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Our ref: PP_2013_BELLI_001_00 (13/08100)

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

Dear Ms Jeremy,

Planning proposal to amend Bellingen Local Environmental Plan 2010

I am writing in response to your Council's letter dated 8 May 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 (Amendment No. 4) to permit 'secondary dwellings' in certain rural zones, permit boundary adjustments of land in certain rural and environmental protection zone where one or more resultant lots does not meet the minimum lot size, provide for the subdivision of lots that are within more than one zone and permit a 'dwelling house' as an additional permitted use on land at 105 Cabans Road, Raleigh.

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 agreed the planning proposal's inconsistency with S117 Direction 4.1 Acid Sulfate Soils is of minor significance and the proposal's inconsistency with S117 Direction 1.2 Rural Zones is justified by an approved local strategy. No further approval is required in relation to these Directions.

It is noted that Council seeks to permit a dwelling house as an additional permitted use on land at 105 Cabans Road, Raleigh being lots 293, 258, 224 and 63 DP 755553, with the intention of permitting one dwelling across the 4 lots. Council is to consider requesting the applicant consolidate the above mentioned lots into 1 allotment, at the development application stage, to ensure that dwelling houses are not erected on each of the 4 lots.

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.

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 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 Di Yeates of the regional office of the department on 02 6641 6600.

Yours sincerely,



Neil McGaffin 29.5.13
Executive Director
Rural and Regional Planning

Gateway Determination

Planning proposal (Department Ref: PP_2013_BELLI_001_00): to facilitate various amendments to Bellingen LEP 2010.

I, the Executive Director, Rural and Regional Planning 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 Bellingen Local Environmental Plan (LEP) 2010 to permit 'secondary dwellings' in certain rural zones, permit boundary adjustments of land in certain rural and environmental protection zone where one or more resultant lots does not meet the minimum lot size, provide for the subdivision of lots that are within more than one zone and permit a 'dwelling house' as an additional permitted use on land at 105 Cabans Road, Raleigh 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 must 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. Consultation is required with the NSW Rural Fire Service (RFS) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. No other consultation is required under section 56(2)(d) of the EP&A Act. RFS is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. If necessary, the planning proposal is to be updated to take into consideration any comments made by RFS, prior to undertaking public exhibition.
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 **9 months** from the week following the date of the Gateway determination.

Dated 29th day of May 2013.



Neil McGaffin
Executive Director
Rural and Regional Planning
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Bellingen 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_BELLI_001_00	Planning proposal (Amendment No. 4) to permit 'secondary dwellings' in certain rural zones, permit boundary adjustments of land in certain rural and environmental protection zone where one or more resultant lots does not meet the minimum lot size, provide for the subdivision of lots that are within more than one zone and permit a 'dwelling house' as an additional permitted use on land at 105 Cabans Road, Raleigh.

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 29 May 2013


Neil McGaffin
Executive Director
Rural and Regional Planning
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_BELLI_001_00
Date Sent to Department under s56	08/05/2013
Date considered at LEP Review Panel	23/05/2013
Gateway determination date	29/05/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: