

Gateway Determination

Planning proposal (Department Ref: PP-2022-4162): To rezone and amend the existing height and lot size requirements on land at Sealark Road, CALLALA BAY.

I, the Acting Director, Southern, Western and Macarthur Region, Local Planning and Council Support, at the Department of Planning, Housing and Infrastructure, 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 2014 to rezone, and amend the existing height and lot size requirements on land at Sealark Road, CALLALA BAY, should proceed subject to the following

The LEP should be completed on or before Friday 27 February 2026.

Gateway Conditions

1. Prior to public exhibition, the Rural Fire Service is to be consulted on the planning proposal in relation to Direction 4.3 Planning for Bushfire Protection and the planning proposal is to be updated if needed to take into account any comments made.
2. Prior to public exhibition, a Flood Impact Risk Assessment is to be prepared and the planning proposal is to be updated if needed to take into account the assessment.

The FIRA needs to demonstrate consistency with the *Section 9.1 Ministerial Direction 4.1 – Flooding* as well as Attachment C of the *LEP Making Guideline* (August 2023), the *Flood Risk Management Manual* (2023), and the *Flood Risk Management Guideline LU01* (June 2023). In this regard, the FIRA should include:

- flood modelling;
 - descriptions of various flood events up to and including the probable maximum flood (PMF);
 - analysis of flood mitigation/management strategies for both pre- and post-development conditions; and
 - consideration climate change and the development's impact on flood behaviour as well as an assessment of the effectiveness of proposed mitigation strategies.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard, as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).

4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

- NSW State Emergency Service (SES)
- NSW Department of Climate Change, Energy, the Environment and Water (DCCEEWS)
 - Conservation Programs, Heritage and Regulations (formerly Biodiversity, Conservation and Science (BCS))
 - Flooding
- NSW Department of Primary Industries (DPI) - Fisheries
- Water NSW
- National Parks and Wildlife Service (NPWS)
- Endeavour Energy
- Shoalhaven Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working 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).

Dated 24 March 2025



Chantelle Chow
A/Director, Southern, Western and Macarthur
Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and Public
Spaces