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Our ref: PP_2014_SHOAL_001_00 (13/19030)
Your ref: 47611E (D13/280933)

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

Dear Mr Pigg,

Planning proposal to amend draft Shoalhaven Local Environmental Plan 2014

I am writing in response to your Council's letter dated 8 November 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land at the northern part of the Badgee Lagoon Urban Release Area (URA) at Sussex Inlet for private recreation and the southern part of the release area for residential purposes.

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

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries and 1.5 Rural Lands are of minor significance. No further approval is required in relation to these Directions.

Council, in consultation with the Office of Environment and Heritage is to commission an independent ecological consultancy to review the existing biodiversity studies and reports for the subject northern precinct and Badgee Lagoon areas.

The review should include an evaluation of the biodiversity information and an assessment of the strategic importance of the northern area to the biodiversity values of the Badgee Lagoon area. Specific consideration should be given to the impacts of the recent extension of residential zones into areas identified for environmental conservation.

Council should consult Planning and Infrastructure's regional office on the outcome and recommendations of the review, particularly related to the extension of the golf course, potential inclusion of other land within the Badgee Lagoon URA or adjoining the URA, and compliance with relevant S117 Directions.

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council's request for Planning and Infrastructure to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

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 EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Lisa Kennedy of Planning & Infrastructure's regional office to assist you. Ms Kennedy can be contacted on (02) 4224 9457.

Yours sincerely,

A handwritten signature in blue ink, followed by the date '4/3/14' written in the same ink.

Richard Pearson
Deputy Director General
Growth Planning & Delivery

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Agency Ref: PP_2014_SHOAL_001_00): to rezone the two 'deferred' areas of land at Badgee Lagoon Urban Release Area, Sussex Inlet.

I, the Deputy Director General, Growth Planning and Delivery at Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the draft Shoalhaven Local Environmental Plan (LEP) 2014 to rezone land at the northern part of the Badgee Lagoon Urban Release Area at Sussex Inlet for private recreation and the southern part of the release area for residential purposes should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to ensure consistency with the requirements of *A Guide to Preparing Planning Proposals* (Planning and Infrastructure 2013) and to reflect the outcomes of the studies and investigations undertaken.
2. Council, in consultation with Office of Environment and Heritage is to commission an independent ecological consultant to undertake a review of the existing biodiversity studies and reports for the subject northern precinct and Badgee Lagoon areas.
3. Additional information regarding the below matters is to be prepared or undertaken and placed on public exhibition with the planning proposal:
 - Biodiversity of Badgee Lagoon areas and the area subject to release
 - Flooding – particularly the impact of fill
 - Acid sulfate soils

Once the above information has been obtained and consultation with public authorities has been undertaken, Council is to update its consideration of S117 Directions 2.1 Environment Protection Zones, 2.2 Coastal Protection, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land, 5.1 Implementation of Regional Strategies, 6.3 Site Specific Provisions, State Environmental Planning Policy No. 71 and Illawarra Regional Environmental Plan No.1 to reflect the outcomes of the work and consultation undertaken.

4. Council is to ensure that draft maps that clearly identify the existing and proposed amendments and the subject land, are included with the planning proposal for exhibition purposes and are prepared in accordance with Planning and Infrastructure's 'Standard technical requirements for LEP maps' prior to finalisation of the plan (including all maps affected by the amendment).
5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A 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 LEPs* (Planning & Infrastructure 2013).
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zones)
- NSW Department of Primary Industries – Fisheries
- NSW Office of water
- South East Local Land Services
- NSW Rural Fire service (S117 Direction 4.4 Planning for Bushfire Protection)
- Commonwealth Department of Sustainability, Environment, Water, Population and Communities (controlled activities under the EPBC Act)

Each public authority 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.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).
8. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated

4

day of

March

2014.



Richard Pearson
Deputy Director General
Growth Planning & Delivery
Planning & Infrastructure

Delegate of the Minister for Planning & Infrastructure