



Planning & Environment

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

Contact: Lisa Kennedy
Phone: (02) 4224 9457
Email: lisa.kennedy@planning.nsw.gov.au

Our Ref: PP_2017_KIAMA_001 (17/01091)

Attention: Mr Mark Lyndon

Dear Mr Forsyth

Planning proposal (PP_2017_KIAMA_001_00) to amend Kiama Local Environmental Plan 2011

I am writing in response to Council's letter dated 10 January 2017 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* and additional information received on 13 February 2017 in respect of the planning proposal to reclassify Lot 208 DP792192 (9 O'Connell Place, Gerringong) from community to operational land.

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 is consistent with s117 Directions 2.2 Coastal Protection, 3.1 Residential Zones and 5.10 Implementation of Regional Plans. No further approval is required in relation to these or other Directions, while the proposal remains in its current form.

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 six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

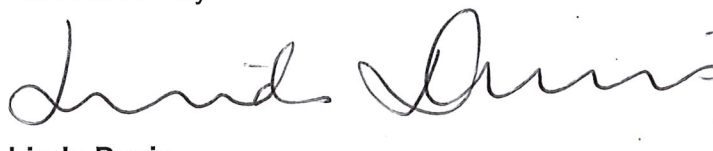
The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the *Environmental Planning and Assessment Act 1979* if the time frames outlined in this determination are not met.

Planning and Environment - Southern Region

PO Box 5475 Wollongong NSW 2520 || T 02 4224 9450 | F 02 4224 9470 | www.planning.nsw.gov.au

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 9457.

Yours sincerely



24/2/17

Linda Davis
Acting Director Regions, Southern
Planning Services
Department of Planning and Environment

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



Gateway Determination

Planning proposal (Department Ref: PP_2017_KIAMA_001_00): to reclassify Lot 208 DP792192 (9 O'Connell Place, Gerringong) from community to operational land.

I, Linda Davis, Acting Director Regions, Southern 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. The planning proposal is to be updated to include the land title and deposited plan documents and project timeline prior to exhibition.
2. Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 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 Environment 2016).
3. No consultation is required with public authorities/organisations under Section 56(2)(d) of the 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 Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example if reclassifying land).
5. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.

Dated 24th day of February 2017

Linda Davis
Acting Director Regions, Southern
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_2017_KIAMA_001_00	Planning proposal to reclassify Lot 208 DP792192 (9 O'Connell Place, Gerringong) from community to operational land.

In exercising the Minister's functions under Section 59 of the Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 24 / 2 / 2017

Linda Davis
Acting Director Regions, Southern
Planning Services
Department of Planning and Environment