



Mr Stephen Dunshea
Chief Executive Officer
Shoalhaven City Council
Email: council@shoalhaven.nsw.gov.au

Attention: Eric Hollinger, Coordinator - Special Projects Team

Dear Stephen

Planning proposal PP_2020_SHOAL_004_00 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 which seeks to rezone part of No.10 Victoria Street, Berry (Lot 6 DP 1204186) from RU1 Primary Production to R2 Low Density Residential Zone under the Shoalhaven LEP 2014 and to amend development standards.

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 inconsistencies with section 9.1 Directions 1.2 Rural Zones and 4.3 Flood Prone Land are justified in accordance with the terms of the Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Direction 2.3 Heritage Conservation. Council should ensure this occurs prior to the plan being made.

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 Mr George Curtis, Senior Planner to assist you. Mr Curtis can be contacted on 4247 1824.

Yours sincerely



30 April 2020

Sarah Lees
Director, Southern Region
Local and Regional Planning

Encl: Gateway determination
Authorised plan-making reporting template