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Our ref: PP_2016_BEGAV_004_00 (16/10073)

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 request for 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 for various sites in Lochiel, Bald Hills, South Bega, Eden, Wolumla, Merimbula and Bemboka.

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. However, prior to public exhibition, Council is required to amend the planning proposal to correct the following errors, and submit the amended planning proposal to the Director Regions, Southern:

1. the property description on pages 6 and 18 for Site 7 needs to be changed from Lot 6 to Lot 3 DP 750226;
2. under the Explanation of Provisions section on page 6, change the map sheets being amended for Site 7 from 003 to 003A;
3. reword the Objectives/Intended Outcomes section to clearly state the intended outcome is to rezone the sites (remove references to "reaffirm" and previously exhibited BVLEP2010) as well as references to changing lot sizes - the Lot Size Maps relating to these deferred sites were amended as part of the Bega Valley LEP 2013. Removing the Deferred Matter status will make those Lot Size Maps applicable to the sites. Therefore they do not need to be corrected as part of this amendment;
4. under the Explanation of the Provisions section, remove the proposed lot size map changes (as no changes are required); and
5. under the 'Key Outcomes' for each site, remove the words "Restoration of" and replace with "Rezone to".

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 now accepted this delegation. 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



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_004_00): to rezone various sites at:

1. Lot 445 DP 1061010, Lochview Farm Road, Lochiel - rezone from 1(a) Rural General and 1(c) Rural Small Holdings zones (BVLEP2002) to RU2 Rural Landscape Zone,
2. Lot 492 DP 1103062, Woodland Road, Bald Hills - rezone from 1(a) Rural General (BVLEP2002) to RU2 Rural Landscape Zone,
3. Part Lot 1 DP 1164038 and Lots 1 and 2 DP 110354, Tathra Road, Bega - rezone from 2(f) Future Urban zone (BVLEP2002) to RU1 Primary Production Zone,
4. Lots 1 & 2 DP 455379; Lots 3-5 DP 455380, Palestine Road, Eden - rezone from 1(c) Rural Small Holdings zone (BVLEP2002) to R5 Large Lot Residential Zone,
5. Part Lot 600 DP 1193160, Mirador Drive, Merimbula - rezone from Residential A (BVLEP2002) to R2 Low Density Residential Zone,
6. Lot 5 DP 1021345, Princes Highway, Wolumla - rezone from 1(a) Rural General zone (BVLEP2002) to RU1 Primary Production Zone, and
7. Lot 3 DP 750226, Polacks Flat Road, Bemboka - rezone from 1(a) Rural General zone (BVLEP2002) to RU1 Primary Production Zone.

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 various sites (listed above) should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is to provide the Director Regions, Southern, with a copy of the amended planning proposal.
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 NSW Rural Fire Service under section 56(2)(d) of the Act. The Rural Fire Service 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.
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).



Planning & Environment

5. The LEP maps shall be prepared in accordance with the *Standard Technical Requirements for Spatial Datasets and Maps* (Department of Planning and Environment, 2015).
6. The timeframe for completing the LEP is to be **12 months** from the date of the Gateway determination.

Dated 6th day of September 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_004_00	Planning proposal to rezone and remove the Deferred Matter status from various sites: 1. Lot 445 DP 1061010, Lochview Farm Road, Lochiel - rezone from 1(a) Rural General and 1(c) Rural Small Holdings zones (BVLEP2002) to RU2 Rural Landscape Zone, 2. Lot 492 DP 1103062, Woodland Road, Bald Hills - rezone from 1(a) Rural General (BVLEP2002) to RU2 Rural Landscape Zone, 3. Part Lot 1 DP 1164038 and Lots 1 and 2 DP 110354, Tathra Road, Bega - rezone from 2(f) Future Urban zone (BVLEP2002) to RU1 Primary Productions Zone, 4. Lots 1 & 2 DP 455379; Lots 3-5 DP 455380, Palestine Road, Eden - rezone from 1(c) Rural Small Holdings zone (BVLEP2002) to R5 Large Lot Residential Zone, 5. Part Lot 600 DP 1193160, Mirador Drive, Merimbula - rezone from Residential A (BVLEP2002) to R2 Low Density Residential Zone, 6. Lot 5 DP 1021345, Princes Highway, Wolumla - rezone from 1(a) Rural General zone (BVLEP2002) to RU1 Primary Production Zone, and 7. Lot 3 DP 750226, Polacks Flat Road, Bemboka - rezone from 1(a) Rural General zone (BVLEP2002) to RU1 Primary Production Zone.

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

2016



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