



IRF24/1196, EF24/7236

# Gateway determination report – PP-2024-1103

Shoalhaven Local Character – Shoalhaven LGA

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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# 1 Planning proposal

## 1.1Overview

Table 2 Planning proposal details

LGA	Shoalhaven
PPA	Shoalhaven City Council
NAME	Shoalhaven Local Character (0 homes, 0 jobs)
NUMBER	PP-2024-1103
LEP TO BE AMENDED	Shoalhaven LEP 2014
ADDRESS	N/A
DESCRIPTION	N/A
RECEIVED	28/05/2024
FILE NO.	IRF24/1196, EF24/7236
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The intent of the proposal is to amend the aims of the Shoalhaven LEP 2014 (SLEP 2014) and the land use zone objectives of zones where residential development is permitted, to elevate the consideration of character within the SLEP 2014.

The objectives of this planning proposal are clear and adequate.

## 1.3Explanation of provisions

The planning proposal seeks to amend the Shoalhaven LEP 2014 as described below.

An additional aim will be introduced into Clause 1.2(2) the Aims of Plan to ensure that the protection and enhancement of the unique character and scenic landscapes of the localities within the Shoalhaven LGA is considered in the assessment process. The proposed additional aim is as follows:

*to protect and enhance the unique character of Shoalhaven’s towns, villages and neighbourhoods, and the characteristic scenic landscapes that contribute to its liveability and identity.*

Additional zone objectives are proposed to be included in six land use zones in Part 2 of SLEP 2014. Table 3 details the additional objectives that are proposed to be inserted into SLEP 2014.

**Table 3 Proposed Character Amendments to Zone Land Use Tables**

Affected Land Use Zones	Proposed Additional Zone Objectives
RU5 Village	To ensure development is compatible with the identified existing or future desired character of the area.
R1 General Residential	To ensure development is compatible with the identified future desired character of the area
R2 Low Density Residential	To provide for development that is compatible with the identified existing or future desired character and amenity of the surrounding area.
R5 Large Lot Residential	To provide for development that is compatible with the identified existing or future desired character and amenity of the surrounding area.
R3 Medium Density Residential	To promote a high standard of urban design and built form that enhances the identified existing or future desired character of the area and achieves a high level of amenity.
MU1 Mixed Use	To promote a high standard of urban design and built form that enhances the identified existing or future desired character of the area and achieves a high level of amenity.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 2 Need for the planning proposal

The PP responds to Shoalhaven Local Strategic Planning Statement (LSPS) Planning Priority 13: Protecting and enhancing neighbourhoods, specifically collaboration activity CA13.1:

Work with the NSW Government to identify opportunities for proposed special character planning controls to help guide in-fill development in Berry, Kangaroo Valley, Milton and other area as appropriate.

At the time of writing the LSPS, this action related to the local character work the NSW Government was preparing to recognise the importance of character and the need to improve the built environment. However, this work has been largely suspended.

This proposal is the best way to address character in SLEP 2014, within the current constraints of the Standard Instrument LEP.

## 3 Strategic assessment

### 3.1 Regional Plan

The proposal is consistent with objectives 18, 21 and 22 of the Illawarra Shoalhaven Regional Plan.

**Table 4 Regional Plan assessment**

Regional Plan Objectives	Justification
Objective 18: Providing housing supply in the right locations	This objective recognises that the unique character of the cities, towns and villages in the Illawarra Shoalhaven region is contingent on protecting the scenic, non-urban spaces in-between. Apart from identified growth areas, the plan concentrates new development and intensive uses in existing centres, rather than the scenic hinterland that defines the coastal rural character of the region.
Objective 21: Respond to the changing needs of local neighbourhoods	This objective recognises that some centres and local neighbourhoods have competing land use pressures and require a clear direction. The objective also recognises the importance of creating liveable neighbourhoods with character which the proposal will help facilitate.
Objective 22: Embrace and respect the region's local character	This objective recognises that neighbourhoods in the Illawarra-Shoalhaven are rich in diversity, heritage and character and considering local character in the planning and development process looks at how people and places interact to create an area's distinctive character. The proposal aims to elevate the consideration of the identified existing and desired future character.

## 3.2 Local

The proposal states that it is consistent with local plans and endorsed strategies. Notably, the proposal is consistent with the strategic direction and objectives of Council's Local Strategic Planning Statement 2040; Community Strategic Plan; and Shoalhaven Growth Management Strategy which have regard to protecting and enhancing local character.

## 3.3 Section 9.1 Ministerial Directions

The proposal is consistent with applicable section 9.1 Directions including:

- 1.1 Implementation of Regional Plans;
- 3.3 Sydney Drinking Water Catchments;
- 4.3 Planning for Bushfire Protection;
- 6.1 Residential Zones; and
- 7.1 Employment Zones.

## 3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

# 4 Site-specific assessment

## 4.1 Environmental, social and economic impacts

The proposal adds an aim to Clause 1.2(2) of the Shoalhaven LEP 2014 so the protection and enhancement of the character and scenic landscapes of localities is considered in the assessment process. The proposal will not have negative environmental impacts.

The proposal may have a positive social and economic impact by protecting local character and identity and by ensuring well designed and located development.

The provision of public infrastructure is not relevant to this proposal.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms a condition of the Gateway determination.

### 5.2 Agencies

The proposal does not identify which agencies will be consulted.

This proposal is minor in nature and simply reinforces character as a consideration for future development. There is no need to consult specifically with any agencies.

## 6 Timeframe

Council proposes an 8 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establish maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard. It is considered appropriate to set a 9 month timeframe.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

This is considered appropriate given the local nature of the proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It protects and enhances the character and scenic landscapes of the localities within the Shoalhaven LGA

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that the proposal is consistent with applicable section 9.1 Directions.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Consultation is not required with any public authorities.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



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(Signature)

14 June 2024

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