



Planning Proposal - Functions at Willinga Park Equestrian Centre, Bawley Point

Frequently Asked Questions

What is a Planning Proposal?	1
What changes are proposed as part of this Planning Proposal?	1
What is the definition of a 'function centre'?.....	1
What planning controls currently apply to the land? Are these proposed to change?.....	2
What land does this Planning Proposal apply to?.....	2
When did Council consider the PP?.....	2
When did Council forward the PP to the NSW Department of Planning & Environment for their consideration/assessment?.....	2
What is a Gateway determination?	2
What public authorities/organisation have been consulted on the PP?	2
Are any events/functions proposed to be permissible without consent or exempt from requiring development consent?	3
Why are 'function centres' not permitted in rural zones in Shoalhaven LEP 2014?.....	3
How will function-related impacts be assessed and managed (e.g. traffic, noise, lights etc.)?	3
What supporting studies have informed the Planning Proposal?	3
If function centres become permissible with or without consent, will Willinga Park be allowed to have functions indoors and outdoors?.....	3
How will the proposal manage cumulative impacts? Will there be restrictions on the number of events, types of events, number of attendees etc?.....	4
Can alternative vehicle access to Willinga Park be explored or required as part of the Planning Proposal? .	4
Will this proposal set a precedent for function centres in rural areas across Shoalhaven?.....	4
Do I need to make a submission if I commented previously when Council was seeking preliminary feedback on the Planning Proposal?	4
How can I comment?.....	4
Where can I get further information?.....	4

What is a Planning Proposal?

A Planning Proposal (PP) is a document which explains proposed changes to a *Local Environmental Plan* (LEP).

A Local Environmental Plan (LEP) is the primary piece of planning legislation that applies to a Local Government Area (LGA). For Shoalhaven, the primary LEP is Shoalhaven Local Environmental Plan (LEP) 2014. It contains provisions such as zoning, what land uses are permitted in each zone, when development consent is required, etc.

A PP is not the same as a Development Application (DA). A DA is a more detailed process to consider the specific impacts of a particular development including supporting technical reports and detailed plans.

What changes are proposed as part of this Planning Proposal?

This Planning Proposal (lodged by Capital Property Corporation Pty Ltd) seeks to amend Shoalhaven LEP 2014 to introduce the following site-specific planning controls for the Willinga Park Equestrian Centre property:

- to make 'function centre' a site-specific additional permissible use in the RU2 Rural Landscape zoned part of the property.
- to make functions of less than 351 people (excluding staff) as 'development without consent' (essentially exempt development).

Exempt development means an application for approval is not required.

What is the definition of a 'function centre'?

Under Shoalhaven Local Environmental Plan (LEP) 2014, '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."

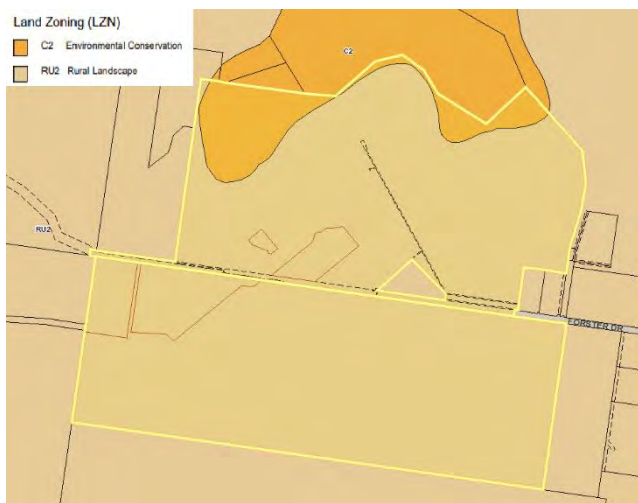
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An 'entertainment facility' is defined separately and means:

“a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.”

What planning controls currently apply to the land? Are these proposed to change?

Under Shoalhaven Local Environmental Plan (LEP) 2014, the subject land is generally zoned *RU2 Rural Landscape*. The area adjacent to Willinga Lake in the north is zoned *C2 Environmental Conservation*.

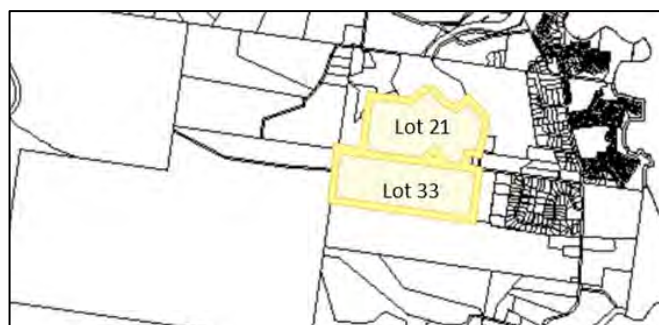


Each zone specifies what land uses are permitted (either with or without consent) or prohibited. Function centres are currently a prohibited use in the RU2 zone.

The Planning Proposal seeks to make 'function centre' an additional permitted use for the part of the subject land zoned RU2 Rural Landscape. The Planning Proposal does not propose a change of zoning.

What land does this Planning Proposal apply to?

The Planning Proposal specifically applies to: Lot 21 DP 1217069 and Lot 33 DP 1259627 (132 & 123 Forster Drive, Bawley Point)



Specifically, the additional permitted use is only proposed to apply to the RU2 Rural Landscape zoned part of the property.

When did Council consider the PP?

An initial report on the PP was considered by Council at its meeting on 5 October 2021. A copy of the Council report and minutes are available from the Document Library on the 'Get Involved Page':

<https://getinvolved.shoalhaven.nsw.gov.au/willinga-park-equestrian-centre-pp>

When did Council forward the PP to the NSW Department of Planning & Environment for their consideration/assessment?

Following endorsement of the PP by Council, the Planning Proposal was forwarded to the NSW Department of Planning & Environment (DPE) for a Gateway determination on 10 November 2021.

What is a Gateway determination?

The Gateway process is overseen by the NSW DPE and provides a "checkpoint" for Planning Proposals before they can proceed any further into the process.

Once a Planning Proposal has been endorsed by a Council, the PP needs to be submitted to DPE for their consideration/assessment – this is known as the 'Gateway' process. More information on the Gateway process can be found here:

<https://www.planning.nsw.gov.au/gateway-process>

A Gateway determination is a formal document issued by the Minister for Planning (or delegate) to indicate whether a Planning Proposal should proceed (with or without variation); whether any additional studies are required, the requirements for community consultation, any consultation with public authorities/ organisations, and the timeframe for completion of the LEP amendment.

A favourable Gateway determination for the Willinga Park PP was issued on 10 December 2021. A copy of the Gateway determination is available from the Document Library on the [Get Involved Page](#).

What public authorities/organisation have been consulted on the PP?

The Gateway determination required consultation with the following public authorities/organisations:

- Rural Fire Service
- Transport for NSW
- NSW Police

FREQUENTLY ASKED QUESTIONS (VERSION 1)

Additionally, Council also requested comments from:

- NSW EPA
- NSW SES

Comments from authorities/organisations are included as Attachment 10 of the Planning Proposal document and in the Document Library on the [Get Involved Page](#).

Are any events/functions proposed to be permissible without consent or exempt from requiring development consent?

Yes, the Planning Proposal also seeks to make functions of less than 351 attendees (excluding staff) 'development without consent' (essentially exempt development). This means that development consent (through a Development Application or Complying Development process) will not be required for these events.

Why are 'function centres' not permitted in rural zones in Shoalhaven LEP 2014?

Shoalhaven Local Environmental Plan (LEP) 2014 is based on the NSW Standard Instrument LEP. Under the Standard Instrument, function centres are mandated as 'permissible with consent' in the B2 Local Centre, B3 Commercial Core and B4 Mixed Use zones. Councils also have discretion to allow land uses to be permissible in other zones. Shoalhaven LEP 2014 also permits 'function centres' in RU5 Village, B5 Business Development, B7 Business Park, SP3 Tourist, RE1 Public Recreation, and RE2 Private Recreation.

Prior to 2014, functions were considered ancillary (related) to the primary approved use of a site and regulated on a site-by-site basis via the development application process. This was because the previous Shoalhaven LEP 1985 did not have a separate land use definition of 'function centre'. 'Function centre' was introduced as a defined land use by the state government in their Standard Instrument LEP.

As part of the construction of LEP 2014, Council decided not to make 'function centres' generally permissible in rural zones, noting that specific sites could potentially be considered via the Planning Proposal process if justifiable and following closer consideration.

How will function-related impacts be assessed and managed (e.g. traffic, noise, lights etc.)?

Specific function-related impacts would be assessed and managed at the Development Application (DA) stage, if applicable.

Through the proposed exempt provision, there would be no process for the assessment and management of

traffic, noise, lights for functions of less than 351 attendees (excluding staff).

The proponent has provided the following additional information in relation to this question:

"The exempt development provision reflects the sophistication and comprehensive nature of Willinga Park and its ability to readily accommodate up to 5,000 people on a day-to-day basis during events in accordance with the consent to DA 18/1237. Additionally, most functions are likely to take place indoors in the Equine Education Centre."

What supporting studies have informed the Planning Proposal?

No additional supporting studies were required for the Planning Proposal (PP) as part of NSW Planning's Gateway determination.

The PP is supported by a number of existing studies undertaken for the events Development Consent DA18/1237, including:

- Event Plan of Management
- Emergency Plan
- Bushfire Emergency Management Plan
- Acoustic Assessment
- Traffic Impact Assessment

The supporting studies are included as Appendices to the PP document.

If function centres become permissible with or without consent, will Willinga Park be allowed to have functions indoors and outdoors?

Yes – both indoor and outdoor events are included in the definition of 'function centre'.

Should the Planning Proposal proceed, a Development Application (DA) process would be required for the land to be used for the purposes of a 'function centre'. The exact areas to be used for functions would be defined and assessed as part of a DA.

Should the exempt provision proceed as currently presented, development consent would not be required for both indoor and outdoor functions of less than 351 people (excluding staff) anywhere on land zoned RU2 Rural Landscape.

The proponent has provided the following additional information in relation to this question:

"Most functions, however, are likely to take place indoors in the Equine Education Centre."

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How will the proposal manage cumulative impacts? Will there be restrictions on the number of events, types of events, number of attendees etc?

Cumulative impacts would be managed at a subsequent Development Application (DA) stage, if applicable. This may include restricting the number of events, types of events, number of attendees, or other measures.

Should the exempt provision progress, development consent would not be required for functions of less than 351 people (excluding staff) and there would be no planning avenue to consider cumulative impacts. However other legislation would still apply, for example the Protection of the Environment Operations (POEO) Act 1997 for any noise or pollution impacts.

Can alternative vehicle access to Willinga Park be explored or required as part of the Planning Proposal?

Alternative vehicle access to Willinga Park is currently constrained. Land between the Princess Highway and the Willinga Park site forms part of the Murramarang National Park.

For Willinga Park's current operations, access and traffic impacts were considered as part of previous development applications and approved activities on the site. This development history can be viewed on Council's DA tracking:

www3.shoalhaven.nsw.gov.au/masterviewUI/modules/ApplicationMaster/Default.aspx

Reports and minutes from past Council meetings can be accessed online at:

www.shoalhaven.nsw.gov.au/Council/Meetings/Agendas-Minutes

Traffic impacts associated with a function centre use requiring consent would be assessed and mitigated during DA assessment. However, exempt development activities can be carried out without approval, and do not require submission of any additional traffic impact assessments.

Will this proposal set a precedent for function centres in rural areas across Shoalhaven?

The Planning Proposal is not expected to set a precedent for function centres in rural areas across Shoalhaven. The Willinga Park Equestrian Centre is already well established and recognised as a major tourist facility in the Shoalhaven Destination Management Plan. Planning controls applying to rural zones more broadly are not proposed to change and any operator seeking similar

provisions would need to undergo a separate and thorough Planning Proposal process.

Do I need to make a submission if I commented previously when Council was seeking preliminary feedback on the Planning Proposal?

Council undertook preliminary community consultation on the Planning Proposal between late June and August 2021.

If you wish to comment on the formal Planning Proposal exhibition, you will need to submit these comments to Council writing. A simple online feedback form has been prepared to assist (see 'How can I comment?' below). Previous submissions will not be included in the post-exhibition analysis.

How can I comment?

Submissions are invited during the exhibition period and should be made in writing, and addressed to:

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

E-mail: council@shoalhaven.nsw.gov.au

Website: via the form on the Exhibition page at: <http://shoalhaven.nsw.gov.au/My-Council/Publicexhibition/Documents-on-exhibition>

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

Where can I get further information?

Further information can be found on the "Willinga Park Equestrian Centre Get Involved Page":

<https://getinvolved.shoalhaven.nsw.gov.au/willinga-park-equestrian-centre-pp>

Council staff are available via phone or email to answer your enquiries on the exhibition material. Please contact Strategic Planning on 4429 5377 or via email council@shoalhaven.nsw.gov.au for more information.