



Mr Russ Pigg
General Manager
Shoalhaven City Council
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Our Ref: 15/16422 and 15/16756
Your Ref: 52174E (D15/327143)

Attention: Anne McDonald

Dear Mr Pigg

Planning proposal to amend Shoalhaven 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 to amend Schedule 1 of the Shoalhaven LEP 2014 to permit camping grounds on part Lot 1 DP252335, Lot 1 DP217080, part Lot 4 DP252335, Part Lot 5 DP252335 and Lot 1 DP874512, at the Yalwal Danjera Dam Camping Area, Yalwal Road, Yalwal.

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's inconsistency with the S117 Direction 2.1 Environmental Protection Zones is justified and of a minor significance.

I have also found that the proposal is consistent with the s117 Directions 1.5 Rural Lands, 2.3 Heritage Conservation, 4.3 Flood Prone Land, 5.1 Implementation of Regional Strategies and 6.3 Site Specific Provisions. No further approval is required in relation to these or other Directions, while the proposal remains in its current form.

Council is to consult with the NSW Rural fire Service prior to undertaking community consultation in order to satisfy the s117 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 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 Lisa Kennedy of the Department's Southern Regional office to assist you. Lisa can be contacted on (02) 4224 9457.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Linda Davis', with the date '24/11/15' written below it.

Linda Davis
A/General Manager
Southern Region
Planning Services

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

Gateway Determination

Planning proposal (Department Ref: PP_2015_SHOAL_009_00): to amend Schedule 1 of the Shoalhaven LEP 2014 to permit camping grounds on part Lot 1 DP252335, Lot 1 DP217080, part Lot 4 DP252335, Part Lot 5 DP252335 and Lot 1 DP874512, at the Yalwal Danjera Dam Camping Area, Yalwal Road, Yalwal.

I, Linda Davis, Acting 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 as described above should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, a detailed bushfire assessment report is to be prepared and included in the planning proposal.
2. Prior to undertaking public exhibition, the planning proposal is to be updated to reflect the proposed amendment to Schedule 1 of the Shoalhaven LEP 2014 and to include the proposed revised Clauses Map.
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 a minimum 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 local environmental plans (Department of Planning and Infrastructure 2012).
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 s117 Directions
 - NSW Rural Fire Services
 - Crown Lands and
 - National Parks and Wildlife Service.

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



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

Dated *24th* day of *November* 2015

**Linda Davis
Acting 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* 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_009_00	Planning proposal: to amend Schedule 1 of the Shoalhaven LEP 2014 to permit camping grounds on part Lot 1 DP252335, Lot 1 DP217080, part Lot 4 DP252335, Part Lot 5 DP252335 and Lot 1 DP874512, at the Yalwal Danjera Dam Camping Area, Yalwal Road, Yalwal.

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 24 / 11 / 2015

Linda Davis
A/General Manager, Southern Region
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning