



Mr Carey McIntyre
General Manager
Shellharbour City Council
Locked Bag 155
Shellharbour City Centre NSW 2529

Our ref: 16/12778

Attention: Cheryl Lappin

Dear Mr McIntyre

**Planning proposal to amend Shellharbour Local Environmental Plan 2013 –
Heritage listing of northern LGA boundary (PP_2016_SHELL_004_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 identify the northern boundary of the Shellharbour LGA as an item of local heritage significance.

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 proposal is consistent with relevant s117 Directions. However, to ensure consistency with s117 Direction 4.4 Planning for Bushfire Protection, Council is required to consult with the NSW Rural Fire Service (RFS) prior to exhibition of the planning proposal.

No further approval is required in relation to the Directions while the proposal remains in its current form, subject to consultation with the RFS.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has asked not to be issued with delegations for this proposal. However, I have considered the nature of the 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 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 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

A handwritten signature in dark ink, appearing to read 'Linda Davis', followed by the date '29/9/16' written in a similar cursive style.

Linda Davis
Acting Director Regions
Southern
Planning Services

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



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_004_00	Planning proposal to identify the northern boundary of the Shellharbour Local Government Area as an item of local heritage significance.

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 29 / 9 / 2016

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

Gateway Determination

Planning proposal (Department Ref: PP_2016_SHELL_004_00): to identify the northern boundary of the Shellharbour Local Government Area as an item of local heritage significance.

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 Infrastructure, 2013)'.
2. Consultation is required with the following public authorities under section 56(2)(d) of the Act:
 - Office of Environment and Heritage – Heritage Council
 - Office of Environment and Heritage – NPWS
 - Wollongong City Council
 - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each 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.

Consultation is required with the NSW Rural Fire Service prior to undertaking community consultation in order to satisfy the requirements of s117 Direction 4.4 Planning for Bushfire Protection.

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 LEP Heritage Maps shall be prepared in accordance with the *Standard Technical Requirements for Spatial Datasets and Maps* (Department of Planning and Environment, 2015).
5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 29th day of September 2016



Linda Davis
Acting Director Regions, Southern
Planning Services
Department of Planning and
Environment
Delegate of the Minister for Planning