



Your ref: 56071E (D19/111724)
Our ref: PP_2019_SHOAL_003_00/(IRF19/2876)

Mr Stephen Dunshea
Acting General Manager
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Attention: Ms Jenna Tague

Dear Mr Dunshea

Planning proposal PP_2019_SHOAL_003_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 to review subdivision provisions for residentially zoned land in the Shoalhaven LGA.

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 decided not to support Council's proposal to amend State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for the permanent exclusion of land from the Low Rise Medium Density Housing Code. The Minister for Planning and Public Spaces has requested an independent review to assess progress on the code to date, identify impediments to the code's delivery in deferred areas, and make recommendations on the appropriate pathway forward to finalise the code's implementation. It would be inappropriate to prejudge the outcomes of the review.

A Gateway condition has been included requiring this matter to be removed from the planning proposal prior to public consultation. Subject to the outcomes of the independent review Council consider applying separately to the Department to assess and consider the proposed exclusion from the code.

A Gateway condition has also been included requiring Council to write to all affected land owners providing notice of consultation on the proposal and explaining the effects of the proposed amendments to ensure that land owners are well informed of the proposal.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of section 9.1 Directions 4.4 Planning for Bushfire Protection and 5.2 Sydney Drinking Water Catchments. Council should ensure this occurs prior to the plan being made.

The amending local environmental plan (LEP) is to be finalised within six 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 for the Department to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

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 in the Department's Southern Region office, to assist you. Mr Curtis can be contacted on 4247 1824.

Yours sincerely

 10 July 2019
Stephen Murray
Executive Director, Regions

Encl: Gateway determination