



Dr Catherine Dale
Eurobodalla Shire Council
PO Box 99
MORUYA NSW 2537

Our ref: PP_2017_EUROB_001_00 ;(17/06890)
Your ref: E17.1168

Attn: Mark Hitchenson

Dear Dr Dale

Planning Proposal (PP_2017_EUROB_001_00) to amend Eurobodalla Local Environmental Plan 2012

I am writing in response to Council's letter dated 12 May, requesting a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* and additional information received on 28 June in respect of the Planning Proposal to implement a range of housekeeping matters relating to heritage items and additional permitted use, zoning and planning controls.

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, the Planning Proposal's inconsistencies with Section 117 Directions 2.1 Environmental Protection Zones and 4.3 Flood Prone Land are justified in accordance with the terms of the Directions.

The planning proposal relates to land either mapped, or in proximity to land mapped as bushfire prone land. To ensure consistency with Direction 4.4 Planning for Bushfire Protection Council is required to consult with the NSW Rural Fire Service Commissioner prior to consultation.

No further approval is required in relation to these Directions.

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.



Planning & Environment

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 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.

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 regarding this matter, I have arranged for Nathan Foster of the Department's Southern Region office to assist you. Mr Foster can be contacted on 4224 9459.

Yours sincerely

Karen Armstrong 17/7/17
Karen Armstrong
Director Regions, Southern
Planning Services
Department of Planning and Environment

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

Gateway Determination

Planning Proposal (Department Ref: PP_2017_EUROB_001_00): to implement a range of housekeeping and other minor amendments.

I, the Director Regions, Southern, 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* that an amendment to the Eurobodalla Local Environmental Plan (LEP) 2012 to implement a range of housekeeping matters relating to heritage items and additional permitted use, zoning and planning controls should proceed subject to the following conditions:

1. Prior to community consultation:
 - a) to ensure consistency with s117 Direction 4.4 Planning for Bushfire Protection, Council is required to consult with the NSW Rural Fire Service in accordance with the Direction.
2. Community consultation is required under Sections 56(2)(c) and 57 of the 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 local environmental plans (Department of Planning and Environment 2016)*.
 - (c) Council shall consult directly in writing with the owners of the land proposed to be heritage listed.
3. Consultation is required with the following public authorities and / or organisations under Section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Office of Environment and Heritage
 - NSW Rural Fire Service

Each public authority/organisation 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 **12 months** following the date of the Gateway determination.
6. The final LEP maps shall be prepared in accordance with the requirements of the Department's "Standard Technical Requirements for Spatial Datasets and Maps" Vers: 1.0 November 2015.

Dated 17th day of JULY 2017



Karen Armstrong
Director Regions, Southern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Eurobodalla 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_2017_EUROB_001_00	Planning proposal to implement a range of housekeeping matters relating to heritage items and additional permitted use, zoning and planning controls.

In exercising the Minister's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated *17th July* 2017

Karen Armstrong
Director Regions, Southern
Planning Services
Department of Planning and Environment