

Our ref: PP-2025-1821 (IRF 26/3697)

Ms Jane Stroud
Chief Executive Officer
Kiama Municipal Council
council@kiama.nsw.gov.au

Attention: Melissa Ballinger, Coordinator Strategic Planning

Dear Ms Stroud

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the Kiama Local Environmental Plan 2011 to enable residential development of land at 2 Caliope Street, Kiama and to protect it for environmental conservation and management purposes.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act (Direction 4.1 Flooding, Direction 6.1 Residential Zones, Direction 9.1 Rural Zones and Direction 9.2 Rural Lands) is justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Direction 4.3 Planning for Bushfire Protection. Council should ensure this occurs prior to public exhibition.

As key issues appear largely resolved, and the site has been strategically identified by Council for potential housing, I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 26 March 2027. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning, Housing and Infrastructure.

Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to mapinstrument.drafting@dpie.nsw.gov.au. The relevant Department of Planning, Housing and Infrastructure team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Andrew Hartcher, Senior Planning Officer, Southern, Western and Macarthur Region to assist you. Mr Hartcher can be contacted on 02 4247 1823.

Yours sincerely



24/3/2027

Chantelle Chow
Director, Southern, Western and Macarthur Region
Local Planning and Council Support

Encl: Gateway determination