



Mr Stephen Dunshea  
CEO  
Shoalhaven City Council

By Email: [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au)

Dear Stephen

**Planning proposal [PP-2020-2056] to amend Shoalhaven Local Environmental Plan 2014**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend and add provisions to the Shoalhaven LEP 2014 to facilitate residential development and environmental protection of lands within Lots 21-24 DP714096, Warrah Road, Bangalee – Deferred land within the Crams Road Investigation Area.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 1.2 Rural Zones and 6.3 Site Specific Provisions are justified under the terms of these Directions. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection.

I understand Council has initiated agency consultation and is awaiting comments from the NSW Rural Fire Service (RFS), Natural Resources Access Regulator (NRAR) and the Biodiversity Conservation Division (DPIE). In response to Council's request for assistance with obtaining responses from these agencies, the Department has made enquiries and understands comments will be provided prior to or during the public exhibition period. Council should continue to progress the planning proposal and consult with the agencies during the public exhibition period and beyond, if necessary.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 12 months of 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, Industry and Environment.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Lisa Kennedy to assist you. Ms Kennedy can be contacted on 4247 1827.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Sarah Lees', with a stylized flourish at the end.

25 February 2021

**Sarah Lees**  
**Director, Southern Region**  
**Local and Regional Planning**

Encl: Gateway determination  
Authorised plan-making reporting template