



Mr Anthony McMahon
Acting General Manager
Bega Valley Shire Council
PO Box 492
BEGA NSW 2550

Dear Anthony

Planning proposal PP_2018_BEGAV_006_03 – Alteration of Gateway Determination

I refer to Council's email dated 18 November 2021 seeking an extension of time to complete planning proposal PP_2018_BEGAV_006_02 to facilitate the development of a Bunnings Warehouse at Tura Beach.

I note that the proposal has been exhibited and that significant progress has been made on resolving the issues raised by DPIE Biodiversity and Conservation in relation to the impact of the proposal on the endangered Merimbula Star Hair.

However, I also note that the Gateway determination for the planning proposal was issued almost three years ago on the 20 December 2018 and the Department has already issued two extensions of time (20 January 2020 and 25 November 2020). The latter extension requires the plan to be completed by 20 December 2021 which will not be achievable.

After careful consideration, I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to decline Council's request to alter the Gateway determination for PP_2018_BEGAV_006_02.

I have also determined that PP_2018_BEGAV_006_02 should not proceed because of the significant amount of time that has lapsed since the Gateway determination was issued in 2018. I encourage Council to work with the proponent, DPIE Planning Delivery Unit and DPIE Biodiversity and Conservation on the preparation of a fresh planning proposal to be lodged on the NSW Planning Portal.

The new planning proposal must address the matters raised by DPIE Biodiversity and Conservation including a commitment that Bunnings will enter into an agreement with Council to find a suitable local site for a Biodiversity Stewardship Agreement to fulfil credit requirements for the endangered Merimbula Star Hair plant. The new proposal should also address requirements of the original Gateway determination including the need for a suitable setback/transition area between the proposed development and the adjoining aged care facility.

Although community consultation has been undertaken by Council on the current planning proposal it is possible that the revised planning proposal, when submitted with the Department for assessment, may or may not require further community consultation. A decision on whether or not further community consultation is required will depend on the significance of the changes made to the new planning proposal compared to the original exhibited planning proposal.

If you have any questions in relation to this matter, I have arranged for Mr Graham Judge to assist you. Mr Judge can be contacted on 6229 7906.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Sarah Lees', is positioned above a faint, light-colored rectangular stamp.

3 December 2021

Sarah Lees
Director, Southern Region
Local and Regional Planning