

Gateway Determination

Planning proposal (Department Ref: PP_2018_SHOAL_007_00): to allow community title subdivision of large lot rural residential development and environmental conservation on Lot 3 DP846470, 48 Jervis Bay Road, Falls Creek.

I, the Director Regions, Southern at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 to allow for a community title subdivision of large lot rural residential development and environmental conservation on Lot 3 DP846470, 48 Jervis Bay Road, Falls Creek should proceed subject to the following conditions:

1. Technical studies on flora and fauna assessment; onsite wastewater management plan; water quality and stormwater management; and bushfire hazard assessment are to be prepared and included in the planning proposal prior to public exhibition.
2. The explanation of the provisions and maps are to be updated, following the completion of the technical studies, into a revised planning proposal prior to public exhibition.
3. 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
4. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - NSW Rural Fire Service
 - Office of Environment and Heritage
 - Roads and Maritime Services
 - Department of Primary Industries Water
 - Shoalhaven Water



- Endeavour Energy and
- Jervis Bay Marine Park.

Each public authority 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.

5. 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).
6. 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.
7. The time frame for completing the LEP is to be 18 months following the date of the Gateway determination.

Dated 10th day of September 2018.

Sarah Lees
Director Regions, Southern
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning