

Lisa Kennedy
NSW Department of Planning & Environment - Southern Region
By email: wollongong@planning.nsw.gov.au

Attention: Lisa Kennedy

Dear Lisa

**Beach Road Berry Planning Proposal
Request for an extension to the Gateway Deadline**

I refer to the Gateway determination for Planning Proposal (PP) [PP_2017_SHOAL_001_00] Beach Road Berry dated 6 June 2017. This determination provided a period of 18 months for the completion of the LEP. The purpose of this letter is to seek a revised Gateway determination with a 12-month extension to this timeframe to enable completion of the PP.

The delay for this PP has been caused by the discovery of an Aboriginal Scarred Tree on the property. This tree was recommended for listing as a heritage item in the LEP. However, approximately two weeks ago the tree was struck by lightning and severely damaged. This has led to a need to reassess the tree, which will involve gathering the relevant Aboriginal stakeholder for another site inspection. This will require some time.

The 12-month extension is intended to allow enough time to seek an amended gateway to list the tree as a heritage item in the event that the remains of the tree warrant this.

We have otherwise completed all aspects of the Gateway determination necessary to allow us to commence agency consultation and then publicly exhibit the PP. I have tabulated this below for your assistance:

Gateway Determination Item	Comments	Complete
1(a) – Flora and Fauna	Assessment Complete	YES
1(a) – Bushfire	Assessment Complete	YES
1(a) – Water Cycle and Effluent Management	Assessment Complete	YES
1(a) – Aboriginal Cultural Heritage	Resolving issues arising from the lightning strike on an Aboriginal Scarred Tree.	NO
1(a) – Infrastructure	Assessment Complete	YES
1(a) – Contaminated Site Assessment	Assessment Complete	YES
1(a) – Agricultural Assessment	Assessment Complete	YES

Gateway Determination Item	Comments	Complete
1(b) Confirmation of Provisions	Ready to confirm once we have clarification on the Aboriginal Scarred Tree and any curtilage that may be required.	NO
1(c) 117 Directions	Ready to finalise once we have clarification on the Aboriginal Scarred Tree and how to appropriately respond to direction 2.3.	NO
1(d) Dedication of land to Nation Parks	A VPA has been agreed for exhibition purposes between NPWS and the proponent.	YES
2. Agency Consultation	Unable to proceed until the PP is finalised following the resolution of issues arising from the lightning strike on an Aboriginal Scarred Tree	NO
3. Public Exhibition	Unable to proceed until the PP is finalised following the resolution of issues arising from the lightning strike on an Aboriginal Scarred Tree	NO
4. Public Hearing	Not required.	N/A

If you need further information about this matter, please contact me on (02) 4429 3522. Please quote Council's reference 52163E.

Yours faithfully



Grant Rokobauer
Strategic Planner – Special Projects
31/1/19