



Planning & Infrastructure

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

Our ref: PP_2014_BELLI_002_00 (14/05696)
Your ref: Planning Proposal 8

Dear Ms Jeremy

Planning proposal to amend Bellingen Local Environmental Plan 2010

I am writing in response to your Council's letter dated 21 March 2014 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 Bellingen LEP 2010 by rezoning land bounded by Oak, William, Church Streets and Halpins Lane, Bellingen, and part of the adjoining Church Street road reserve, from R1 General Residential to B2 Local Centre and removing the minimum lot size requirement from the land.

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 inconsistencies with S117 Directions 3.1 *Residential Zones* and 4.1 *Acid Sulfate Soils* are justified in accordance with the terms of the directions. No further approval is required in relation to these Directions.

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 Planning and Infrastructure 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, I have arranged for Paul Garnett of the Grafton regional office to assist you. Paul can be contacted on (02) 6641 6607.

Yours sincerely



Stephen Murray

31 March 2014
General Manager, Northern Region
Growth Planning & Delivery



Gateway Determination

Planning proposal (Agency Ref: PP_2014_BELLI_002_00): to amend Bellingen LEP 2010 by rezoning land bounded by Oak, William, Church Streets and Halpins Lane, Bellingen, and part of the adjoining Church Street road reserve, from R1 General Residential to B2 Local Centre and removing the minimum lot size requirement from the land.

I, the General Manager, Northern Region at 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 rezone land bounded by Oak, William, Church Streets and Halpins Lane, Bellingen, and part of the adjoining Church Street road reserve, from R1 General Residential to B2 Local Centre and remove the minimum lot size requirement from the land 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 (Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Planning & Infrastructure 2013)*.
 - (c) The affected and adjoining land owners are to be given written notification of the proposal.
2. For exhibition purposes the maps should be amended to clearly indicate existing and proposed zones and minimum lot sizes, and should include that part of the Church St road reserve that will be rezoned as part of the subject land.
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
4. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated. 31 day of *March*

2014.

Stephen Murray
General Manager, Northern Region
Growth Planning & Delivery
Planning and Infrastructure

**Delegate of the Minister for Planning &
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_2014_BELLI_002_00	Planning proposal to amend Bellingen LEP 2010 by rezoning land bounded by Oak, William, Church Streets and Halpins Lane, Bellingen, and part of the adjoining Church Street road reserve, from R1 General Residential to B2 Local Centre and removing the minimum lot size requirement from the land.

In exercising the Minister's functions under section 59, the Council must comply with Planning and Infrastructure's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 31 March 2014

Stephen Murray
General Manager, Northern Region
Growth Planning & Delivery
Planning and Infrastructure