



Mr Michael Forsyth
General Manager
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Contact: Lisa Kennedy
Phone: (02) 4224 9457
Email: lisa.kennedy@planning.nsw.gov.au

Our Ref: PP_2016_KIAMA_004 (16/11240)
Your Ref: SC2390

Attention: Mr Edward Paterson

Dear Mr Forsyth

Planning proposal to amend Kiama Local Environmental Plan (LEP) 2011

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* to rezone and reclassify part of Lot 12 DP708075, Lots 36 & 45 DP263449 and Lot 38 DP630551, Irvine Street Kiama to allow residential development.

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

In relation to s117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the lands are surplus to Council's open space requirements and the funds gained through the disposal of the lands will be reinvested into Council's capital works and/or assist in long-term financial sustainability.

Council is to prepare and exhibit the planning proposal in accordance with the Department's Practice Note PN09-003 Classification and Reclassification of Public Land through a Local Environmental Plan.

Plan making powers were delegated to councils by the Minister in October 2012. A planning proposal which discharges interests in public land under section 30 of the *Local Government Act 1993* cannot be delegated to councils. As such Council's request to be issued with delegation for this planning proposal is declined.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and environment to draft and finalise the LEP should be made 6 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 54(2)(d) of the *Environmental Planning and Assessment Act 1979* if the time frames outlined in this determination are not met.

Should you have any queries concerning this matter, I have arranged for Lisa Kennedy of the Department's Southern Regional office to assist you. Lisa can be contacted (02) 4224 9457.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Linda Davis', with a stylized, cursive script.

Linda Davis
Acting Director Regions, Southern
Planning Services

Encl:
Gateway Determination



Gateway Determination

Planning proposal (Department Ref: PP_2016_KIAMA_004_00): to rezone and reclassify part of Lot 12 DP708075, Lots 36 & 45 DP263449 and Lot 38 DP630551, Irvine Street Kiama to allow residential development.

I, Linda Davis, Acting Director Regions, Southern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(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 revised to include proposed zoning and development control maps prior to its public exhibition.
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* as follows:
 - (a) the planning proposal is to be made publicly available for 28 days; and
 - (b) the relevant planning 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 Infrastructure 2012).
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
4. No public hearing is required to be held into the matter under section 56(2)(e) of the *Environmental Planning and Assessment Act 1979*. 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 LEP maps shall be prepared in accordance with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps, 2015.'
6. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.

Dated 4th day of October 2016

Linda Davis
Acting Director Regions, Southern
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning