NSW GOVERNMENT | Planning & Environment

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Our Ref: 10/25114
Your Ref: 1013E (D14/284647)

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

Attention Mr Eric Hollinger

Dear Mr Pigg

Planning proposal to amend Shoalhaven Local Environmental Plan 2014

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone Nebraska Estate, St Georges Basin to allow for residential development and environmental protection.

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.

Council is to confirm with the Department's Regional Office prior to public exhibition, which development option for the North West area it intends to proceed with in the planning proposal. An integrated water cycle and stormwater management assessment to support the preferred option is to be completed to justify the proposed zoning and development standards for this area. The planning proposal and maps will need to be revised to reflect the adopted development option.

The Department understands that the Office of Environment and Heritage may have concerns with the proposed development within the north east area. Council is requested to consult with OEH prior to selecting its preferred option in relation to the level of residential development proposed within the Estate especially within the north eastern area.

It is noted that Council has prepared a development map to identify and control building envelopes, particularly within the E4 zone. Council may wish to consider whether it is appropriate to include a development area map and supporting local clause in the planning proposal similar to the Jerberra Estate Local Environmental Plan.

In issuing this Gateway determination, I have found that the planning proposal's inconsistencies with s117 Directions 1.2 Rural zones, 1.5 Rural Lands and 6.3 Site Specific Provisions are justified and/or are of minor significance.

Should Option 2 be pursued, the Secretary has approved of the proposal to create a reservation of land for public purposes. The planning proposal will need to be updated prior to public exhibition to identify the required amendment to Clause 5.1 Relevant Acquisition Authority of the LEP.

To ensure consistency with s117 Direction 4.4 Planning for Bushfire Protection, Council is required to consult with the NSW Rural Fire Service prior to exhibition of the planning proposal.

The proposal is considered to be consistent with other relevant s117 Directions. No further approval is required in relation to these or other Directions, while the proposal remains in its current form, subject to consultation with the NSW Rural Fire Service.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has not requested to be issued with delegation for this planning proposal.

The amending Local Environmental Plan is to be finalised within 24 months 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 Local Environmental Plan 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 Local Environmental Plans 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 *Environmental Planning and Assessment Act 1979* (the 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 Lisa Kennedy of the Department's regional office to assist you. Lisa can be contacted on (02) 4224 9457.

Yours sincerely

Brett Whitworth 3 March 2015

Brett Whitworth
General Manager
Southern Region
Planning Services

Encl: Gateway Determination

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Gateway Determination

***Planning proposal (Department Ref: PP_2015_SHOAL_002_00)**: to rezone and amend planning controls for Nebraska Estate, St Georges Basin to allow for residential development and environmental protection.*

I, Brett Whitworth, 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 2014 to enable residential development and environmental protection within Nebraska Estate should proceed subject to the following conditions:

1. Council is not to commence exhibition of the proposal until it has selected its preferred development option and revised the Planning Proposal to reflect that option. The revised proposal is to be submitted to the Southern Region of the Department for consideration prior to public exhibition.

2. An integrated water cycle and stormwater management assessment is to be prepared for the adopted development option and exhibited with the proposal.

3 Council is to finalise the draft maps to reflect the adopted development option prior to exhibition of the planning proposal. The maps will be prepared in accordance with the Department's 'Standard technical requirements for Local Environmental Plan maps'.

4. 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 is to be made publicly available for 28 days; and
   (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 local environmental plans (Department of Planning and Infrastructure 2012).

5. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979* (the Act).

   - Department of Primary Industries (Fisheries);
   - NSW Office of Water;
   - NSW Rural Fire Service;
   - Office of Environment and Heritage;
   - South East Local Land Services;
   - Endeavour Energy;
   - Road and Maritime Service; and

- Shoalhaven Water.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. In accordance with s117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to exhibition of the proposal.

7. No public hearing is required to be held into the matter under section 56(2)(e) of the *Environmental Planning and Assessment Act 1979* (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).

8. The timeframe for completing the Local Environmental Plan is to be 24 months from the week following the date of the Gateway determination.

Dated 3rd day of March. 2015

Brett Whitworth,
General Manager
Southern Region, Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning