



Planning & Infrastructure

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Our ref: PP_2013_SHOAL_001_00 (10/03077)
Your ref: 1422E (D13/80881)

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

Dear Mr Pigg,

Planning proposal to amend draft Shoalhaven Local Environmental Plan 2013

I am writing in response to your Council's letter dated 10 April 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land at Wandra Road and Advance Road, Verons Estate, Sussex Inlet to E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living and amend the minimum lot size for the subject land to 7ha and 40ha, permit extensive agriculture as an additional permitted use on land proposed to be zoned E4 in Verons Estate and investigate the potential to include a Conceptual Development Footprints Map within draft Shoalhaven Local Environmental Plan (LEP) 2013.

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

Prior to undertaking public exhibition, Council is to confirm if the planning proposal seeks to permit extensive agriculture as an additional permitted use on land proposed to be zoned E4 Environmental Living in Verons Estate or if the proposal seeks to permit extensive agriculture within the entire E4 Environmental Living zone. The planning proposal is to be updated to clearly advise the public of Council's approach.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 6.3 Site Specific Provisions are of minor significance or justified by an approved local strategy. No further approval is required in relation to these Directions.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation, however has asked not to be issued with delegation for the making of this plan because of the complex nature of the proposal. I have considered the nature of Council's planning proposal and have decided to support Council's position and not issue an authorisation for Council to exercise delegation to make this plan.

The amending 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 for the department to draft and finalise the LEP 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 time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Lisa Kennedy of the Southern regional office of the department on 02 4224 9450.

Yours sincerely,



Neil McGaffin
Executive Director
Rural and Regional Planning

7.6.13.