

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

Dear Ms Jeremy

Planning proposal PP_2019_BELLI_001_00 to amend Bellingen Local Environmental Plan 2010

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to reclassify part of Lot 1 DP527901, Bowraville Road, Bellingen, from community to operational land.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 5.10 Implementation of Regional Plans and 6.2 Reserving Land for Public Purposes are justified in accordance with the terms of the Directions. In relation to section 9.1 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the land has never served as public open space for residents and has historically been used for road access consistent with the intent of the current proposal. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

I have considered Council's request in relation to the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority as the Governor's approval is required for the proposed extinguishment of interests.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made eight 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 section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Melissa Thomson to assist you. Ms Thomson can be contacted on 5778 1486.

Yours sincerely



6-3-2019

Jeremy Gray
Director Regions, Northern
Planning Services

Encl: Gateway determination