



Mr Kerry McMurray  
General Manager  
Kiama Municipal Council  
PO Box 75  
KIAMA NSW 2533

Dear Kerry

**Planning proposal PP\_2018\_KIAMA\_003\_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 2 July 2018 in respect of the planning proposal to rezone land at 144 Jamberoo Mountain Road, Jamberoo.

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 inconsistency with section 9.1 Directions 2.1 Environmental Protection Zone and 5.10 Implementation of Regional Plans are justified in accordance with the terms of the Directions. No further approval is required in relation to this Directions.

Consistency with section 9.1 Directions 4.4 Planning for Bushfire Protection remains unresolved until consultation with the NSW Rural Fire Service Commissioner in accordance with the Direction has been undertaken 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 9 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.

Should you have any further enquiries about this matter, I have arranged for Mr Nathan Foster to assist you. Mr Foster can be contacted on 4224 9459.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Sarah Lees', written in a cursive style.

3 August 2018

**Sarah Lees**  
**Director Regions, Southern**  
**Planning Services**

Encl: Gateway determination  
Authorised plan-making reporting template