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Mr Carey McIntyre
General Manager
Shellharbour City Council
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Shellharbour City Centre NSW 2529

Dear Mr McIntyre

**Planning proposal to amend Shellharbour Local Environmental Plan 2013 –
Piper Road Dunmore – Shellharbour Anglican College (PP_2016_SHELL_005_00)**

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to apply an R2 Low Density Residential zone to Lot 2 DP 1144885 (1) Piper Road, Dunmore. I note that this proposal will bring previously deferred land into the Shellharbour Local Environmental Plan 2013.

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

In issuing this Gateway determination, I have found that the planning proposal's inconsistencies with the following s117 Directions are justified and/or are of minor significance:

- 1.2 Rural Zones; and
- 1.5 Rural Land

To ensure consistency with s117 Direction 1.3 Mining, Petroleum Production and Extractive Industries, Council is required to consult with the Department of Industry – Resources and Energy.

I note that a flood study is currently being prepared to ensure consistency with s117 Direction 4.3 Flood Prone Land. If Council is satisfied with the outcome of this study then no further approval is required in relation to this direction.

No further approval is required in relation to these, or other Directions while the proposal remains in its current form, subject to consultation with the Department of Industry, and finalisation of the relevant flood study.

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 12 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 six 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 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



24/10/16.

Linda Davis
Acting Director Regions
Southern
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (Department Ref: PP_2016_SHELL_005_00): to zone Lot 2 DP 1144885 Piper Road, Dunmore (Shellharbour Anglican College site) R2 Low Density Residential and apply minimum lot size, floor space ratio and building height controls.

I, the Acting Director Regions, Southern 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 is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* as follows:
 - (a) the planning proposal must 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 (Planning and Environment, 2016)'.
2. Consultation is required with the following public authorities under section 56(2)(d) of the Act:
 - Department of Industry – Resources and Energy

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. Public authorities 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 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 12 months from the week following the date of the Gateway determination.

Dated 24th day of October 2016

Linda Davis
Acting Director Regions, Southern
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_2016_SHELL_005_00	Planning proposal to apply a residential zone to Lot 2 DP 1144885 (1) Piper Road Dunmore (Shellharbour Anglican College).

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 24/10/2016

Linda Davis
Acting Director Regions
Southern
Planning Services
Department of Planning and Environment