

Council Reference: 67246E (D21/472826)

Your Reference:

10 November 2021

Sarah Lees
NSW Department of Planning, Industry & Environment - Southern Region
PO Box 5475
WOLLONGONG NSW 2500

Submitted via NSW Planning Portal

Dear Sarah

**Request for a Gateway Determination
Willinga Park Planning Proposal, Bawley Point**

I am writing to submit the attached Planning Proposal (PP) for Gateway determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*. The PP relates to the property generally known as 'Willinga Park' at Lot 21 DP 1217069 and Lot 33 DP 1259627, 132 and 123 Forster Drive, Bawley Point.

Council considered a report on a Planning Proposal request at its Development & Environment Committee meeting of 5 October 2021 and resolved as follows (MIN21.688):

That Council:

1. *Support progressing a Planning Proposal (PP) to amend Shoalhaven Local Environmental Plan (SLEP) 2014 (SLEP 2014) to make 'function centre' an additional permissible use (with consent) within the RU2 Rural Landscape Zone on the subject land (Lot 21 DP 1217069 and Lot 33 DP 1259627, being 132 and 123 Forster Drive, Bawley Point) to allow a broader range of functions / events (unrelated to equine activities) at Willinga Park.*
2. *Support the proponent's request to amend SLEP 2014 to make functions involving less than 351 attendees (excluding staff) 'development without consent'.*
3. *Prepare the PP and submit to the NSW Department of Planning, Infrastructure and Environment (DPIE) for Gateway determination, in accordance with Part 1.*
4. *Subject to receiving a favourable Gateway determination, undertake government agency consultation and complete any supporting technical investigations (if required) and publicly exhibit the PP.*
5. *Receive a report on the outcome of the public exhibition of the PP.*
6. *Advise the proponent and those who made a submission of this decision.*

Note: A Recission Motion on the above resolution was considered by Council at its Ordinary meeting on Tuesday 26 October 2021, but was unsuccessful, meaning the above resolution stands.

The meeting minutes and staff report can be viewed on Council's website at:

<https://www.shoalhaven.nsw.gov.au/Council/Meetings/Agendas-Minutes>

Council is now seeking a Gateway determination to enable the attached PP to proceed. The proponent's PP does not identify any inconsistencies with the relevant Ministerial Directions.

Willinga Park – Background

Willinga Park has an extensive planning and development history spanning more than 30 years since the approval of a tourist facility in 1988. The proponent's request states that Willinga Park is constructed to a 'world class' high standard and has existing approval to accommodate a large number of guests at certain events.

Current approvals allow events up to 32 times a year (up to 5,000 people 20 times a year, plus up to 3,000 people 12 times a year) depending on the defined category of the event as per approval DA18/1237 (27 August 2019) and modified by DS19/1522 (2 June 2020).

Planning Proposal

The attached PP report was prepared by BBC Consulting Planners on behalf of Capital Property Corporation Pty Ltd. It seeks to amend *Schedule 1 – Additional permitted uses* in the Shoalhaven LEP 2014, to make a '*function centre*' permissible (with consent) in the RU2 zoned part of the property (where the existing facilities are located) and an associated amendment to the *clauses map*.

As noted in the PP, diversifying the range of activities permitted on the site has the potential to boost profitability/financial sustainability by making better use of the existing facilities constructed on the land. The PP also identifies the likely and most common type of functions to be held at Willinga Park as follows: Weddings; Awards Dinners; Government Disaster Emergency Response; Community Gatherings; Equine Related Functions/Training; (Yoga) Retreats; Workshops; Tradeshows; Forums; Sport Functions; Birthday Parties; Presentation Nights; Product Launches; and Concerts.

The PP also seeks to add a sub clause in Schedule 1 of SLEP 2014 that would allow functions attended by less than 351 people, excluding staff, to be permitted as '*development without consent*'. Please note that we have not consulted with Parliamentary Counsel at this stage on the mechanism to achieve this intent, which is essentially to make events of this scale 'exempt development'.

The PP states that smaller 'functions', in relative terms, will be easily accommodated on site and therefore should be able to proceed without additional approvals.

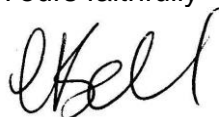
The proponent's indicative timeline is approx. 8 months (from Gateway) on the assumption that no supporting studies are required. Should the Department conclude that any supporting studies are needed before the PP can be publicly exhibited, the timeframe will need to be updated/revised.

Delegation

Council is willing to discuss the issue of delegation with the Department.

If you need further information about this matter, please contact Molly Porter, City Futures on (02) 4429 3596. Please quote Council's reference 67246E (D21/472826).

Yours faithfully



Coralie Bell
Director (Acting) City Futures