



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

Dear Mr McMurray

**Planning proposal PP\_2018\_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 24 July 2018 in respect of the planning proposal to amend provisions of the Kiama Local Environmental Plan (LEP) 2011 to introduce minimum lot sizes for dual occupancy, manor houses and multi-dwelling housing (terraces) in the R2 Low Density Residential and R3 Medium Density Residential zones.

In response to your request, the Minister for Planning agreed that the Kiama Municipal Council area would be deferred from the commencement of the Code until 1 July 2019. This deferral gives Council the opportunity to work closely with the community and industry to provide housing controls that reflect the character of the Kiama area.

I note Council has prepared this planning proposal in response to the recently released Low Rise Medium Density Housing Code to maintain the strategic intent of low-density residential zones under the Kiama LEP.

I acknowledge Council's desire to maintain the local character and visual amenity of the R2 Low Density Residential zone in the Kiama local government area and thank Council for its initiative of permitting multi-dwelling housing (terraces) in the R2 zone.

Before the proposal can proceed to exhibition, additional information is required to support the planning proposal in relation to housing supply and diversity as follows:

- 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 past five years; and
- quantification of the impacts of proposed subdivision controls against the likely benefits of permitting multi-dwelling housing (terraces) in the R2 zone.

The further information is necessary to ensure there is a full understanding of the outcomes of changing the planning controls on the future provision of housing diversity in the local government area for those landowners affected by the proposal.

Based on the above and as delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

Council will need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of section 9.1 Direction 3.1 Residential Zones.

Council may also still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to community consultation.

I have considered the nature of this planning proposal, and given the implications this proposal may have on state policy, have decided not to issue Council with plan-making authority.

The amending LEP will need to be finalised by 1 July 2019. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department 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 further enquiries about this matter, I have arranged for Ms Lisa Kennedy to assist you. Ms Kennedy can be contacted on 4224 9457.

Yours sincerely

  
**Stephen Murray**  
**Executive Director, Regions**  
**Planning Services**

31 July 2018

Encl: Gateway determination