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Our ref: PP_2010_SHOAL_001_00 (10/18486)
Your ref: Marie-Louise Foley

Mr Russell Pigg
General Manager
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Dear Mr Pigg,

Re: Planning Proposal to remove notation on LEP zoning map

I am writing in response to your Council's letter dated 6 September 2010 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 amend the Shoalhaven Local Environmental Plan 1985 to remove a now superfluous notation on the LEP zoning map titled "Area to be dedicated for addition to Bangalee Reserve" from Lot 21 DP 1092927 Lilly Pilly Lane, Tapitallee.

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

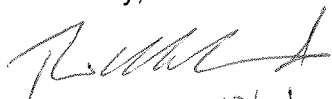
In dealing with this planning proposal, the Department has noted that the Shoalhaven LEP maps contain further notations regarding the dedication of land. It is questionable whether such notifications have any effect particularly as it appears there are no provisions in the LEP which would enable the intent of the notification to be implemented (such as an acquisition clause). In these circumstances, Council should consider the preparation of a planning proposal to remove the map notification in its entirety.

The amending Local Environmental Plan (LEP) is to be finalised within 3 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(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 George Curtis of the Regional Office of the Department on 02 4224 9450.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_SHOAL_001_00): to remove a notation on the LEP zoning map titled "Area to be dedicated for addition to Bangalee Reserve" from Lot 21 DP 1092927 Lilly Pilly Lane, Tapitallee.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Shoalhaven Local Environmental Plan 1985 to remove a notation on the LEP zoning map titled "Area to be dedicated for addition to Bangalee Reserve" from Lot 21 DP 1092927 Lilly Pilly Lane, Tapitallee should proceed subject to the following conditions:

1. No community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act").
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
3. 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).
4. The timeframe for completing the LEP is to be **3 months** from the week following the date of the Gateway determination.

Dated 13th day of October 2010.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning