

Mr Gordon Clark  
Strategic Planning Manager  
Shoalhaven City Council  
PO Box 42  
Nowra NSW 2541

Your ref: 50828E (D15/326323)  
File: 15/16443

Attention: Marie-Louise Foley

Dear Gordon

**Planning Proposal (PP011) Shoalhaven LEP 2014 Housekeeping Amendment – Stage 3**

I refer to your letter in relation to the above planning proposal dated 9 November 2015 and your request for a Gateway determination. The following additional information and justification is requested to assist the Department with the assessment of aspects of the planning proposal:

**Item 9: Clause 4.2E Exceptions to minimum subdivision lot sizes for certain rural and environmental protection zones.**

I note that clause 4.2 'Rural subdivision' of the Shoalhaven LEP 2014 allows land in rural zones to be subdivided, with development consent, for the purpose of 'primary production' to create a lot of a size that is less than the minimum lot size shown on the Lot Size Map. I understand that Council wants to provide flexibility for subdivision for a variety of uses, not just primary production. It would be appreciated if Council could clarify why the current clause 4.2E does not achieve the intent of the planning proposal, including the relevant land uses included as exempt development within the affected zones.

**Item 11: Clause 7.13 Short term rental accommodation**

The intent of Council's proposal in response to complaints about houses being rented out for functions is understood. However, as function centres are currently a prohibited use in Council's residential zones, it is considered unnecessary to specifically prohibit this use in clause 7.13 as this would duplicate provisions in the land use table.

It may be possible, subject to Parliamentary Counsel (PC) agreement, to include an advisory note in the clause that function centres are not permissible in residential zones in the Shoalhaven LEP 2014. If this option is acceptable to Council, then the planning proposal would need to be amended accordingly.

**Item 12: Clause 7.14 Permanent occupation in mixed use developments.**

Clause 7.14 was specifically drafted by PC during the preparation of the Shoalhaven LEP 2014. The PC advised the Department at the time that the residential and tourist and visitor accommodation uses that comprise the mixed use development must each be permissible uses within the applicable zone. Council's proposed changes to clause 7.14 are unlikely to be acceptable to PC.

An alternative option to consider is to apply a Schedule 1 'Additional permitted uses' to the applicable sites in the Milton Ulladulla area to permit the additional types of residential accommodation proposed by Council. If this option is acceptable, then the planning proposal would need to be reworded accordingly.

To avoid delaying the current planning proposal, Council could consider removing items 11 and 12 from the proposal and including them in a separate planning proposal.

The Southern Region is seeking policy advice in relation to item 13 'Bonus building heights in Huskisson Town Centre' and will discuss any concerns raised with Council.

If you would like to discuss this matter, please contact Mr George Curtis, Senior Planner on phone number (02) 4224 9465.

Yours sincerely



19/11/15

Graham Towers  
**Team Leader**  
**Southern Region**