

Local Environmental Plan (LEP) 2013

Submissions on the draft Shoalhaven LEP 2013 will be received until 10th May 2013. Bawley Point Kioloa Community Association proposes the following amendments to draft LEP 2013. The headings refer to Zones which currently exist in Shoalhaven LEP 1985. Draft LEP 2013 Zonings & land use provisions are as shown in brackets [thus]. Definitions of various Land Uses may differ as between the two LEP's.

RESIDENTIAL

Zone No. 2(e) (Res "E" (Village) Zone) - Covering Kioloa, Old Bawley & land east of Murramarang Road. In LEP 1985, this Zone includes Crown Land on which the Kioloa & Bawley Point fire sheds stand.

- [Proposed as Zone RU5 Village].
- Broad range of land uses are allowed in LEP 1985 including Refreshment Rooms.
- [Similar land uses allowed in draft LEP 2013 but excluding Restaurants & Cafes (as in Bawley Beach Café & Merry St), Retail Premises (including Markets as in Kioloa Fair) & Emergency Services (as in Kioloa & Bawley Rural Fire Sheds)].
- Height of buildings (7.5m 1st back from ocean & 11m otherwise) specified in DCP 62
- [Proposed as 7.5m & 8.5m in draft LEP 2013 but subject to variation under CI 4.6. The definition of "Building Height" requires clarification].
- Existing minimum lot size of 500 sq m specified in DCP 100.
- [Proposed as 500 sq m in draft LEP 2013 but subject to variation under CI 4.6]

PROPOSED SUBMISSION

- Amend the Land Use Table to include Restaurants & Cafes, Retail Premises (Markets) & Emergency Services as uses which are "Permitted with consent". This will allow the existing Bawley Beach Café, Merry Street Restaurant, Kioloa Fair, Kioloa Rural Fire Service & Bawley Point Fire Service to continue to operate as conforming uses under LEP 2013 & will simplify any future application to vary the current approvals. It will also achieve a better "like for like" outcome in the "best fit" process adopted by Council.
- Amend the definition of "Building Height" to mean the "vertical distance between ground level (existing) at a point & the highest point of the building at that point, including"

Zone No. 2(c) (Residential "C"(Living Area) Zone) - Covering the residential area north of Forster Drive.

- [Proposed as Zone R5 Large lot residential]
- Permissible land use virtually unchanged. Max height of building remains at 11m. Minimum lot size not specified in LEP 1985.
- [Minimum lot size 4000 sq m]

PROPOSED SUBMISSION

- An allowable building height of 11 m is not appropriate for development along a prominent ridge line & should be reduced to 8.5m & by including this area into the "Height of Buildings Map" in LEP 2013.

Zone no. 2(a3) (Residential “A3” Zone) – Covering the area of Voyager Crescent.

- [Proposed as Zone R2 Low Density residential]
- Current maximum height of building 11m [Proposed 8.5m].
- Permissible land uses virtually unchanged.
- [Minimum lot size remains at 4000 sq m but subject to variation under Cl 4.6]

PROPOSED SUBMISSION

- None

BUSINESS

[Zone B1 Neighbourhood Centre] – Bawley Shops.

- Zoning proposed to be changed from surrounding Residential “A3” Zone (above) as a result of the submission by the LEP 2009 Review Group.
- Amongst additional “Permissible Uses” are “Amusement Centres, Offensive industries & Offensive Storage Establishments”.
- Amongst “Prohibited Uses” are “Retail Premises (including Markets)”
- Maximum height limit remains unchanged at 11m.

PROPOSED SUBMISSION

- Amend the land use table for Zone B1 to include “Offensive industries & Offensive storage establishments” as Prohibited uses.
- Include “Retail Premises” (which will allow Markets at the Easter Fair) as “Permitted with consent”.

RURAL

Zone No. 1(d) (Rural “D” (General Rural) Zone) – Covering the area west of Bawley.

[Proposed as Zone RU2 Rural Landscape]

Permissible land uses generally unchanged. RU2 Zone will allow “Offensive industries” & prohibit “Hotels”.

The Maximum Height limit remains at 11m & the Minimum lot size remains at 40Ha.

PROPOSED SUBMISSION

- This area includes a very prominent ridge line (known locally as The Green Belt) for which a maximum building height of 11m is inappropriate & within which ridge-top development should be prohibited.
- The ‘Green Belt Area’ (from proposed R2 zone south to include Bundle Hill) be included in the “Height of Buildings” map with a height limit of 8.5m.
- An additional restriction be inserted within LEP 2013 to prohibit future buildings to project beyond the ridge top in the “green Belt Area”.

PUBLIC RESERVE

Zone No. 6(a) (Open Space – Recreation “A” (Existing) Zone)

- [Proposed as Zone RE1 Public Recreation]
- [Proposed land use table prohibits “Emergency services” which may interfere with any future plans for the Marine Rescue base.

PROPOSED SUBMISSION

- Amend the land use table for the RE1 Zone to include “Emergency services” as “Permitted with consent”. This will allow the existing Marine Rescue Base to operate as a permitted use & will accommodate any future alteration or expansion of that base.