



POSTED
15/7/16

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

Our ref: PP_2016_BEGAV_003_00 (16/0873)
Your ref:

Dear Ms Barnes

Planning proposal to amend Bega Valley Local Environmental Plan 2013.

I am writing in response to your Council's letter dated 21 June 2016 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 rural land at Bournda Downs, Sapphire Coast Road, Wallagoot.

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, as delegate of the Secretary, the planning proposal's inconsistencies with s117 Directions:

- 1.3 Mining, Petroleum and Extractive Industries is of minor significance;
- 1.2 Rural Zones is justified by Bega Valley Shire Council's draft 'Rural Living Strategy' and is of minor significance;
- 4.4 Planning for Bushfire Protection will be satisfied when Council consults with the NSW Rural Fire Service prior to community consultation.

The planning proposal is consistent with all other relevant s117 Directions or any inconsistencies are of minor significance.

No further approval is required in relation to these Directions while the planning proposal remains in its current form.

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 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 six 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 Meredith McIntyre of the Department's Queanbeyan office to assist you. Ms McIntyre can be contacted on (02) 6229 7912.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Linda Davis', followed by the date '15/7/16' written in a similar cursive style.

Linda Davis
Acting Director Regions, Southern
Planning Services
Department of Planning and Environment

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

Gateway Determination

Planning proposal (Department Ref: PP_2016_BEGAV_003_00): to rezone rural land at Bournda Downs, Sapphire Coast Drive, Wallagoot to a mix of RU2 Rural Landscape, E3 Environmental Management and E4 Environmental Living Zones.

I, the Acting Director Regions, Southern 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 Bega Valley Local Environmental Plan (LEP) 2013 to rezone rural land at Bournda Downs, Sapphire Coast Drive, Wallagoot to a mix of RU2 Rural Landscape, E3 Environmental Management and E4 Environmental Living Zones 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* (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).
2. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant s117 Directions:
 - NSW Rural fire Service (s117 Direction 4.4);
 - Office of Environment and Heritage;
 - Roads and Maritime Services;
 - NSW Department of Industry (Resources and Energy).

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.

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 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. The LEP maps shall be prepared in accordance with the Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment, 2015) when the plan is submitted for finalisation.

5. The timeframe for completing the LEP is to be **12 months** from the date of the Gateway determination.

Dated 15th day of July 2016



Linda Davis
Acting Director Regions, Southern
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_2016_BEGAV_003_00	Planning proposal to rezone rural land at Bournda Downs, Sapphire Coast Drive, Wallagoot to a mix of RU2 Rural Landscape, E3 Environmental Management and E4 Environmental Living Zones

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 15 / 7 / 2016

Linda Davis
Acting Director Regions, Southern
Planning Services
Department of Planning and Environment