

Gateway Determination

Planning proposal (Department Ref: PP-2022-3463): to amend the Kiama Local Environmental Plan 2011 to amend existing, add new local heritage items and create new heritage conservation areas.

I, Daniel Thompson the 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 shall be updated prior to public exhibition to:
 - (a) remove all aspects seeking to identify exiting local heritage items I151, I152 and I153 as State Heritage Items; and
 - (b) address consistency with all applicable Section 9.1 Directions (including Direction 4.2 – Coastal Management, Direction 5.1 – Integrating Land Use and Transport, Direction 7.1 – Business and Industrial Zones and Direction 6.1 – Residential Zones).
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (c) 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
 - (d) 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 Heritage NSW under section 3.34(2)(d) of the EP&A Act. Heritage NSW is to be provided with a copy of the planning proposal and any relevant supporting material 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. 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 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 EP&A 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 24th July 2023.

Dated 24th day of October 2022.



Daniel Thompson
Director, Southern Region
Local and Regional Planning
Department of Planning and Environment

Delegate of the Minister for Planning