



COPY

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

15/08516

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) for a planning proposal to rezone land in Manyana for future residential development and environmental protection.

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

I have also agreed the planning proposal's inconsistencies with section 117 Direction 3.4 Integrating Land Use and Transport is justified by the site's current zoning and its identification in the Shoalhaven Growth Management Strategy for urban development. No further approval is required in relation to this Direction.

It is noted that various environmental and land capability studies have been undertaken and significant progress has been made on reaching agreement with relevant government agencies on appropriate levels of development and suitable environmental outcomes.

Council will need to undertake consultation with the NSW Rural Fire Service and further consultation with the Office of Environment and Heritage on the suitability of the land for residential development and how existing constraints can be managed and/or mitigated. Council should also consult with Shoalhaven Water concerning the current capacity of the existing treatment plant and the impact future residential areas may have on servicing. The Department is available to work with Council in this regard and suggests that this consultation is undertaken early in the process.

Council is to address inconsistencies with section 117 Direction 2.3 Heritage Conservation and *State Environmental Planning Policy No. 55 - Remediation of Land* following consultation with relevant public agencies and prior to the commencement of public exhibition. Further, Council is to consult with the NSW Rural Fire Service prior to undertaking community consultation in order to satisfy section 117 Direction 4.4 Planning for Bushfire Protection and update the planning proposal accordingly.

The amending Local Environmental Plan is to be finalised within **18 months** of the week following the date of the Gateway determination. Council's request for the Department of Planning and Environment to draft and finalise the Local Environmental Plan should be made 6 weeks prior to the projected publication date.

Should you have any queries in regard to this matter, please contact Mr Brett Whitworth, General Manager, Southern Region, at the Department on (02) 4224 9455.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marcus Ray', with a stylized flourish at the end.

**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**

**22/06/2015**  
Encl: Gateway Determination

## Gateway Determination

**Planning proposal (Department Ref: PP\_2015\_SHOAL\_003\_00):** to rezone 76 hectares of land located on the north-east edge of Manyana Village, to enable future residential development and environmental protection.

I, the Deputy Secretary, Planning Services, 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:

- rezone land at Inyadda Drive and Sunset Strip, Manyana from R5 Large Lot Residential, R1 General Residential, E3 Environmental Management and RE1 Public Recreation to R1 General Residential, R2 Low Density Residential and E2 Environmental Conservation;
- establish a minimum lot size of 600sqm for land zoned R2 Low Density Residential;
- update the Urban Release Area Map to include the land as an urban release area; and
- remove the land from the Clause Map and delete the additional use under Schedule 1 Clause 6 Use of certain land at Manyana,

should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the following studies are to be prepared:
  - (a) a biodiversity offset strategy that includes assessment of flora and fauna, and credit requirements in accordance with the Office of Environment and Heritage (OEH) biobanking and/or biocertification methodology. The study is to be undertaken by a biobank accredited assessor in consultation with OEH. The strategy should outline the proposed sources of credit offsets, and the proposed method to secure and manage offsets;  
Note: To enable the use of biocertification, written advice from Shoalhaven City Council, or other relevant planning authority, will be required to indicate 'in principle' support to act as the planning authority for a formal biocertification application.
  - (b) an assessment of the capacity of the Bendalong Waste Water Treatment Plant to accommodate the proposed level of development;
  - (c) bushfire hazard study;
  - (d) water quality study to achieve a neutral or beneficial effect on water quality of coastal waterbodies;
  - (e) a Stage 1 Preliminary Contamination Investigation for lands identified for development undertaken in accordance with the State Environmental Planning Policy No. 55 - Remediation of Land 'Managing Land Contamination' Guidelines;
  - (f) an acid sulfate soils (ASS) report to clarify potential ASS management options for areas identified for development; and
  - (g) an electricity infrastructure report to confirm the availability of electricity.

2. Following the completion of the required studies, the planning proposal is to be updated to confirm the explanation of provisions, including proposed zoning and other mapping and development controls prior to its public exhibition. A copy of the updated proposal is to be provided to the Department for review prior to exhibition of the proposal.
3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **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 LEPs (Department of Planning and Environment 2013)*.
4. Consultation is required with the following Government agencies prior to exhibition, in accordance with the Act and to comply with requirements of relevant section 117 Directions:
  - NSW Rural Fire Service;
  - Office of Environment and Heritage;
  - Endeavour Energy;
  - Shoalhaven Water; and
  - Roads and Maritime Services.

The agencies are 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. Any agency advice received and Council's proposed response to this advice should be placed on public exhibition with the planning proposal.

5. Council is to update its consideration of section 117 Directions 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection following consultation with the Office of Environment and Heritage and the NSW Rural Fire Service. Council is to update the planning proposal accordingly prior to the commencement of public exhibition.
6. 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).

7. The timeframe for completing the Local Environmental Plan is to be **18 months** from the week following the date of the Gateway determination.

Dated 22<sup>nd</sup> day of June 2015.

A handwritten signature in black ink, appearing to read 'Marcus Ray', is written over a faint horizontal line.

**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**

**Delegate of the Minister for Planning**