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Mr Gordon Clark
Strategic Planning Manager
Shoalhaven City Council
PO Box 42
Nowra NSW 2541

Our ref: PP_2016_SHOAL_005_00 (16/13706)
Your ref: 53177E (D16/284290)

Dear Mr Clark

Planning proposal to amend Shoalhaven Local Environmental Plan 2014

I am writing in response to your Council's letter received on 18 October 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone land at the intersection of Albatross Road and Kinghorne Street, Nowra (Lots 1, 29 and 30 DP 25114) from B5 Business Development Zone to B4 Mixed Use Zone and to increase the allowable height of building control from 11 metres to a maximum of 15 metres.

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, as delegate of the Secretary, that the planning proposal's inconsistency with S117 Direction 1.1 Business and Industrial Zones is of minor significance.

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 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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six 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 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 Department's Southern regional office to assist you. Mr Curtis can be contacted on (02) 4224 9465.

Yours sincerely,



7/11/16.

Linda Davis
Acting Director, Southern
Planning Services
Department of Planning and Environment

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2016_SHOAL_005_00): to rezone land at the intersection of Albatross Road and Kinghorne Street, Nowra (Lots 1, 29 and 30 DP 25114) from B5 Business Development Zone to B4 Mixed Use Zone and to increase the allowable height of building control from 11 metres to a maximum of 15 metres.

I, the Acting Director Regions, Southern, 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) 2016* as described above should proceed subject to the following conditions:

1. A character assessment of the site and surrounds is to be prepared to the satisfaction of Council. This shall consider stepping the building heights down towards the adjoining properties. The character assessment is to be included in the exhibition materials.
2. 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 must be made publicly available for a minimum of **28 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 2016).
3. Consultation is required with the Rural Fire Service under section 56(2)(d) of the Act. The RFS is 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.
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 LEP maps shall be prepared in accordance with the Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment, 2015).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

7th

day of

November

2016



Linda Davis
Acting Director Regions, Southern
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_2016_SHOAL_005_00	Planning proposal to rezone land at the intersection of Albatross Road and Kinghorne Street, Nowra (Lots 1, 29 and 30 DP 25114) from B5 Business Development Zone to B4 Mixed Use Zone and to increase the allowable height of building control from 11 metres to a maximum of 15 metres.

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 7 | 11 | 2016

Linda Davis
Acting Director, Southern
Planning Services
Department of Planning and Environment