

Gateway Determination

Planning proposal (Department Ref: PP_2020_SHELL_001): to rezone 95 – 105 Cooby Road, Tullimbar for residential development and environmental management.

I, the Acting Executive Director at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Shellharbour Local Environmental Plan (LEP) 2013 to rezone land at 95-105 Cooby Road, Tullimbar to a mix of residential and environmental zones should proceed subject to the following conditions:

1. The planning proposal shall be updated prior to public exhibition to:
 - a. Amend height of building maps to apply a height of 9m consistent with other similarly zoned land across the Shellharbour LGA; and
 - b. Apply the E3 Environmental Management Zone to land proposed to be zoned E2 Environmental Conservation consistent with the zoning of riparian areas elsewhere in the Shellharbour LGA.
2. Additional bushfire and ecological investigations are required to identify/support proposed zones and lot sizes for the vegetated slopes (precincts 3 & 4). Investigations should consider potential vegetation losses due to bushfire management to support lot sizes that will not have an unacceptable impact on environmental values.

The existing ecological study shall be updated to consider the opportunity for credits under the Biodiversity Assessment Methodology. These investigations may result in further changes to the planning proposal.

The above information – along with advice from relevant agencies – and an updated proposal, if relevant, should be provided to the Department prior to public exhibition.

3. The proposed application of the R2 zone on the northern area of the plateau requires further justification that considers topography and vegetation. This information should be provided to the Department prior to public exhibition.
4. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

5. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - DPIE – Environment, Energy and Science – Biodiversity and Conservation
 - Transport for NSW
 - NSW Rural Fire Service
 - Shellharbour City Council

Each public authority/organisation 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.

6. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act.
7. The time frame for completing the LEP is to be **18 months** following the date of the Gateway determination.

Dated 20th day of July 2020



Greg Sullivan
Acting Executive Director
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces