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Our ref: PP\_2016\_BEGAV\_002\_00 (16/08672-1)

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

Dear Ms Barnes

### **Planning proposal to amend Bega Valley Local Environmental Plan 2013**

I am writing in response to 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 land at South Bega to IN2 Light Industrial and SP2 Infrastructure Zones.

As delegate of the Minister for Planning, I have now determined that 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 inconsistency with S117 Direction 3.1 Residential Zones is of minor significance. No further approval is required in relation to this Direction.

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 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 regional office to assist you. Meredith can be contacted on (02) 6229 7912.

Yours sincerely



13/7/16

**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\_002\_00):** to remove the deferred matter labels and rezone:

- a) Lot 2492 DP 732066, Lot 250 DP 750190 & Lot 1 DP 502251 to SP2 Infrastructure Zone; and
- b) Lots 1, 2 & 3 DP 1077434, Lot 242 DP 750190, Lot 297 DP 728021, Lots 2381 & 2382 DP 873277, and Lots 7005 & 7006 DP 105325 to IN2 Light Industrial Zone with a 14 metre height limit.

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 *Environment Planning and Assessment Act 1979* (the Act) that an amendment to the Bega Valley Local Environmental Plan (LEP) 2013 to rezone deferred matter land at South Bega to SP2 Infrastructure and IN2 Light Industrial Zones should proceed subject to the following conditions:

1. 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 LEPs* (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:
  - Rural Fire Service
  - NSW Roads and Maritime Service
  - Office of Environment and Heritage

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).

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

Dated 13<sup>th</sup> 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_002_00	Planning proposal to <i>remove the deferred matter labels and rezone:</i> a) <i>Lot 2492 DP 732066, Lot 250 DP 750190 &amp; Lot 1 DP 502251 to SP2 Infrastructure Zone; and</i> b) <i>Lots 1, 2 &amp; 3 DP 1077434, Lot 242 DP 750190, Lot 297 DP 728021, Lots 2381 &amp; 2382 DP 873277 and Lots 7005 &amp; 7006 DP 105325 to IN2 Light Industrial Zone with a 14 metre height limit.</i>

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 13 | 7 | 2016

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