

# Explanatory Document

## Planning Proposal (PP064) – Functions at Willinga Park Equestrian Centre

### Shoalhaven LEP 2014 – Map and Clause Amendments

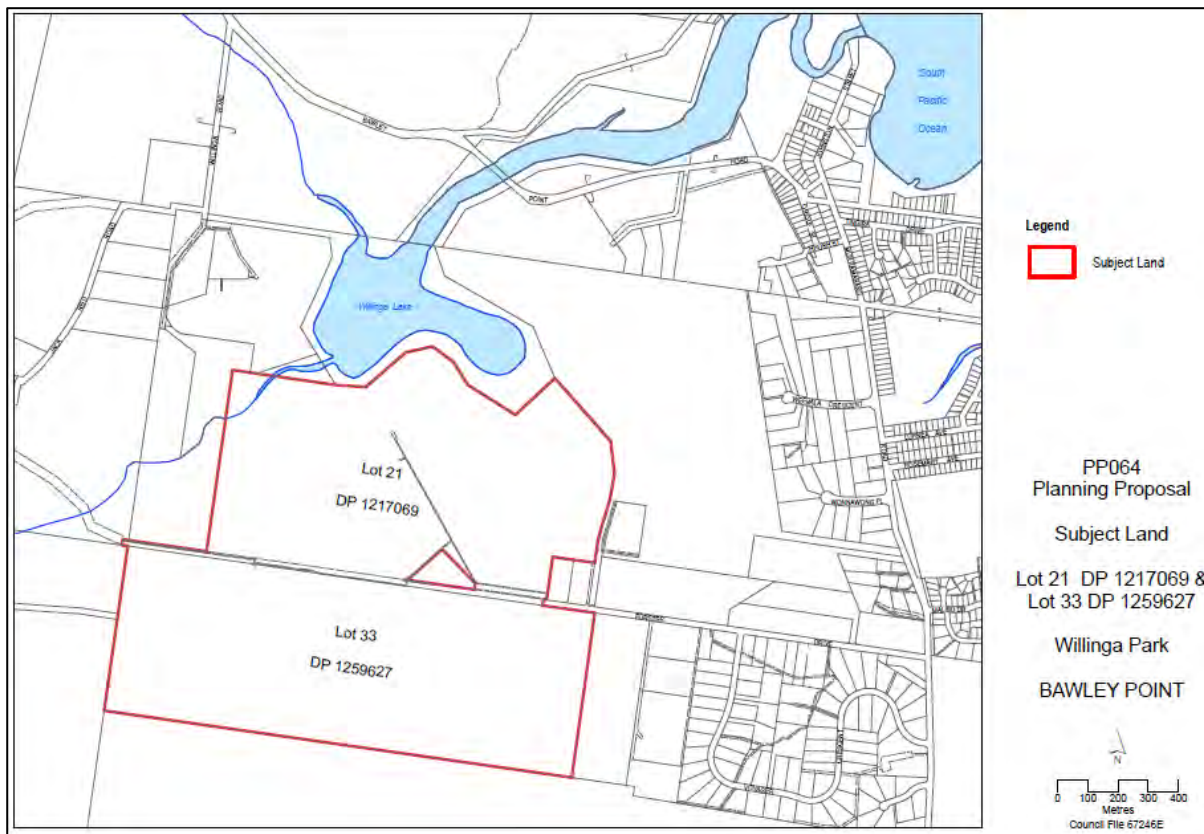
Additional Permitted Use: ‘function centre’

Exempt Development Provision: Functions less than 351 persons

#### Affected Land

The Planning Proposal (PP064) applies to:

- Lot 21 DP 1217069, 132 Forster Drive BAWLEY POINT
- Lot 33 DP 1259627, 123 Forster Drive BAWLEY POINT



## Overview

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The Planning Proposal (PP064) seeks to amend Shoalhaven LEP 2014 to:

- Make 'function centre' an additional permitted use of land zoned RU2 Rural Landscape at the Willinga Park Equestrian Centre (meaning that a wider range of events could potentially be held at the site with approval); and
- Make functions of less than 351 people (excluding staff) 'development without consent' (meaning development consent is not required)

***Function centre** means a building or place used for the holding of events, functions, conferences, and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.*

## Background

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This Planning Proposal (PP) is the result of a request originally lodged with Council by Capital Property Corporation Pty Ltd on 29 April 2021.

The PP request sought to change planning provisions that apply to the Willinga Park Equestrian Centre in the Shoalhaven Local Environment Plan (LEP) 2014. The primary purpose of the request was to allow a wider range of events to potentially be held at the site. A secondary purpose was to allow events involving up to 350 people (excluding staff) to be development 'without consent'.

Preliminary community consultation on the PP request was undertaken between late June and August 2021 (note: this is not a mandatory process). A report on the matter was initially considered by Council on 5 October 2021 and reconsidered on 26 October 2021. Council resolved to submit the PP to the NSW Department of Planning and Environment (DPE) for Gateway determination<sup>1</sup>.

A favourable Gateway determination was received on 10 December 2021, authorising the PP to proceed, subject to conditions, including Government agency consultation.

Comments were received from the public authorities/organisations between January and April 2022 and forwarded to the proponent to respond. The proponent provided comments on the agency referrals and updated the Planning Proposal prior to exhibition.

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<sup>1</sup> A *Gateway determination* is a formal document issued by the Minister for Planning and Environment (or delegate) to indicate whether a Planning Proposal should proceed (with or without variation). It also specifies whether any additional studies are required, community and public authority consultation requirements, and the timeframe for completing the LEP amendment.

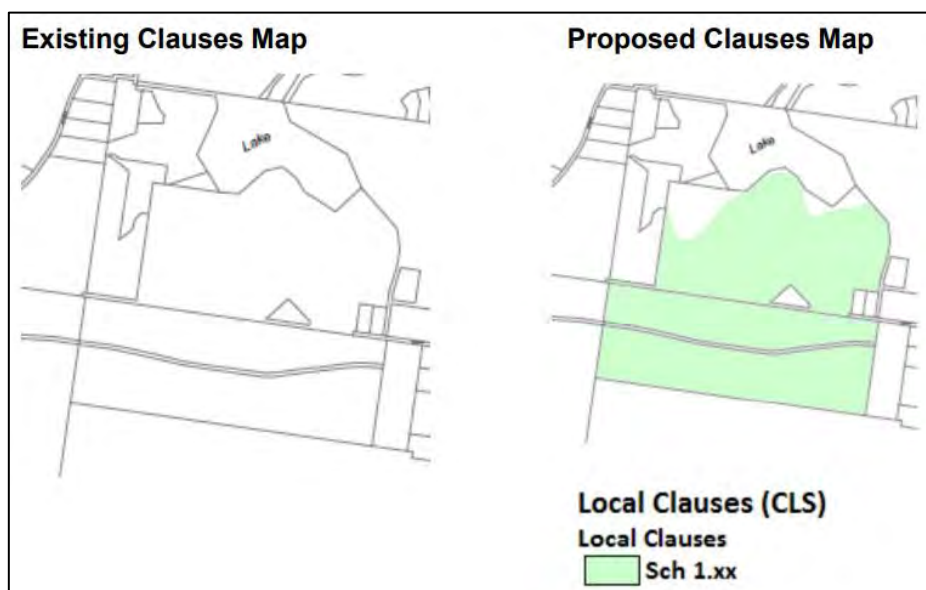
## Resulting Changes Proposed to Shoalhaven LEP 2014

It is proposed to introduce a new clause in Schedule 1 “Additional Permitted Uses” of the Shoalhaven LEP 2014, which is drafted as follows<sup>2</sup>:

### **“# Use of certain land at Bawley Point**

- (1) *This clause applies to land identified as Sch1.xx on the clauses map, being that part of Lot 21 in DP 1217069 that is in Zone RU2 Rural Landscape and Lot 33 in DP 1259627, Bawley Point.*
- (2) *Development for the purpose of a function centre is permitted with development consent.*
- (3) *Notwithstanding (2) above, consent is not required for an event, function, conference or the like provided the number of attendees is less than 351 persons (excluding staff).” An on-site manager shall be present at any function permitted without consent to ensure the requirements of the Willinga Park Bushfire Emergency Management and Evacuation Plan are followed in the event of a bush fire emergency.*

The “Clauses Map” in the LEP will be amended as shown below.



Note: the clause will only apply to the RU2 Rural Landscape zoned part of the site.

<sup>2</sup> The draft wording will be sent to the NSW Parliamentary Counsel Office for consideration to enable it to be finalised should the LEP amendment proceed.

## Exhibition Documents

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The Planning Proposal is on public exhibition from Wednesday, **25 May 2022** to Friday, **24 June 2022** (inclusive) and available for viewing online at:

[www.shoalhaven.nsw.gov.au/MyCouncil/Public-exhibition/Documents-on-exhibition](http://www.shoalhaven.nsw.gov.au/MyCouncil/Public-exhibition/Documents-on-exhibition).

Electronic copies of the exhibited package will be available at Council's City Administration Centre (Bridge Road, Nowra) and at the Ulladulla Administration Building (Deering Street, Ulladulla) during business hours (9am-5pm) for the duration of the exhibition period.

The exhibition package includes:

1. Public Notice
2. Explanatory Document (this document)
3. Proponent's Planning Proposal
4. Frequently Asked Questions (FAQs) – Planning Proposal
5. Frequently Asked Questions (FAQs) – Existing Approvals and Operational Matters
6. Gateway Determination (10 December 2021)

## Request For Comment

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Submissions relating to the Planning Proposal are invited during the exhibition period and should be made:

**Online:** [www.shoalhaven.nsw.gov.au/Council/Access-to-Information/Documents-on-Exhibition](http://www.shoalhaven.nsw.gov.au/Council/Access-to-Information/Documents-on-Exhibition)

**Post:** The Chief Executive Officer, Shoalhaven City Council, PO Box 42, Nowra NSW 2541

All submissions must be received in writing by **5pm Friday 24 June 2022**, quoting Council's reference **67246E**.

Please note that correspondence submitted to Council on this matter may be open to public inspection without notifying the correspondents. Pre-printed form letters, which have been individually signed will be considered but not formally acknowledged. All persons who lodge a submission are required to declare any relevant political, donations and/or gifts in accordance with Section 10.4(5) of the Environmental Planning and Assessment Act 1979.

Enquiries should be directed to Maggie Chapman on (02) 4429 3485, or in her absence, Eric Hollinger on (02) 4429 3320, quoting Council's reference **67246E**.