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Our ref: PP_2014_KIAMA_001_00 (14/01255)
Your ref: KB:FC -

Mr Michael Forsyth
General Manager
The Council of the Municipality of Kiama
PO Box 75
KIAMA NSW 2533

Dear Mr Forsyth,

Planning proposal to amend Kiama Local Environmental Plan 2011

I am writing in response to your Council's letter dated 7 January 2014 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to correct a mapping anomaly and zone the entire site at 15 Caliope Road, Kiama to R2 Low Density Residential, apply a minimum lot size of 450sqm, a maximum building height of 8.5m and a maximum floor space ratio of 0.45:1 over the subject land.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the variations outlined in the conditions in the attached Gateway determination.

I understand that the mapping anomaly over 15 Caliope Road, Kiama also extends over four adjoining lots. Consequently, Council is to amend the planning proposal to also correct the mapping anomaly over these four lots, by rezoning the whole of Lots 21 to 24 DP 1155392 from RU2 Rural Landscape to R2 Low Density Residential. Council is to amend accompanying maps accordingly and consult directly with the land owners of the affected four lots.

It is noted that this proposal is addressing a mapping anomaly and seeks to restore land that was previously zoned for residential purposes. Therefore, it is considered that public exhibition and consultation with public authorities is not required in this instance. Due to the minor nature of the proposal, it is also considered that no further studies or reports are required to be undertaken to support the proposal. Council is to consider the need to undertake supporting studies in any future planning proposals which should correspond with the complexity of the proposal.

I have agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 1.5 Rural Lands are justified by the Kiama Urban Strategy and are of minor significance. No further approval is required in relation to these Directions.

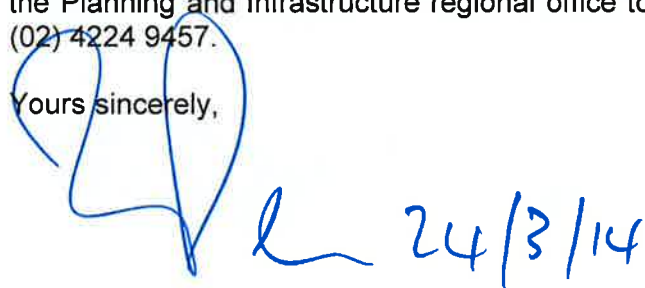
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan. Where a planning proposal deals with a matter that is of local planning significance, Council is reminded to request the use of its delegation and fill out the form, 'Attachment 4 – Evaluation criteria for the issuing of an authorisation', which can be found in *A Guide to preparing local environmental plans* (Planning and Infrastructure, 2013).

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway determination. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to Planning and Infrastructure for administrative purposes.

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 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Lisa Kennedy of the Planning and Infrastructure regional office to assist you. Ms Kennedy can be contacted on (02) 4224 9457.

Yours sincerely,

A handwritten signature in blue ink, which appears to be 'R. Pearson', followed by the date '24/3/14' written in the same ink.

Richard Pearson
Deputy Director General
Growth Planning & Delivery

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Agency Ref: PP_2014_KIAMA_001_00): to zone land at Caliope Road, Kiama for residential purposes and amend applicable development standards.

I, the Deputy Director General, Growth Planning and Delivery at Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Kiama Local Environmental Plan (LEP) 2011 to correct a mapping anomaly and zone the entire site at 15 Caliope Road, Kiama to R2 Low Density Residential, apply a minimum lot size of 450sqm, a maximum building height of 8.5m and a maximum floor space ratio of 0.45:1 over the subject land should proceed subject to the variations as outlined in the following conditions:

1. Council is to amend the planning proposal and accompanying maps to include and correct the mapping anomaly of Lots 21-24 DP1155392 by rezoning the land from RU2 Rural Landscape to R2 Low Density Residential. Council is to notify/consult the landowners of these additional four lots.
2. No community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act").
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated

24

day of

March

2014.



Richard Pearson
Deputy Director General
Growth Planning & Delivery
Planning and Infrastructure

Delegate of the Minister for Planning &
Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Kiama City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_KIAMA_001_00	Planning proposal to zone land at Caliope Road Kiama for residential purposes and amend applicable development standards

In exercising the Minister's functions under section 59, the Council must comply with the Planning and Infrastructure's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated

24 March 2014


Richard Pearson
Deputy Director General
Growth Planning & Delivery
Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by Planning and Infrastructure following receipt of the planning proposal
- Planning and Infrastructure will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure Planning and Infrastructure's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to Planning and Infrastructure with the RPA's request to have the LEP notified

Table 1 – To be completed by Planning and Infrastructure

Stage	Date/Details
Planning Proposal Number	PP_2014_KIAMA_001_00
Date Sent to P&I under s56	07/01/2014
Date considered at LEP Review Panel	06/03/2014
Gateway determination date	24/03/2014

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to P&I requesting notification		

Table 3 – To be completed by Planning and Infrastructure

Stage	Date/Details
Notification Date and details	

Additional relevant information: