



Ms Jane Stroud
Chief Executive Officer
Kiama Municipal Council
PO Box 74
KIAMA NSW 2533

Dear Ms Stroud

Planning proposal [PP-2021-3536] 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) and additional information received on 22 June 2021 in respect of the planning proposal to rezone part of 48 Campbell Street, Gerringong to facilitate residential development.

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 inconsistency with the section 9.1 Direction 1.2 Rural Zones is justified by strategies and studies. 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 the section 9.1 Directions 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 2.6 Remediation of Contaminated Land and 4.2 Flood Prone Land. Council should ensure this occurs prior to public exhibition.

Please note that the Gateway determination requires the planning proposal to be revised and submitted to the Department prior to agency and public consultation.

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 Department has received representations from the local community which has raised some concerns about the proposal including traffic impacts, visual impacts and the provision of infrastructure to support the proposed residential development. Council is requested to ensure that these matters are appropriately considered prior to proceeding to consultation, and that all community and agency submissions are given due consideration through the exhibition process.

The 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.

As the planning proposal is for map-only amendments to the local environmental plan (LEP), Council's request to draft and finalise the LEP should be made to the Department on the 'Request to prepare a LEP drafting instructions' template and submitted at mapinstrument.drafting@dpie.nsw.gov.au six weeks prior to the projected publication date. Further details on the process for legal drafting of map-only LEPs is available on the Department's website [our resources webpage](#) under Guides for preparing planning proposals and LEPs.

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 Ms Lisa Kennedy to assist you. Ms Kennedy can be contacted on 4247 1827.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Sarah Lees', with a stylized flourish at the end.

24 June 2021

Sarah Lees
Director, Southern Region
Local and Regional Planning

Encl: Gateway determination