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Department Generated Correspondence (Y)

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Our ref: PP_2011_SHOAL_007_00 (10/03080)

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

Dear Mr Pigg,

Re: Planning Proposal to resolve uncertainty in relation to the development potential of small lot subdivisions in the Woollamia Farmlets area

I am writing in response to your Council's letter 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 amend either the Shoalhaven LEP 1985 or the Shoalhaven Local Environmental Plan 2009 to enable the permissibility of a single dwelling on six lots within the Woollamia Rural Residential Farmlets area.

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

Council should ensure that appropriate mapping, including amendments to the Minimum Lot Size maps under the draft Shoalhaven LEP 2009, is prepared for exhibition purposes. The maps are to clearly identify the land parcels to which the planning proposal applies and should be presented in a manner consistent with the Department's mapping requirements for Standard Instrument LEPs.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

The planning proposal's inconsistencies with S117 Directions 2.3 Heritage Conservation and 4.1 Acid Sulfate Soils have not been justified. Further work is required by Council in relation to demonstrating consistency with these Directions. This work should be completed prior to public exhibition and the relevant material should be placed on exhibition as part of the planning proposal.

In regards to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of the Local Planning Direction.

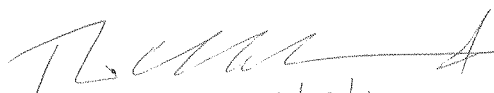
Council's proposal to include a site specific clause to address development related matters is not supported. The Department considers that Council's existing clause 21 of the Shoalhaven LEP 1985 and proposed clauses 7.7 and 7.6 in draft Shoalhaven LEP 2009 provide sufficient appropriate heads of consideration when assessing a development proposal on the subject land.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(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, please contact Lisa Kennedy of the Regional Office of the Department on 02 4224 9450.

Yours sincerely,


6/12/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_SHOAL_007_00): to resolve uncertainty in relation to the development potential of small lot subdivisions in the Woollamia Farmlets area.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to either the Shoalhaven LEP 1985 or the draft Shoalhaven Local Environmental Plan 2009 to enable the permissibility of a single dwelling on six lots within the Woollamia Rural Residential Farmlets area should proceed subject to the following conditions:

1. Council is to ensure that appropriate mapping, including an amending Minimum Lot Size map, which clearly identifies the subject sites is prepared and placed on public exhibition.
2. Council's proposal to include a site specific clause to address development related matters on the subject sites is not supported. The Department considers that Council's existing clause 21 of the Shoalhaven LEP 1985 and proposed clauses 7.7 and 7.6 in draft Shoalhaven LEP 2009 provide sufficient appropriate heads of consideration when assessing a development proposal.
3. Further work is required by Council in relation to demonstrating consistency with S117 Directions 2.3 Heritage Conservation and 4.1 Acid Sulfate Soils. Council is to clarify consistency with these Section 117 Directions and justify any inconsistencies prior to public exhibition and place this material on exhibition as part of the planning proposal.
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Southern Rivers Catchment Management Authority
 - Office of Environment and Heritage
 - NSW Rural Fire Service
 - Jervis Bay Marine Park Authority

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 they 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. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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 LEP is to be 6 months from the week following the date of the Gateway determination.

Dated

6th

day of

December

2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure