



Our ref: PP-2023-244/IRF23/281

Ms Jane Stroud
Chief Executive Officer
Kiama Municipal Council
PO Box 74
KIAMA NSW 2533

Attention: Suzi Stojcevska, Strategic Planner

Dear Ms Stroud

Planning proposal – PP-2023-244 – to amend Kiama Local Environmental Plan 2011

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 reclassify the site of the Blue Haven Bonaira Retirement Village (14A Bonaira Street, Kiama – Lot 2 DP 1215276) from Community Land to Operational Land.

As delegate of the Minister for Planning, 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 EP&A Act (except those outlined below) are justified in accordance with the terms of the Direction.

In relation to Direction 6.2 Reserving Land for Public Purposes, I have agreed any inconsistency is minor as the proposed reclassification corrects a historical land status anomaly to more accurately reflect the existing operational use of the site as a seniors housing facility.

No further approval is required in relation to the Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the EP&A Act (Direction 4.3 Planning for Bushfire Protection). Council should ensure this occurs prior to public exhibition

Considering the nature of the planning proposal 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 10th December 2023. 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 directly to Parliamentary Counsel's Office 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 and Environment.

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 and Environment, 2021) 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 Mr Andrew Hartcher, A/Specialist Planner, to assist you. Mr Hartcher can be contacted on 4247 1823.

Yours sincerely



10/2/2023

Daniel Thompson
Director, Southern Region
Local and Regional Planning

Encl: Gateway determination