



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

Our ref: PP_2016_BELLI_001_00 (16/02996)
Your ref: Planning Proposal 11

Attention: Daniel Bennett

Dear Ms Jeremy

Planning proposal to amend Bellingen Local Environmental Plan 2010

I am writing in response to your Council's email dated 8 February 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend Bellingen Local Environmental Plan (LEP) 2010 to rezone land adjoining the former Bellingen Bowling Club for residential purposes and allow boundary adjustments to be undertaken on waterway zoned land.

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

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistencies with S117 Direction 2.3 Heritage Conservation and Direction 4.3 Flood Prone Land are justified and of minor significance.

Council will still need to obtain the agreement of the Department's Secretary to comply with the requirements of section 117 Direction 4.4 Planning for Bushfire Protection following consultation with the Commissioner of the NSW Rural Fire Service. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to councils by the Minister 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 LEP is to be finalised within six (6) 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 of Planning and Environment's Northern Region Office 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 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 Ms Melanie Buckham to assist you. Ms Buckham can be contacted on (02) 6641 6611.

Yours sincerely



19/2/16

Craig Diss
Acting Director Regions, Northern
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2016_BELLI_001_00): to amend Bellingen LEP 2010 to rezone land adjoining the former Bellingen Bowling Club for residential purposes and allow boundary adjustments to be undertaken on waterway zoned land.

I, the Acting Director Regions, Northern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Bellingen Local Environmental Plan (LEP) 2010 to rezone land adjoining the former Bellingen Bowling Club for residential purposes and allow boundary adjustments to be undertaken on waterway zoned land should proceed subject to the following conditions:

1. Council is to consult with the NSW Rural Fire Service as per the requirements of section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary to take into consideration any comments made prior to undertaking community consultation.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning and 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 (Department of Planning and Environment 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act:
 - NSW Department of Primary Industries (Lands)
 - NSW Office of Environment and Heritage

Each public authority 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.

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 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 six (6) months from the week following the date of the Gateway determination.

Dated 19 day of February 2016

**Craig Diss
Acting Director Regions, Northern
Planning Services
Department of Planning and Environment**

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Bellingen Shire Council is authorised to exercise the functions of the Minister for Planning 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_2016_BELLI_001_00	Planning proposal to amend Bellingen LEP 2010 to rezone land adjoining the former Bellingen Bowling Club for residential purposes and allow boundary adjustments to be undertaken on waterway zoned land

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

Dated 19 February 2016

Craig Diss
Acting Director Regions, Northern
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning