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Our ref: PP_2013_SHELL_002_00 (13/10368)

Mr Michael Willis
General Manager
Shellharbour City Council
PO Box 155
SHELLHARBOUR CITY CENTRE NSW 2529

Dear Mr Willis,

Planning proposal to amend Shellharbour Local Environmental Plan 2013

I am writing in response to your Council's letter dated 18 June 2013 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 amend clauses 6.10 'Significant extractive resources' and 6.11 'Restrictions on development within the quarry buffer' to reflect new mapping terminology and identify mineral resource land and transition areas to reflect information provided by NSW Trade and Investment, including mapping an additional 5 properties as mineral resource and an additional 20 properties as transition areas and removing mineral resources and transition areas from 65 properties.

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

I note that Council has not formally accepted plan making delegation. Council is strongly encouraged to formally accept plan making delegations and nominate the officers or employee of Council who will be granted the proposed delegation as soon as possible, and advise the department that delegations have been accepted. Accepting plan making delegations will enable locally significant proposals to be delegated back to Council.

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 for the department to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

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, please contact Ms Louise Wells of the regional office of the department on (02) 4224 9450.

Yours sincerely,


Neil McGaffin
Executive Director
Rural and Regional Planning
Planning Operations and Regional Delivery

18.7.13

Gateway Determination

Planning proposal (Department Ref: PP_2013_SHELL_002_00): to update mineral resource and transition area mapping to reflect information provided by NSW Trade and Investment.

I, the Executive Director, Rural and Regional Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Shellharbour Local Environmental Plan (LEP) 2013 to amend clauses 6.10 'Significant extractive resources' and 6.11 'Restrictions on development within the quarry buffer' to reflect new mapping terminology and identify mineral resource land and transition areas to reflect information provided by NSW Trade and Investment, including mapping an additional 5 properties as mineral resource and an additional 20 properties as transition areas and removing mineral resources and transition areas from 65 properties 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 must be made publicly available for a minimum of **28 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 & Infrastructure 2013)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - NSW Trade and Investment – Mineral Resources and Energy
 - Southern Rivers Catchment Management Authority

Each public authority 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.
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



day of

July

2013.

Neil McGaffin
Executive Director
Rural and Regional Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure