



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

Attention: Mr Gordon Clark

Dear Mr Pigg

**Planning proposal PP\_2018\_SHOAL\_002\_00 to amend Shoalhaven Local Environmental Plan 2014**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 13 February 2018 in respect of the planning proposal to rezone land in the Callala Bay and Kinghorne Point localities for the purposes of residential and environmental purposes.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands and 2.1 Environment Protection Zones are justified in accordance with the terms of the Directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant section 9.1 Directions 1.4 Oyster Aquaculture, 2.3 Heritage Conservation, 2.2 Coastal Management, 4.4 Planning for Bushfire Protection and 6.2 Reserving Land for Public Purposes. Council should ensure this occurs prior to the plan being made.

The conditions of the Gateway determination reflect the conditions of the 16 November 2015 Gateway determination as they relate to the Callala Bay and Kinghorne Point sites. This includes the requirement that land that is located in the Lake Wollumboola catchment is to be zoned E2 Environmental Conservation due to its recognised environmental sensitivity. The Gateway conditions also reflect the studies and investigations proposed in Council's planning proposal.

I have determined not to condition the Gateway determination to allow Council to be the local plan-making authority due to the regional significance of the proposal.

The amending local environmental plan (LEP) is to be finalised within 24 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 eight 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

If you have any questions in relation to this matter, I have arranged for Mr George Curtis, Senior Planner in the Department's Southern Region office, to assist you. Mr Curtis can be contacted on 4224 9465.

Yours sincerely



**David Gainsford**  
**Acting Deputy Secretary**  
**Planning Services**

13/6/18.

Encl: Gateway determination