

Mr Stephen Dunshea, CEO
Shoalhaven City Council

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

Attention: Gordon Clark, Manager
Strategic Planning

Dear Mr Dunshea

**Planning proposal PP_2020_SHOAL_010_00/ PP-2021-837 Moss Vale Road North URA
Planning proposal – Public Exhibition**

I refer to Council's request of 8 April 2022 to commence exhibition of the above planning proposal to amend and add provisions to the Shoalhaven LEP 2014 to facilitate residential development and environmental protection of lands within the Moss Vale Road North Urban Release Area, Cambewarra. I note that Council has revised the planning proposal to reflect completed studies for the site.

I have reviewed the updated proposal and supporting information provided on 3 May 2022 in response to requirements of Condition 1 of the Gateway determination and am satisfied most of these requirements have been addressed. I note the explanation of provisions section and proposed LEP maps provided in the planning proposal do not clearly identify the proposed minimum lot size controls for the R3 Medium Density Residential zone and the application of Clause 4.1H to RE1 Recreation zones. I also note the revised planning proposal has not provided advice on consistency with the Shoalhaven Local Strategic Planning Statement.

I am, however, agreeable to Council proceeding to place the planning proposal, technical reports and the Moss Vale Road North Urban Release Area Riparian assessment on public exhibition subject to the explanation of the provisions, draft LEP maps and relationship to strategic planning framework being updated to address this matter.

I strongly encourage Council to address the issue of when an Aboriginal Cultural Heritage Assessment Report (ACHAR) should be prepared with Heritage NSW as a priority to avoid potential delays in progressing the planning proposal.

I have agreed as the Minister's delegate that the revised planning proposal remains consistent with the Section 9.1 Directions 1.1 Implementation of Regional Plans, 4.3 Planning for Bushfire Protection, 4.4 Remediation of Contaminated Land, 5.1 Integrating Land Use and Transport, 6.1 Residential Zones and 7.1 Business and Industrial Zones. I also agree that the revised planning proposal is justifiably inconsistent with the S9.1 Directions 1.4 Site Specific Provisions and 9.1 Rural Zones and no further approval is required

Council may still need to obtain agreement of the Department's Secretary to comply with the requirements of the Section 9.1 Directions 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.1 Flooding, and 9.2 Rural Lands prior to the plan being finalised.

If you have any questions in relation to this matter, I have arranged for Ms Lisa Kennedy to assist you. Ms Kennedy can be contacted on 02 4247 1827.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D Thompson', on a light blue background.

Daniel Thompson
Director, Southern Region
Local and Regional Planning



Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2020_SHOAL_010_00/PP-2021-837)

I, the Director, Southern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 21 December 2020 for the proposed amendment to the Shoalhaven Local Environmental Plan 2014 as follows:

1. Delete:

condition 6: "The time frame for completing the LEP is to be 12 months following the date of the Gateway determination expiring on 21 December 2021."

and replace with:

a new condition 6: "The time frame for completing the LEP is to be 18 months following the date of the Gateway determination expiring on 21 June 2022."

Dated 3rd day of November 2021.

Sarah Lees
Director, Southern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces



Gateway Determination

Planning proposal (Department Ref: PP_2020_SHOAL_010_00): to amend and add provisions to the Shoalhaven LEP 2014 to facilitate residential development and environmental protection of lands within the Moss Vale Road North Urban Release Area, Cambewarra.

I, the Director, Southern Region at the Department of Planning, Industry and Environment, 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 (LEP) 2014 to amend and add provisions which will facilitate residential development and environmental protection of lands within the Moss Vale Road North Urban Release Area, Cambewarra should proceed subject to the following conditions:

1. The planning proposal is to be revised prior to public consultation to include the following:
 - a) updated land titles and mapping to include all areas covered by the planning proposal;
 - b) revised technical studies including bushfire and visual and any required by government agencies;
 - c) updated provisions and mapping to identify and justify all proposed changes which reflect the outcomes of the studies; and
 - d) details on consistency with section 9.1 Directions and the Shoalhaven LSPS.

The revised proposal is to be submitted to the Department for review and approval prior to public consultation.


2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - NSW RFS

- Natural Resources Access Regulator
- DPIE (Environment, Energy and Science)
- NSW Fisheries
- Heritage NSW
- Relevant Local Aboriginal Land Council/s
- Transport for NSW
- Endeavour Energy
- Jemena

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 3.34(2)(e) of the Act.
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be 12 months following the date of the Gateway determination expiring on 21st December 2021.

Dated 21st day of December 2020



Sarah Lees
Director, Southern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces