



Department of Planning, Housing and Infrastructure

Our ref: IRF25/10

James Ruprai
A/Chief Executive Officer
Shoalhaven City Council

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

Attention: Kate Lynch

Dear Mr Ruprai

Planning Proposal PP-2024-2696 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 to implement the Berry Heritage Review.

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

No further approval is required in relation to the Directions.

I have determined not to authorise Council to be the local plan-making authority. The amending local environmental plan (LEP) is to be finalised on or before **19 June 2026**. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Housing and Infrastructure to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

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, Housing and Infrastructure, August 2023) 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 Stephanie Wood to assist you. Stephanie can be contacted on (02) 9274 6550 or steph.wood@dpie.nsw.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Chantelle'.

19/6/2025

Chantelle Chow
A/Director, Southern, Western and Macarthur Region
Local Planning and Council Support

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP-2024-2696): Berry Heritage Review

I, the Acting Director, Southern, Western and Macarthur Region, at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Shoalhaven Local Environmental Plan 2014 to implement the Berry Heritage Review should proceed subject to the following

The LEP should be completed on or before 19 June 2026.

Gateway Conditions

1. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

- Heritage NSW
- Rural Fire Service (RFS)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

2. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).

Dated 19 June 2025



Chantelle Chow

**Acting Director, Southern, Western and
Macarthur Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure**

**Delegate of the Minister for Planning and
Public Spaces**