



Mr Gordon Kirkby
Chair
Southern Regional Planning Panel
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Mr Kirkby

Planning proposal PP_2020_SHELL_001 to amend Shellharbour Local Environmental Plan 2013

I am writing in response to the Panel's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone land at 95-105 Cooby Road, Tullimbar for residential development and environmental management.

I note that the Panel was appointed the planning proposal authority after Shellharbour City Council chose not to accept that role following the rezoning review process – 2020STH001. I also note that, in supporting the proposal, the Panel identified several issues that need further consideration to identify/justify appropriate zones, lot sizes and development controls that respond to site constraints and protect environmental values.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

Parts of the site contain steep slopes and significant vegetation, including areas of EECs. I note that the planning proposal is supported by various studies including an ecological constraints assessment and a bushfire assessment and agree with the Panel that additional bushfire and ecological information is required. Future subdivision and development, including boundary fencing and emergency access, will involve the removal of vegetation to create asset protection zones. There is a need to understand the likely removal of vegetation for bushfire management to better appreciate and mitigate potential biodiversity impacts.

The Panel also recommended an additional or updated flora assessment that considers the requirements of the Biodiversity Assessment Method. I am advised that the proponent has proposed to update the Ecological Constraints Assessment to address this issue.

In relation to the northern part of the plateau, the application of the R2 zone and proposed lot sizes require additional justification considering the topography and vegetation.

The updated information – including advice from relevant agencies – may result in changes to the planning proposal. The information and a revised planning proposal (if relevant) should be provided to the Department prior to exhibition of the proposal.

I have agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Directions 1.2 Rural Zones and 1.5 Rural Land are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

The site contains bushfire prone land so the agreement of the Secretary that the proposal is consistent with s9.1 Direction 4.4 Planning for Bushfire Protection will be required following consultation with the NSW Rural Fire Service. This will need to occur prior to public exhibition of the proposal.

The Panel has noted that the issue of ownership and management of bushland and riparian areas will need to be resolved. While this is not something that will form part of the planning proposal, I understand the proponent is investigating conservation options under various scenarios, e.g. Community Title, Biodiversity Stewardship, dedication, etc. and will provide further advice on this issue. The Department will contact Shellharbour City Council to discuss appropriate mechanisms and opportunities to coordinate processes.

The Panel has also identified that further information will be needed on proposed drainage to manage stormwater; and the future funding of open space and infrastructure. These issues are also considered to be outside of the scope of a planning proposal and should be considered as part of any future development application to subdivide the land.

Should you have any enquiries about this matter, I have arranged for Mr Graham Towers, Manager, Southern Region to assist you. Graham can be contacted on 4247 1821.

Yours sincerely



20.07.2020

Greg Sullivan
Acting Executive Director
Local and Regional Planning

Encl: Gateway determination