



Our ref: PP_2018_SHOAL_004_00 (IRF18/1635)

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

Attention: Grant Rokobauer

Dear Mr Clark

Planning proposal [PP_2018_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 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone land at Hitchcocks Lane, Berry to allow low density residential development. I apologise for the delay in responding to Council's request.

As delegate of the Minister for Planning, I have now determined 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 inconsistencies with section 9.1 Directions 1.2 Rural Zones and 1.5 Rural Lands are justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Direction 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes. Council should ensure this occurs prior to community consultation.

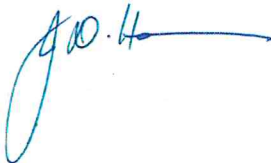
I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

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 Mr George Curtis to assist you. Mr Curtis can be contacted on telephone 4224 9465.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'J.H.', with a horizontal line extending to the right.

03/04/2018
Jeffrey Horn
Acting Director Regions, Southern
Planning Services

Encl: Gateway Determination
Local plan-making authority reporting template

Gateway Determination

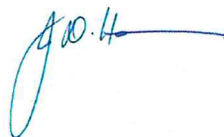
Planning proposal (Department Ref: PP_2018_SHOAL_004_00): to rezone land at Hitchcocks Lane, Berry to allow it to be developed for residential purposes.

I, Jeffrey Horn the Acting Director Regions, Southern at the Department of Planning and Environment, as delegate of the Minister for Planning, 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. Council is to undertake the following investigations and studies prior to public exhibition:
 - a) Stormwater assessment including the conceptual design details for the proposed drainage reserve.
 - b) Stage 1 preliminary contaminated site assessment.
 - c) Aboriginal cultural heritage assessment.
 - d) Flood risk assessment
 - e) Traffic study
 - f) Noise assessment
 - g) Visual impact assessment
 - h) Infrastructure study and delivery plan
2. Council is to provide a copy of the final studies and investigations, as well as any revised planning proposal, to the Department for review prior to public exhibition.
3. Copies of the studies and investigations are to be placed on public exhibition.
4. Community consultation 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 **60 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

5. Consultation is required with the following public authorities and / organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Roads and Maritime Service
 - Shoalhaven Water
 - Endeavour Energy
 - DPI Agriculture
 - DPI FisheriesEach 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.
6. 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).
7. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - c. there are no outstanding written objections from public authorities.
8. The time frame for completing the LEP is to be **18 months** following the date of the Gateway determination.

Dated 3rd day of April 2018.



Jeffrey Horn
Acting Director Regions, Southern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning