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Our ref: PP_2015_SHOAL_004_00 (15/09259)
Your ref: 49237E (D15/156614)

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

Dear Mr Pigg

Planning proposal to amend Shoalhaven Local Environmental Plan 2014

I am writing in response to your Council's letter dated 4 June 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to undertake Stage 2 of the housekeeping amendments to the Shoalhaven Local Environmental Plan 2014 (LEP).

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.

I have determined that the proposal is consistent with all relevant S117 Directions and I have also determined that the planning proposal's inconsistency with S117 Direction 2.1 Environmental Protection Zones is of minor significance. No further approval is required in relation to these Directions.

I note Council's advice of 11 June 2015 that it is willing to retain the 'local' heritage significance for the listing in Schedule 5 of the Shoalhaven LEP 2014 for the Bundanon homestead and to apply a 'local' heritage listing for the Nowra General Cemetery. The Planning Proposal will need to be amended to reflect these changes prior to exhibition.

Council may wish to consider nominating these heritage items for consideration for State Heritage listing under the Heritage Act 1977.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has now accepted this delegation. 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 week following the date 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 6 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 Mr George Curtis, Senior Planner of the Southern Region Office to assist you. George Curtis can be contacted on (02) 4224 9465.

Yours sincerely



16 June 2015

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

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2015_SHOAL_004_00): to undertake a number of housekeeping amendments to heritage items, land use tables and various maps.

I, the General Manager, Southern Region 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 undertake a number of housekeeping amendments to heritage items, land use tables and various maps should proceed subject to the following conditions:

1. 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 classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Environment 2013) and must be made publicly available for a minimum of **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 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).
2. Consultation is not required with any NSW Government agency.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the *Environmental Planning and Assessment Act 1979*. 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).
4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

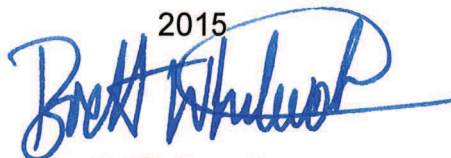
Dated

16th

day of

June

2015



Brett Whitworth
General Manager
Southern Region
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* (the Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2015_SHOAL_004_00	Planning proposal to undertake a number of housekeeping amendments to heritage items, landuse tables and various maps to the Shoalhaven Local Environmental Plan 2014.

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 16 June 2015

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