

Attachment 3 - Gateway determination

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

Our ref: PP_2017_SHOAL_001_00 (17/05958)
Your ref: 52163E (D17/111049)

Dear Mr Pigg

Planning Proposal (PP_2017_SHOAL_001_00) to amend Shoalhaven Local Environmental Plan 2014

I am writing in response to Council's letter dated 21 April 2017 requesting a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the Planning Proposal to enable residential development and environmental protection of lands at Lot 4 DP834254, 510 Beach Road, Berry.

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.

As the proposal and the explanation of provisions will be refined following completion of studies, I have imposed a condition requiring Council to consult with the Department prior to community consultation.

In issuing this Gateway Determination, I have agreed that the Planning Proposal is consistent with S117 Directions 2.1 Environmental Protection Zones, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulfate Soils and 5.10 Implementation of Regional Plans. I have also agreed the Planning Proposal's inconsistency with S117 Directions 1.2 Rural Zones and 1.5 Rural Lands are of minor significance. No further approval is required in relation to these Directions, while the proposal remains in its current form.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Direction 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 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 section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries regarding this matter, I have arranged for Ms Lisa Kennedy of the Department's Southern Regional office to assist you. Lisa can be contacted on 4224 9457.

Yours sincerely

 6 June 2017
Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Encl:
Gateway Determination

Gateway Determination

Planning Proposal (Department Ref: PP_2017_SHOAL_001_00): to enable residential development and environmental protection of lands at Lot 4 DP834254, 510 Beach Road, Berry.

I, the Executive Director, Regions, 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 enable residential development and environmental protection of lands at Lot 4 DP834254, 510 Beach Road, Berry should proceed subject to the following conditions:

1. Prior to community consultation the Planning Proposal is to be updated to:
 - a) include the following information to address potential impacts of the proposal:
 - flora and fauna impact assessment;
 - bushfire assessment;
 - water cycle assessment including on-site effluent management;
 - aboriginal cultural heritage assessment;
 - requirements for the provision of infrastructure;
 - the landowner's Stage 1 Contamination Assessment, SEEC 8 October 2015; and
 - the landowner's Preliminary Agricultural Assessment, Eco-Logical Australia 15 May 2015.
 - b) confirm the explanation of provisions, including the proposed zoning and lot size maps and any local clause;
 - c) identify the applicable S117 Directions; and
 - d) include a suitable mechanism for the proposed dedication of lands to the State of NSW for extension of the Seven Mile Beach National Park.

Council shall consult with the Department of Planning and Environment's Director Regions, Southern for consideration of the revised proposal prior to community consultation.

2. Consultation is required with the following public authorities under Section 56(2)(d) of the Act and to comply with the requirements of relevant Section 117 Directions:
 - NSW Rural Fire Service (prior to community consultation);
 - Office of Environment and Heritage;
 - National Parks and Wildlife Service;
 - Endeavour Energy; and
 - Shoalhaven Water.



Planning & Environment

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. Any agency advice received and Council's proposed response to this advice should be placed on public exhibition with the Planning 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 Local Environmental Plans (Department of Planning and Environment 2016)*.
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 if reclassifying land).
5. The timeframe for completing the LEP is to be **18 months** from the date of the Gateway Determination.

Dated 6th day of June 2017


Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and
Environment
Delegate of the Minister for Planning