



IRF26/3697

## Gateway determination report – PP-2025-1821

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Planning Proposal - 2 Caliope Street, Kiama

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

## Contents

|          |                                               |           |
|----------|-----------------------------------------------|-----------|
| <b>1</b> | <b>Planning proposal</b>                      | <b>2</b>  |
| 1.1      | Overview                                      | 2         |
| 1.2      | Objectives of planning proposal               | 2         |
| 1.3      | Explanation of provisions                     | 2         |
| 1.4      | Site description and surrounding area         | 3         |
| 1.5      | Mapping                                       | 4         |
| <b>2</b> | <b>Need for the planning proposal</b>         | <b>5</b>  |
| <b>3</b> | <b>Strategic assessment</b>                   | <b>5</b>  |
| 3.1      | Regional Plan                                 | 5         |
| 3.2      | Local                                         | 6         |
| 3.3      | Section 9.1 Ministerial Directions            | 7         |
| 3.4      | State environmental planning policies (SEPPs) | 10        |
| <b>4</b> | <b>Site-specific assessment</b>               | <b>11</b> |
| 4.1      | Environmental                                 | 11        |
| 4.2      | Social and economic                           | 11        |
| 4.3      | Infrastructure                                | 11        |
| <b>5</b> | <b>Consultation</b>                           | <b>12</b> |
| 5.1      | Community                                     | 12        |
| 5.2      | Agencies                                      | 12        |
| <b>6</b> | <b>Timeframe</b>                              | <b>12</b> |
| <b>7</b> | <b>Local plan-making authority</b>            | <b>12</b> |
| <b>8</b> | <b>Assessment summary</b>                     | <b>12</b> |
| <b>9</b> | <b>Recommendation</b>                         | <b>13</b> |

**Table 1: Reports and plans supporting the proposal**

| Relevant reports and plans                                  |
|-------------------------------------------------------------|
| Planning Proposal (December 2025) and supporting appendices |
| Council Report – 17 February 2026                           |
| Council Resolution – 17 February 2026                       |
| Proposed LEP Maps                                           |

# 1 Planning proposal

## 1.1 Overview

**Table 2: Planning proposal details**

| LGA                      | LGA name                                                                                               |
|--------------------------|--------------------------------------------------------------------------------------------------------|
| PPA                      | Kiama Municipal Council                                                                                |
| NAME                     | Planning Proposal – 2 Caliope Street, Kiama (~13 lots)                                                 |
| NUMBER                   | PP-2025-1821                                                                                           |
| LEP TO BE AMENDED        | Kiama Local Environmental Plan 2011                                                                    |
| ADDRESS                  | 2 Caliope Street, Kiama                                                                                |
| DESCRIPTION              | Lot 672 DP 1308222                                                                                     |
| RECEIVED                 | 24/02/2026                                                                                             |
| FILE NO.                 | IRF26/3697                                                                                             |
| POLITICAL DONATIONS      | There are no donations or gifts to disclose, and a political donation disclosure is not required.      |
| LOBBYIST CODE OF CONDUCT | There have been no meetings or communications with registered lobbyists with respect to this proposal. |

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to amend the Kiama Local Environmental Plan 2011 (KLEP) to enable residential development of the western part of the site (~13 lots) and protect the remainder for environmental conservation and management purposes.

The western part of the site is identified in the Kiama Local Housing Strategy 2025 (LHS) for potential housing (**Figure 3**). The LHS was endorsed by the Department on 1 October 2025.

The objectives and intended outcomes of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the KLEP to:

- Rezone part of the site (to the west) from RU2 Rural Landscape to R2 Low density Residential with a minimum lot size of 450m<sup>2</sup>, floor space ratio of 0.45:1 and a maximum building height limit of 8.5m height limit;
- Extend the existing C2 Environmental Conservation zoning of the site to encompass a vegetated area of Illawarra Zieria (a threatened flora species);

- Rezone the remainder of the site from RU2 Rural Landscape to Zone C3 Environmental Management; and
- Amend the Terrestrial Biodiversity Map to encompass the population of Illawarra Zieria.

The proposal would create approximately 13 residential allotments, with the concept plan showing a building envelope on the residue lot.

## 1.4 Site description and surrounding area

The site is located at 2 Caliope Street, Kiama (Lot 672 DP 1308222) in the Kiama local government area (LGA).

The site comprises an elongated, irregular-shaped allotment on the south-eastern corner of Old Saddleback Road and Caliope Street, Kiama (**Figure 1**).

The site is surrounded by residential development to the west and north, and rural and environmental zoned land to the east and south. The Princes Highway is located further beyond the site to the east.

The site is zoned RU2 Rural Landscape and C2 Environmental Conservation under the KLEP (**Figure 2**).

The site is currently vacant, except for the remains of an old agricultural outbuilding located beneath a Moreton Bay Fig adjacent to Caliope Street, and a local heritage-listed drystone wall along the southern boundary.

The eastern portion of the site contains environmentally sensitive land that is proposed to be preserved for conservation purposes. This includes existing C2 zoned, and mapped Terrestrial Biodiversity, land in the KLEP (**Figure 2**).



**Figure 1: Site Location (Source: Planning Proposal)**

The western portion of the site slopes gently in an easterly direction, before sloping more steeply into a gully that cuts across the south-eastern corner of the site. A Category 3 (unnamed) watercourse runs through the south-eastern corner of the site down to Surf Beach, Kiama.

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the KLEP, which are considered suitable for community consultation (**Figure 2**).



**Figure 2: Existing and Proposed LEP Maps (Source: Planning Proposal)**



**Figure 2 (continued): Existing and Proposed LEP Maps (Source: Planning Proposal)**

## 2 Need for the planning proposal

The planning proposal is needed to implement Council's LHS to enable residential development of the western part of the site for approximately 13 new lots and to protect the remainder of the site for environmental conservation and management purposes.

Council's LHS was endorsed by the Department on 1 October 2025.

A planning proposal is needed to achieve the objectives and intended outcomes.

## 3 Strategic assessment

### 3.1 Regional Plan

**Table 3** provides an assessment of the planning proposal against key relevant aspects of the Illawarra Shoalhaven Regional Plan 2041 (Regional Plan).

**Table 3: Regional Plan assessment**

| Objective / Strategy                                                                                                                 | Justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Objective 11: Protect important environmental assets</p> <p>Strategy 11.4: Protect biodiversity values in urban release areas</p> | <p>Consistent - As noted in Table 4, the planning proposal strikes an appropriate balance of providing housing and positive conservation outcomes.</p> <p>The planning proposal facilitates conservation outcomes by extending the C2 zoning of the site to protect Illawarra Lowland Subtropical Rainforest and the Illawarra Zieria (threatened ecological communities), amending the Terrestrial Biodiversity Map to encompass the population of Illawarra Zieria, and rezoning the remainder of the site C3 to allow facilitate environmental management. A dwelling is proposed to be located on the residue lot which should assist with management of the lot.</p> |

| Objective / Strategy                                                                                                              | Justification                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Objective 12: Build resilient places and communities</p> <p>Strategy 12.2: Reduce exposure to bushfire and natural hazards</p> | <p>Consistent - The site is mapped as bushfire prone land and is flood prone (in part). The planning proposal is supported by a Strategic Bushfire Assessment and flood information which demonstrate exposure to these hazards are likely to be manageable, subject to Gateway conditions (Table 4). No dwellings are proposed on flood affected land.</p> |
| <p>Objective 18: Provide housing supply in the right locations</p> <p>Strategies 18.1 and 18.2</p>                                | <p>Consistent - The planning proposal would facilitate the delivery of low-density housing typologies to the meet future needs of the Kiama LGA, would make efficient use of existing infrastructure and services and minuses the impacts of residential development of environmental lands.</p>                                                            |

## 3.2 Local

The planning proposal implements, and is consistent with, key local strategic planning documents (refer to **Table 4** below).

**Table 4: Local strategic planning assessment**

| Local Strategies                                            | Justification                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Kiama Local Strategic Planning Statement 2025 Update (LSPS) | Consistent – The planning proposal is consistent with key planning priorities identified in Council’s LSPS (e.g. PP1, PP4, PP10, PP12) as it would provide housing supply to meet demand, be supported by required infrastructure, conserve areas of environmental significance by applying environmental zoning and appropriately respond to natural hazards such as flooding and bushfire risk. |
| Kiama Local Housing Strategy 2025 (LHS)                     | <p>Consistent - The western part of the site is identified in the LHS as a potential as a greenfield residential development opportunity (Figure 3). The LHS has been endorsed by both Council and the Department.</p> <p>The LHS notes “the western part of this site adjoins the existing urban area and may be suitable for residential development. The remainder of the site contains</p>    |

environmentally sensitive land that will need to be preserved for conservation and is not suitable for housing". The LHS estimates a yield of approximately 14 lots.



**Figure 3: Part of the site identified for potential housing in Council's LHS (Source: LHS)**

The proposed zoning / LEP maps (Figure 2) generally align with the area identified in the LHS noting an on-site detention (OSD) basin would be provided outside this area outlined in blue in Figure 3 (adjoining the north-east corner) to manage post-development stormwater flows. Caliope Street would also be rezoned R2 consistent with adjoining land and guidance provided in relevant LEP Practice Notes.

### 3.3 Section 9.1 Ministerial Directions

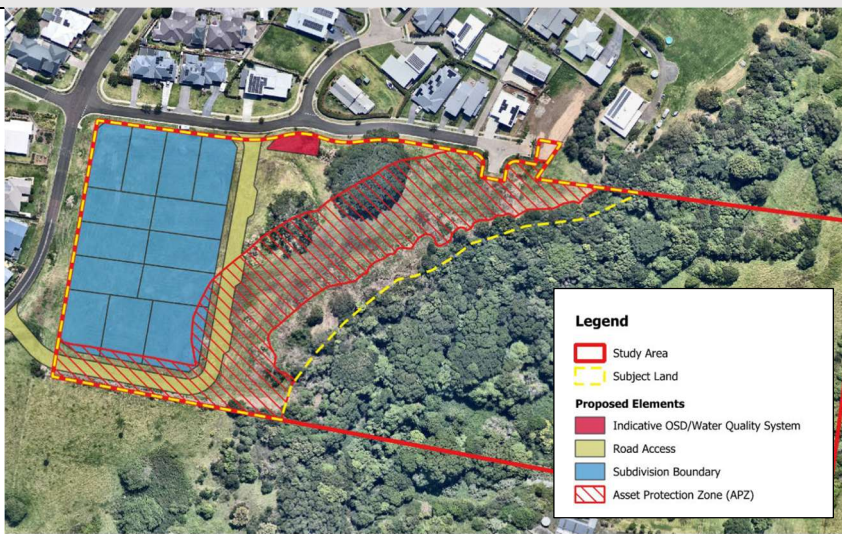
The proposal's consistency with key relevant section 9.1 Directions is summarised in **Table 5** below.

**Table 5: Section 9.1 Ministerial Direction assessment**

| Directions                               | Consistency | Reasons for Consistency or Inconsistency                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.1 Implementation of the Regional Plans | Consistent  | As noted in Table 3, the planning proposal is consistent with the Illawarra Shoalhaven Regional Plan.                                                                                                                                                                                                                                                                                                         |
| 3.2 Conservation Zones                   | Consistent  | The planning proposal is supported by a Flora and Fauna Assessment (FFA) which found the area of the site proposed for housing to the west is largely covered by exotic vegetation but that areas to the east contain ecological constraints such as Illawarra Lowland Subtropical Rainforest and a population of Illawarra Zieria (threatened ecological communities) and two fig trees ( <b>Figure 4</b> ). |

| Directions                | Consistency | Reasons for Consistency or Inconsistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                           |             |  <p><b>Figure 4: Vegetation mapping of site (Source: FFA)</b></p> <p>The planning proposal notes that while no native vegetation will be removed to accommodate the proposal, the implementation of an Asset Protection Zone (APZ) to manage bushfire risk will impact the edge of the subtropical rainforest, the fig trees, and three Illawarra Zieria individuals. However, the planning proposal notes the APZ can be managed to allow for the retention of this vegetation which will not need to be removed to meet APZ requirements.</p> <p>The planning proposal facilitates conservation outcomes by extending the C2 zoning of the site to protect Illawarra Lowland Subtropical Rainforest and the Illawarra Zieria, amending the Terrestrial Biodiversity Map to encompass the population of Illawarra Zieria, and rezoning the remainder of the site C3 to allow facilitate environmental management.</p> <p>The planning proposal is also supported by a Vegetation Management Plan (VMP) aimed at guiding management of the APZs, and the restoration of vegetation within the site to enhance environmental values.</p> <p>It is considered the planning proposal strikes an appropriate balance of providing housing and positive conservation outcomes.</p> <p>Consultation with DCCEEW is recommended as a Gateway condition to allow further consideration of biodiversity issues.</p> |
| 3.2 Heritage Conservation | Consistent  | <p>The PP is supported by an Aboriginal Cultural Heritage Assessment (ACHA) and a Heritage Impact Statement (HIS).</p> <p>The ACHA did not identify any items of Aboriginal heritage significance on the site.</p> <p>The HIS noted a dry-stone wall on the southern boundary of the site as having historic significance. Council's Report notes the existing heritage-</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| Directions                           | Consistency              | Reasons for Consistency or Inconsistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                      |                          | <p>listed dry-stone wall will be retained and, where required, be carefully restored using original techniques and materials.</p> <p>Council's Report also notes the local significance of the agricultural structure and cluster of fig trees on site and its relation to the historic rural landscape and nearby 'Garden Hill' will be further considered during public exhibition.</p> <p>Consultation with Heritage NSW is recommended as a Gateway condition to allow further consideration of heritage issues.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 4.1 Flooding                         | Justifiably inconsistent | <p>A small section of land in the south-eastern corner of the subject site is flood prone. The site slopes steeply down to this area.</p> <p>The planning proposal notes no residential zoning is proposed on flood prone land. The planning proposal and supporting Water Cycle Management Study (WCMS) note the area to be rezoned R2 is located well outside the Flood Planning Area identified in Council's Surf Beach Catchment Floodplain Risk Management Study and Plan 2017, with the flood-affected area being confined to the south-eastern corner of the site where a Category 3 watercourse is located (87m away).</p> <p>Council's report notes the SES suggested a Flood Impact and Risk Assessment (FIRA) be conducted, and consideration be given to flood impacts on access roads in the broader road network.</p> <p>The Secretary's delegate may be satisfied any potential inconsistency with this Direction is justified because the planning proposal is in accordance with a floodplain risk management study or plan adopted by the Council. Notwithstanding this, Gateway conditions are recommended requiring consultation with DCCEE and the SES to allow further consideration of flooding issues.</p> |
| 4.3 Planning for Bushfire Protection | To be determined         | <p>The site is mapped as containing bushfire prone land and the planning proposal is supported by a Strategic Bushfire Assessment (SBA) as requested by the NSW RFS. The SBA recommends APZs appropriate for future residential development which (as above) can be accommodated without impacting existing significant vegetation on site.</p> <p>Council's report notes the proposal provides for public access roads, reticulated water supplies for firefighting and utility installations and that the bushfire hazard areas affecting the site are assessed as 'fairly low risk' with little bushfire risk outside the subject site.</p> <p>As above, a VMP has also been provided aimed at guiding management of the APZs, along with the restoration of vegetation to enhance the environmental values of the site.</p> <p>Consultation with the NSW RFS is recommended as a Gateway condition to allow further consideration of bushfire issues prior to public exhibition. Consistency with this Direction remains unresolved until this has occurred.</p>                                                                                                                                                               |

| Directions                           | Consistency                            | Reasons for Consistency or Inconsistency                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                      |                                        |  <p><b>Figure 5: Concept plan with APZ overlay (Source: FFA)</b></p>                                                                                                                                                                                                                                                                                                                                 |
| 4.4 Remediation of Contaminated Land | Consistent                             | <p>The planning proposal is supported by a Preliminary Site Investigation (PSI) having regard to the historic use of the land for agricultural purposes. The PSI found areas of environmental concern could be removed and the site made suitable for residential development.</p> <p>Consultation with EPA is recommended as a Gateway condition to allow further consideration of contamination issues.</p>                                                                          |
| 6.1 Residential Zones                | Justified and/or of minor significance | <p>The planning proposal would facilitate the delivery of housing to meet future needs, would make efficient use of existing infrastructure and services and minimises the impacts of residential development of environmental lands.</p> <p>However, the planning proposal is inconsistent with this direction as it seeks to rezone land from rural to residential on the urban fringe. But the inconsistency is justified by an endorsed strategy / study (i.e. Council's LHS).</p> |
| 9.1 Rural Zones                      | Justified and/or of minor significance | <p>The planning proposal would rezone rural land to residential but is justified by an endorsed strategy / study (i.e. Council's LHS) which identifies the site for potential housing. The remainder of the site would be protected and conserved for conservation purposes. Given the size, location and topography of the site, it is also considered unlikely to be of significant agricultural production value.</p>                                                               |
| 9.2 Rural Lands                      |                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

### 3.4 State environmental planning policies (SEPPs)

The planning proposal is not inconsistent with relevant SEPPs. Consistency with key relevant SEPPs is summarised below.

#### SEPP (Resilience and Hazards) 2021

The site is not located in the coastal zone. Chapter 4 – Remediation of Land has been appropriately considered in the planning proposal and supporting PSI. These assessments have found the land can be remediated to be suitable for intended uses (**Table 5**).

Contamination would also be assessed in detail as part of future DAs.

### **SEPP (Biodiversity and Conservation) 2021**

The proposed R2 zoned area is not located within an environmentally sensitive area and would not have adverse impacts on biodiversity and conservation.

The planning proposal facilitates conservation outcomes by extending the C2 zoning of the site to protect threatened ecological/flora communities, extending biodiversity mapping over part of the site, and rezoning the remainder of the site C3 to allow facilitate environmental management.

Biodiversity issues would also be assessed in detail as part of future DAs.

## **4 Site-specific assessment**

### **4.1 Environmental**

The key environmental impacts of the planning proposal and their management have been discussed in the previous sections of this report. Key residual issues are discussed below.

#### Traffic

Whilst not covered in the planning proposal, the traffic impacts of providing approximately 13 new residential allotments are not expected to cause adverse local road impacts. It is noted Council, as the local roads authority, has also provided its support for the planning proposal to proceed to gateway determination.

#### Water Cycle Management

The planning proposal is supported by a Water Cycle Management Study (WCMS) to demonstrate compliance with Council's Water Sensitive Urban Design (WSUD) Policy and to ensure that WSUD principles are incorporated into the proposal and protect the downstream environment.

The WCMS demonstrates the proposal can meet Council's WSUD Policy water quality targets for pollutants, maximum post-development peak flows, and baseline mains water consumption reduction. These targets would be achieved with the implementation of gross pollutant traps, a bioretention basin, and rainwater tanks for individual dwellings.

With implementation of On-Site Detention (OSD), post-development flows from the site can be limited to no more than the pre-development levels.

A detailed assessment of all environmental impacts will also be further considered at the development application (DA) stage.

### **4.2 Social and economic**

The planning proposal would result in positive social impacts by providing additional residential land for housing making efficient use of existing infrastructure to meet the future needs of the Kiama LGA.

The site is in proximity to key services and amenities in the Kiama town centre and will lead to positive economic impacts through increased building activity and associated jobs during construction. This will also result in positive indirect economic impacts on local businesses through increased demand for local goods and services.

### **4.3 Infrastructure**

Council's Report notes initial enquiries of service agencies (such as Sydney Water and Endeavour Energy) indicates that there is capacity available within the existing reticulated water supply and

sewerage systems to cater for the additional lots, and that there is capacity in the local electricity supply network.

Future DAs would address the construction of local roads and/or road works to service the proposed development.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 28 days.

This planning proposal is categorised as a standard.

The Department recommends the planning proposal be publicly exhibited for a minimum of 20 working days in line with the Department's LEP Plan Making Guidelines (August 2023).

### 5.2 Agencies

As per the planning proposal, it is recommended the following agencies be consulted and given 30 working days to comment:

- NSW Rural Fire Service (prior to public exhibition);
- Department of Climate Change, Energy, the Environment and Water;
- Environment Protection Authority;
- Heritage NSW;
- NSW State Emergency Service;
- Sydney Water; and
- Endeavour Energy

## 6 Timeframe

The planning proposal proposes a 11-12 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion within 12 months in line with its commitment to reducing processing times and regarding the benchmark timeframes.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority (LPMA).

As key issues appear largely resolved, and the site has been strategically identified by Council for potential housing, the Department recommends that Council be authorised to be the LPMA for this proposal

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following key reasons:

- it would contribute to meeting the Kiama LGA's future housing needs;
- it is consistent with local and regional strategic planning objectives;

- the site has been strategically identified by Council for potential housing;
- it would result in positive social and economic impacts;
- based on the information provided, potential environmental impacts are likely to be manageable; and
- it would protect and conserve important environmental assets by applying appropriate environmental zonings.

## 9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

It is recommended the delegate of the Secretary:

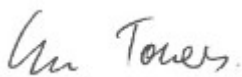
- agree that any inconsistency with section 9.1 Directions 4.1 Flooding, 6.1 Residential Zones, 9.1 Rural Zones and 9.2 Rural Lands are justified in accordance with the terms of the Directions; and
- note that the consistency with section 9.1 Direction 4.3 Planning for Bushfire Protection remains unresolved and will require justification.

The following conditions are recommended to be included on the Gateway determination:

1. Consultation is required with the following public authorities:
  - NSW Rural Fire Service (prior to public exhibition);
  - Department of Climate Change, Energy, the Environment and Water;
  - Environment Protection Authority;
  - Heritage NSW;
  - NSW State Emergency Service;
  - Sydney Water; and
  - Endeavour Energy.
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise Council to be the local plan-making authority.

The timeframe for the LEP to be completed is on or before 26 March 2027.



Graham Towers

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24/3/2026

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