

Gateway Determination

Planning proposal (Department Ref: PP_2015_EUROB_001_00): to make various housekeeping and other amendments to the Eurobodalla LEP 2012.

I, the Deputy Secretary, Planning Services 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* (the Act) that an amendment to the Eurobodalla Local Environmental Plan 2012 to correct a number of omissions and anomalies from the Local Environmental Plan Maps, clauses, land use tables and Local Environmental Plan Schedules should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the planning proposal is to be updated to:
 - (a) remove all reference to the R2 Low Density Residential Zone for land located at Coronation Drive, Broulee. This land is to be zoned E4 Environmental Living zone; and
 - (b) include the context maps as prepared by Council (9 March 2015) and mapping that clearly illustrates the flood affectation for Lots 9 and 10 DP 1174944, Lot 1 DP 125321 and Lot 21 DP 1077474.

Note: Maps should be prepared to the standards identified in Standard Technical Requirements for LEP Maps (Department of Planning and Environment 2013).

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 2013).
3. Consultation is required under section 57 of the Act, with the following public agencies prior to exhibition:
 - Office of Environment and Heritage; and
 - NSW Rural Fire Service (s117 Direction 4.4 Planning for Bushfire Protection).

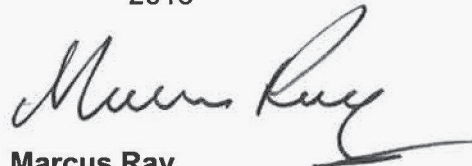
Each public agency is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. This agency advice received and the proposed response to this advice should be placed on public exhibition with the planning proposal.

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 Secretary can be satisfied that the planning proposal will be consistent with section 117 Direction 4.4 (Planning for Bushfire Protection) once the Council has consulted with the NSW Rural Fire Service prior to community consultation and taken into account and comments received.
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 22nd day of April

2015



Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



Dr Catherine Dale
General Manager
Eurobodalla Shire Council
PO Box 99
Moruya NSW 2537

Dear Dr Dale

Planning proposal to amend Eurobodalla Local Environmental Plan 2012

I am writing in response to Council's letter dated 3 December 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend Eurobodalla Local Environmental Plan 2012 to correct a number of omissions and anomalies from the Local Environmental Plan Maps, clauses, land use tables and Local Environmental Plan Schedules.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to variations as outlined by the conditions in the attached Gateway determination.

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.

However, please note that the inconsistency with section 117 Directions 2.1 Environmental Protection Zones and 4.3 Flood Prone Land have not been approved. Once the work required to justify this inconsistency has been completed, Council should make a submission to the Department seeking this approval. This must occur prior to finalisation of the amendment.

The amending Local Environmental Plan is to be finalised within **12 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 Local Environmental Plan 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.

If you have any queries, please contact Mr Nathan Foster of the Department's southern regional office on (02) 4224 9459.

Yours sincerely

Marcus Ray
Deputy Secretary
Planning Services

22/04/2015

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template



Planning & Environment

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* (the Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2015_EUROB_001_00	Planning proposal to amend Eurobodalla LEP 2012 to correct a number of omissions and anomalies from the LEP Maps, clauses, land use tables and LEP Schedules (housekeeping planning proposal).

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

Dated 22/04/ 2015

Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment 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 publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2015_EUROB_001_00
Date Sent to DP&E under s56	Revised PP - 19/02/2015
Date considered at LEP Review Panel	
Gateway determination date	22 April 2015

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		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DoP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: