



Planning & Environment

POSTED
24/9/14

Contact: Ann Martin
Phone: (02) 4224 9466
Fax: (02) 4224 9470
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_2014_BEGAV_006_00
14/15522

Attention: Ms Carley McGregor

COPY

Dear Ms Barnes,

Planning proposal to amend Bega Valley Local Environmental Plan 2013

I am writing in response to your Council's letter dated 8 September 2014 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 land use table to allow detached dual occupancies in the RU1 Primary Production and RU2 Rural Landscape Zones.

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 agreed the proposal is consistent with the s117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.2 Coastal Protection, 4.1 Acid sulphate Soils, 4.3 Flood Prone Land and 5.1 Implementation of Regional Strategies. No further approval is required in relation to these Directions.

Council will still need to refer the planning proposal to the NSW Rural Fire Service prior to community consultation to satisfy s117 Direction 4.4 Planning for Bushfire Protection.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has accepted this delegation. 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 9 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 regional office to assist you. Ms Martin can be contacted on (02) 4224 9466

Yours sincerely,

Handwritten signature of Linda Davis in cursive script, followed by the date 23/9/14.

Linda Davis
A/General Manager
Southern Region

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



Gateway Determination

Planning proposal (PP_2014_BEGAV_006_00): to amend the land use table to allow detached dual occupancies in the RU1 Primary Production and RU2 Rural Landscape Zones.

I, Acting 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 EP&A Act that an amendment to the Bega Valley Local Environmental Plan (LEP) 2013 as described above should proceed subject to the following conditions:

1. 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 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)*.
2. Consultation is required with the Department of Primary Industries – Agriculture and NSW Rural Fire Services (S117 Direction 4.4 Planning for Bushfire Protection) under section 56(2)(d) of the EP&A Act. These agencies are 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.
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. No further consultation or referral is required in relation to s117 Directions whilst the planning proposal remains in its current form.
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 23rd day of September 2014.

Linda Davis
A/General Manager
Southern Region
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Bega Valley 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_2014_BEGAV_006_00	Planning proposal to amend the land use table to allow detached dual occupancies in the RU1 Primary Production and RU2 Rural Landscape Zones.

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

Dated 23 | 9 | 2014

Linda Davis
Acting General Manager
Southern Region
Department of Planning and Environment

Delegate of the Minister for Planning

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department following receipt of the planning proposal
- The Department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the Department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department with the RPA's request to have the LEP notified

Table 1 – To be completed by the Department

Stage	Date/Details
Planning Proposal Number	PP_2014_BEGAV_006_00
Date Sent to Department under s56	11/09/2014
Date considered at LEP Review Panel	N/A
Gateway determination date	23/9/2014

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the Department

Stage	Date/Details
Notification Date and details	

Additional relevant information: