

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

Our ref: PP_2015_SHOAL_008_00 (15/09731)
Your ref: 49572E(D15/168116)

Attention: Mr Michael Park

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 (Worrigee Urban Release Area) to rezone Lots 586 and 587 DP1048099, Worrigee Urban Release Area for large lot residential development.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to variations as outlined by the conditions in the attached Gateway determination.

The planning proposal is inconsistent with section 117 Direction 4.3 Flood Prone Land in that it seeks to rezone high flood risk land to a residential zone. It is acknowledged that a significant portion of the site is already zoned for residential use, but the rezoning of the RE2 Private Recreation land cannot be supported given the flooding constraints.

Therefore, the planning proposal is to be revised to remove the proposed rezoning of RE2 Private Recreation land to R5 Large Lot Residential. Council may wish to consider another non-urban zone for this area if it considers that the RE2 zone is not appropriate. Council will need to revise the planning proposal accordingly, including the explanation of provisions, proposed zoning maps and development controls prior to exhibition.

Any further inconsistencies with section 117 Direction 4.3 Flood Prone Land will need to be justified by Council to the satisfaction of the Secretary's delegate before the planning proposal is finalised.

I have agreed the planning proposal's inconsistency with section 117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 3.1 Residential Zones are justified and are of minor significance. No further approval is required in relation to these Directions.

Council is to address inconsistencies with section 117 Directions 2.1 Environmental Protection Zones and 4.1 Acid Sulphate Soils following consultation with relevant public authorities 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.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the Gateway determination. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six 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 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 in regard to this matter, I have arranged for Ms Lisa Kennedy of the Southern Region office to assist you. Ms Kennedy can be contacted on (02) 4224 9457.

Yours sincerely



Mathew Jones
Acting Deputy Secretary
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2015_SHOAL_008_00): to enable large lot residential development at Lots 586 and 587 DP1048099, Worrigeer Urban Release Area.

I, the Acting 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 (LEP) 2014* to rezone land from R1 General Residential, RE2 Private Recreation and RU2 Rural Landscape to R5 Large Lot Residential with a minimum lot size of 2,500m²; and to remove the land from the Urban Release Area map should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the planning proposal is to be revised to remove the proposed rezoning of RE2 Private Recreation land to R5 Large Lot Residential. Council may wish to consider another non-urban zone for this area if it considers that the RE2 zone is not appropriate.

The planning proposal is to be updated to confirm the explanation of provisions, proposed zoning maps 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.

2. Council is to set an appropriate lot size for the RE2 Private Recreation zone land to ensure that no dwellings on reside lots are located in the flood prone area.
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 the 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 2.1 Environmental Protection Zones, 4.1 Acid Sulphate Soils, 4.3 Flood Prone Land 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 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 LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 12th day of October 2015



Mathew Jones
Acting Deputy Secretary,
Planning Services

Delegate of the Minister for Planning