



Our ref: PP_2017_SHOAL_006_00 (17/15404)
Your ref: 54893E (D17/337166)

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

Attention: Peta Brooks

Dear Mr Clark

Planning Proposal [PP_2017_SHOAL_006_00] to amend Shoalhaven Local Environmental Plan 2014

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the Planning Proposal to amend the Height of Building Map applying to Lots 1&6 DP 1082382 Island Point Road, St Georges Basin.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the Planning Proposal's inconsistency with Section 117 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones are justified in accordance with the terms of the Directions. No further approval is required in relation to this Direction.

It is noted that the proposed building height control for the subject lots is less than the 11 metre height control that applies to the adjoining B4 and R1 zoned land located to the north and south respectively. It is recommended that Council consider reviewing the adjoining 11 metre building height control to ensure that there is a consistent approach to building height controls in the St Georges Basin area.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

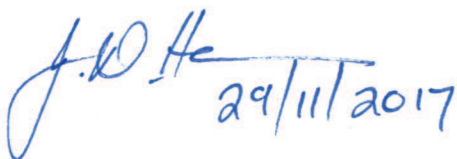
The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary 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 54(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, Senior Planner, Southern Region to assist you. Mr Curtis can be contacted on telephone 4224 9465.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'J. D. Horn', followed by the date '29/11/2017' written in a similar style.

Jeffrey Horn
Acting Director Regions, Southern
Planning Services

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template



Gateway Determination

Planning Proposal (Department Ref: PP_SHOAL_2017_006_00): to amend the Height of Building Maps applying to Lots 1 and 6 in DP1082382 Island Point Road, St Georges Basin to retain the current 8 metre height control over the western part of Lot 1 and amend the remainder of Lot 1 and the whole of Lot 6 to reduce the current 13m height to 8.5m.

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 56(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:

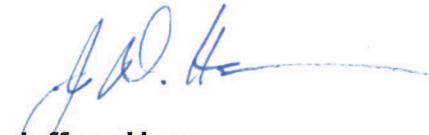
1. The Project Timeline provided in the Planning Proposal is to be updated prior to consultation.
2. Consultation is required with the Rural Fire Service under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions prior to community consultation.

Each authority/organisation is to be provided with a copy of the planning proposal and given at least 21 days to comment on the proposal.

3. Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning 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).
4. A public hearing is not required to be held into the matter by any person or body under Section 56(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).

5. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination

Dated 29th day of NOVEMBER 2017.



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

Delegate of the Minister for Planning



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WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Shoalhaven City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_SHOAL_006_00	Planning proposal to amend the Height of Building Maps applying to Lots 1 and 6 in DP1082382 Island Point Road, St Georges Basin to retain the current 8 metre height control over the western part of Lot 1 and amend the remainder of Lot 1 and the whole of Lot 6 to reduce the current 13m height to 8.5m.

In exercising the Minister's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 29th NOVEMBER 2017

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

**Delegate of the Secretary
of the Department of Planning and Environment**