

## Gateway Determination

***Planning proposal (Department Ref: PP-2024-2439): Nebraska Estate, St. Georges Basin.***

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 Shoalhaven Local Environmental Plan 2019 for Nebraska Estate, St. Georges basin, should proceed subject to the following:

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.

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

### Gateway Conditions

1. The planning proposal is to be updated to:
  - Undertake the Phase 1 Preliminary Land Contamination Assessment Report and incorporate the findings into a revised planning proposal.
  - Remove reference to 'shelter-in-place' in reference to flooding matters.
2. Prior to community consultation, consultation is required with the following public authorities:
  - Rural Fire Service (RFS)
3. Prior to community consultation, the planning proposal is to be revised to address condition 1 and 2 and forwarded to the Department.
4. 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).

5. 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 Department of Climate Change, Energy, the Environment and Water (DCCEEW)
  - Biodiversity, Conservation and Science (BCS)
  - Flooding
  - Heritage
- NSW State Emergency Service (SES)
- Transport for NSW
- NSW Department of Primary Industries (DPI) - Fisheries
- Water NSW

Consultation is also required with the following organisations:

- Endeavour Energy
- Shoalhaven Water
- Jerrinja Local Aboriginal Land Council

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.

6. 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 18 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**