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

Our ref: PP_2015_BEGAV_004_00
File:15/12307

Dear Ms Barnes

Planning proposal to amend Bega Valley Local Environmental Plan 2013

I am writing in response to your Council's letter dated 16 June 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 rezone land east of Cobargo village deferred under Bega Valley LEP 2013 to R5 Large Lot residential Zone with a minimum lot size of 5 hectares.

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 determined the planning proposal's inconsistency with S117 Direction 1.2 Rural Zones is justified by Council's Rural Residential Land Supply Cobargo study.

In relation to S117 Direction 4.4 Planning for Bushfire Protection I have determined that the planning proposal will be consistent with the Direction when Council has consulted with the Rural Fire Service prior to undertaking community consultation. No further approval is required in relation to these or any other 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 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 Martin of the Department's Southern regional office to assist you. Ms Martin can be contacted on (02) 4224 9466.

Yours sincerely



14 August 2015

**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_BEGAV_004_00: to zone Lot 331 DP 1035434 east of Cobargo village currently deferred under Bega Valley LEP 2013 to R5 Large Lot Residential Zone with a minimum lot size of 5 hectares.

I, Brett Whitworth, General Manager, Planning Services, 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* that an amendment to the *Bega Valley Local Environmental Plan (LEP) 2013* to zone Lot 331 DP1035434 east of Cobargo village to R5 Large Lot Residential with a minimum lot size of 5 hectares should proceed subject to the following conditions:

1. A project timeline is to be included in the planning proposal prior to exhibition.
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).

Consultation is required with the following NSW Government agencies under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979*:

- NSW Rural Fire Service (s117 Direction 4.4)
- Roads and Maritime Service

These NSW Government 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 *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).



Gateway Determination

Planning proposal (Department Ref: PP_2015_BEGAV_004_00: to zone Lot 331 DP 1035434 east of Cobargo village currently deferred under Bega Valley LEP 2013 to R5 Large Lot Residential Zone with a minimum lot size of 5 hectares.

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

Dated

14th day of August

2015

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

Delegate of the Minister for Planning

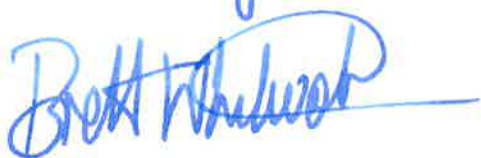
WRITTEN AUTHORISATION TO EXERCISE DELEGATION

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_2015_BEGAV_004_00	Planning proposal to zone Lot 331 DP1035434 east of Cobargo village currently deferred under Bega Valley LEP 2013 to R5 Large Lot Residential Zone with a minimum lot size of 5 hectares.

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 14 August 2015



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