



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

Dear Stephen

Planning proposal PP_2019_SHOAL_007_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 make various housekeeping amendments to the Shoalhaven Local Environmental Plan 2014 regarding heritage.

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 3.1 Residential Zones is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Direction 4.4 Planning for Bushfire Protection and Direction 5.2 Sydney Drinking Water Catchment. Council should ensure this occurs prior to public exhibition / the plan being made.

While I have considered Council's request to do so, I have determined not to condition the Gateway for Council to be the local plan-making authority given there is a dispute between at least one landowner (i.e. Crown Lands, DPIE) and Council in relation to the extent of proposed heritage listings.

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 for the Department of Planning, Industry and Environment 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 Andrew Hartcher, Senior Planning Officer, to assist you. Mr Hartcher can be contacted on 4247 1823.

Yours sincerely

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

20 December 2019

Sarah Lees
Director, Southern Region
Local and Regional Planning

Encl: Gateway determination