

Gateway Determination

Planning proposal (Department Ref: PP_2019_SHOAL_003_00): to review subdivision provisions for residentially zoned land in the Shoalhaven local government area and rezone certain land from R2 Low Density Residential to R5 Large Lot Residential.

I, the Executive Director, Regions at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Shoalhaven Local Environmental Plan (LEP) 2014 as described above should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to consultation to:
 - (a) remove the component of the proposal to exclude land at Greenwell Point, Kangaroo Valley, Bawley Point, Kioloa, Depot Beach and Durras North from the Low Rise Medium Density Housing Code in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;
 - (b) provide quantitative analysis and assess the impacts of the proposal on future housing supply and diversity as follows but not limited to:
 - i. the total area of land zoned R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and RU5 Village in the local government area (LGA);
 - ii. the number and lot sizes of medium-density housing developments and associated Torrens subdivisions approved in the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and RU5 Village zones in the LGA in the past five years; and
 - (c) include a savings and transition provision to ensure that the proposed amendments do not affect any development applications or appeal processes.
2. Prior to consultation, the planning proposal is to be updated in accordance with condition 1 and submitted to the Department for approval.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

- (c) Council is to write to all affected land owners providing notice of consultation on the proposal and explaining the effects of the proposed amendments.

4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- NSW Rural Fire Service;
- WaterNSW; and
- Office of Environment and Heritage.

Each public authority/organisation 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.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).
6. The time frame for completing the LEP is to be **six months** following the date of the Gateway determination.

Dated 10th day of July 2019.


Stephen Murray
Executive Director, Regions
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces