

Gateway Determination

Planning proposal (Department Ref: PP_2019_SHOAL_001_00): to rezone part of Lot 5 DP 1225356 Sealark Road Callala Bay from E3 Environmental Management Zone to R2 Low Density Residential and/or R3 Medium Density Residential Zones, RE1 Public Recreation and/or RE2 Private Recreation Zone and to amend development controls.

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 as described above should proceed subject to the following conditions:

1. The studies and investigations as identified in Shoalhaven City Council's covering letter dated 14 March 2019 and Office of Environment and Heritage advice to Council on the planning proposal dated 31 January 2019 are to be prepared prior to public consultation.
2. The planning proposal is to be revised, prior to public consultation to:
 - (a) Provide an assessment of the consistency of the planning proposal with the Illawarra Shoalhaven Regional Plan.
 - (b) Demonstrate compliance with Section 9.1 Directions 1.4 Oyster Aquaculture, 2.1 Environmental Protection Zones, 2.2 Coastal Management, 2.3 Heritage Conservation, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection, 5.10 Implementation of Regional Plans, 6.2 Reserving land for Public Purposes.
 - (c) Provide an assessment of current SEPPs including the SEPP (Coastal Management) 2018.
 - (d) Clarify the proposed zonings and development controls in the explanation of the provisions and proposed maps.
3. Details of a suitable mechanism, such as a Voluntary Planning Agreement, for any proposed dedication of lands to the state of NSW for extension to the Jervis Bay National Park or other public open space are to be provided prior to public consultation.
4. The studies and investigations and a revised planning proposal are required to be submitted to the Department for consideration prior to public consultation.
5. 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).

6. 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:
- NSW Rural Fire Service (S 9.1 Direction 4.4 Planning for Bushfire Protection)
 - NSW Office of Environment and Heritage
 - Department of Primary Industries (S 9.1 Direction 1.4 Oyster Aquaculture)
 - Shoalhaven Water
 - The Jerringa Local Aboriginal Land 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.

7. An infrastructure delivery plan to determine infrastructure and servicing requirements for the site is to be prepared prior to finalisation of the plan.
8. 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).
9. 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.
10. The time frame for completing the LEP is to be **24 months** following the date of the Gateway determination.

Dated 2nd day of May 2019.



Ben Eveleigh
Director Regions, Southern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for
Planning