



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

Attention: Mr Edward Paterson, A/Manager Strategic Planning

Dear Mr McMurray

**Planning proposal PP\_2019\_KIAMA\_004\_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 17 October 2019 in respect of the planning proposal to amend planning controls to enable residential development and environmental protection at land west of the Princes Highway between Saddleback Mountain Road and south of Weir Street, South Kiama.

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, that the planning proposal's inconsistencies with section 9.1 Directions 1.2 Rural Zones and 6.3 Site Specific Provisions 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 Secretary to comply with the requirements of relevant section 9.1 Directions 1.5 Rural Lands, 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to public consultation.

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

The amending local environmental plan (LEP) is to be finalised within 18 months of the date of the Gateway determination. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

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 black ink, appearing to read 'Monica Gibson', with a stylized, cursive script.

**4/12/2019**  
**Monica Gibson**  
**Executive Director, Local and Regional Planning**  
**Planning and Assessment**

Encl: Gateway determination