

Gateway Determination

Planning proposal (Department Ref: PP_2020_SHOAL_001_00): to rezone the former Anglican Church site at Lots 7 and 8, Section 3, DP 758530, 17 Hawke and 22 Currumbene Streets, Huskisson from SP2 Place of Public Worship to B4 Mixed Use Business under the Shoalhaven LEP 2014 and extend the proposed B4 zoning to include the adjacent section of Hawke Street currently zoned SP2 Road and amend building height controls.

I, the Executive Director, Local and Regional Planning, 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 Shoalhaven Local Environmental Plan (LEP) 2014 as described above should proceed subject to the following conditions:

1. Council shall update the Explanation of the Provisions section of the Planning Proposal to include the proposed rezoning of the section of Hawke Street from SP2 Road to B4 Mixed Use.
2. Council shall prepare the following assessments prior to public exhibition:
 - a. A new independent Ground Penetrating Radar (GPR) survey over the entire site to which the Planning Proposal applies by a grave detection specialist using best practice methodology.
 - b. An independent assessment by an appropriately qualified historical archaeologist of the entire area to which the Planning Proposal applies that must determine the status of the graves and if they are “relics” under the *NSW Heritage Act 1977* in compliance with Heritage Council of NSW Guidelines including “Assessing Significance for Historical Archaeological Sites and Relics, 2009”.
 - c. A full Aboriginal Cultural Heritage Assessment Report of the entire area to which the Planning Proposal applies prepared in accordance with the “Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW” (Office of Environment and Heritage, April 2011) that includes Aboriginal community consultation and archaeological survey and reporting in accordance with the “Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010” (DECCW, April 2010) and the “Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW” (DECCW September 2010).
 - d. Independent peer reviews of the Feasibility Analysis prepared by Walsh and Monaghan (including a review of the feasibility with or without the

proposed increase in height controls) and the Urban Design Study prepared by SJB Urban.

- e. A “Stage 1 Preliminary Assessment” to determine the potential for contamination of the site.
3. Council will provide copies of the independent assessments and revised planning proposal to the Department prior to 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:
 - Department of Premier and Cabinet (Heritage NSW)
 - NSW Department of Planning, Industry and Environment (Biodiversity and Conservation)
 - NSW Rural Fire Service
 - Jerrinja Local Aboriginal Land Council, as an adjoining land ownerEach 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. 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).
7. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.

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

Dated 30th day of April 2020.

A handwritten signature in black ink, appearing to read 'Monica Gibson'.

Monica Gibson
Executive Director
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces