



Gateway Determination

Planning Proposal (Department Ref: PP_2017_SHOAL_004_00): to rezone land located at the intersection of St Vincent and Deering Streets, Ulladulla from B5 Business Development Zone to B4 Mixed Use Zone under the Shoalhaven Local Environmental Plan 2014 and to investigate potential changes to the height of building controls to provide the opportunity for high density residential development on the site.

I, Fatima Abbas the 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* that an amendment to the Shoalhaven Local Environmental Plan (LEP) 2014 as described above should proceed subject to the following conditions:

1. The preparation of an economic feasibility analysis and additional visual impact assessment following completion of Council's Review of Building Heights Study (part of the Ulladulla CBD).
2. A Stage 1 Preliminary Assessment is to be prepared for Lots 3-7, and 9 in DP 21597 and Lot CP SP 42583 in accordance with the "Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land 1998, Department of Urban Affairs and Planning and Environment Protection Authority".
3. The Planning Proposal is to be revised following the completion of the studies and investigations to update the explanation of provisions, particularly in relation to height of building controls. The revised Planning Proposal is to be provided to the Department prior to public exhibition.
4. The planning proposal and associated studies and reports including the Economic Feasibility Analysis, additional visual impact assessment and Stage 1 Contamination Assessment will be made available for community consultation.

5. 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 **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 local environmental plans* (Department of Planning and Environment 2016).
6. No consultation is required with public authorities under Section 56(2)(d) of the Act.
7. 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).
8. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 29th day of August 2017



Fatima Abbas
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_2017_SHOAL_004_00	Planning Proposal to rezone land located at the intersection of St Vincent and Deering Streets, Ulladulla from B5 Business Development Zone to B4 Mixed Use Zone under the Shoalhaven Local Environmental Plan 2014 and to investigate potential changes to the height of building controls to provide the opportunity for high density residential development on the site.

In exercising the Minister's functions under Section 59 of the Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 29 August 2017

Fatima Abbas
Director Regions, Southern
Planning Services
Department of Planning and Environment

**Delegate of the Secretary
of the Department of Planning and Environment**



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

Attention: Jenna Tague

Dear Mr Clark

Planning Proposal PP_2017_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 56 of the *Environmental Planning and Assessment Act 1979* and additional information provided on 11 August 2017 in respect of the Planning Proposal to rezone land comprising nine lots located at the intersection of St Vincent and Deering Streets, Ulladulla from B5 Business Development Zone to B4 Mixed Use Zone and to investigate changes to the building height controls under the Shoalhaven Local Environmental Plan 2014 to provide the opportunity for higher density residential development on the site.

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, the Planning Proposal's inconsistency with Section 117 Direction 1.1 Business and Industrial Zones is of minor significance and/or is justified by the Milton-Ulladulla Structure Plan. No further approval is required in relation to this Direction.

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 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 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 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr George Curtis, Senior Planner, Southern Region to assist you. Mr Curtis can be contacted on telephone 4224 9465.

Yours sincerely



Fatima Abbas 29.8.17
**Director Regions, Southern
Planning Services**

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