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Department Generated Correspondence (Y)

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Our ref: PP_2011_BELLI_002_00 (11/16329)
Your ref: Planning/Planning Local Environmental
Plans 2010/Planning Proposal 4
DB:klb

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

Dear Ms Jeremy

Re: Planning Proposal to re-zone the Bellingen Bowling Club site from RE2 Private Recreation to R3 Medium Density Residential and to apply a floor space ratio of 1.4:1 to the site

I am writing in response to your Council's letter dated 2 September 2011 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 2010 by rezoning the Bellingen Bowling Club site from RE2 Private Recreation to R3 Medium Density Residential and applying a floor space ratio of 1.4:1 to the site.

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.

The Department supports the principle of maximising the residential use of the site and Council's intention in proposing the R3 Medium Density Residential zone on the site. However, as there is no strategic justification at this stage for introducing the R3 zone into the Bellingen LEP 2010, Council is to amend the planning proposal to rezone the site to R1 General Residential. The R1 zoning will fulfil Council's objectives for medium density residential development on the site, and at the same time will provide greater flexibility for development, taking into consideration possible implications of flooding and heritage factors. Council is encouraged to consider further mechanisms, including amendments to the Height of Buildings Map and Lot Size Map and incorporation of a site specific DCP, to achieve the desired outcome of medium density residential development.

The Director General's delegate has agreed that the planning proposal is consistent with S117 Directions 3.1 Residential zones, 3.4 Integrating Land Use and Transport and 5.1 Implementation of Regional Strategies. No further approval is required in relation to these Directions.

Council is to give further consideration, in consultation with the Office of Environment and Heritage, to justify consistency with S117 Direction 4.3 Flood Prone Land. In regard to S117 Direction 2.3 Heritage Conservation, Council is to consult with the Office of Environment and Heritage to clarify the implications of the Old Bellingen Cemetery identified as an Archaeological site under the LEP 2010, and consider updating the Heritage Schedule as a result of details determined from investigations. Any studies which are required to justify consistency with the S117 Directions are to be included in the planning proposal for exhibition.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. 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 John Finlay of the Northern Regional Office of the Department on 02 6641 6605.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

19/9/11

Gateway Determination

Planning Proposal (Department Ref: PP_2011_BELLI_002_00): to rezone the Bellingen Bowling Club site from RE2 Private Recreation to R3 Medium Density Residential and to apply a floor space ratio of 1.4:1 to the site

I, the Deputy Director General, Plan Making & Urban Renewal 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 2010 to rezone the Bellingen Bowling Club site from RE2 Private Recreation to R3 Medium Density Residential and to apply a floor space ratio of 1.4:1 to the site should proceed subject to the amendments outlined in the following conditions:

1. Council is to amend the planning proposal to rezone the site from RE 2 Private Recreation to R1 General Residential.
2. Council is to prepare updated Height of Buildings and Lot Size Maps for the site to reflect its desired residential density outcomes. These maps are to be submitted to the Regional Director, North Region for review prior to exhibition.
3. 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 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material. The 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.

5. 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).

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Dated 19th day of September 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure