

Gateway Determination

Planning proposal (Department Ref: PP-2022-4144): to amend the Kiama Local Environmental Plan 2011 by amending development controls for land in the Kiama Town Centre, including changing maximum building heights and floor space ratios, mapping active street frontages, amending clause 6.8 and rezoning 72 Manning Street, Kiama.

I, the A/Director, Southern Region, 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 2011* as described above should proceed subject to the following conditions:

1. The planning proposal (including the mapping and statement of objectives) should be updated prior to public exhibition to address Council's intent to decrease the maximum building height for parts of the Akuna Street strategic site to facilitate open space.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as basic, as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - Sydney Water
 - Transport for NSW
 - Endeavour Energy
 - Crown LandsEach public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 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 EP&A 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. Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 applicable directions of the Minister under section 9.1 of the Act, or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The LEP should be completed on or before 21 September 2023.

Dated 21st day of December, 2022.



Thomas Soccio
A/Director, Southern Region
Local and Regional Planning
Department of Planning and Environment

Delegate of the Minister for Planning