



Planning & Environment

COPY

Scanned -
POSTED
23/9/15

Contact: Ann Martin
Phone: (02) 42249466
Fax: (02) 42249470
Email: ann.martin@planning.nsw.gov.au

Ms Leanne Barnes
General Manager
Bega Valley Shire Council
PO Box 492
BEGA NSW 2550

Our ref: PP_2015_BEGA_007_00 (15/12809)

Dear Ms Barnes

Planning proposal to amend Bega Valley Local Environmental Plan 2013

I am writing in response to your Council's letter dated 24 August 2015 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 enable boundary adjustments where the resulting lots are smaller than the minimum lot size, and provide for the subdivision of land with a split zone.

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. In order to assist in achieving the objectives of the clause, Condition 1 requires Council to include within proposed clause 4.2F Exceptions to minimum subdivision lot sizes for resulting lots, matters which are to be considered in determining whether to grant development consent for the subdivision of land under that clause.

I note that Council's proposed clause 4.2E (4) includes such matters to be considered in relation to that clause and these may also be relevant for clause 4.2F.

I have agreed the planning proposal's inconsistencies with s117 Directions 1.2 Rural Zones, 2.1 Environment Protection Zones, 2.2 Coastal Protection and 4.1 Acid Sulphate Soils are of minor significance. 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.

The amending Local Environmental Plan (LEP) is to be finalised within 18 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 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 Ms Ann Martin of the Department's Southern Region office to assist you. Ms Martin can be contacted on (02) 4224 9466

Yours sincerely



Brett Whitworth

**General Manager
Southern Region
Planning Services**

22 September 2015

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template



Gateway Determination

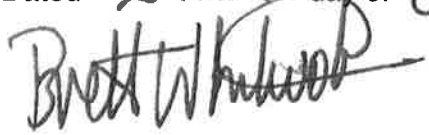
Planning proposal (Department Ref: PP_2015_BEGAV_007_00): to enable boundary adjustments where the resulting lots are smaller than the minimum lot size, and provide for the subdivision of land with a split zone.

I, Brett Whitworth, General Manager, Southern Region 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* (EP&A Act) that an amendment to the Bega Valley Local Environmental Plan (LEP) 2013 to enable boundary adjustments where the resulting lots are smaller than the minimum lot size, and provide for the subdivision of land with a split zone, should proceed subject to the following conditions:

1. To assist in achieving the objectives of the clause, Council is to include within proposed clause 4.2F Exceptions to minimum subdivision lot sizes for resulting lots those matters to be considered by the consent authority in determining whether to grant development consent for the subdivision of land under that clause.
2. 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 (Department of Planning and Environment 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)*.

Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. The NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment.

3. 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).
4. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated 22nd day of September, 2015.


Brett Whitworth
General Manager, Southern Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning