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Our ref: PP_2013_EUROB_001_00 (13/14534)
Your ref: E13.7247

Dr Catherine Dale
General Manager
Eurobodalla Shire Council
PO Box 99
MORUYA NSW 2537

Attn: Mark Hitchenson

Dear Dr Dale,

Planning proposal to amend Eurobodalla Local Environmental Plan 2012

I am writing in response to your Council's letter dated 27 August 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 Reclassify and Rezone Lot 249 DP711220, 29 Tranquil Bay Place, Rosedale.

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 also approved, under s117 Direction 6.2 Reserving Land for Public Purposes, the reduction in public recreation land. In addition I am satisfied that the planning proposal is consistent with all the other relevant s117 Directions in that any inconsistencies are only of minor significance. No further approval is required for any s117 Direction while the planning proposal remains in its current form.

The Minister delegated his plan making powers to councils 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.

It is noted that Council's timeframe doesn't include the 28 day notice and public hearing which are required under the Local Government Act. Council may wish to amend its timeframes in the planning proposal and the Department's timeframes reflective of this.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary



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Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

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 Nathan Foster of the regional office of the department on 02 4224 9459

Yours sincerely,

6 September 2013

Brett Whitworth
Regional Director
Southern Region
Planning Operations & Regional Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2013_EUROB_001_00): to Reclassify and Rezone Lot 249 DP711220, 29 Tranquil Bay Place, Rosedale.

I, the Regional Director, Southern Region at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Eurobodalla Local Environmental Plan (LEP) 2013 to Reclassify and Rezone Lot 249 DP711220, 29 Tranquil Bay Place, Rosedale 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 classified as low impact as described in *A guide to preparing LEPs (Department of Planning & Infrastructure 2013)* and be made publicly available for a minimum of **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 LEPs (Department of Planning & Infrastructure 2013)*.
2. Council is to include the Eurobodalla Recreation and Open Space Strategy 2010-2030 with the planning proposal for exhibition purposes to provide the community with additional information that supports and informs the proposal.
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
4. A public hearing is not required to be held into the matter by any person or body 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).



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5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 6th day of September 2013.

Brett Whitworth
Regional Director, Southern Region
Planning Operations and Regional
Delivery
Department of Planning and
Infrastructure

Delegate of the Minister for Planning
and Infrastructure

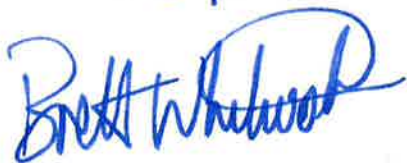
WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Eurobodalla Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_EUROB_001_00	Planning proposal to reclassify and rezone Lot 249 DP711220, 29 Tranquil Bay Place, Rosedale.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 6 September 2013



Brett Whitworth
Regional Director
Southern Region
Department of Planning and Infrastructure