

## Gateway Determination

**Planning proposal (Department Ref: PP\_2020\_KIAMA\_001\_00):** to reclassify land at Lot 69A DP30126, 85 Attunga Avenue, Kiama Heights from community to operational land.

I, the Director, Southern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, 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 reclassify land at Lot 69A DP30126, 85 Attunga Avenue, Kiama Heights from community to operational land should proceed subject to the following conditions:

1. The planning proposal is to be updated to remove the need for Governor's approval, as no interests are proposed to be changed, and the references to changing the relevant part of Schedule 4 are to be corrected prior to public exhibition.
2. 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. No consultation is required with public authorities/organisations under section 3.34(2)(d) of the Act.
4. 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).
5. 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.

6. The time frame for completing the LEP is to be 14 August 2021, being **12 months** following the date of the Gateway determination.

Dated 14<sup>th</sup> day of August 2020.

A handwritten signature in dark ink, appearing to read 'Sarah Lees', is centered on the page. The signature is fluid and cursive, with a large initial 'S'.

**Sarah Lees**  
**Director, Southern Region**  
**Local and Regional Planning**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning and**  
**Public Spaces**