



Planning & Environment

Contact: Louise Myler
Phone: (02) 4224 9463
Email: louise.myler@planning.nsw.gov.au

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

Our ref: PP_2015_SHELL_002_00 (15/12132)

Attention: Michael Tuffy

Dear Mr Willis

Planning proposal to amend Shellharbour Local Environmental Plan 2013

I am writing in response to Council's letter dated 7 August 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone land, remove Land Reservation Acquisition mapping, and apply appropriate development controls to land between the Princes Highway and the East West link at Albion Park in response to a request from the Roads and Maritime Services.

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 agreed that any inconsistencies with relevant s117 Directions are minor or justified and no further approval is required in relation to these Directions.

Council has proposed that no public consultation occur in relation to the proposal. I have considered Council's request and have decided that as the proposal rezones land affected landowners and the operators of the two nearby quarries should be consulted.

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 is to be finalised within 6 months of the date of the Gateway determination. Council's request to draft and finalise the Local Environmental Plan 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 Local Environmental Plans by tailoring the steps in the process to the complexity of the

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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 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 Ms Louise Myler 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

17 August 2015

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (Department Ref: PP_2015_SHELL_002_00): to rezone land and apply relevant development controls to land between the Princes Highway and the East West link at Albion Park Rail that was previously zoned SP2 Classified Road but is no longer required by the Roads and Maritime Services. The proposal will also remove the Land Reservation Acquisition from the land.

I, the 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 *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Shellharbour Local Environmental Plan 2013 as described above should proceed subject to the following conditions:

1. Community consultation with affected landowners and the operators of the two quarries to the south of the site is required under sections 56(2)(c) and 57 of the Act. Consultation is to be via written correspondence to advise of the proposal and seek comment with a minimum 14 day response period.
2. No consultation is required with public authorities under section 56(2)(d) of the 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 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 Local Environmental Plan is to be **6 months** from the date of the Gateway determination.

Dated 17th day of August

2015

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

Delegate of the Minister for Planning



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* (the Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2015_SHELL_002_00	Planning proposal to rezone and apply relevant development controls to certain land between Princes Highway and East West Link Albion Park Rail that is no longer required by the Roads and Maritime Services. The proposal will also remove land reservation acquisition classification from the land.

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 17th August 2015

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