



Planning,  
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Environment

IRF21/4979

## Gateway determination report – PP-2021-3289

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Willinga Park, 134 Forster Drive, Bawley Point

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# Contents

<b>1</b>	<b>Planning proposal</b> .....	<b>2</b>
1.1	Overview.....	2
1.2	Objectives of planning proposal.....	2
1.3	Explanation of provisions.....	2
1.4	Site description and surrounding area.....	3
1.5	Mapping.....	4
<b>2</b>	<b>Need for the planning proposal</b> .....	<b>4</b>
<b>3</b>	<b>Strategic assessment</b> .....	<b>5</b>
3.1	Regional Plan .....	5
3.2	Local.....	5
3.3	Section 9.1 Ministerial Directions .....	6
3.4	State environmental planning policies (SEPPs) .....	8
<b>4</b>	<b>Site-specific assessment</b> .....	<b>9</b>
4.1	Environmental.....	9
4.2	Social and economic.....	9
4.3	Infrastructure .....	10
<b>5</b>	<b>Consultation</b> .....	<b>10</b>
5.1	Community .....	10
5.2	Agencies.....	11
<b>6</b>	<b>Timeframe</b> .....	<b>11</b>
<b>7</b>	<b>Local plan-making authority</b> .....	<b>11</b>
<b>8</b>	<b>Assessment summary</b> .....	<b>11</b>
<b>9</b>	<b>Recommendation</b> .....	<b>12</b>

**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Shoalhaven City Council. Development and Environment Committee, 5 October 2021. “Planning Proposal Request – Willinga Park Equestrian Centre, Bawley Point”.
Willinga Park, September 2018. “Event Plan of Management”.
Willinga Park, October 2018. “Emergency Plan”.
Willinga Park, “Bushfire Emergency Management and Evacuation Plan”.
The Acoustic Group, October 2018. “Acoustic Assessment – Hosting of Events Willinga Park, Forster Drive, Bawley Point.”
GHD September 2018. “Willinga Park Development Application. Traffic Impact Assessment.”

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	Shoalhaven
<b>PPA</b>	Shoalhaven City Council
<b>NAME</b>	Willinga Park Planning Proposal
<b>NUMBER</b>	PP-2021-3289
<b>LEP TO BE AMENDED</b>	Shoalhaven LEP 2014
<b>ADDRESS</b>	134 Forster Drive, Bawley Point
<b>DESCRIPTION</b>	Lot 21 DP 1217069 and Lot 33 DP 1259627
<b>RECEIVED</b>	10/11/2021
<b>FILE NO.</b>	IRF21/4979 (EF21/16707)
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to enable the excellent, comprehensive and unique facilities at Willinga Park to be used for the purpose of a “function centre”, thereby enabling it to host a variety of types of functions.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Shoalhaven LEP 2014 per the changes below:

**Table 3 Current and proposed controls**

Control	Current	Proposed
Zone	RU2 Rural Landscape and E2 Environmental Conservation Zone	RU2 Rural Landscape and E2 Environmental Conservation Zone
Maximum height of the building	11m	11m
Floor space ratio	Nil	Nil
Minimum lot size	Partially 10ha and partially 80ha	Partially 10ha and partially 80ha
Schedule 1 “Additional Permitted Uses”	There is no current Schedule 1 clause for the site.	Amend Schedule 1 to insert a new entry to identify “function centres” as a permitted use on the site (Lot 21 DP1217069 and Lot 33 1259627) and that functions to be attended by less than 351 persons (excluding staff) on the site are permissible without consent.
Clauses Map	The site is not currently identified on the Clauses Map	Amend the “Clauses Map” to identify the site as land to which Schedule 1 applies.
Number of dwellings	zero	zero
Number of jobs	TBC	TBC

The planning proposal indicates that functions are proposed to occur on land zoned RU2 Rural Landscape, not land zoned E2 Environment Conservation. However, the explanation of provisions provided and proposed Schedule 1 Additional Permitted Use clause and proposed Local Clause Map includes land zoned E2.

It is recommended that the explanation of the provisions section is revised to clarify that land zoned E2 Environmental Conservation on the site will be excluded from the proposed Schedule 1 Additional Permitted Use and Local Clause Map.

## 1.4 Site description and surrounding area

### Site description

The Willinga Park Equestrian Centre is an 800ha site that is located at 123 and 134 Forster Drive, Bawley Point in the Shoalhaven LGA, approximately 2.3km west of Bawley Point village. The Centre is accessed via Murramarang and Bawley Point Roads from the Princes Highway.

The land subject to the planning proposal is Lot 21 DP 1217069 and Lot 33 DP 1259627 which comprises 167.953 hectares. A site locality map is provided in Figure 1 in the planning proposal.

### Current and approved land uses

The Willinga Park Equestrian Centre is currently used for horse grazing, breeding and training of Australian stock horses and has approval to host events.

The planning proposal states the current and approved facilities include:

- A covered arena
- A 90m campdraft arena with judges box
- Showjumping field and international standard show jumping arena
- 200 event stables
- 3 outdoor arenas
- 6 round yards
- 32 luxury stables
- A veterinary room and walker and training pool for horses
- A veterinary centre (under construction)
- On-site accommodation provided in 20 luxury cabins and approval has been granted for a 44-room guest house, and
- State-of-the-art equine education centre (opened in November 2019) which provides a flexible conference and event space capable of catering to up to 350 persons.

A copy of a site masterplan is provided in Figure 3 of the planning proposal.

Shoalhaven City Council granted development approval (DA18/1237) in 2019 for the hosting of equine and non-equine events (comprising architecture, gardens and sculpture tours) at Willinga Park of up to 5,000 persons (excluding staff).

#### Surrounding land uses

The site is surrounded by Willinga Lake and forested land to the north and grazing lands and forested areas to the south and west and rural land to the east which includes the nearest adjoining dwellings at 103 and 122 Forster Road.

## 1.5 Mapping

Part 4 of the planning proposal includes mapping showing the proposed changes to the relevant Local Clauses Map, which, subject to the mapping being revised to remove land zoned E2 Environment Conservation from the additional permitted use, is suitable for community consultation.

## 2 Need for the planning proposal

Function centres are not a permissible use in the RU2 Rural Landscape Zone under the Shoalhaven LEP 2014. The planning proposal states the proposal will enable the world class facilities, which have been created at Willinga Park, to be used for functions of various types without giving rise to any significant adverse impacts. This will directly and indirectly generate local employment, stimulate the local economy, increase visitation to the region and create increased awareness and appreciation of Willinga Park as a centre of equine excellence.

The proposal to make smaller events to be attended by less than 351 persons (excluding staff) exempt development is needed, according to the planning proposal, because Willinga Park is readily able to accommodate up to 5,000 people on a day-to-day basis during equine related events in accordance with the consent to DA18/1237. This has regard to the quality, capability and capacity of the facilities and infrastructure at Willinga Park and the significant distance of the main facilities area from the estate boundaries.

Council has considered the impact of proposed events of up to 5,000 guests, including impact on traffic and parking, noise, other amenity, flora and fauna, water quality and availability of

infrastructure and services. The consent to DA18/1237 provides conditions to mitigate impacts from events including preparation and approval by Council of an Event Plan of Management and a Bushfire Emergency Management and Evacuation Plan. The proposal to hold functions of less than 351 persons (excluding staff) at the site without consent is likely to have significantly less impact than a 5,000 person event. It is also not proposed to hold functions at the same time as equestrian events, except functions ancillary to these events.

The planning proposal process, which includes consultation, is considered the appropriate mechanism to facilitate the required amendment to the Shoalhaven LEP 2014 to permit function centres with consent as an additional permitted use for the site and to enable functions of less than 351 guests to be exempt development.

## 3 Strategic assessment

### 3.1 Regional Plan

The Planning Proposal provides an assessment of the proposal against a previous Illawarra Shoalhaven Regional Plan rather than the current Plan which was published in May 2021. The planning proposal also provides an assessment against the South Coast Regional Strategy which is superseded by the Illawarra Shoalhaven and South East and Tablelands Regional Plans.

The following table provides an assessment of the planning proposal against relevant aspects of the most recent Illawarra Shoalhaven Regional Plan.

It is recommended the planning proposal is updated prior to consultation to provide an assessment of the proposal against the current Illawarra Shoalhaven Regional Plan and to remove reference to the South Coast Regional Strategy.

**Table 4 Regional Plan assessment**

Regional Plan Objectives	Justification
Objective 5: Create a diverse visitor economy	The proposal will facilitate a broad range of functions at Willinga Park including weddings, dinners, retreats, workshops and tradeshows, which will support the visitor economy.
Objective 11: Protect important environmental Assets	The proposal avoids High Environmental Value land zoned E2 Environment Conservation.

### 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 5 Local strategic planning assessment**

Local Strategies	Justification
Shoalhaven Local Strategic Planning Statement	<p>Although the planning proposal does not provide an assessment of Council's LSPS, the proposal is consistent with this document, including:</p> <ul style="list-style-type: none"> <li>• the vision for the Shoalhaven which includes a strong and diverse economy which supports tourism and is welcoming of visitors.</li> <li>• Direction 1 Managing Economic Growth: <ul style="list-style-type: none"> <li>○ Planning Priority 3: Providing jobs closer to home</li> <li>○ Planning Priority 7: Responsible visitor economy</li> </ul> </li> <li>• Direction 2 – Natural and built Environments and Lifestyles <ul style="list-style-type: none"> <li>○ Planning Priority 16- Promoting events and public art</li> </ul> </li> </ul> <p>It is recommended the planning proposal is updated to include an assessment against Council's LSPS.</p>
Shoalhaven Destination Management Plan	Willinga Park is identified in the Shoalhaven Destination Management Plan as one of several Shoalhaven sites which could become the focus of larger event planning.
Shoalhaven Community Strategic Plan	<p>The planning proposal is consistent with several objectives of Council's Community Strategic Plan, particularly:</p> <ul style="list-style-type: none"> <li>• Objective 3.1 "An economy that is based on Shoalhaven's distinct characteristics, advantages and natural qualities".</li> <li>• Objective 3.2 "An economy that supports and is supported by a growing, diverse and changing community".</li> <li>• Objective 3.3 "Effective promotion of Shoalhaven's investment, business and job opportunities, lifestyle attractions and vision".</li> </ul>
Shoalhaven Growth Management Strategy	The planning proposal is consistent with the stated purpose of the GMS to manage the social and economic implications of future growth in Shoalhaven while protecting and preserving the environmental values of the City. The planning proposal will support employment opportunities for local residents and surrounding areas and support the local economy.

### 3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 6 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.2 Rural Zones	Consistent	The proposal does not seek to rezone rural land or increase the permissible density of land rather seeks to make "function centres" a permissible use at the site.

1.5 Rural Land	Consistent	The planning proposal meets the rural planning principles provided in subclause 4 of the Direction including consistency with the Illawarra Shoalhaven Regional Plan and Shoalhaven LSPS and promoting opportunities for investment in productive, diversified, innovative and sustainable economic activities.
2.1 Environment Protection Zones	Consistent	The planning proposal (p. 28) states the proposal is not in an environmental protection zone nor contains land otherwise identified for environment protection purposes. It is, however, noted that some land in the northern parts of the site (Lot 21) are zoned E2 Environmental Conservation and is also identified on the Terrestrial Biodiversity Map in the Shoalhaven LEP 2014. As discussed previously in section 1.3 of this report, it is recommended this land is excluded from the proposed Schedule 1 Additional Permitted Use clause and Clauses Map.
2.2 Coastal Management	Consistent	The northern part of the site adjoins Willinga Lake which is identified as a coastal lake in the Coastal Management SEPP. The northern part of Lot 21 is identified on the Coastal Environment and Coastal Use Maps provided under the SEPPs which is also zoned E2 Environmental Conservation under the Shoalhaven LEP 2014. As discussed previously in section 1.3 of this report, it is recommended the E2 zoned land is excluded from the proposed Schedule 1 clause and Clauses Map.
2.3 Heritage Conservation	Consistent	The planning proposal states the site does not contain any known heritage items or heritage conservation areas. The Shoalhaven LEP and DCP 2014 contains heritage conservation provisions that are required to be addressed for future development applications applying to the site.
3.4 Integrating Land Use and Transport	NA	The Direction does not apply to the planning proposal because the proposal does not affect urban land.
4.1 Acid Sulfate Soils	Consistent	The proposal does not seek to develop land, including land affected by acid sulfate soil, but to use existing facilities for the purpose of functions.
4.3 Flood Prone Land	Consistent	The area proposed for functions does not contain any flood prone land.
4.4 Planning for Bushfire Protection	To be determined	A Bushfire Emergency Management Evacuation Plan for the site was provided to support the planning proposal. The planning proposal is required by the Direction to be referred to the Rural Fire Service for comment prior to public consultation.
5.10 Implementation of Regional Plans	Consistent	Refer to section 3.1 of this report.

6.1 Approval and Referral Requirements	Consistent	The planning proposal does not include provisions that require the concurrence, consultation or referral of future DAs to a Minister or agency.
6.3 Site Specific Provisions	Inconsistent	The planning proposal is potentially inconsistent with the Direction because it seeks to include a Schedule 1 Additional Permitted Use clause for the subject site. Any inconsistency, however, is considered a minor significance because the use of a Schedule 1 use to permit function centres on the site is considered preferable to Council than the option of including function centres as a permitted use in the RU2 Zone across the LGA.

### 3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 7 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Coastal Management SEPP 2018	The SEPP provides aims, objectives and development controls for coastal management areas in the Coastal Zone for the purposes of development assessment.	Consistent	The planning proposal does not seek to permit function centres/functions in mapped coastal environment and coastal management areas which partly affect the northern part of Lot 21.
SEPP (Exempt and Complying Development Codes) 2008	The SEPP identifies exempt and complying development types that can be undertaken without development consent.	Consistent	The proposal to permit functions of less than 351 guests as exempt development is not inconsistent with the SEPP.
SEPP (Primary Production and Rural Development) 2019	The SEPP provides aims and objectives for assessment of development applications.	Consistent	The planning proposal is generally consistent with the aims and objectives of the SEPP.

## 4 Site-specific assessment

### 4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 8 Environmental impact assessment**

Environmental Impact	Assessment
Flora and fauna/biodiversity	The proposal is unlikely to impact on flora and fauna, native vegetation or other biodiversity. Important environmental areas are currently zoned E2 Environmental Conservation which are not proposed for functions. Rather events and functions are proposed to be held in existing facilities on land zoned RU2 Rural Landscape which do not contain any important environmental areas. No new building or construction works or clearing of native vegetation is proposed.
Water quality	The planning proposal is unlikely to impact on water quality including Willinga Lake which adjoins the northern part of the site. Functions are proposed to be excluded from land adjoining Willinga Park which is zoned E2. Willinga Park has an on-site wastewater collection, treatment and management system which is designed to accommodate medium and large size events which are approved under DA18/1237. Willinga Park was also granted consent to a separate DA18/2138 in December 2019 for an upgraded wastewater treatment facility at Willinga Park to accommodate the expanded range of events and functions proposed at the site.
Bushfire/emergency management	The site is subject to a Bushfire Emergency Management and Evacuation Plan, which was approved by Council, which was provided in support of the planning proposal. Section 9.1 Direction 4.4 Bushfire Protection requires Council to consult with the Rural Fire Service on the planning proposal prior to exhibition. Council also intends to consult with NSW Police on the planning proposal to identify and address any public safety issues.

### 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 9 Social and economic impact assessment**

Social and Economic Impact	Assessment
Traffic and parking	A Traffic Management Assessment for Willinga Park, which was provided in support of the planning proposal, states that existing road infrastructure is capable of accommodating events that attract up to 5,000 attendees without adversely impacting the performance of the existing road network. The Assessment Report indicates there is adequate on-site parking available for up to 2,313 vehicles. It is recommended Council consult with Transport for NSW on the planning proposal concerning any potential impacts on the Princes Highway/Bawley Point intersection.

Noise	Based on the Acoustic Assessment for Willinga Park, which was prepared for DA18/1238 and was provided in support of the planning proposal, functions which may arise as a result of the planning proposal are unlikely to generate greater acoustic impact than those resulting from equestrian events approved by DA18/1237 which allows up to 5,000 persons. The planning proposal, acoustic or traffic report, do not appear to provide an assessment of the impact of the proposal on traffic noise, particularly on any sensitive noise receivers along access roads. Council may consider requiring an assessment of this matter.
Employment/local economy	The planning proposal is likely to have positive social and economic benefits by supporting local and regional tourism, recreation, employment and the local economy. The planning proposal does not identify how many jobs are likely to be generated by the proposal. It is recommended the planning proposal is updated to include an estimate of employment generation.

## 4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

**Table 10 Infrastructure assessment**

Infrastructure	Assessment
Water/sewer	The site has reticulated water as well as a 1.5 megalitre water tank and pump. There is an on-site waste-water treatment system. The site was issued an approval in 2019 by Shoalhaven City Council to provide an upgraded on-site waste-water treatment system to accommodate all wastewater generated on site, including during proposed events and functions.
Power	The site is connected to mains electricity and also has an emergency on-site generator which provides back up power.
Roads	The site is accessed via Forster Drive, Murramarang Road, Bawley Point Road and the Princes Highway. The planning proposal states the existing road network has adequate capacity to accommodate proposed traffic generated as a result of the proposed events and functions to be held at the site. Consultation with Transport for NSW is recommended to identify any potential issues concerning the Princes Highway/Bawley Point Road intersection.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms a condition of the Gateway determination.

## 5.2 Agencies

Council has nominated the public agencies to be consulted about the planning proposal.

It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- NSW Police
- Rural Fire Service
- Transport for NSW

## 6 Timeframe

Council proposes a 9 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to allow for any unforeseen delays.

A condition to the above effect is recommended in the Gateway determination. It is also recommended the Project Timeline (Part 6) is updated in the planning proposal which currently indicates the planning proposal will be finalised by February 2022.

## 7 Local plan-making authority

Council has not requested delegation to be the Local Plan-Making authority.

As the site/planning proposal is of a local planning significance and is consistent with local and regional strategic planning, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It will facilitate the provision of a broad range of functions at Willinga Park.
- It will support local and regional tourism and the local economy and provide employment.
- It is consistent with local and regional strategic planning for the site including, the Illawarra Shoalhaven Regional Plan and the Shoalhaven Local Strategic Planning Statement.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Provide an assessment of the proposal against the current Illawarra Shoalhaven Regional Plan (dated May 2021) and Shoalhaven Local Strategic Planning Statement and to remove reference to the superseded South Coast Regional Strategy.
- Exclude land zoned E2 Environmental Conservation from the proposed Schedule 1 Additional Permitted Use clause and Local Clause Map.
- Include an estimate of potential number of jobs created because of the planning proposal.
- Update the Project Timeline (Part 6).

While the proposal may increase the number of events at the site, existing approvals allow for more visitors to the site. Any functions of greater than 351 guests will require development consent allowing Council to address potential impacts.

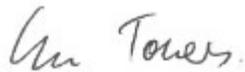
## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Direction 6.3 Site Specific Provisions is minor or justified; and
- Note that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
  - Provide an assessment of the proposal against the current Illawarra Shoalhaven Regional Plan (dated May 2021) and Shoalhaven Local Strategic Planning Statement and to remove reference to the superseded South Coast Regional Strategy.
  - Exclude land zoned E2 Environmental Conservation from the proposed Schedule 1 Additional Permitted Use clause and Local Clause Map.
  - include an estimate of potential number of jobs that could be generated because of the planning proposal.
  - Update the Project Timeline (Part 6).
2. Prior to community consultation, consultation is required with the following public authorities:
  - Transport for NSW
  - Rural Fire Service
  - NSW Police
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council be authorised to be the local plan-making authority.



9/12/21

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