

## Gateway Determination

***Planning proposal (Department Ref: PP\_2018\_KIAMA\_002\_00): to allow residential development at Lot 3 DP1018217 Dido Street Kiama***

I, the Director Regions, Southern at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Kiama Local Environmental Plan (LEP) 2011 to allow residential development at Lot 3 DP1018217 Dido Street, Kiama should proceed subject to the following conditions:

1. A Flora and Fauna Assessment (BAM Assessment), Stage 1 Contamination Report and Preliminary Geotechnical Assessment are to be prepared and exhibited with the proposal.
2. The Planning Proposal is to be revised, if necessary, to reflect the outcomes of the technical studies. The revised proposal is to be submitted to the Southern Region of the Department for consideration prior to public exhibition.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - NSW Rural Fire Service,
  - Office of Environment and Heritage,
  - Sydney Water, and
  - Endeavour Energy.

Each public authority/organisation 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.

5. 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. 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).
6. 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.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 23<sup>rd</sup> day of July 2018.



**Sarah Lees**  
**Director Regions, Southern**  
**Planning Services**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning**