



## Planning & Environment

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Mr Russ Pigg  
General Manager  
Shoalhaven City Council  
PO Box 42  
Nowra NSW 2541

Our ref: PP\_2015\_SHOAL\_010\_00 (15/16443)  
Your ref: 50828E (D15/348335)

Attention: Marie-Louise Foley

Dear Mr Pigg

### **Planning proposal to amend Shoalhaven Local Environmental Plan 2014**

I am writing in response to your Council's letter dated 9 November 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in respect of the planning proposal to undertake a number of housekeeping amendments to improve the operation and accuracy of the LEP to respond to issues that have arisen over the first year of operation of the LEP.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Directions 2.1 Environment Protection Zones and 3.1 Residential Zones are justified by the Nowra Bomaderry Structure Plan and the South Coast Regional Strategy or are of minor significance. No further approval is required in relation to these Directions.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following 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 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr George Curtis of the Department's Southern regional office to assist you. Mr Curtis can be contacted on (02) 4224 9465.

Yours sincerely,



7/12/15

Linda Davis  
**Acting General Manager**  
**Southern Region**  
**Planning Services**

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template



## Gateway Determination

*Planning proposal (Department Ref: PP\_2015\_SHOAL\_010\_00): to undertake a number of housekeeping amendments (stage 3) to improve the operation and accuracy of the LEP.*

I, Linda Davis, the Acting General Manager, Southern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Shoalhaven Local Environmental Plan (LEP) 2014 to undertake a number of housekeeping amendments to improve the operation and accuracy of the LEP to respond to issues that have arisen over the first year of operation of the LEP should proceed subject to the following conditions:

1. The Planning Proposal is to be revised consistent with Council's 25 November 2015 letter prior to community consultation. The statement of the objectives provided for the Planning Proposal (Version 1A) concerning items 12 (short term rental accommodation) and 13 (permanent occupation in mixed use developments) and the explanation of the provisions concerning item 9 (exceptions to minimum subdivision lot sizes for certain rural and environmental protection zones) are to be updated.
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* (the Act) as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**;
  - (b) the relevant planning 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 section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Environment 2013).
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
  - \* NSW Rural Fire Service (prior to exhibition under s117 Direction 4.4)
  - \* Office of Environment and Heritage
  - \* Crown Lands Office

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 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 56(2)(e) of the 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 timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 7<sup>th</sup> day of December 2015

**Linda Davis**  
**Acting General Manager, Southern Region**  
**Planning Services**  
**Department of Planning and Environment**  
**Delegate of the Minister for Planning**



**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

Shoalhaven City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

<b>Number</b>	<b>Name</b>
PP_2015_SHOAL_010_00	Planning proposal to <i>undertake a number of housekeeping amendments to improve the operation and accuracy of the LEP</i>

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "A guide to preparing local environmental plans" and "A guide to preparing planning proposals".

Dated 7 | 12 | 2015

**Linda Davis**  
**Acting General Manager**  
**Southern Region**  
**Planning Services**  
**Department of Planning and Environment**