

## Gateway Determination

***Planning proposal (Department Ref: PP\_2018\_SHOAL\_002\_00): to rezone land in the Callala Bay and Kinghorne Point localities for the purposes of residential and environmental purposes.***

I, the Acting Deputy Secretary, Planning Services at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 as described above should proceed subject to the following conditions:

1. The land that is located in the Lake Wollumboola catchment is to be zoned E2 Environmental Conservation due to its recognised extremely high environmental sensitivity.
2. The following studies are to be prepared for the subject sites prior to exhibition of the planning proposal:
  - a. A flora and fauna assessment and biodiversity offset strategy are to be prepared by an accredited biobanking assessor for the development and offset sites in consultation with the Office of Environment and Heritage. The offset strategy and field survey must be prepared to comply with the BioBanking Assessment Methodology (BBAM) or Biodiversity Certification Assessment Methodology (BCAM). The field survey should target likely threatened species and endangered ecological communities on the subject sites.
  - b. A study that includes a water quality management strategy to achieve a neutral or beneficial effect on water quality of coastal water bodies.
  - c. An Aboriginal cultural heritage study to identify items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance. The study is to be undertaken by a qualified person in consultation with local traditional owners, including the Jerringa Local Aboriginal Land Council.
  - d. A bushfire hazard study.
  - e. A Stage 1 Preliminary Contamination Investigation for lands identified for development undertaken in accordance with the "Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land, 1998, Department of Urban Affairs and Planning, Environment Protection Authority".

- f. A traffic impact study to consider existing transport facilities (road and public transport) and assess their adequacy, including alternative modes of travel and future transport connections to/from the Princes Highway.
  - g. An infrastructure study (delivery plan), including the need for additional community infrastructure and services.
3. The planning proposal includes a proposal to dedicate land to the Jervis Bay National Park. A suitable mechanism, such as a voluntary planning agreement, is to be prepared for any proposed dedication of lands to the state of NSW for extension of the Jervis Bay National Park or other public open space.
4. Following completion of the required studies, the masterplan and planning proposal are to be revised to include detailed explanations of provisions, including proposed zoning maps and other development controls.
5. Council is not to commence exhibition until the studies and further assessment have been completed and the revised masterplan and planning proposal have been prepared as required by the Gateway determination, and this information has been resubmitted to the Department for consideration.
6. The required studies and any voluntary planning agreement are to be included with the exhibition materials.
7. Public exhibition is required under sections 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - a. the planning proposal must be made publicly available for **60 days**; and
  - b. the planning proposal authority must comply with the notice of 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 local environmental plans* (Department of Planning and Environment 2016).
8. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - Rural Fire Service;
  - Roads and Maritime Services;
  - Office of Environment and Heritage;
  - National Parks and Wildlife Service;
  - Department of Primary Industries; and
  - Environment Protection Authority.
9. Each public authority 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.

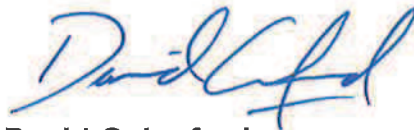
10. Consultation is required with the following organisations:

- Jerringa Local Aboriginal Land Council (representing traditional owners); and
- local oyster/aquaculture growers.

11. A public hearing is not required to be held into the matter 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).

12. The time frame for completing the LEP is to be **24 months** from the week following the date of the Gateway determination.

Dated 13<sup>th</sup> day of June 2018.



David Gainsford  
Acting Deputy Secretary  
Planning Services  
Department of Planning and Environment

Delegate of the Minister for Planning