

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

Dear Kerry

Planning proposal [PP_2018_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) and additional information received on 9 July 2018 in respect of the planning proposal to allow residential development on Lot 3 DP1018217 Dido Street Kiama.

As delegate of the Minister for Planning, 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 inconsistencies with section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands and 3.1 Residential Zones are justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of section 9.1 Directions 2.1 Environmental Zones and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to community 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 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 6 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

It is noted that Dido Street, that is not subject to this planning proposal, is zoned RU1 Primary Production with a 40ha minimum lot size under the Kiama LEP 2011. As previously discussed and consistent with the Practice Note (PN 08-002) Zoning for Infrastructure in LEPs, the Department would be willing to consider a revised planning proposal to rezone Dido Street from RU1 to R2 Low Density Residential.

Should you have any further enquiries about this matter, have arranged for Ms Lisa Kennedy to assist you. Ms Kennedy can be contacted on 4224 9457.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Sarah Lees', is positioned above the date.

23 July 2018

Sarah Lees
Director Regions, Southern
Planning Services

Encl: Gateway determination
Authorised plan-making reporting template