



Department of Planning and Environment

Mr Stephen Dunshea
Chief Executive Officer
Shoalhaven City Council

Our ref: IRF22/3626 (PP-2022-3325)

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

Attention: Richard Carter, City Futures

Dear Mr Dunshea

Shoalhaven Housekeeping 2022 Planning proposal PP-2022-3325 to amend Shoalhaven Local Environmental Plan 2014

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal which seeks to correct identified anomalies or inconsistencies within the Shoalhaven LEP 2014 and improve the Plan's operation.

As delegate of the Minister for Planning, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistencies of the planning proposal with applicable directions of the Minister under section 9.1 of the EP&A Act namely Directions 1.2 Conservation Zones, 4.1 Flooding, 6.1 Residential Zones and 7.1 Business and Industrial Zones are justified in accordance with the terms of the Direction.

In relation to Direction 5.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis these proposed reductions relate to minor housekeeping matters involving the correction of errors or anomalies on zoning and Land Reservation Acquisition maps.

No further approval is required in relation to the Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the EP&A Act namely section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the LEP being made.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 20th October 2023. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning and Environment.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Mr George Curtis to assist you. Mr Curtis can be contacted on 4247 1824.

Yours sincerely



20/10/2022

Dan Thompson
Director, Southern Region
Local and Regional Planning

Encl: Gateway determination