

Gateway Determination

Planning proposal (Department Ref: PP_2018_KIAMA_004_00): to amend the Kiama Local Environmental Plan 2011 to introduce minimum lot sizes for dual occupancy, manor houses and multi-dwelling housing (terraces) in the R2 and R3 zones and to permit multi-dwelling housing (terraces) in the R2 zone.

I, the Executive Director, Regions 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 as described above should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to consultation to:
 - a) remove the components of the proposal relating to the introduction and application of the E4 Environmental Living zone into the Kiama LEP 2011;
 - b) provide details on the average lot size of subdivided multi-dwelling housing and dual occupancy developments approved in the R2 Low Density Residential and R3 Medium Density Residential zones in the local government area in the last five years;
 - c) quantify the impacts of proposed subdivision controls against the likely benefits of permitting multi dwelling housing (terraces) in the R2 zone; and
 - d) include a new savings transition clause to ensure that proposed amendments do not affect any development applications or appeal processes.

Council is to provide a copy of the revised proposal to the Department prior to consultation.

2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal 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).
 - (c) Council is to write to all affected landowners providing notice of the proposal, public exhibition explaining the effect of the proposed amendments.



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3. Consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the Act. The NSW Rural Fire Service 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.
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 time frame for completing the LEP is by 1 July 2019.

Dated 31st day of July 2018.


Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning