



Mr Stephen Dunshea
Chief Executive Officer
Shoalhaven City Council

By Email: council@shoalhaven.nsw.gov.au

Attention: Jenna Tague, Coordinator, Policy Planning Team

Dear Stephen

Planning proposal PP-2021-6611 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 PP062 Shoalhaven LEP 2014 – 2021 Instrument Housekeeping.

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.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

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.

It is unclear whether Parliamentary Counsel's Office will support a variation to the Standard Instrument Order (SI Order) natural disaster clause. Notably, Clause 4(2) of the SI Order states that if an optional provision is to be adopted, it is to be adopted without variation (subject to any relevant direction in the Standard Instrument). Under Clause 5(1) of the SI Order, however, it may be possible to include additional clauses provided they aren't inconsistent with a mandatory clause. It is recommended Council consult with Parliamentary Counsel at an early stage to identify any potential issues with drafting of an instrument to achieve Council's intent.

The amending local environmental plan (LEP) is to be finalised within 9 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 six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry 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 enquiries about this matter, I have arranged for Mr George Curtis to assist you. Mr Curtis can be contacted on 42471824.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Sarah Lees', with a stylized, cursive script.

30 November 2021

Sarah Lees
Director, Southern Region
Local and Regional Planning

Encl: Gateway determination
Authorised plan-making reporting template