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Ref:

27 October 2014

NSW Planning and Environment
Mr Brett Whitworth
Director Southern Region
PO Box 5475
Wollongong NSW 2520



Dear Brett

Finalisation of Planning Proposal – Rural Residential Lot Sizes: PP_2013_BEGAV_002_00

At the meetings of 20 August 2014 and 22 October 2014 Council considered reports on the finalisation of the Rural Residential Lot Sizes Planning Proposal.

The Council resolutions for five of the six sites contained in the planning proposal were such that Council could use their delegated plan-making functions under Section 59 of the *Environmental Planning and Assessment Act 1979* (see attached report and minutes from the Council meeting of 20 August 2014) to finalise the Planning Proposal.

However, in relation to three properties within the sixth site, Council resolved to apply a minimum lot size that is contrary to the issues raised in the submission to the planning proposal by the Office of Environment and Heritage. The report to Council of 22 October relating to this matter is attached to this letter and the minutes of the meeting are as follows:

1. *In respect of the Planning Proposal for Rural Residential Lot Sizes Council resolves that Lot 91 DP 580933, Lot 5 DP 250487 and Lot 6 DP 250487 – Bermagui Cobargo Road, Coolagolite – be zoned E4 Environmental Living with a minimum lot size of 3 hectares. Further, the current minimum lot size under BVLEP 2013 for the remainder of the land within the subject area remains unchanged at 5 hectares.*
2. *That all persons and agencies that have made submissions be advised of the above.*
3. *That Council requests the Minister for Planning and Environment to finalise the plan with the variation in Point 1 above under Section 59(2) of the Environmental Planning and Assessment Act 1979.*

Can you please confirm that Council no longer has authorisation to exercise delegation under Section 59 of the *Environmental Planning and Assessment Act 1979* with respect to this Planning Proposal and advise Council how to finalise this Planning Proposal.

A copy of the relevant Council reports and resolutions from 20 August 2014 and 22 October 2014 and the exhibited Planning Proposal are attached for your reference.

Should you have any queries regarding this matter please contact me on (02) 6499 2246 or sthomson@begavalley.nsw.gov.au.

Yours faithfully

Sophie Thomson
Strategic Planner

Department of Planning
& Environment
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27 OCT 2014

Southern Region-Wollongong