

Gateway Determination

Planning proposal (Department Ref: PP_2014_SHELL_006_00): to rezone Part Lot 6 DP 2534 Calderwood Road, Calderwood (Calderwood Golf Course) from RU1 Primary Production to RE2 Private Recreation.

I, Brett Whitworth, General Manager, Southern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Shellharbour Local Environmental Plan (LEP) 2013 to rezone Part Lot 6 DP 2534 Calderwood Road Calderwood from RU1 Primary Production to RE2 Private Recreation should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning and Environment 2013)* and must be made publicly available for a minimum of **14 days**; and
 - (b) the relevant planning 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Environment 2013)*.
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 14th day of November 2014.



**Brett Whitworth, General Manager
Southern Region, Planning Services
Department of Planning and
Environment**

Delegate of the Minister for Planning



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Mr Michael Willis
General Manager
Shellharbour City Council
Locked Bag 155
Shellharbour City Centre NSW 2529

Our ref: PP_2014_SHELL_006 (14/18580)

Dear Mr Willis,

Planning proposal to amend Shellharbour Local Environmental Plan 2013

I am writing in response to your Council's letter dated 30 October 2014 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (EP&A Act) in respect of the planning proposal to rezone Part Lot 6 DP 2534 (532) Calderwood Road, Calderwood from RU1 Primary Production to RE2 Private Recreation to reflect the existing and approved uses on the site.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal is consistent with relevant s117 Directions or that any potential inconsistency is of minor significance. No further approval is required in relation to the s117 Directions.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following 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 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Louise Wells of the Department's regional office to assist you. Louise can be contacted on (02) 4224 9463.

Yours sincerely,



Brett Whitworth
General Manager
Southern Region
Planning Services

14 November 2014

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Delegated Plan Making Reporting Template



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Shellharbour City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_SHELL_006_00	Planning proposal to rezone Part Lot 6 DP 2534 Calderwood Road Calderwood from RU1 Primary Production to RE2 Private Recreation

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 14 November 2014

Brett Whitworth
General Manager
Southern Region
Planning Services
Department of Planning and Environment