

## Gateway Determination

**Planning proposal (Department Ref: PP-2024-1412):** to rezone land (part Lot 1 DP 1205476) at Brou Lake Road, Bodalla to SP2 Infrastructure and C2 Environmental Conservation Zone

I, the Acting Director Southern, Western and Macarthur Region 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 Eurobodalla Local Environmental Plan 2012 to rezone land (part Lot 1 DP 1205476) at Brou Lake Road, Bodalla to SP2 Infrastructure and C2 Environmental Conservation Zone should proceed subject to the following:

### Gateway Conditions

1. Prior to public exhibition, the NSW Rural Fire Service is to be consulted in relation to the Local Planning Direction 4.3 Planning for Bushfire Protection and take into account any comments made.
2. 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).
3. 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:
  - Department of Climate Change Energy and Environment – Biodiversity, Conservation and Science Group
  - Environmental Protection Authority
  - Forestry Corporation of NSW (impact on Bodalla State Forest)
  - NSW Crown Lands (Crown Road closure)
  - NSW Water
  - Heritage NSW
  - Transport for NSW
  - NSW Fisheries

Consultation is also required with the following organisations:

- Bodalla Local Aboriginal Land Council
- Endeavour Energy

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.

4. 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).
5. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority 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 applicable directions of the Minister under section 9.1 of the Act, or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
6. The LEP should be completed on or before 16 May 2025.

Dated 14 August 2024



**Chantelle Chow**  
**Acting 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**