



Mr Kerry McMurray
General Manager
Kiama Municipal Council
PO Box 74
KIAMA NSW 2533

Dear Mr McMurray

Planning proposal [PP_2018_KIAMA_005_00] to amend Kiama Local Environmental Plan 2011

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 20 December 2018 in respect of the planning proposal to amend the Kiama LEP 2011 to improve the operation and accuracy of the Plan.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 5.2 Sydney Drinking Water Catchment is justified in accordance with the terms of the Direction, provided that Council consults with Water NSW on the proposal. Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to public exhibition.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to

meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Lisa Kennedy to assist you. Ms Kennedy can be contacted on 4247 1827.

Yours sincerely

A handwritten signature in black ink, appearing to read 'L. Musgrave', is centered on a light grey rectangular background.

08/02/2019

**Luke Musgrave
Director Regions, Southern
Planning Services**

Encl: Gateway determination
Authorised plan-making reporting template