



IRF25/1602

Gateway determination report – PP-2025-592

Bowen Street, Huskison

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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.

Contents

1	Planning proposal.....	3
1.1	Overview	3
1.2	Objectives of planning proposal.....	3
1.3	Explanation of provisions.....	3
1.4	Site description and surrounding area	4
1.5	Mapping	5
1.6	Background	6
2	Need for the planning proposal	6
3	Strategic assessment	6
3.1	Regional Plan	6
3.2	Local.....	7
3.3	Section 9.1 Ministerial Directions.....	8
3.4	State environmental planning policies (SEPPs)	10
4	Site-specific assessment	10
4.1	Environmental	10
4.2	Social and economic	11
4.3	Infrastructure	11
5	Consultation.....	11
5.1	Community	11
5.2	Agencies	11
6	Timeframe	11
7	Local plan-making authority	11
8	Assessment summary	12
9	Recommendation.....	12

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Draft Planning Proposal
Appendix A: Statement of Heritage Impact, prepared by Apex Archaeology, dated December 2024
Appendix B: Aboriginal Due Diligence, prepared by Apex Archaeology, dated April 2021

Appendix C: NSW Coastal Design Checklist

Appendix D: Architectural Plans, prepared by Cortese, dated October 2024

Appendix E: Visual Impact Assessment, Jervis Bay Town Planning, undated

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Shoalhaven City Council
PPA	Shoalhaven City Council
NAME	Bowen St, Huskisson
NUMBER	PP-2025-592
LEP TO BE AMENDED	Shoalhaven Local Environmental Plan 2013
ADDRESS	28 Bowen Street, Huskisson 34-38 Hawke Street, Huskisson
DESCRIPTION	Lot 1 Sec 5 DP 758530 Lot A DP 33476 Lot C DP 33476 Lot B DP 33476
RECEIVED	8/07/2025
FILE NO.	IRF25/1602
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:

- Amend the Height of Buildings map to enable the construction of 3 to 4 storey hotel and tourist resort on the site.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Shoalhaven LEP 2013 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Maximum height of the building	7.5m & 11m	12m

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 land comprises Lot 1 Sec 5 DP 758530 and Lots A, B, C DP 33476 located at 28 Bowen Street and 34-38 Hawke Street, Huskisson (Figure 1).

The existing Huskisson Bayside Resort (tourist accommodation) and other associated uses currently operate on the site.

The site is located at the southern end of the Huskisson town centre, approximately 240m from the commercial core. Opposite the site is Whitesands Park, a local heritage item, and 100m from Shark Net beach which comprises of shared picnic facilities and play equipment.

The site is surrounded primarily by low and medium density housing, being one and 2 storey residential and multi dwelling developments. The site to the south at 40 Hawke St, is a local heritage item. The former Huskisson Anglican Church is located diagonally opposite the site which is heritage listed locally.



Figure 1 Subject site (source: Planning Proposal pg. 7)



Figure 2 Site context (source: Draft Planning Proposal pg.6)

1.5 Mapping

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

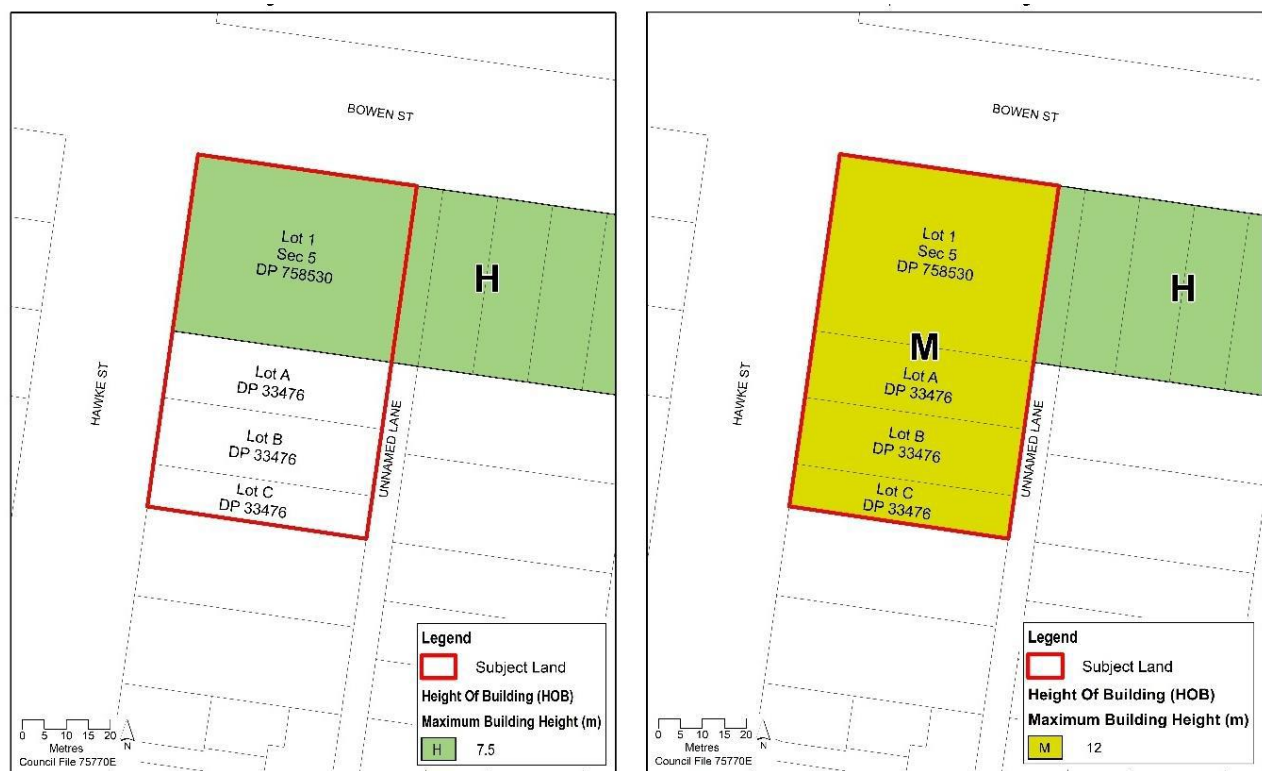


Figure 3 Current and Proposed Height of Building map

1.6 Background

The subject land has historically been used for tourist and visitor accommodation, as approved through various previous/historic applications.

Most recently development application DA23/1562 for the demolition of the existing motel and construction of a tourist hotel containing 72 Suites, Function Areas, Meeting Rooms, Restaurant, Swimming Pool and Two-Level basement carpark for 140 spaces was lodged over the site.

Following advice that a proposed contravention to Height of Building control (Clause 4.3 of the LEP), could not be supported, the applicant subsequently withdrew the application in late 2023. This has resulted in the current PP request.

The 7.5 m HOB that currently applies to 28 Bowen Street was derived from the earlier DCP No.62 - Residential Development in Foreshore Areas, which in turn was derived from Council's earlier Code to Control Building Height and Amenity of Waterfront Areas. The 7.5 m maximum height applied to the first residential lot back from the waterfront, hence it applied to 28 Hawke Street and not the remainder of the property. The original intent of the Foreshore Height Code was to better manage development in close proximity to the foreshore and limit/manage any overshadowing or similar.

2 Need for the planning proposal

The PP is not the result of a strategic report or study and is the best way of achieving the intended outcomes for the site.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Illawarra Shoalhaven Regional Plan.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 5 Create a diverse visitor economy	The enhancement of tourist accommodation in the Huskisson Town Centre is likely to deliver increased visitation and expenditure in accordance with the plan objectives.
Objective 22 Embrace and respect the regions local character	Huskisson is recognised as a tourism hub and hosts major events, cultural activities and the like.
Objective 24 Support major events, public art and cultural awareness.	Increasing the Height of Building limit across the subject site, will enable its re-development to better cater for the growing visitor economy and provide a more contemporary offer in accordance with its zoning and existing use.

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 6 Local strategic planning assessment


Local Strategies	Justification
Shoalhaven Local Strategic Planning Statement (LSPS)	LSPS Planning Priority 7 identifies that a balance between supporting and promoting tourism to increase visitor spending and managing impacts on communities and sensitive locations must be reached. This proposal seeks to increase height that will permit an intensification of tourist accommodation on an existing site which will potentially help limit demand and impact to existing residential land/homes.
Jervis Bay Settlement Strategy (JBSS)	<p>The JBSS identifies Huskisson as the gateway to the Jervis Bay Region through the provision of housing opportunities and economic activities. The strategy identifies Huskisson as the key focal point for tourism in the region, emphasising the importance of increasing these tourism numbers generating more activity within the region.</p> <p>The PP request is broadly consistent with the vision “to maintain and enhance the marine, estuarine and natural resources by providing balanced future living and visiting opportunities which are environmentally, socially and economically sustainable”.</p>
Shoalhaven Growth Management Strategy (GMS)	<p>The GMS identifies the importance of promoting Huskisson as a tourist destination through urban renewal. The strategy highlights opportunities for Huskisson to provide for a range of tourist accommodation and permanent living through a combination of urban consolidation and higher densities.</p> <p>The PP request is broadly consistent with this strategy by seeking to provide additional height to provide well-located tourist accommodation within the existing urban and commercial footprint.</p>
Shoalhaven Character Assessments 2020	<p>This document identifies the Huskisson town centre as a prime tourist destination, recommending further enhancement of the area to maintain this status.</p> <p>The PP request identifies these recommendations and notes that the proposed change across the site will enable improved tourist accommodation and offer new economic and commercial opportunities to Huskisson. The proposed replacement of the existing tourist accommodation with new tourist accommodation will provide improved tourist accommodation opportunities and to support existing/continued tourism growth.</p>
Shoalhaven Destination Management Plan 2018-2033	This Plan highlights current and future tourism data and visitor demands, and the role of tourism within Shoalhaven. The PP request aligns with the Plan by replacing existing tourist accommodation with new tourist

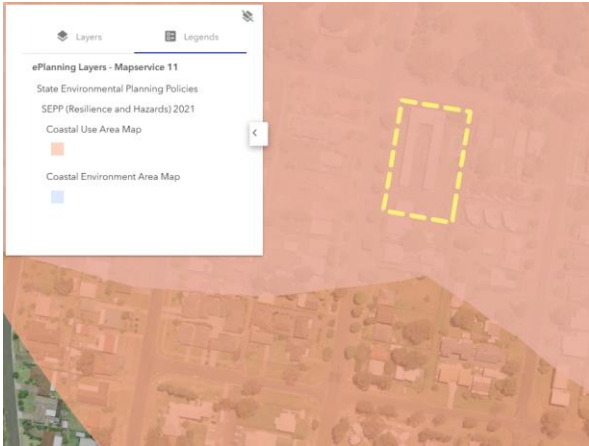

Local Strategies	Justification
	accommodation and supporting ancillary uses to meet the gaps in tourist accommodation within Huskisson.

3.3 Section 9.1 Ministerial Directions

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

Table 7 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
3.2 Heritage Conservation	Consistent	<p>The site is located adjacent to a number of local items (Figure 4).</p> <p>The PP is supported by a Statement of Heritage Impact (Appendix A) and an Aboriginal Due Diligence (Appendix B) report.</p>  <p>Figure 4 – Heritage mapping</p> <p>The SoHI concluded that the proposal would not physically impact on the adjacent heritage items, and that the proposal is considered to result in an acceptable impact to the existing heritage items.</p> <p>The ADD concluded that due to the level of disturbance and landscape modifications over the last 100-150 years, that it was unlikely that the site contains any Aboriginal cultural heritage. It is noted that burials are known to have occurred in the Huskisson region, however the soil profile of the site means it is unlikely to have been utilised for burials.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		Suitable provisions have been identified in both reports, that if any items of significance are found on site, work is to cease, and additional assessment is to be undertaken.
4.2 Coastal Management	Consistent	<p>The site is located on land identified as Coastal Zone (Figure 5).</p> <p>The PP is supported by a Coastal Assessment Checklist (Appendix C). The checklist, undertaken by Council, has concluded that the planning proposal is consistent with the NSW Coastal Design Guidelines 2023.</p> <p>The PP does not propose to rezone the land to enable more intensive land-use or amend any of the Coastal Zone maps.</p>  <p>Figure 5 – Coastal Area mapping</p>
4.5 Acid Sulphate Soils	Consistent	<p>The site is identified as containing class #5 Acid Sulphate Soils (Figure 6).</p>  <p>Figure 6 – Acid Sulphate Soil mapping</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		The PP does not propose an intensification of land uses on the site. It is considered that any environmental impacts from the probability of the site containing acid sulphate soils, can be suitably addressed at DA stage.
6.1 Residential Zones	Justified	The site is zoned R3 Medium Density Residential. The site has historically been used for tourist facilities for over 100 years. The proposal is supported by various studies (see section 3.2) which support the ongoing use of the site as a tourist facility.

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs and will have no impact on the application of those SEPP's for any future development application over the site.

4 Site-specific assessment

4.1 Environmental

The PP is not considered to have any significant impact on the existing environment.

The application of a 7.5 m maximum height is not consistently applied for relevant lots across Huskisson. Properties located west of the Whitesands Park have a mapped HOB of 10m whereas foreshore residential properties located south-east of the subject land have a mapped HOB of 13m. The properties to the south-east are separated from the foreshore by a lesser distance than the subject land, however, are not subject to a 7.5m HOB.

It is noted that there are a range of other existing building heights in the broader Huskisson area and these range from 7.5m to 13/14m. Given the circumstances of this site, it could be considered to be a historical anomaly, particularly noting the heights on the other properties that front Whitesands Park – 10m west of park and 13m to the southeast of the park (and closer to the foreshore/waterfront).

The PP has been supported by the proposed Architectural Plans (Appendix D) and a Visual Impact Assessment (Appendix E) which details the impacts of the additional building height on neighbouring properties. The assessment states that the proposal will have at most, a moderate impact on the existing streetscape and a medium impact on the visual sensitivity. A moderate impact is defined as “perceptible changes in the streetscape due to modest changes to the built mass. The change would introduce different buildings to established local development patterns and therefore require management to ensure the character of the place isn’t adversely affected”. A medium impact is defined as “characteristics and the local identity may be impacted”.

Overall, the increased maximum building height is considered to be in keeping with the strategic direction set out in various local planning documents (see section 3.2) as the site is developed for tourist activities to further support Huskisson as the key tourist focal point of the region.

The proposed change in building height is not considered to impact on the local character or amenity and is considered to be acceptable. The proposed height is consistent with existing heights that apply across Huskisson and precincts adjacent to the coastal foreshore area.

4.2 Social and economic

The PP is considered to support positive social and economic benefits through the delivery of additional tourist facilities within the Huskisson and wider Jervis Bay areas.

4.3 Infrastructure

The PP does not create any additional need for essential services or infrastructure.

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

The planning proposal is minor in nature and does not require any agency consultation.

6 Timeframe

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department recommends an LEP completion date of nine months from the Gateway determination 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.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the site/planning proposal is standard the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

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

- The PP is consistent with local and regional strategic planning.
- The PP is considered to have strategic and site merit.
- The PP is considered to have a positive economic impact on the region.
- The PP assists to consistently apply heights across private properties in Huskisson

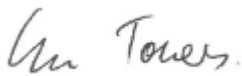
9 Recommendation

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. 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 authorise council to be the local plan-making authority and that an LEP completion date of 24 April 2026 be included on the Gateway.



31/7/25

Graham Towers

Manager, Southern, Western, and Macarthur Region

Assessment officer

Stephanie Wood

Planning Officer

Southern, Western, and Macarthur Region