erection of a tourist facility on the land to which this clause applies if the tourist facility provides for:
- (a) the erection of a tourist accommodation building comprising hotel suites (located generally to the west of the former school) having:
 - (i) a maximum height of 4.5 storeys above ground level, and
 - (ii) a maximum roof height of RL 26.30m AHD, exclusive of parapets, plant rooms and lift towers, and
 - (b) the erection of a tourist accommodation building comprising serviced apartments (located generally to the east of the former school) having:
 - (i) a maximum average height of 2.5 storeys above ground level, taken as the average of the building heights at its southeastern and northwestern corners, and
 - (ii) a maximum height of 2 storeys adjacent to the Shoalhaven Street frontage, and
 - (iii) a maximum roof height of RL 17.10m AHD, exclusive of parapets, plant rooms and lift towers, and
 - (c) a public refreshment room, and
 - (d) the conservation of the former school and its conversion to an art gallery, including exhibition, conference and function rooms and associated amenities, and
 - (e) public access, including disabled persons' access, to the land and the former school, and

2002 No 368

Kiama Local Environmental Plan 1996 (Amendment No 54)

Schedule 1 Amendment

- (f) a maximum floorspace ratio of 1:1, exclusive of the former school.
- (4) The Council must not grant consent to a development application for a tourist facility in accordance with subclause (3) unless it has considered:
 - (a) the height, scale, siting and design of the tourist accommodation buildings, and
 - (b) the relationship between the proposed tourist accommodation buildings and the former school, and
 - (c) the protection of trees that the Council considers to be significant on, and adjacent to, the land, and
 - (d) the impact of rail-related noise and vibration and any mitigation measures which may be incorporated into the development to overcome those impacts.
- (5) Despite any other provision of this plan:
 - (a) residential flat buildings (even if attached to a commercial or retail building) are prohibited on the land to which this clause applies, and
 - (b) any proposed tourist accommodation building referred to in this clause (even if attached to a commercial or retail building) must not be used for the purpose of a residential flat building.
- (6) In this clause:
the former school means the blue stone building formerly known as the Kiama Infants School.

BY AUTHORITY