



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

Our ref: PP_2015_SHOAL_005_00 (15/11850)
Your ref: 51735E(D15/218805)

Attention: Marie – Louise Foley

Dear Mr Pigg

Planning proposal to amend Shoalhaven Local Environmental Plan 2014

I am writing in response to your Council's letter dated 31 July 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal (Housekeeping Amendment - Stage 3A) to clarify when strata and community title subdivision must comply with the minimum lot size map and that dual occupancies (attached) in certain zones are subject to the same provisions as dwelling houses.

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 also agreed the planning proposal's inconsistency with S117 Direction 1.2 Rural Zones is justified and of minor significance. No further approval is required in relation to this Direction.

The amending LEP is to be finalised within 9 months of the week following the date of the Gateway determination. Council's request for the Department of Planning and Environment 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 Act 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. Mr Curtis can be contacted on (02) 4224 9465.

Yours sincerely

19/10/15

Mathew Jones
Acting Deputy Secretary
Planning Services

Encl: Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2015_SHOAL_005_00): *(Housekeeping Amendment - Stage 3A) to clarify when strata and community title subdivision must comply with the minimum lot size map and that dual occupancies (attached) in certain zones are subject to the same provisions as dwelling houses.*

I, the Acting Deputy Secretary, Planning Services, 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 clarify when strata and community title subdivision must comply with the minimum lot size map and that dual occupancies (attached) in certain zones are subject to the same provisions as dwelling houses should proceed subject to the following conditions:

1. Council is to revise the explanation of provisions in the planning proposal, prior to community consultation, to provide minimum lot size controls for the subdivision of community title schemes similar to the approach taken in the Bega Valley LEP 2013 – clause 4.1AA.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal 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)*.
3. Consultation is not required with any NSW Government agency.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

19th

day of

October

2015



Mathew Jones
Acting Deputy Secretary
Planning Services

Delegate of the Minister for Planning