

Your ref: 57580E (D18/320471)  
Our ref: PP\_2018\_SHOAL\_010\_00/IRF18/5327 (EF18/34913)

Mr Russ Pigg  
General Manager  
Shoalhaven City Council  
Email: council@shoalhaven.nsw.gov.au

Attention: Jenna Tague, Coordinator - Policy Planning Team

Dear Mr Pigg

**Planning proposal PP\_2018\_SHOAL\_010\_00 to amend Shoalhaven Local Environmental Plan 2014**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 9 October 2018 in respect of the planning proposal to amend the Shoalhaven LEP 2014 to improve the operation and accuracy of the Plan.

As delegate of the Minister for Planning, I have now 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 planning proposal's inconsistencies with section 9.1 Directions 2.1 Environment Protection Zones, 4.1 Acid Sulfate Soils and 5.10 Implementation of Regional Plans are 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 5.2 Sydney Drinking Water Catchments. Council should ensure this occurs prior to the plan being made.

Council is also required to consult with the NSW Rural Fire Service, in line with section 9.1 Direction 4.4 Planning for Bushfire Protection before consultation occurs.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft

and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr George Curtis to assist you. Mr Curtis can be contacted on 4224 9465.

Yours sincerely

A handwritten signature in black ink, appearing to read 'L. Musgrave', is positioned above the date.

5/11/2018

**Luke Musgrave**  
**Acting Director Regions, Southern**  
**Planning Services**

Encl: Gateway determination  
Authorised plan-making reporting template