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Our ref: PP_2014_SHELL_002_00(14/11525)

Mr Michael Willis
General Manager
Shellharbour City Council
Locked Bag 155
SHELLHARBOUR CITY CENTRE NSW 2529

Attention: Michael Tuffy

Dear Mr Willis

Planning proposal No. 8 to amend Shellharbour Local Environmental Plan 2013

I am writing in response to Council's request for 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 the Shellharbour Local Environmental Plan 2013 to:

- reflect the current or future status of certain lands as road or water reticulation infrastructure and update associated Land Acquisition Maps;
- introduce a 450m² minimum lot size for certain land at Albion Park;
- introduce zones and controls for 4 properties deferred from the Shellharbour LEP 2013 (including the removal of quarry buffer from these lands); and
- permit food and drink premises on certain infrastructure zoned land.

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

The Minister's plan making powers were delegated to councils 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.

In issuing this Gateway determination, I have found that the planning proposal's inconsistencies with s117 Directions 1.1 Business and Industrial Zones; 3.5 Development near Licensed Aerodromes, 4.1 Acid Sulfate Soils, and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions. I also agree that the proposal is consistent with other relevant s117 Directions, including 6.3 Site Specific Provisions, or that any inconsistencies are of minor significance.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 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 Southern Regional office to assist you. Louise can be contacted on (02) 4224 9463.

Yours sincerely,



24/7/14

Linda Davis
Acting General Manager, Southern Region
Growth Planning

Enc: Gateway determination

Authorisation to use delegation

Attachment 5 Reporting Template

Gateway Determination

Planning proposal (PP_2014_SHELL_002_00): to reflect the current or future status of certain lands as road or water reticulation infrastructure; update the Land Acquisition Maps; introduce a minimum lot size for certain land at Albion Park; introduce zones and controls for 4 properties deferred from the Shellharbour LEP 2013 (including the removal of quarry buffer from these lands); and permit food and drink premises on certain land by adding this land to Schedule 1.

I, the Acting 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 as described above 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 (Planning & Infrastructure 2013)*.
2. Consultation is required with Transport for NSW - Roads & Maritime, and NSW Trade and Investment - Resources and Energy Division under section 56(2)(d) of the EP&A Act. These agencies are 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. No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 24 day of July 2014.

A handwritten signature in black ink, appearing to read 'Linda Davis', is positioned above the printed name and title.

Linda Davis
Acting General Manager, Southern Region
Growth Planning
Department of Planning and Environment

Delegate of the Minister for Planning



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_002_00	Planning proposal to reflect the current or future status of certain lands as road or water reticulation infrastructure; update the Land Acquisition Maps; introduce a minimum lot size for certain land at Albion Park; introduce zones and controls for 4 properties deferred from the Shellharbour LEP 2013 (including the removal of quarry buffer from these lands); and permit food and drink premises on certain land.

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

Dated 24 July 2014

Linda Davis
Acting General Manager
Southern Region
Department of Planning and Environment

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department following receipt of the planning proposal
- The Department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the Department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department with the RPA's request to have the LEP notified

Table 1 – To be completed by the Department

Stage	Date/Details
Planning Proposal Number	PP_2014_SHELL_002_00
Date Sent to Department under s56	04/07/2014
Date considered at LEP Review Panel	24/07/2014
Gateway determination date	24/07/2014

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the Department

Stage	Date/Details
Notification Date and details	

Additional relevant information: