

Gateway Determination

Planning proposal (Department Ref: PP-2021-3041): housekeeping amendment to correct anomalies with zoning and map labelling for government sites across the LGA and to rezone surplus railway land to allow commercial uses.

I, the Director, Southern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that a housekeeping amendment to the Kiama Local Environmental Plan (LEP) 2011 to correct anomalies with zoning and map labelling for government sites across the LGA and to rezone surplus railway land to allow commercial uses should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
 - confirm the provisions;
 - correct the title referencing of the maps;
 - include the letter from Transport for NSW requesting and supporting the rezoning of Lot 1 DP883525, 20 Eddy Street, Kiama as supporting documentation; and
 - include as attachments, the reports undertaken by Transport for NSW on the preliminary and detailed site investigation and hazardous materials survey for Lot 1 DP883525, 20 Eddy Street Kiama.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the NSW RFS under section 3.34(2)(d) of the Act and to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection.

NSW RFS is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act.
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be 12 months following the date of the Gateway determination expiring on 31 May 2022.

Dated 31st day of May 2021



Sarah Lees
Director, Southern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces