



Mr Stephen Dunshea
CEO
Shoalhaven City Council

By Email: council@shoalhaven.nsw.gov.au

Attention: Molly Porter, City Futures

Dear Stephen

Planning proposal PP-2021-3289 to amend Shoalhaven Local Environmental Plan 2014

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to enable the facilities at Willinga Park, Lot 21 DP 1217069 and Lot 33 DP 1259627 at 132 and 123 Forster Drive, Bawley Point to be used for the purpose of a "function centre", thereby enabling it to host a variety of functions.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 6.3 Site-Specific Provisions is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

I have considered the local planning significance of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft

and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. It is recommended that Council discuss drafting of the exempt development provisions at an early stage of the planning proposal process. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr George Curtis to assist you. Mr Curtis can be contacted on 42471824.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Sarah Lees', with a stylized flourish at the end.

10 December 2021

Sarah Lees
Director, Southern Region
Local and Regional Planning

Encl: Gateway determination
Authorised plan-making reporting template

Gateway Determination

Planning proposal (Department Ref: PP-2021-3289): to enable the facilities at Willinga Park, Lot 21 DP 1217069 and Lot 33 DP 1259627 at 132 and 123 Forster Drive, Bawley Point to be used for the purpose of a “function centre”, thereby enabling it to host a variety of functions.

I, the Director, Southern Region at the Department of Planning, Industry and Environment, 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 (LEP) 2014 as described above should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to public exhibition to:
 - Provide an assessment of the proposal against the current Illawarra Shoalhaven Regional Plan (dated May 2021) and Shoalhaven Local Strategic Planning Statement and to remove reference to the superseded South Coast Regional Strategy.
 - Exclude land zoned E2 Environmental Conservation from the proposed Schedule 1 Additional Permitted Use clause and Local Clause Map.
 - Include an estimate of potential number of jobs that could be generated because of the planning proposal.
 - Update the Project Timeline (Part 6).
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Rural Fire Service
 - Transport for NSW
 - NSW Police

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 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 planning proposal authority is authorised as the local plan-making authority to exercise the functions 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 section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination expiring on 10 December 2022.

Dated 10th day of December 2021.



Sarah Lees
Director, Southern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces