



Contact: Louise Wells
Phone: (02) 4224 9463
Fax: (02) 4224 9471
Email: louise.wells@planning.nsw.gov.au

Our ref: PP_2013_SHELL_006_00

Mr Michael Willis
General Manager
Shellharbour City Council
Locked Bag 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 2 September 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 rezone and introduce appropriate planning controls for Lot 11 DP 1128847 Crest Road, Albion Park.

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 have agreed the planning proposal's inconsistencies with S117 Directions 1.5 Rural Lands and 3.1 Residential Zones are justified and/or are of minor significance. No further approval is required in relation to s117 Directions while the planning proposal remains in its current form.


The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council's request for the Department to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

I note that Council has not formally accepted plan making delegation. Council is strongly encouraged to 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 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 Southern Regional office of the Department on 02 4224 9463.

Yours sincerely,



24 September 2013

Brett Whitworth
Regional Director
Southern Region
Planning Operations & Regional Delivery

As delegate of the Minister for Planning and Infrastructure



Gateway Determination

Planning proposal (Department Ref: PP_2013_SHELL_006_00): to rezone and introduce appropriate planning controls for Lot 11 DP 1128847 Crest Road, Albion Park.

I, Brett Whitworth, Regional Director, Southern Region, Planning Operations & Regional Delivery, as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to the Shellharbour Local Environmental Plan 2013 to rezone land at Lot 11 DP 1128847 Crest Road, Albion Park to a mix of E3 Environmental Management, E4 Environmental Living, and SP2 Infrastructure - Electricity Transmission and Distribution; to set varying minimum lot sizes (from 600m² to 38ha) to enable the property to be subdivided into 6 lots, and permit a maximum building height of 9m, 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 to be made publicly available for 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 local environmental plans (Department of Planning and Infrastructure 2013).

2. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act:

- o Office of Environment and Heritage

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material. The public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. The public authority may request additional information or additional matters to be addressed in the planning proposal.

3. No public hearing is required to be held into the matter 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.

5. The Director General's delegate is satisfied that inconsistencies with the following s117 Directions:

- 1.5 Rural Lands; and
- 3.1 Residential Zones

are justified and/or are of minor significance.



6. The Director General's delegate is satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are only of minor significance.

Dated 24th day of September 2013.

A handwritten signature in blue ink that reads 'Brett Whitworth'.

Brett Whitworth
Regional Director
Southern Region
Planning Operations & Regional Delivery
Department of Planning and Infrastructure
Delegate of the Minister for Planning and
Infrastructure