



Gateway Determination

Planning proposal (Department Ref: PP_2016_SHOAL_002_00): to enable residential development and environmental protection on Lots 21 to 24 DP714096, Warrah Road, Bangalee to:

- rezone land from Rural 1(d) (General Rural) to part E2 Environmental Conservation, a residential zone and RU2 Rural Landscape;
- update the Minimum Lot Size Map (LSZ) to establish a minimum lot size of 40ha for land zoned E2 Environmental Conservation and RU2 Rural Landscape and an appropriate lot size for the residential zoned land;
- update the Terrestrial Biodiversity Map (BIO) to include areas of significant vegetation and/or habitat corridor if appropriate;
- update the Riparian Lands and Watercourses Map (WCL) to identify Category 1 Watercourses;
- update the Acid Sulphate Soils Map (ASS) to identify the lands as class 5 Acid Sulfate Soils;
- update the Clauses Map (CLS) to apply Clause 7.21 Development on land in the Vicinity of the Western Bypass Corridor; and
- update the Urban Release Area Map to include the subject land as an Urban Release Area if appropriate.

I, the Deputy Secretary, Planning Services, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Shoalhaven Local Environmental Plan (LEP) 2014* as described above should proceed subject to the following conditions:

1. The planning proposal is to be revised to remove the proposed residential zoning over the lands in Sub-remediation Area B of the s.38 Remedial Direction under the *Native Vegetation Act, 1993*. An appropriate environmental zone is to be applied to this area.
2. The following studies are to be prepared (or existing studies revised) prior to exhibition of the planning proposal:
 - (a) Bushfire Hazard Study
 - (b) Aboriginal Archaeological Assessment
 - (c) Biodiversity Review of Lots 21-23
 - (d) Provision of infrastructure – water, sewerage and electricity to confirm demand and supply issues.
3. Following completion of the required studies, the planning proposal is to be revised to confirm the explanation of provisions, and update proposed zoning, floor space ratio, lot size, and height of building maps prior to public exhibition. A copy of the updated proposal is to be provided to the Department for review prior to exhibition of the proposal.

4. Council is to update its consideration of section 117 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection following consultation with the Office of Environment and Heritage and the NSW Rural Fire Service. The updated considerations are to be included in the exhibited planning proposal.
5. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Environment 2013)*.
6. Consultation is required with the following government agencies prior to exhibition, in accordance with the Act and to comply with the requirements of relevant section 117 Directions:
 - NSW Rural Fire Service;
 - Office of Environment and Heritage;
 - Office of Water;
 - Endeavour Energy;
 - Shoalhaven Water; and
 - Roads and Maritime Services.

The agencies are 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. Any agency advice received and Council's proposed response to this advice should be placed on public exhibition with the planning proposal.
7. A public hearing is not required to be held into the matter by any person or body under section 56(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).
8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 12th day of July 2016



Marcus Ray
Deputy Secretary
Planning Services
Delegate of the Minister for Planning