

Mr Russ Pigg  
General Manager  
Shoalhaven City Council  
PO Box 42  
NOWRA NSW 2541

Dear Russ

**Planning proposal PP\_2018\_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) and additional information received on 20 August 2018 in respect of the planning proposal seeking to amend the Shoalhaven Local Environmental Plan (LEP) 2014 to allow community title subdivision of rural residential development and environmental conservation on Lot 3 DP846470, 48 Jervis Bay Road, Falls Creek.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination. It is noted that the planning proposal is to be refined following the completion of studies and a copy of the revised proposal is to be provided to the Department prior to exhibition.

Council may still need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to public exhibition.

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 18 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 6 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 3.32(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 Ms Lisa Kennedy to assist you. Ms Kennedy can be contacted on 4224 9457.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Sarah Lees', is positioned above the date.

**10 September 2018**

**Sarah Lees**  
**Director Regions, Southern**  
**Planning Services**

Encl: Gateway determination  
Authorised plan-making reporting template