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Our ref: PP\_2015\_EUROB\_003\_00 (15/06675)  
Your ref: 81.0277.R

Dr Catherine Dale  
General Manager  
Eurobodalla Shire Council  
89 Vulcan Street  
Moruya NSW 2537

Dear Dr Dale

## **Planning proposal to amend Eurobodalla Local Environmental Plan (2012)**

I am writing in response to your Council's letter dated 16 April 2015 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 the Eurobodalla LEP 2012 to rezone Shady Willows Holiday Park and surrounding sites at Batemans Bay to B5 Business Development zone and no minimum lot size.

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 the planning proposal's inconsistencies with S117 Direction 3.1 Residential Zones are justified. No further approval is required in relation to this Direction.

With regards to s117 Direction 4.4 Planning for Bushfire Protection, the planning proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection, when Council has consulted with and considered the comments of the Rural Fire Service prior to undertaking community consultation.

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 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 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 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 Mr Nathan Foster of the Department's regional office to assist you. Mr Foster can be contacted on (02) 4224 9459.

Yours sincerely



**Brett Whitworth**  
**General Manager**  
**Southern Region**  
**Planning Services**

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



## Gateway Determination

***Planning proposal (Department Ref: PP\_2015\_EUROB\_003\_00): to rezone Shady Willows Holiday Park and surrounding sites at Batemans Bay to B5 Business Development Zone and no minimum lot size.***

I, the 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* (the Act) that an amendment to the Eurobodalla Local Environmental Plan (LEP) 2012 to rezone Shady Willows Holiday Park and surrounding sites bounded by Old Princes Highway, South Street and Gregory Street at Batemans Bay to B5 Business Development zone and no minimum lot size should proceed subject to the following conditions:

1. A Stage 1 Preliminary Assessment, as outlined in the 'Managing Land Contamination Planning Guidelines SEPP 55 - Remediation of Land (DUAP 1998)', is to be undertaken prior to community consultation.
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* 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 LEPs (Department of Planning and Environment 2013).
3. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979* and/or to comply with the requirements of relevant S117 Directions:
  - NSW transport – Roads and Maritime Services
  - NSW Rural Fire Service
  - Housing NSW

Each public authority 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.

With regards to s117 Direction 4.4 Planning for Bushfire Protection, the planning proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection, when Council has consulted with and considered the comments of the Rural Fire Service prior to undertaking community consultation.

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 *Environmental Planning and Assessment Act 1979*. 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** from the week following the date of the Gateway determination.

Dated 11<sup>th</sup> day of May 2015



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

**Delegate of the Minister for Planning**