

Section 73A EP&A Act submission

Part A. Council to complete

Subject:

Draft Local Environmental Plan No. LP402 – Map Notation Removal – Area To be Dedicated For Addition To Bangalee Reserve.

Report requesting the making of amending local environmental plan under section 70 and section 73A.

Background:

Shoalhaven City Council resolved on 27 July 2010, to amend Shoalhaven Local Environmental Plan (LEP) 1985 and to request that the Minister for Planning make the plan under section 70 and section 73A of the *Environmental Planning and Assessment Act 1979*.

The draft amending plan is attached.

The land to which this amendment applies is identified as Lot 21 DP 1092927, Lilly Pilly Lane, Tapitallee.

Why there is a need for the amendment:

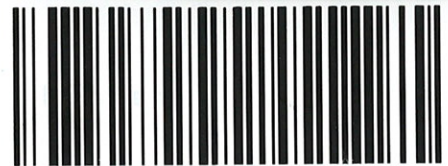
The amendment is required to correct an anomaly of the principal instrument, specifically the LEP map notation outline of "Area to be dedicated for addition to Bangalee Reserve" over part of the subject property. It was originally envisaged at the time of the amendment which inserted the notation (Amendment 127 in 1999) that a part of this parcel be dedicated to the Bangalee Reserve together with a larger portion of land. However, during the subdivision process (finalised in 2006), it was determined that this parcel was no longer required for dedication and Council made a commitment to remove the notation over the subject property. This was intended to be done as part of draft Shoalhaven LEP 2009 (principal plan) but it is requested that this amendment be expedited due to the delays encountered in exhibiting the draft Shoalhaven LEP 2009 and the impact the notation is having on the subject property. Please see attached report to Council for further detail.

What the amendment does:

The amendment will see the removal of the now superfluous notation on the LEP map "Area to be dedicated for addition to Bangalee Reserve" from Lot 21 DP 1092927 Lilly Pilly Lane, Tapitallee. The amended outline for this area will follow the cadastral boundaries of this lot but not include it.

Why the amending plan is suitable to be made in accordance with section 73A:

The amending plan is suitable to be made in accordance with section 73A as it provides a simplified process that allows minor administrative LEP amendments to be made without following all the usual LEP procedures, thus making the procedures more timely and efficient. Recent correspondence (attached email) between Council and the Department of Planning indicates that the subject proposed amendment to SLEP 1985 is a minor amendment and utilising Section 73A of the EP&A Act 1979 would be most efficient way of correcting this anomaly.



PWG000307

Section 73A EP&A Act submission

The council requests that the Minister agree to make Draft Local Environmental Plan No. LP402 – Map Notation Removal – Area To be Dedicated For Addition To Bangalee Reserve.

Signed:

Department of Planning

RECEIVED

Date:

6 ~~APR~~ SEPT 2010

Name: Peter Adams

8 - SEP 2010

Position: Director, Strategic Planning and Infrastructure

On behalf of: Shoalhaven City Council

Southern Region

Part B. Department of Planning use only

Date of referral to LEP Review Panel: (Insert date)

Department position:

Parliamentary Counsel opinion:

Recommendation:

It is recommended that the Minister:

Date:

Signed: Name:

Position:
for Director-General