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

Attention: Ms Cheryl Lappin

Dear Mr McIntyre

**Planning proposal to amend Shellharbour Local Environmental Plan 2013 –
Taylor Road Albion Park (Albion Park Bowling Club) – (Ref: PP_2016_SHELL_001)**

I am writing in response to Council's letter dated 3 January 2017 regarding the above proposal and seeking the Secretary's agreement that any inconsistency with s117 Direction 4.3 Flood Prone Land is of minor significance.

This proposal will rezone part of the bowling club land from RE2 Private Recreation to R2 Low Density Residential. The Department issued a Gateway determination on 16 February 2016 agreeing that the proposal could proceed to exhibition.

I note that, after the Gateway determination was issued, the draft Macquarie Rivulet Flood Study was released and identified the site as flood prone. As a result, Council asked the proponent to prepare a flood study to address the s117 Direction. This study identified that flood free access was required in order to satisfy the s117 Direction. I note that Council and the proponent have made arrangements to facilitate flood free access through an easement under the *Conveyancing Act 1919*.

I have considered the information provided and, as the Secretary's delegate, agree that any inconsistency with s117 Direction 4.3 Flood Prone Land is of minor significance and that no further approval is required in relation to this Direction.

Council may now exercise its delegations to finalise the proposal.

If you would like to discuss this matter, please contact Louise Myler, of the Southern Regional office on 4224 9463.

Yours sincerely

Linda Davis
Acting Director Regions - Southern
Planning Services

