

Mr Gordon Clark
Strategy Planning Manager
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

10/24696

10/03079

Dear Mr Clark

RE: Draft Shoalhaven Local Environmental Plan 1985 LP No. 384 Goodland Road,
Woollamia

I refer to Shoalhaven City Council's letter to the Department of 9th December 2010, requesting a Gateway Determination under section 56 and clause 122(2) of Schedule 6 of the Environmental Planning and Assessment Act 1979 (EP&A Act) for the draft Shoalhaven Local Environmental Plan 1985 LP No. 384 Goodland Road, Woollamia.

I have determined (as the delegate of the Director General) under clause 12(2) of the Environmental Planning and Assessment Regulation 2000 that the former LEP plan-making provisions cease to apply to this draft LEP. The current provisions of Part 3 of the EP&A Act now apply.

Furthermore I have, as delegate for the Minister for Planning, determined under clause 122(2) of schedule 6 to the EP&A Act to dispense with all the conditions precedent prior to section 57(1) of the EP&A Act for the making of this draft LEP.

Council will note that this will require the Director General to be satisfied that the planning proposal (the material to be exhibited) provides sufficient details for community consultation, including consultation with relevant State agencies prior to exhibition. In this regard, Council should continue to prepare the supporting studies to enable the matter to progress subject to the requirements identified below.

- Prepare by the 1st February 2011, a project plan documenting the steps proposed by Council to finalise the draft LEP by 31st December 2011.
- Complete and document in a planning proposal the supporting studies based on the Local Environment Study (LES) specifications previously identified in the Department's letter of 16th March 2005 and Council's Report of 12th July 2005, specifically:
 - Provisions of the Jervis Bay Settlement Strategy, Illawarra REP No 1, Currumbene Creek Catchment Management Plan, Currumbene Creek Crown Land Assessment and SEPP71 Coastal Protection;
 - The urban capability of the land;
 - Assessment of flooding risk and its management;
 - Potential for acid sulphate soils;
 - Possible effects on water quality of the adjoining SEPP14 wetlands and Currumbene Creek;
 - Flora and fauna values;
 - Assessment of bushfire risk and its management;
 - Cultural and natural heritage values of the site;

- Wastewater management;
- Provision of public utility services and infrastructure and its costings;
- Provision of community facilities; and
- Social implications of either proceeding/not proceeding with developing the land.
- Seek the Director General's approval to exhibit under section 57(2) of the EP&A Act before undertaking any community consultation.
- Ensure previous consultation with State Government agencies is updated prior to community consultation.
- Undertake community consultation for a period of at least 28 days as per section 56(2)(c) of the EP&A Act.
- No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
- Consider any submissions made concerning the planning proposal when it is publicly exhibited and submit the report to the Department.

Council is encouraged to finalise the planning proposal within twelve months of the week following the date of this letter. Council's request for the Department to draft and finalise the planning proposal should be made 6 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 54(2)(d) of the EP&A Act if the timeframes outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Lisa Kennedy of the Southern Region on 4224 9457.

Yours sincerely



Neil McGaffin 24.12.10

A/Deputy Director General

Plan Making & Urban Renewal

(As delegate of the Minister and the Director-General)