

Council Reference: 49462E (D22/173949)
Your Reference: PP-2021-2068 (GA-2022-39)/IRF22/1175

28/04/2022

Daniel Thompson
Regional Director
Department of Planning & Environment - Local and Regional Planning
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By email only: daniel.thompson@dpie.nsw.gov

Dear Daniel

**Request for New Gateway Determination
Planning Proposal PP005 for Deferred Land at Warrah Road, Bangalee
Revised Proposal – Exhibition and finalisation**

I am writing to request a new Gateway determination for the above Planning Proposal (PP005) in respect of Lots 21-24, DP 714096 at Warrah Road, Bangalee. The PP also applies to approximately 6,000 m² (300 m x 20 m) of unmade Council road reserve situated between the proposed residential area on Lot 24 DP 714096 west of Warrah Road and the existing residential land to the north. This road reserve is currently zoned C2 Environmental Conservation under Shoalhaven LEP 2014 and is proposed to be included in the R5 – Large Lot Residential zone.

Gateway status

A new Gateway determination was granted for the Warrah Road PP on 25 February 2021. The new Gateway had a timeframe of 12 months, extended by an additional 3 months on 21 January 2022. It was due to expire on 25 May 2022. This 3 month extension was issued expressly to:

“allow Council sufficient time to complete the updated reports, revise the planning proposal and to confirm whether the elected Council supports an altered planning proposal.”

A further 3 month extension would have allowed re-exhibition and finalisation of the PP, noting that the above tasks were completed 2 months prior to Gateway expiry. However, Council's Gateway extension request of 23 March 2022 was declined and on 13 April 2022, DPE issued a Gateway alteration effectively terminating the PP for the second time.

DPE's decision to terminate the PP is disappointing, noting that:

- Seeking a new Gateway creates an unnecessary additional step that will delay finalisation of the plan and create additional demands on Council staff resources, at a time when we have a range of competing priorities.
- Seeking a new Gateway does not achieve a better planning outcome.
- The delay was largely attributable to the non-involvement of the RFS until the formal public exhibition process.
- The Department's Planning Delivery Unit led the round table discussions that resulted in substantial changes to the exhibited PP, which need to be re-exhibited. DPE's Regional Office was involved in these discussions and supported the revised outcome.
- Inclusion of part of the unmade Council road in the PP is consistent with DPE's [Practice Note PN 10-001](#). This road is integral to the perimeter road network required by the NSW RFS.
- Mapping omissions, in relation to the road, were minor and new maps had already been prepared before the PP was terminated.
- All necessary changes to the PP are minor and could have been made after the Gateway had been extended and prior to public exhibition.

Project Plan

An updated project plan is provided below:

Activity / milestone	Anticipated Completion Date
New Gateway request, including re-loading of all supporting documentation to NSW Planning Portal	April 2022
Gateway determination	May 2022
Completion of Gateway requirements prior to public exhibition (if any)	TBC
Prepare exhibition package (if Gateway granted)	May/June 2022
Public exhibition and consultation with relevant agencies including Nowra LALC	June/July 2022
Consideration of submissions, agency responses and prepare Council report	August/September 2022
Report exhibition outcomes to Council	October 2022
Finalisation and notification of Plan	November 2022

Updated Planning Proposal

We believe that the updated PP satisfies the pre-exhibition requirements of the Gateway determination of 21 February 2021 that was recently terminated.

All technical studies have all been completed/updated as necessary and agency comments included in the PP. It is our view that no further pre-exhibition agency consultation is necessary. The proponent's updated BCAR was approved by BDC for concurrent exhibition on 13 April 2022. [RFS comments](#) on the revised proposal were received on 30 March 2022 and the [subdivision concept plan](#) has been amended as requested.

Subject to receiving a favourable Gateway determination and to the extent that it will help expedite the plan-making process, Council also seeks delegated plan-making authority.

Conclusion

In conclusion, we note DPE's advice of 13 April 2022, that:

"... work carried out to date on the proposal, including the studies prepared will be taken into consideration ... " and that "The Department would also prioritise consideration of a Gateway determination."

Prompt consideration of this request would be most welcomed and we look forward to receiving a new Gateway determination in the near future.

If you need further information about this matter, please contact Eric Hollinger, City Futures on (02) 4429 3320 or Maggie Chapman on (02) 4429 3485. Please quote Council's reference 49462E (D22/173949).

Yours faithfully



Gordon Clark
Section Manager - Strategic Planning

Encl PP005 – Planning Proposal Document