

Gateway Determination

Planning proposal (Department Ref: PP-2024-2097): The proposal seeks to allow the creation of residue lots within Urban Release areas for land zoned RU2 Rural Landscape, C2 Environmental Conservation and C3 Environmental Management.

I, the A/Director Southern, Western and Macarthur Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, 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

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the 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.

The LEP should be completed on or before 9 months from the date of the Gateway Determination.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to:
 - (a) Include an assessment of consistency with the Ministerial Directions.
 - (b) Include an assessment of the proposal against any relevant State Environmental Planning Policies.
 - (c) Include any comments following consultation with the NSW Rural Fire Service in relation to section 9.1 Direction 4.3 Planning for Bushfire Protection.
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 standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working 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 Guideline* (Department of Planning and Environment, August 2023).
3. No consultation is required with public authorities or government agencies under section

3.34(2)(d) of the Act.

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).

Dated 10 January 2025



Chantelle Chow
Acting Director, Southern, Western and
Macarthur Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces