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Mr Michael Forsyth
General Manager
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Our ref: PP_2015_KIAMA_002 (15/07188)

Attention: Ms Kim Bray

Dear Mr Forsyth

Planning proposal to amend Kiama Local Environmental Plan 2011

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal:

- to rezone part of Lot 1 DP710456, 39 Macquarie Street Jamberoo from RU2 – Rural Landscape to R2 – Low Density Residential; and
- for part of Lot 1 DP710456, 39 Macquarie Street Jamberoo amend development controls by introducing a minimum lot size of 800m², applying a maximum building height of 8.5m and incorporating an FSR of 0.45:1.

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

In issuing this Gateway determination, I have found that the planning proposal's inconsistency with s117 Directions 1.2 Rural Zones and 1.5 Rural Lands is of minor significance.

I have also found that the proposal is consistent with the s117 Directions 2.1 Environment Protection Zones, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 5.1 Implementation of Regional Strategies. No further approval is required in relation to these or other Directions, while the proposal remains in its current form.

The proposal's inconsistency with Illawarra Regional Environmental Plan No.2 is considered to be of minor significance.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. 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.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months 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 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment 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 *Environmental Planning and Assessment Act 1979* 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 Lisa Kennedy of the Department's Southern Regional office to assist you. Lisa can be contacted on (02) 4224 9463.

Yours sincerely



15 May 2015

Brett Whitworth
General Manager
Southern Region
Planning Services

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



Gateway Determination

Planning proposal (Department Ref: PP_2015_KIAMA_002_00): to rezone part of Lot 1 DP710456, 39 Macquarie Street Jamberoo from RU2 Rural Landscape to R2 Low Density Residential; and introduce a minimum lot size of 800m², apply a maximum building height of 8.5m and incorporate an FSR of 0.45:1.

I, Brett Whitworth, General Manager, Southern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Kiama Local Environmental Plan (LEP) 2011 as described above should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* as follows:

(a) the planning proposal is to be made publicly available for 14 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing local environmental plans (Department of Planning and Infrastructure 2012).

2. No public authority consultation is required under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979*.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the *Environmental Planning and Assessment Act 1979*. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission).

4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.

Dated 15 day of May 2015

Brett Whitworth
General Manager, Southern Region
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Kiama Municipal Council is authorised to exercise the functions of the Minister for Planning 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_2015_KIAMA_002_00	Planning proposal: <ul style="list-style-type: none">• to rezone part of Lot 1 DP710456, 39 Macquarie Street, Jamberoo from RU2 – Rural Landscape to R2 – Low Density Residential; and• for part of Lot 1 DP710456, 39 Macquarie Street, Jamberoo introduce a minimum lot size of 800m², apply a maximum building height of 8.5m and incorporate an FSR of 0.45:1.

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

Dated 15 May 2015

Brett Whitworth
General Manager, Southern Region
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning