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

Dear Mr Forsyth

**Planning proposal to amend Kiama Local Environmental Plan 2011 –  
Pheasant Point, Kiama – Heritage Conservation Area (PP\_2016\_KIAMA\_006\_00)**

I am writing in response to Council's letter dated 15 November 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to identify certain land at Pheasant Point, Kiama as a heritage conservation area in the Kiama Local Environmental Plan 2011.

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.

I have agreed that the proposal is consistent with applicable s117 Directions and no further approval is required in relation to these Directions.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has advised that it would like to be issued with delegation for this planning proposal. I have considered the nature of the proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan is to be finalised within 12 months of the week following the date of the Gateway determination. Council's request to draft and finalise the Local Environmental Plan 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 for administrative purposes.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 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 Louise Myler of the Department's regional office to assist you. Louise can be contacted on (02) 4224 9463.

Yours sincerely



15/12/16

**Linda Davis**  
**Acting Director Regions**  
**Southern**  
**Planning Services**

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

## Gateway Determination

**Planning proposal (Department Ref: PP\_2016\_KIAMA\_006\_00):** to identify certain land at Pheasant Point, Kiama as a heritage conservation area.

I, the 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 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 must be made publicly available for 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 (Planning and Environment, 2016)'.

2. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979*:

- Office of Environment and Heritage – Heritage Council

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material. The public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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 or if reclassifying land).
4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated

15<sup>th</sup> day of December 2016



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* (the Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

| Number               | Name                                                                                         |
|----------------------|----------------------------------------------------------------------------------------------|
| PP_2016_KIAMA_006_00 | Planning proposal to identify land at Pheasant Point, Kiama as a heritage conservation area. |

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 15/12/2016

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