



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

Attention: Edward Paterson, Manager Strategic Planning

Dear Mr McMurray

**Planning proposal PP\_2020\_KIAMA\_002\_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) in respect of the planning proposal to rezone Lot 442 DP 1201831, Henry Parkes Drive, Jamberoo and amend development standards to enable low density residential development and environmental protection.

As delegate of the Minister for Planning and Public Spaces, 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 potential inconsistencies with section 9.1 Direction 2.1 Environmental Protection Zones, Direction 2.2 Coastal Management, Direction 2.3 Heritage Conservation, Direction 4.1 Acid Sulfate Soils and Direction 4.3 Flood Prone Land are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to public exhibition / the plan being made.

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 12 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, Industry 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 enquiries about this matter, I have arranged for Mr Andrew Hartcher to assist you. Mr Hartcher can be contacted on 4247 1823.

Yours sincerely



25/08/2020

**Graham Towers**  
**A/Director, Southern Region**  
**Local and Regional Planning**

Encl: Gateway determination  
Authorised plan-making reporting template