



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

Attention: Mr Edward Paterson
Strategic Planner

Dear Mr Forsyth

**Planning Proposal (PP_2017_KIAMA_003_00) to amend Kiama Local
Environmental Plan 2011**

I am writing in response to Council's letter dated 6 June 2017 and additional information received on 17 August 2017 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to amend provisions in the Kiama LEP 2011 relating to the subdivision of dual occupancies and multi-dwelling housing in residential areas, to permit semi-detached dwellings in the R2 zone and to enable the adjustment of rural allotment boundaries.

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 issuing this Gateway determination, I have found that the planning proposal is consistent with s117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environment Protection Zones, 2.2 Coastal Protection, 3.1 Residential Zones, 3.4 Integrating Land Use & Transport and 5.10 Implementation of Regional Plans. No further approval is required in relation to these or other Directions, while the proposal remains in its current form.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within nine months 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 six 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 54(2)(d) of the Act if the time frames outlined in this determination are not met.

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

Yours sincerely



Fatima Abbas 31.8.17
Director Regions, Southern
Planning Services
Department of Planning and Environment

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (Department Ref: PP_2017_KIAMA_003_00): to amend provisions in the Kiama LEP 2011 relating to the subdivision of dual occupancies and multi-dwelling housing in residential areas, to permit semi-detached dwellings in the R2 zone and to enable the adjustment of rural allotment boundaries.

I, Fatima Abbas, 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* that an amendment to the Kiama Local Environmental Plan (LEP) 2011 as described above should proceed subject to the following conditions:

1. Consultation is required with the NSW Rural Fire Service in accordance with the Act and S117 Direction 4.4 Planning for Bushfire. The 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. Any advice received and council's proposed response to this advice should be placed on public exhibition with the planning proposal.
2. Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 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 Environment 2016).
3. A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example if reclassifying land).
4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.

Dated

31st

day of

August

2017

Fatima Abbas
Director Regions, Southern
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Kiama Municipal Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_KIAMA_003_00	Planning proposal to amend provisions in the Kiama LEP 2011 relating to the subdivision of dual occupancies and multi-dwelling housing in residential areas, to permit semi-detached dwellings in the R2 zone and to enable the adjustment of rural allotment boundaries.

In exercising the Minister's functions under Section 59 of the Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 31 August 2017

Fatima Abbas
Director Regions, Southern
Planning Services
Department of Planning and Environment