

Our ref: PP-2022-1589/IRF22/1435

Mr Stephen Dunshea
CEO
Shoalhaven City Council

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

Dear Mr Dunshea

Planning proposal PP-2022-1589 to amend Shoalhaven Local Environmental Plan 2014 – Warrah Road, Bangalee

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 rezone land at Warrah Road, Bangalee for residential development and environmental protection.

As delegate of the Minister for Planning and Minister for Homes, 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 inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the EP&A Act 9.1 Rural Zones and 4.3 Planning for Bushfire Protection are justified in accordance with the terms of the Directions. No further approval is required in relation to the Directions.

Considering the nature of the planning proposal I have determined that Shoalhaven City Council (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 13 February 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.

Should you have any enquiries about this matter, I have arranged for Lisa Kennedy to assist you. Lisa can be contacted on 4247 1827.

Yours sincerely



11/5/2022

Daniel Thompson
Director, Southern Region
Local and Regional Planning

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP-2022-1589) Lots 21-24 DP714096 + part unmade road reserve, Warrah Road Bangalee – Deferred land in the Crams Road Investigation Area

I, Daniel Thompson the Director, Southern Region, at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 facilitate residential development and environmental protection of lands of the land described above should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 28 days;
 - (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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
2. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the EP&A Act as this has already occurred.
3. 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 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).
4. The Council as planning proposal authority planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.

5. The LEP should be completed on or before 13 February 2023.

Dated 11th day of May 2022.



Daniel Thompson
Director, Southern Region
Local and Regional Planning
Department of Planning and
Environment

Delegate of the Minister for Planning
and Homes