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Our ref: PP_2012_BELLI_001_00 (12/10358)
Your ref:

Ms Elizabeth Jeremy
General Manager
Bellingen Shire Council
PO Box 117
BELLINGEN NSW 2454

Dear Ms Jeremy,

Planning proposal to amend the Bellingen Local Environmental Plan (LEP) 2010

I am writing in response to your Council's letter dated 15 June 2012 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 Bellingen Local Environmental Plan (LEP) 2010 to facilitate various housekeeping amendments including rezonings, mapping of mineral resources, changes to the heritage map and heritage schedule, amending lot sizes and the map grid.

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

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 3.1 Residential Zones, 4.1 Acid Sulphate Soils, 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes are of minor significance. No further approval is required in relation to these Directions.

Council should also obtain approval from relevant State agencies concerning the zoning of their land for open space purposes under Direction 6.2 Reserving Land for Public Purposes.

In relation to Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service and amend the planning proposal (if necessary) to take into consideration any comments prior to undertaking exhibition of the planning proposal.

Council should ensure that the maps which are placed on public exhibition identify both the current and proposed zoning and minimum lot size controls, and that appropriate heritage maps are included. All maps should clearly identify the subject land. The planning proposal is also to be amended to identify whether the heritage items are of State or local significance

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 following agency consultation. 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 Paul Garnett of the Regional Office of the Department on 02 6641 6600.

Yours sincerely,


Sam Haddad
Director-General
27/7/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_BELLI_001_00): to amend the Bellingen Local Environmental Plan (LEP) 2010 to facilitate various housekeeping amendments including rezonings, mapping of mineral resources, changes to the heritage map and heritage schedule, amending lot sizes and the map grid.

I, the Director General, 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 Bellingen Local Environmental Plan (LEP) 2010 to facilitate various housekeeping amendments including rezonings, mapping of mineral resources, changes to the heritage map and heritage schedule, amending lot sizes and the map grid 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 2009)* and must be made publicly available for **14 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Department of Primary Industries (Forests NSW)
 - NSW Rural Fire Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
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 **12 months** from the week following the date of the Gateway determination.

Dated

27th day of

July

2012.


Sam Haddad

Director-General

Delegate of the Minister for Planning and
Infrastructure