



Planning & Environment

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Our Ref: PP_2016_SHOAL_004 (16/11914)
Your Ref: 52920E (D16/262728)

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

Attention: Ms Jessica Volkanovski

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 for a Schedule 1 amendment to allow for an additional permitted use being a vehicle sales or hire premises on Lot 393 DP1144727, 5C Creston Grove, Bomaderry.

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.

In issuing this Gateway determination, I have found that the planning proposal is consistent with s117 Direction 5.10 Implementation of Regional Plans.

I have agreed the planning proposal's inconsistency with section 117 Directions 3.1 Residential Zones and 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions or other Directions, while the proposal remains in its current form.

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 should aim to commence the exhibition of the planning proposal as soon as possible. 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 *Environmental Planning and Assessment Act 1979* 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 Lisa Kennedy of the Department's Southern Regional office to assist you. Lisa can be contacted on (02) 4224 9463.

Yours sincerely



27/10/16

Linda Davis
Acting Director Regions, Southern
Planning Services

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

Gateway Determination

Planning proposal (Department Ref: PP_2016_SHOAL_004_00): for Lot 393 DP1144727, 5C Creston Grove, Bomaderry to amend the Shoalhaven Local Environmental Plan 2014 to:

- add a Schedule 1 Additional Permitted Use to allow for vehicle sales or hire premises excluding ancillary industrial activities;
- include a sunset provision requiring that development on the site is acted upon with 12 months;
- amend the Clauses map CLS_013D; and
- insert an exception to clause 1.8A savings provision in relation to the proposal.

I, Linda Davis, Acting Director Regions, Southern 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) 2011 as described above should proceed subject to the following conditions:

1. The Traffic Impact Statement is to be updated to address issues raised by the Roads and Maritime Services prior to exhibition.

2. The draft Clauses Map is to be prepared in accordance with the Department's 'Standard technical requirements for LEP maps' and included in the planning proposal prior to its exhibition.

3. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* as follows:

- (a) the planning proposal is to be made publicly available for 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 Infrastructure 2012).

4. Consultation is required with Roads and Maritime Services. Roads and Maritime Services 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.

5. No public hearing is required to be held into the matter 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).

6. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.

Dated 27th day of October 2016

A handwritten signature in cursive script, appearing to read 'Linda Davis', written in dark ink.

Linda Davis
Acting Director Regions, Southern
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Shoalhaven City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_SHOAI_004_00	Planning proposal to amend the Shoalhaven Local Environmental Plan 2014 by: • adding a Schedule 1 Additional Permitted Use to allow for vehicle sales or hire premises excluding ancillary industrial activities; • including a sunset provision requiring development on the site to be acted upon with 12 months; • amending the Clauses map CLS_013D; and • inserting an exception to clause 1.8A Savings provision for the development; at Lot 393 DP1144727, 5C Creston Grove, Bomaderry.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 27/10/2016



Linda Davis
Acting Director Regions Southern
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning