



IRF25/23

Gateway determination report – PP-2022-4162

Sealark Road CALLALA BAY

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Draft Planning Proposal,
Appendix A: Biodiversity Development Assessment Report (BDAR), Eco Logical Australia, July 2024
Appendix B: Flood Study Report, Footprint, July 2024
Appendix C: Integrated Water Cycle Assessment, Footprint, July 2024
Appendix D: Aboriginal Cultural Heritage Assessment, AMBS Ecology and Heritage, March 2020
Appendix E: Traffic Impact Assessment, PTC, January 2024
Appendix F: Report on Geotechnical Investigation, Terra Insight, August 2019
Appendix G: Stage 1 Preliminary Site Investigation, Terra Insight, August 2019
Appendix H: Strategic Bushfire Study, Eco Logical Australia, June 2024
Appendix I: Urban Design Report, Urbanac, June 2024

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Shoalhaven City Council
PPA	Department of Planning, Housing and Infrastructure
NAME	Rezone the subject land from C3 Environmental Management to R1 General Residential and C2 Environmental Conservation
NUMBER	PP-2022-4162
LEP TO BE AMENDED	Shoalhaven Local Environmental Plan 2014
ADDRESS	Sealark Road, CALLALA BAY
DESCRIPTION	Lot 5 DP 1225356
RECEIVED	9/01/2025
FILE NO.	IRF25/23
POLITICAL DONATIONS	There are no donations or gifts to disclose, and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- where environmentally sustainable, provide for new infill residential housing adjacent to existing residential urban footprint and contribute to diversity of affordable housing;
- formalise protections and buffers of identified ecological communities adjacent to and within the site;
- resolve the future land uses of the site (lot 5) and its ownership(s);
- formalise and improve existing stormwater flooding as follows:
 - Mitigate consequent flooding events from the existing residential catchment west of Sealark Road and manage water quality,
 - Reduce risk of environmental impacts to the Wowly Creek and Hare Bay riparian zone caused by existing urban sediment feeding directly into Wowly Creek,
 - Resolve local overland flooding issues and ongoing maintenance costs to Council;
- maximise use of existing Infrastructure, by developing where services and infrastructure are established; and

- dedicate land to NSW National Parks and Wildlife Services (NPWS) for inclusion into the Jervis Bay National Park via a Deed of Agreement (refer to Appendix A). The proposal would retain the C3 zone, however once dedicated to the NPWS, the land would be rezoned as C1 National Parks and Nature Reserve (under a separate planning proposal).

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Shoalhaven LEP 2014 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	C3: Environmental Management	C3: Environmental Management R1: General Residential R2: Low-Density Residential
Maximum height of the building	Unmapped – LEP Clause 4.3 11m height restriction	8.5m to be applied to the R1 and R2 zoned land.
Minimum lot size	40ha	500m ² to be applied to the R1 and R2 zoned land.
Number of dwellings	n/a	10

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The subject site (Figure 1) is located at Sealark Road, Callala Bay and is legally described as Lot 5, DP 1225356. The site is currently zoned C3 Environmental Management (Figure 2) and comprises an irregular shaped area of approximately 6.05ha.

The site's primary frontage and western boundary is Sealark Road, with a secondary frontage to the south at Monarch Place. The northern section of the site is largely cleared of native vegetation; however, it fronts the Jervis Bay National Park to the north, and Wowly Creek (Gully) to the east. There is existing residential housing on both Sealark Road and Monarch Place.

The site generally slopes gently in a north-westerly to south-easterly direction towards Wowly Creek. The site is traversed by an open drain which discharges from two stormwater outlets under Sealark Road. This open drain discharges to Wowly Creek near the north-eastern corner of the site.



Figure 1: Subject site (source: Planning Proposal)

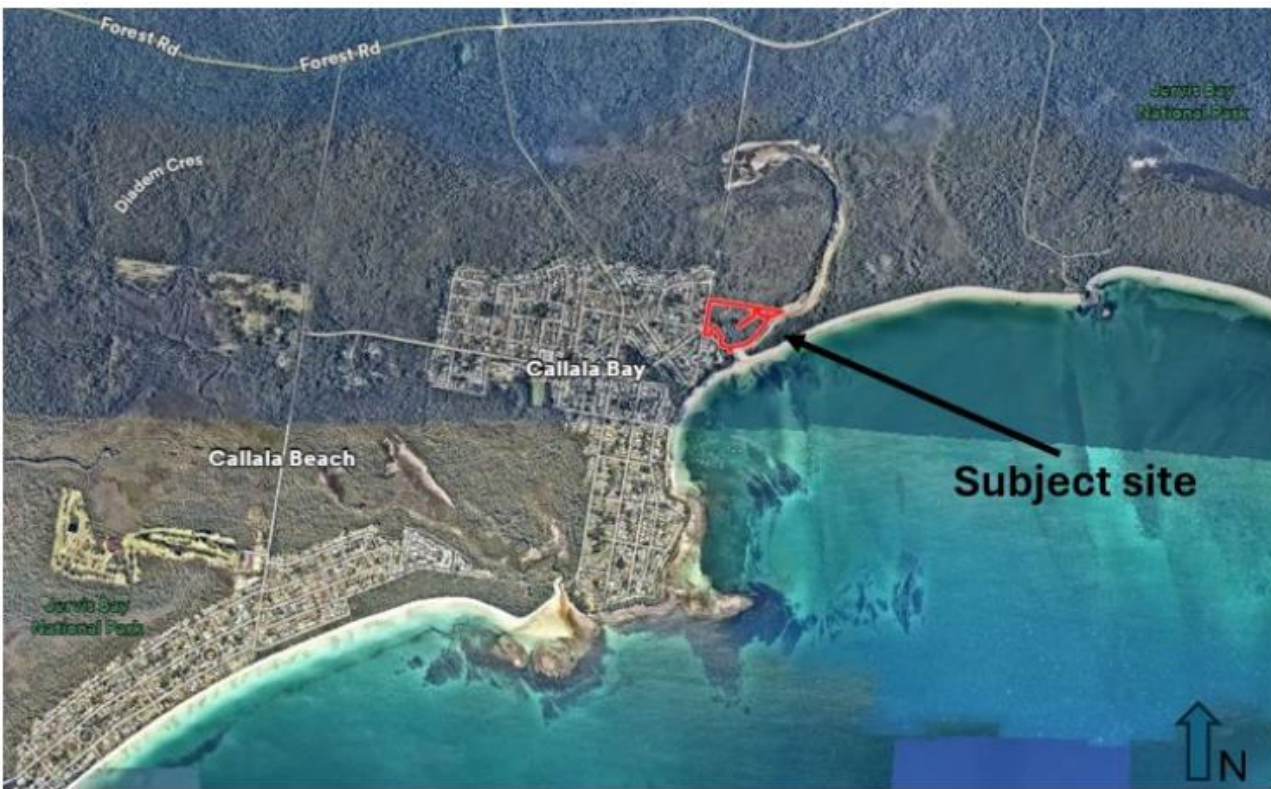


Figure 2: Site context (source: Planning Proposal)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the maps, which are suitable for community consultation.

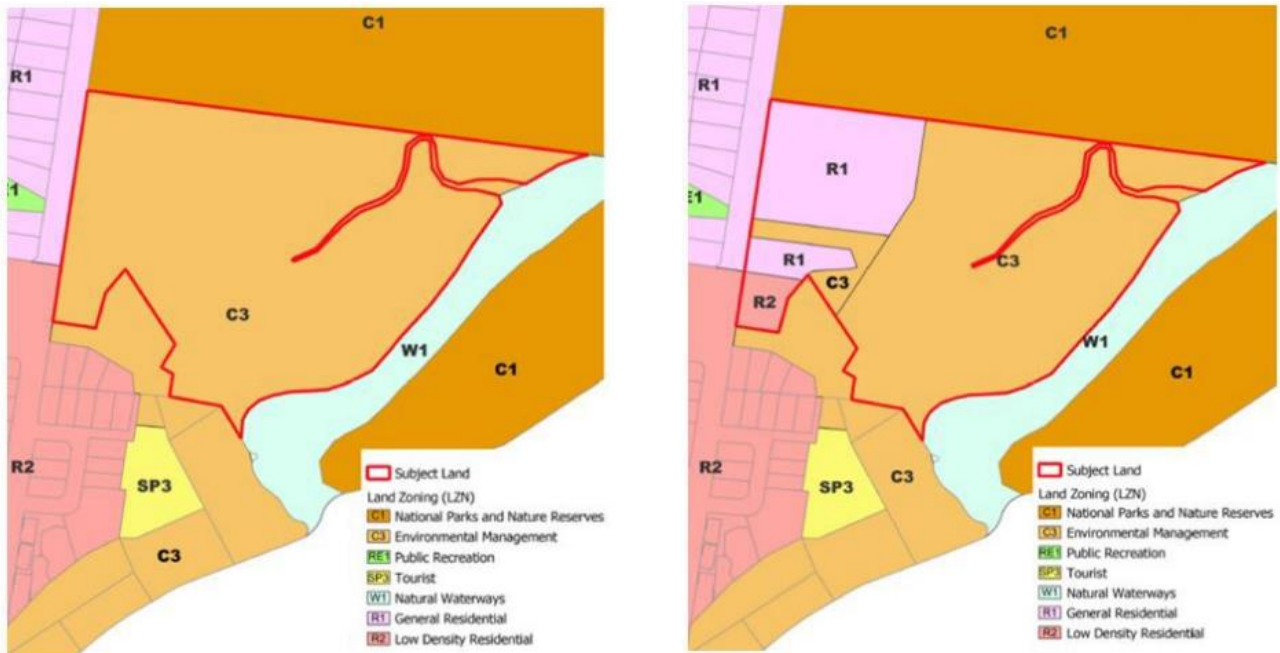


Figure 3: Current and Proposed Zoning Maps



Figure 4: Current and Proposed Height of Building maps

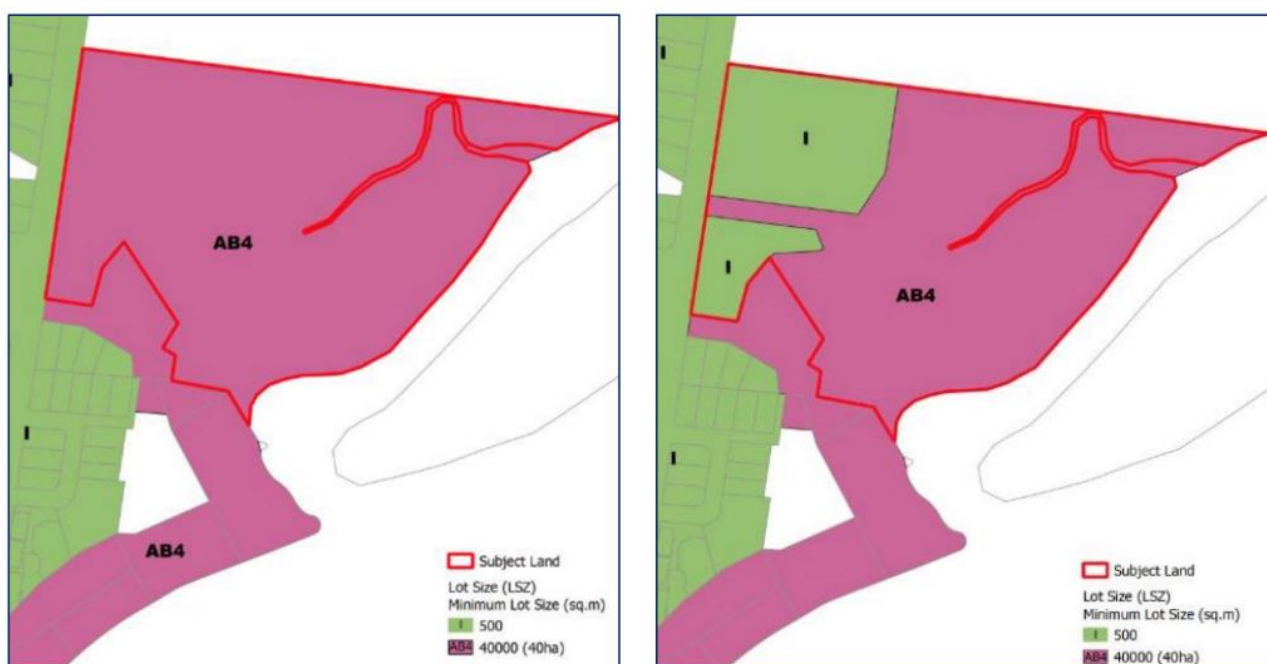


Figure 5: Current and Proposed Minimum Lot Size Maps

1.6 Background

The planning proposal was the subject of a Rezoning Review.

On 24 April 2023, the proponent lodged a rezoning review request as Shoalhaven City Council did not support the planning proposal proceeding to Gateway on 13 March 2023. Council refused the proposal due to lack of strategic merit.

A rezoning review, undertaken on 5 October 2023, resulted in the Southern Regional Planning Panel determining that the proposal has strategic and site merit, subject to several recommendations that required the planning proposal to be updated prior to submitting to the Department for Gateway Determination. The Panel also recognised the potential for land to be dedicated to the existing National Park to the north-east of the subject site. The following amendments have been made to the original PP:

- All development located within the subject site;
- Amendments to proposed zone boundaries, heights, and minimum lot sizes;
- Upgrades to existing stormwater infrastructure;
- Revised flooding and stormwater management modelling and reporting;
- Undertake an Urban Design Report to identify and address built form outcomes having regard to site hazards, management, site design and road layout. The Urban Design Report was required to identify any site-specific provisions that should be applied to the site via a DCP. The Urban Design Report determined a Site-Specific DCP was not warranted and that site issues could be adequately assessed under the existing DCP Chapters; and
- Update all supporting reports to show correct/updated and consistent layout.

The Panel reconvened on 11 April 2024 requiring further information to be submitted by the proponent in relation to the above concerns which had not been addressed. The final submission to the Panel, on 25 September 2024, was determined suitable for submitting for Gateway Determination.

The Planning Panel as delegate of the Minister for Planning has determined to appoint itself as the Planning Proposal Authority (PPA) for this planning proposal given Shoalhaven City Council has previously refused to progress the proposal.

2 Need for the planning proposal

The planning proposal is not the direct result of any local planning priorities or actions identified in the Shoalhaven Local Strategic Planning Statement (LSPS) or other strategic documents. The site is located on the eastern edge of the Callala Bay Village and while it is not directly identified in a strategy, it is generally consistent with these documents, particularly as they relate to the objectives of housing provision.

The planning proposal is the appropriate mechanism to consider and facilitate the amendment of the Shoalhaven LEP 2014 to make the proposed zoning, height, and Schedule 1 changes to enable future development of the land.

3 Strategic assessment

3.1 Regional Plan

The planning proposal has been assessed against the relevant aspects of the Illawarra Shoalhaven Regional Plan and is considered to be justified for the following reasons:

- The subject site is located in Callala Bay, a small coastal village about 20mins drive from Nowra.
- The proposed residential component is within walking distance of existing local services and facilities.
- The proposal will provide the opportunity for a potential addition of 4.18ha of land to Jervis Bay National Park.
- Areas within the site identified with environmental sensitivities, or hazards, which are not to be included within the National Park area, have been zoned C3 Environmental Management to reduce potential impacts of any future residential development components.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 4 Local strategic planning assessment

Local Strategies	Justification
Shoalhaven 2040: Local Strategic Planning Statement	The proposed development contributes to the provision of additional housing to meet the needs of the growing and aging population, in an existing serviced locality.

Shoalhaven 2032

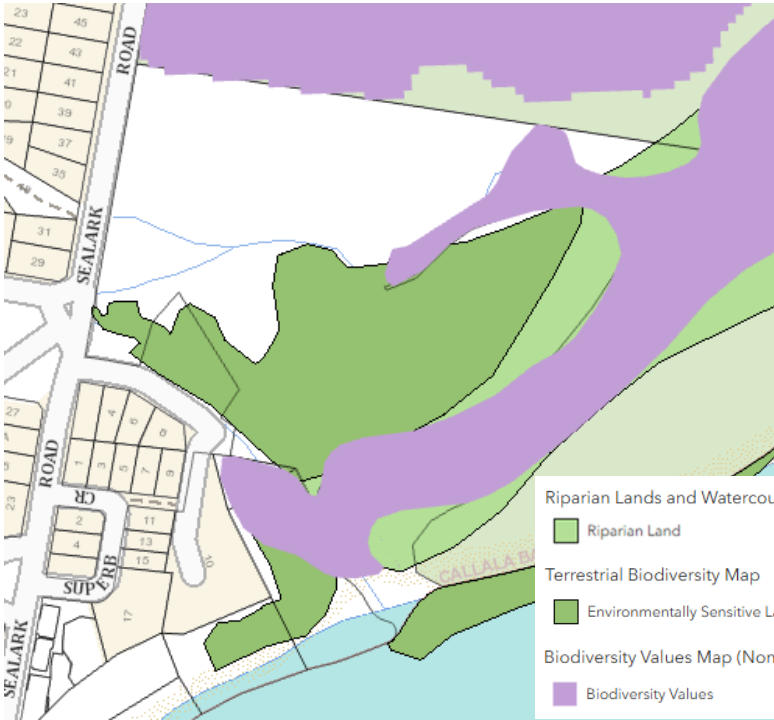
The PP is consistent with the Objectives and Vision of Council's Community Strategic Plan and the actions listed below:

- Theme 3 – Prosperous Communities including creating jobs and invest in Tourism.
- Objective 3.1 maintain and grow a robust economy with vibrant towns and villages.

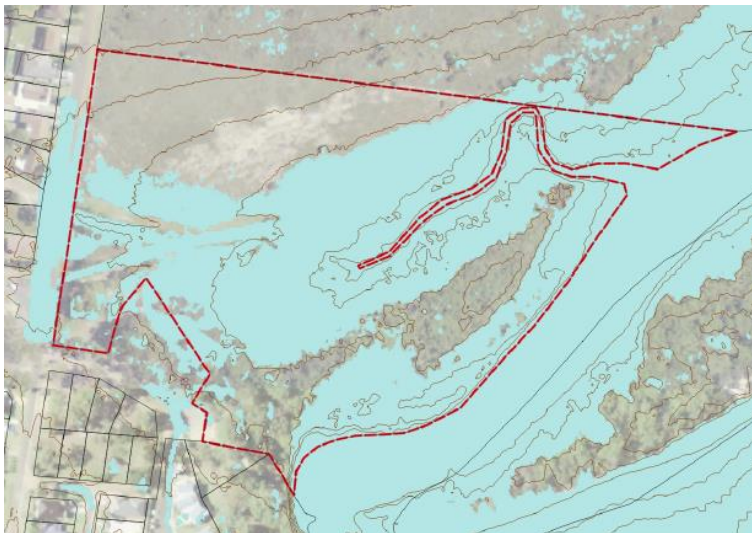
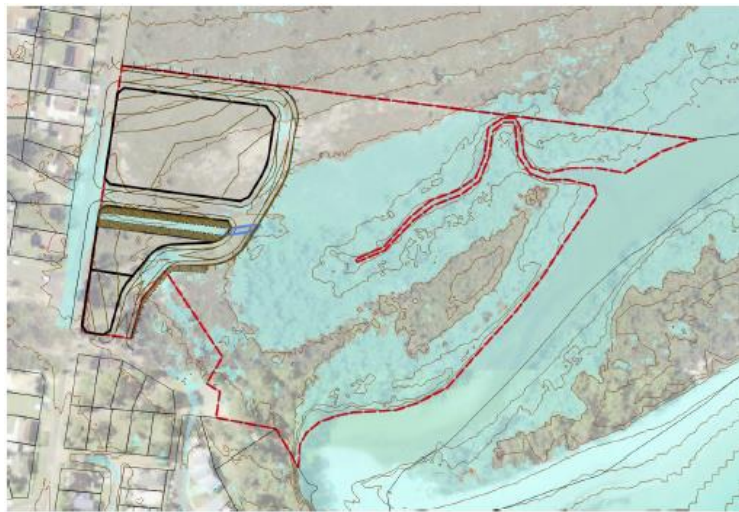
3.3 Section 9.1 Ministerial Directions

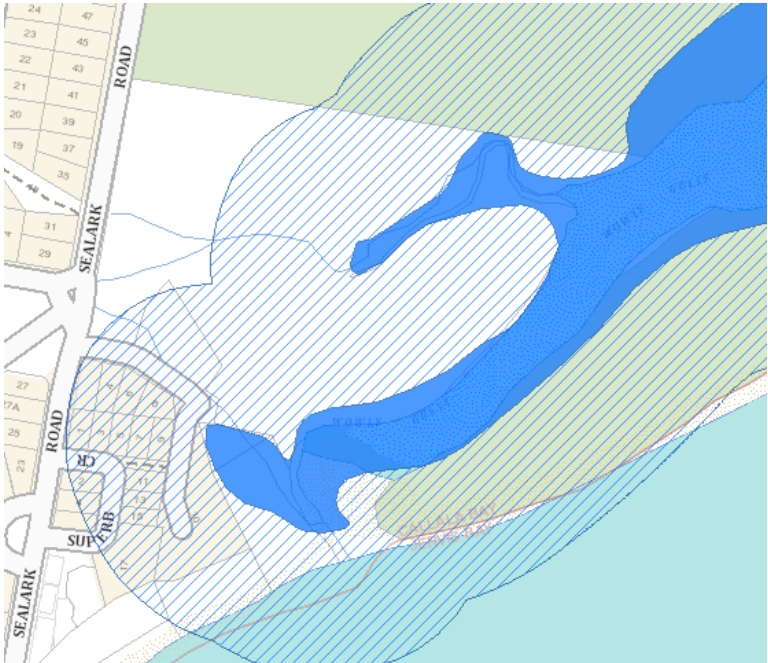
The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

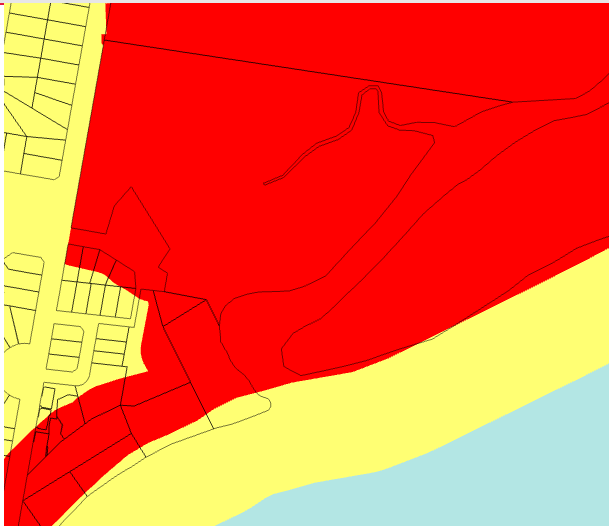
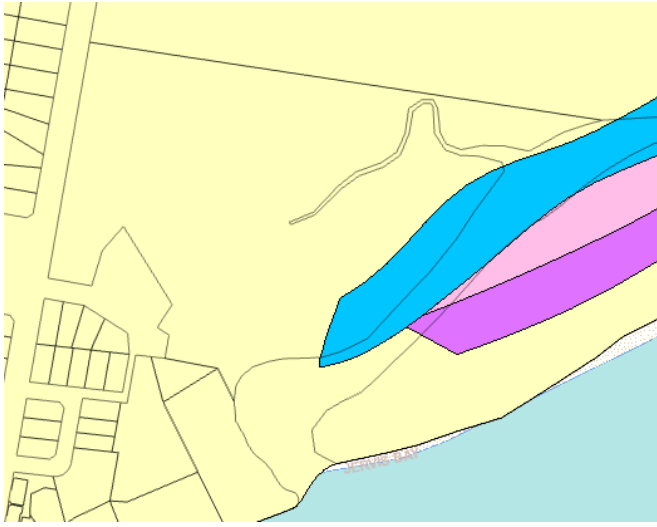
Table 5 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	See section 3.1
3.1 Conservation Zones	Inconsistency justified	<p>The subject site is identified as containing Biodiversity Values, Riparian Land, Terrestrial Biodiversity, and Environmentally Sensitive Land (Figure 6).</p>  <p>Figure 6: Conservation Land Map (Source: Spatial Viewer)</p> <p>The Biodiversity Values mapped on the subject site triggers the requirement for assessment under the Biodiversity Conservation Act 2016 and a Biodiversity Development Assessment Report (BDAR)</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>was required to be submitted to provide consistency with the Direction.</p> <p>The BDAR (Appendix A) outlines the measures taken to avoid, minimise and mitigate impacts to the vegetation and habitats present within the development site. The residual unavoidable impacts of the proposed development were calculated in accordance with the BAM by utilising the Biodiversity Assessment Method Credit Calculator. A total of 28 ecosystem credits are required to offset the unavoidable impacts to the vegetation and habitats present within the development site. No species credits are required. The development does not have any Serious and Irreversible Impacts.</p> <p>The land of highest value is to be retained as C3 zoning and included in the proposed land dedication to Jervis Bay National Park.</p> <p>The land within the proposed R1 and R2 zone is not identified as containing any threatened species or endangered ecological communities, and any impacts during construction and future use can be mitigated to reduce impact on adjacent areas.</p> <p>While the Direction states that a proposal must not reduce the conservation standards that apply to the land, an inconsistency is justified under the terms of the Direction by preparation of a study in support of the planning proposal which gives consideration to the objectives of this direction.</p> <p>Consultation will be required with the Department of Climate Change Energy, the Environment and Water (DCCEEW) to further consider environmental impacts.</p>
3.2 Heritage Protection	Consistent	<p>The subject site is not identified as containing any items of European historical significance. However, due to the relatively undisturbed nature of the site there is the potential for Indigenous heritage to be identified on the site.</p> <p>An Aboriginal Cultural Heritage Assessment (Appendix D) prepared by AMBS Ecology & Heritage which concluded that no Aboriginal sites, places or objects, or areas of potential Aboriginal archaeological sensitivity were identified within the study area or immediate surrounds during the archaeological survey.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.1 Flooding	Further justification required	<p>The subject site is identified as Flood Prone Land (Figure 7) and rezoning of this land is inconsistent with the Direction.</p>  <p>Figure 7: 1% AEP Flood Prone Land (Source: Integrated Water Cycle Assessment)</p> <p>A Flood Study Report (Appendix B) has been prepared by Footprint Sustainable Engineering to support the application.</p> <p>The Flood Study determined that flooding within the Wowly Creek estuary is dominated by oceanic flooding rather than catchment derived flooding. The proposed R1 and R2 zoned area are predominately impacted from runoff derived from the existing residential catchments to the west of Sealark Ave. Currently these flows exceed the capacity of the existing channel and cause flooding of variable depth within the overbanks.</p>  <p>Figure 8: Flood Prone Land – Post Development (Source: Integrated Water Cycle Assessment)</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>Post development modelling shows that by modifying the existing drainage channels, combined with filling part of the land, would minimize the area of land inundated by flooding and that suitable flood free land above the flood planning level can be made available for residential development.</p> <p>Prior to public exhibition, a Flood Impact Risk Assessment is required to be prepared to further assess flood risk. Consultation will also be required with Department of Climate Change Energy, the Environment and Water (DCCEEW) to further consider flood impacts.</p>
4.2 Coastal Protection	Consistent	<p>The subject site is identified as containing Coastal Wetlands (Figure 9)</p>  <p>Figure 9: Coastal Wetland mapping (Source: Spatial Viewer)</p> <p>The proposal is not seeking to increase development within a coastal wetland, coastal vulnerability area, or land affected by a current or future coastal hazard.</p> <p>Further assessment will be required at Subdivision Stage to ensure compliance.</p>
4.3 Planning for Bushfire Protection	To be determined following consultation with NSW Rural Fire Service	<p>The subject site is identified as Bush fire prone land (Figure 10).</p> <p>A Strategic Bushfire Study was undertaken by Eco Logical Australia (Appendix H), which determined that the proposal could meet the requirements in Planning for Bushfire Protection 2020 (PBP) and more detailed bushfire design will be provided at Subdivision Stage.</p> <p>Under the terms of the Direction, the proposal must be referred to the RFS for comment.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		 <p>Figure 10: Bushfire mapping (Source: Spatial Viewer)</p>
<p>4.4 Remediation of Contaminated Land</p> <p>4.5 Acid Sulphate Soils</p>	Justified	<p>The site is not identified on any mapping that it could be impacted by Potentially Contaminated Land. The site is however identified as containing class 1, 3, 4 and 5 ASS. The area identified for future development is identified as Class 5 ASS (Figure 11).</p>  <p>Figure 11: Acid Sulphate Soils mapping (Source: Spatial Viewer)</p> <p>A Report on Geotechnical Investigation (Appendix F) and Stage 1 Preliminary Site Investigation (Appendix G) prepared by Terra Insight Pty Ltd. have been submitted to support the application. The Geotechnical Study determined that the area of land identified for residential re-zoning is not impacted by ASS at a level above which it would be deemed not suitable for residential use. Furthermore, the Preliminary Site Investigation determined that defined site testing, specifically around the drainage depressions, which are Areas of Concern requiring further soil sampling and testing. The Report ultimately indicated that there is a low risk of contaminants</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>impacting on the site at levels which would preclude consideration of the site for residential development.</p> <p>Further, in depth testing can occur at subdivision stage, and if required protocols can be established for the site.</p>
5.1 Integrated Transport Planning	Justified	<p>The proposed development will allow for a limited number of additional dwellings on the fringe of the existing Callala Bay village. The existing village is minimally serviced by public transport and the primary employment opportunities are outside of the village.</p> <p>The application has been supported by a Traffic Impact Assessment (Appendix E) prepared by PTC Consultants, which concludes that the potential traffic generation onsite from the proposed development will have a minimal impact on the performance of the existing local road network.</p>
5.2 Reserving land for Public Purposes	Consistent	<p>Environmentally sensitive land encompassing a threatened ecological community and a buffer zone to a coastal wetland associated with Wowley Creek, is proposed to be transferred to National Parks and Wildlife Service (NPWS) via a Deed of Agreement between the landowner and the NSW Environment Minister, to be included into the existing Jervis Bay National Park.</p> <p>Correspondence with NPWS on 03 August 2021 confirmed the acceptance of 4.355ha land subject to a one-off contribution to complete works and transition the land the NPWS. Furthermore, the letter advised that the rezoning of the land from C3 to C1 will be done once the land has been transferred to NPWS.</p>
5.3 Development Near Regulated Airports and Defence Airfields	Consistent	<p>The subject land is located approximately 15 km from the Jervis Bay Airfield which is owned and managed by the Commonwealth Department of Defence.</p> <p>This proposal will enable a small area to be rezoned consistent with neighbouring development and set a maximum building height of 8.5m which will not affect the aircraft operations.</p>
6.1 Residential Zones	Consistent	<p>The planning proposal seeks to amend the existing C3 Environmental Management to an increased density R1 General Residential and R2 Low Density Residential zone. The proposal will not remove any existing residential land. The increased density will enable a wider variety and typologies of dwellings within close proximity to existing services and infrastructure.</p>
9.2 Rural Lands	Justified	<p>The planning proposal seeks to amend the existing C3 Environmental Management to an increased density R1 General Residential and R2 Low Density Residential zone. The PP identifies important features of the site which are to be retained, including buffer zones, which will be incorporated into the existing Jervis Bay National Park for protection in perpetuity.</p>

3.4 State Environmental Planning Policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 6 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Biodiversity and Conservation 2021	Chapter 3 & 4 Koala Habitat	Consistent	<p>The BDAR identifies that there are Koala use tree species within the site. However, no evidence of a resident or breeding population was identified within the site.</p> <p>The BDAR concludes that “Koalas are very unlikely to occur in the development site, which is not considered to be highly suitable or core Koala habitat. Therefore, the proposal is not likely to adversely affect Koalas or Koala habitat”.</p>
Resilience and Hazards 2021	Chapter 2 Coastal Management	Consistent	<p>The BDAR identifies a Coastal Wetland approximately 50m to the east of the proposed development site, with a small portion of the development site located within the “proximity” area.</p> <p>The BDAR concludes that “The development site will maintain a vegetated buffer of more than 50 m to the Coastal Wetland. The vegetated buffer area will be managed to protect the area’s conservation values... Under these circumstances the development is not likely to significantly impact on the integrity of the nearby Coastal Wetland”.</p>
	Chapter 4 Remediation of Land	Consistent	<p>There are no provisions in this SEPP that directly apply to the PP, however it is noted that the SEPP will need to be taken into consideration as part of any future development application on the land.</p>
Housing 2021		Consistent	<p>There are no provisions in this SEPP that directly apply to the PP, however it is noted that the SEPP will need to be taken into consideration as part of any future development application on the land.</p>

4 Site-specific assessment

4.1 Environmental

The PP is supported by a Biodiversity Development Assessment Report (BDAR) (Appendix A) which has assessed the proposed development site along the western boundary as per figure 11 (below). The development site was determined by the Urban Design Report (Appendix I) prepared by Urbanac Pty Ltd. The development site occupies approximately 1.87ha of the total site. The BDAR identified one threatened species within the study area, the grey-headed flying fox, which was not considered to pose a significant constraint due to the species mobility and range.

Three other species were identified within the remainder of the site, the Gang-gang Cockatoo, Square-tailed Kite, and White-bellied Sea-eagle. As the portion of site these species were identified in is not proposed for development and is proposed to be incorporated into the existing Jervis Bay National Park, mitigation measures have been proposed to prevent or reduce indirect impacts from the development during the construction phase.

The PP will increase the level of environmental protection over the remaining land within the eastern part of the site due to important biodiversity values, including the Endangered Ecological Communities (EEC), and buffer zone to coastal wetland associated with Wowly Creek. The remaining 4.355ha of land which can't be developed is proposed to be dedicated to the National Parks and Wildlife Service (NPWS) to be incorporated into the existing Jervis Bay National Park and maintained in perpetuity.

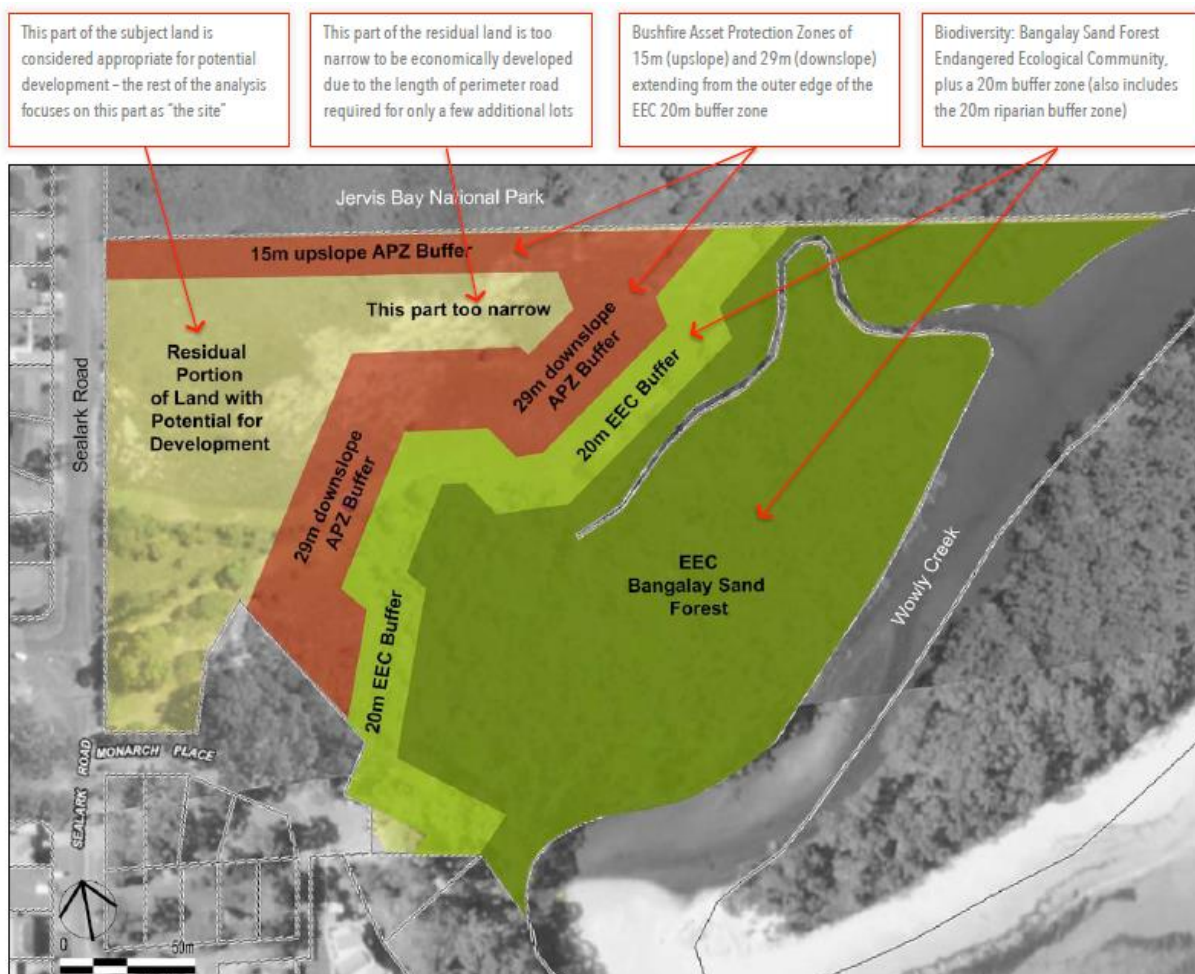


Figure 12: Diagram Showing Major Development Constraints on the Subject Land (Source: Urban Design Report)

4.1.1 Earthworks and Channel Modification

The subject site slopes in a north-westerly to south-westerly direction, towards Wowly Creek. The site is transversed by two stormwater outlets under Sealark Road, which join to create an open drain to Wowly Creek. The site is also impacted by flooding, particularly in lower areas of the south and east of the site.

To support the application a Flood Study (Appendix B) and Integrated Water Cycle Assessment (Appendix C) were prepared by Footprint Sustainable Engineering. The Flood Study assessed the filling required for the development and it's pre and post development impacts, whilst the Integrated Water Cycle Assessment prepared a conceptual stormwater management plan to address site concerns around the proposed realignment of the existing stormwater outlets under Sealark Road. In line with current Government requirements a Flood Impact Risk Assessment (FIRA) is required as a condition of the Gateway.









Current flood modelling indicates that flooding onsite, within the proposed development area, is primarily due to catchment derived run-off from the adjacent existing residential area. Sealark Road experiences flooding at depths of up to approximately 350mm in the 1% AEP event, with PMF flooding across the site and road rated at a low H1 to H3 rating due to low velocities occurring at these depths.

Post development modelling has been addressed in two stages: Stage 1 Channel modification and Stage 2 Residential Development, with modelling generated over the proposed cut and fill requirements of the site (Table 7).

Table 7 Cut and Fill Summary (Source: Flood Study (Appendix B))

CUT AND FILL SUMMARY

TOTAL CUT	485m ³
TOTAL FILL	11,220m ³
NET	10,735m ³ (FILL)

Levels Table				
	Number	Minimum Level	Maximum Level	Color
CUT	1	-1.084	-0.750	
	2	-0.750	-0.500	
	3	-0.500	-0.250	
	4	-0.250	0.000	
FILL	5	0.000	0.250	
	6	0.250	0.500	
	7	0.500	0.750	
	8	0.750	1.830	

Stage 1 Channel Modification will involve the redirection of the existing stormwater outlets under Sealark Road and realigning and enlarging the channel to meet the requirements of existing and proposed development. The existing open channels are overrun with weeds and debris and are not maintained to function efficiently. A proportion of the site inundation is due to the existing poor function of these channels.

The new drainage channel will redirect flows from Sealark Road into a single on-site point feeding into a larger channel which is anticipated to result in reduction of flood levels by 20-40mm along Sealark Road. Any increases in surface water will be wholly contained within the subject site.

The proposed stormwater treatment measures to be employed on site consist of rainwater tanks and bioretention basins for the treatment of lot and road runoff. The improvement in stormwater treatment measures highlight that post development water quality will comply with both Council and NorBE requirements.

Stage 2 Residential Modification will involve the filling of the proposed lots to be typically above 1% AEP flood level plus 500mm freeboard and the proposed roads will be constructed to be typically above 1% AEP flood levels. The filling will result in approximately a maximum increased depth of 750mm. Table 7 shows the breakdown of cut and fill across the development site. The impact of this amount of filling would redirect water to the existing and proposed roadways, however this water is mainly from would be able to drain to the new road culverts and move water away more efficiently than current capacity. The model data shows that there is no proposed increase in flood depth or velocities on or around the subject site. Any increases are wholly contained within the subject site.

The Integrated Water Quality Management Study (Appendix C) concluded that the proposed rezoning and subsequent redevelopment of the land for residential purposes would have a long-term beneficial effect on water quality, water quantity and the receiving environment (subject to implementation). The modelling demonstrated that stream forming flows were predicted to be very close to the pre-development state thereby minimising the potential for stream erosion.

The Flood Study (Appendix B) concluded that flooding within the Wowly Creek estuary is dominated by oceanic flooding rather than catchment derived flooding which does not significantly impact the proposed residential area which is impacted primarily by runoff from the existing Sealark Road and the undercapacity of the existing drainage channels. "Post development modelling shows that modifying these drainage channels combined with filling of parts of the land would minimize the area of land inundated by flooding and that suitable flood free land above the flood planning level can be made available for residential development. Further, the post development modelling showed that 1% AEP flood levels Sealark Road would be reduced by up to 140mm thereby improving serviceability for residents" (pg33).

The FIRA will further explore flood issues and consultation will be required by DEECW.

4.2 Social and economic

The planning proposal is unlikely to have any negative social or economic impacts but will provide additional housing opportunities and a small increase in population to support local businesses.

4.3 Infrastructure

The subject site is located on the fringe of the existing serviced area of Callala Bay. Substantial infrastructure upgrades will be required to enable residential development including construction of proposed roads, reticulated water, sewer, and stormwater management. To ensure supply networks can accommodate the increased demand for services, consultation with the utility providers (Endeavour Energy, Jemina Gas, and Shoalhaven Water) will be required to be undertaken during the exhibition stage.

5 Consultation

5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (September 2022). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- NSW State Emergency Service (SES)
- NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)
 - 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

6 Timeframe

The LEP Plan Making Guidelines establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department recommends an LEP completion of 12-months in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

The Department as delegate of the Minister for Planning has determined to appoint the Southern Regional Planning Panel as PPA for this planning proposal given Shoalhaven City Council has previously refused to progress the proposal. In accordance with Section 3.32(1) of the Environmental Planning and Assessment Act, 1979.

The Department recommends that Council not be authorised to be the local plan-making authority for this proposal as it has previously not supported it.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The PP is considered to have strategic and site merit.
- The PP is consistent with current local and regional strategic plans.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 3.1 Conservation Zones, 4.4 Remediation of Contaminated Land, 4.5 Acid Sulphate Soils, 5.1 Integrated Transport Planning, and 9.2 Rural Lands are minor and/or justified, and
- Note that the consistency with section 9.1 Directions 4.1 Flooding and 4.3 Planning for Bushfire Protection, are unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to community consultation, consultation is required with the following public authorities:
 - Rural Fire Service (RFS)
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. Consultation is required with the following public authorities:
 - NSW State Emergency Service (SES)
 - NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)
 - 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
 4. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway NOT authorise council to be the local plan-making authority.

The timeframe for the LEP to be completed is on or before 12 months of the date of the Gateway.



18/3/25

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24/3/2025

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