



Contact: Ms Lisa Kennedy
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Mr Michael Forsyth
General Manager
Kiama Municipal Council
PO Box 75
KIAMA NSW 2533

Our ref: PP_2013_KIAMA_002_00 (13/20015)
Your ref: KB:FC-13/73453

Attention: Ms Kim Bray

Dear Mr Forsyth

Planning proposal to amend Kiama Local Environmental Plan 2011

I am writing in response to your Council's letter dated 4th December 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone a 9ha site off Jamberoo Road Kiama to allow for low density residential development.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with s117 Directions 1.2 Rural Zones and 1.5 Rural Lands are justified by Council's Kiama Urban Strategy 2011 and are of minor significance.

Council will still need refer the planning proposal to the NSW Rural Fire Service prior to community consultation to satisfy s117 Direction 4.4 Planning for Bushfire Protection. In addition the Director General's agreement will be required prior to finalisation of the local environmental plan to satisfy the requirements of s117 Direction 2.1 Environmental Protection Zones.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following 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 for administrative purposes.

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 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Ms Lisa Kennedy, Environmental Planner of the Southern Regional office of the Department on 02 4224 9457.

Yours sincerely,



20 December 2013

Brett Whitworth
General Manager
Southern Region
Growth Planning and Delivery

Encl:
Gateway determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated plan making reporting template