



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

Our ref:  
Your ref: 50128E (D15/222630)

Attention: Marie- Louise Foley

Dear Mr Pigg

**Planning Proposal PP\_2015\_SHOAL\_001\_00 – Alteration of Gateway  
Determination**

I refer to your letter of 5 August 2015 in relation to revisions to Planning Proposal (PP008) Citywide LEP Housekeeping Amendment – Stage 1 (PP\_2015\_SHOAL\_001\_00) seeking a revised Gateway determination.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 9 January 2015 for PP\_2015\_SHOAL\_001\_00. The Alteration of the Gateway Determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Mr George Curtis to assist you. Mr Curtis can be contacted on telephone 4224 9465.

Yours sincerely

14 August 2015

**Brett Whitworth  
General Manager  
Southern Region  
Planning Services**

Encl:  
Alteration to Gateway Determination

## Alteration of Gateway Determination

**Planning proposal (Department Ref: no: PP\_2015\_SHOAL\_001\_00): to:**

- (a) Insert 'shop top housing' as a specific 'permitted with consent' use in the B3 Commercial Core Zone; and
- (b) Insert a provision to enable the subdivision of split zoned land (e.g. residential, rural or environmental protection) to enable the creation of a residue lot that is smaller than the minimum lot size.

I, Brett Whitworth, General Manager, Southern Region, Planning Services at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 9 January 2015 for the proposed amendment to *the Shoalhaven Local Environmental Plan 2014* (LEP) as follows:

1. Change the intended outcomes of the Planning Proposal

**from**

- (a) to list 'shop top housing' as a 'permitted use with consent' uses in B3 Zone;
- (b) to make it explicit that 'serviced apartments' are permitted with consent in the B3 Zone by inserting that land use term in the list of uses permitted with consent in that Zone; and
- (c) to allow the subdivision of split zoned land where a parcel has a zoning split between urban and rural/environmental zones, enabling the creation of a residue lot of rural /environmental zoned land that is smaller than the minimum lot size. The intended outcome of this provision is to ensure that the residue rural lot is tied to an urban zoned lot so that the residue lot can be appropriately managed in the future and does not allow for separate rural zoned parcel of land of non-conforming size.

**to:**

- (a) to list 'shop top housing' as a specific use with consent in the B3 Zone; and
- (b) to allow the subdivision of split zoned land where a parcel of land has a zoning split between urban and rural/environmental zones. The intended outcome of this provision is to:
  - allow subdivision of urban zoned land that forms part of a split zoned lot where subdivision would create a rural/environmental zoned residue smaller than the minimum lot size for that zone;
  - ensure that a residue lot zoned rural that is less than 36 hectares, or a residue lot that is environmental zoned, or is flood prone land, is tied to an urban zoned area so that the residue lot can be appropriately managed in the future and any dwelling is to be located in the urban zoned area; and
  - allow for a separate rural residue lot with a dwelling entitlement where the residue is 36 hectares or greater in size.

2. Delete:

"condition 4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination."

and replace with:

a new condition 4: "The timeframe for completing the LEP is to be 15 months following the date of the Gateway determination"



## Alteration of Gateway Determination

*Planning proposal (Department Ref: no: PP\_2015\_SHOAL\_001\_00)*

3. Add a new condition 5:

“condition 5. The planning proposal must be re-exhibited for a minimum of 14 days”.

Dated 14<sup>th</sup> day of August 2015

A handwritten signature in blue ink, appearing to read "Brett Whitworth".

**Brett Whitworth**  
General Manager, Southern Region  
Planning Services  
Department of Planning and Environment

**Delegate of the Minister for Planning**