



Gateway Determination Review Application Form

Date received:

Reference No.

LODGEMENT

Instructions to users

This form is to be completed if you wish to request an independent review related to plan-making under Part 3 of the Environmental Planning and Assessment Act 1979. This form relates to Gateway determination review requests.

A **Gateway determination review** can be sought following a Gateway determination where a determination is made that:

- a) the planning proposal should not proceed;
- b) the planning proposal should be resubmitted to the Gateway; or
- c) imposes requirements (other than consultation requirements) or makes variations to the proposal that the proponent or council thinks should be reconsidered.

Note: With reference to point 'c' above, a request to review a Gateway determination can only be made prior to the commencement of community consultation on the planning proposal.

Note: Gateway reviews can only be sought if the **original** Gateway determination was made by a delegate of the Minister.

Before lodging a request for review, it is recommended that you consult the Planning Circular 'Independent reviews of plan-making decisions' and 'A guide to preparing local environmental plans', which can be found on the Department's website www.planning.nsw.gov.au. The guide gives a step-by-step explanation of the review procedure and submission requirements.

To ensure that your request for review is accepted, you must:

- complete **all** relevant parts of this form
- submit **all** relevant information required by this form
- provide **one hard copy** of this form and required documentation
- provide the form and documentation in **electronic format** (e.g. CD-ROM)

Note: The Department may request further information if your request for review is incomplete or inadequate.

A fee is not charged for a Gateway determination review.

All requests **must be lodged** with the Department's relevant Regional Office. Please refer to www.planning.nsw.gov.au for contact details.

PART A – APPLICANT AND SITE DETAILS

A1 – Applicant Details

Principal contact

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

DAVID

Family name

JOHNSTON

Name of company (N/A if an individual)

Street address

Unit/street no.

55

Street name

WIRE LANE

Suburb/town

BERRY

State

NSW

Postcode

2535

Postal address
(or mark 'as
above')

PO Box or Bag

Suburb or town

AS ABOVE

State

Postcode

Daytime telephone

0400 550 277

Fax

Email

davidjohn2@bigpond.com

Mobile

0400 550 277

A2 – Site Details

Identify the land that is to be the subject of the planning instrument and for which you seek a review

Unit/street no.	Street name	
55	WIRE LANE	
Suburb/town	State	Postcode
BERRY	NSW	2535

NAME OF THE SITE

REAL PROPERTY DESCRIPTION

LOT 1 DP 1246435

The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Finance and Services, Land and Property Information. Please ensure that you place a forward slash (/) to distinguish between the lot, section DP and strata numbers. If the proposal applies to more than one piece of land, please use a comma (,) to distinguish between each real property description.

PROVIDE DETAILS OF ALL AFFECTED LANDOWNERS WHERE THEY ARE NOT THE DIRECT APPLICANT

N/A

HAVE ALL OWNERS OF LAND TO WHICH THIS PROPOSED INSTRUMENT APPLIES BEEN NOTIFIED?

- ☒ Yes
☐ No
☐ Some have but not all
☐ N/A (Applicant is owner)

Note: If some land owners, but not all, have been notified, list below those notified:

CURRENT ZONING OF THE LAND AT THE SITE

R1 (RURAL)

CURRENT LAND USE AT THE SITE

R5 (LARGE LOT RESIDENTIAL)

PART B – REASON FOR REVIEW AND THE PLANNING PROPOSAL

B1 – Reason for Gateway Review

WAS THE ORIGINAL GATEWAY DETERMINATION MADE BY A DELEGATE OF THE MINISTER

- ☒ Yes **Note:** Requests for the review of Gateway determination will only be considered if the original Gateway determination was made by a delegate of the Minister.
☐ No

Indicate below the reason for seeking a Gateway determination. A review can only proceed if either of these two circumstances has occurred.

- ☒ **A determination has been made that the planning proposal should not proceed**

In the case of the above, will this request for review be submitted no more than 42 days from the date of the original notification of the Gateway determination?

- ☒ Yes
☐ No

- ☐ **A determination has been made that the planning proposal should be resubmitted to the Gateway**

In the case of the above, will this request for review be submitted no more than 42 days from the date of the original notification of the Gateway determination?

- ☐ Yes
☐ No

☐

A determination has been made that has imposed requirements (other than consultation requirements) or makes variations to the proposal

In the case of the above, have you indicated your intent to submit a request for review no more than 14 days from the date of the original notification of the Gateway determination?

☐ Yes

☐ No

Will this request for review itself be submitted no more than 42 days after this date from the date of the original notification of the Gateway determination?

☐ Yes

☐ No

B2 – The Planning Proposal

DEPARTMENT'S REFERENCE NUMBER

IRF 20/2180

NAME OF THE LOCAL GOVERNMENT AREA

SHOAL HAVEN

DESCRIPTION OF PROPOSAL

LOCAL ENVIRONMENTAL PLAN (LEP) TO BE AMENDED BY THE PLANNING PROPOSAL

SHOAL HAVEN LEP 2014

IS THE LEP TO BE AMENDED (ABOVE) A STANDARD INSTRUMENT LEP?

☒ Yes

☐ No

INFORMATION REQUIREMENTS

Requests should be accompanied by:

- an application form
- a copy of the planning proposal as submitted to the Gateway
- a copy of all additional information and documentation provided at the Gateway
- justification for why an alteration of the Gateway determination is warranted (if applicable), including, where relevant, responses to issues raised by the original Gateway decision maker
- if relevant, disclosure of reportable political donations under section 10.4 of the Act.

Please refer to 'A guide to preparing local environmental plans' for the necessary information requirements.

List below all the documents, maps, plans, studies, information and any other supporting information that comprises your proposed instrument and request for pre-gateway review.

INFORMATION PROVIDED

Refer to section C2 of this form

PART C – DISCLOSURE AND SIGNATURES

C1 – Donation and Gift Disclosure

Section 10.4 of the Environmental Planning and Assessment Act 1979 requires the public disclosure of *reportable political donations* or gifts when lodging or commenting on a *relevant planning application*. This law is designed to improve the transparency of the planning system.

DO YOU HAVE ANY DONATIONS OR GIFTS TO DISCLOSE?

☐ Yes

☒ No

How and when do you make a disclosure?

The disclosure to the Minister or the Secretary of a *reportable political donation* or gift under section 10.4 of the Act is to be made:

- (a) in, or in a statement accompanying, the relevant planning submission if the donation is made before the submission is made, or
- (b) if the donation is made afterwards, in a statement of the person to whom the relevant planning submission was made within 7 days after the donation is made.

What information needs to be included in a disclosure?


The information requirements of a disclosure of reportable political donations are outlined in section 10.4(9) of the Act. A Disclosure Statement Template which outlines the information requirements for disclosures to the Minister or to the Director-General can be found on the department's website:

<https://www.planning.nsw.gov.au/donation-and-gift-disclosure>

C2 – Signature(s)

By signing below, I/we hereby declare that all information contained within this application form is accurate at the time of signing.

Signature(s)



Name(s)

DAVID JOHNSTON

In what capacity are you signing

OWNER

Date

18 JULY 2020

Attachment A: Planning Proposal

Attachment B: letter as submitted to Minister Ward
~~and~~ as justification for why an
alteration of the Gateway determination
is warranted.