

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2017\_SHOAL\_005\_00):** to amend Shoalhaven LEP 2014 by introducing an exception to the minimum lot size of 500m<sup>2</sup> that will allow for lots as small as 300m<sup>2</sup> in certain locations within the Moss Vale Road South Urban Release Area.

I, the 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* that an amendment to the Shoalhaven Local Environmental Plan (LEP) 2014 to introduce an exception to the minimum lot size of 500m<sup>2</sup> that will allow for lots as small as 300m<sup>2</sup> in certain locations within the Moss Vale Road South Urban Release Area should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated to include the Integrated Water Cycle Assessment.
2. 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).
3. Consultation is required with the following public authorities and organisations under Section 56(2)(d) of the Act:
  - Office of Environment and Heritage
  - Shoalhaven Water
  - Endeavour Energy

Each 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.

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).



## Planning & Environment

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

Dated 21st day of September 2017



**Fatima Abbas**  
Director Regions, Southern  
Planning Services  
Department of Planning and  
Environment

**Delegate of the Minister for Planning**



## 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* 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_005_00 | Planning proposal to amend provisions in the Shoalhaven LEP 2014 to introduce an exception to the minimum lot size of 500m <sup>2</sup> that will allow for lots as small as 300m <sup>2</sup> in certain locations within the Moss Vale Road South Urban Release Area. |

In exercising the Minister's functions under Section 59 of the 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 *21 September* 2017

**Fatima Abbas**  
Director Regions, Southern  
Planning Services  
Department of Planning and Environment





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

Attention: Jessica Volkanovski, Strategic Planner

Dear Mr Pigg

**Planning Proposal Department Ref: PP\_2017\_SHOAL\_005\_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* and additional information received on 11 September 2017 in respect of the planning proposal to amend *Shoalhaven LEP 2014* by introducing an exception to the minimum lot size of 500m<sup>2</sup> that will allow for lots as small as 300m<sup>2</sup> in certain locations within the Moss Vale Road South Urban Release Area.

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 inconsistencies with Section 117 Direction 4.3 Flood Prone Land is justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has now accepted this delegation. 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 Ms Lisa Kennedy to assist you. Ms Kennedy can be contacted on 4224 9457.

Yours sincerely



**Fatima Abbas** 21.9.17  
**Director Regions, Southern**  
**Planning Services**

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