



Our ref: PP_2017_BEGAV_002_00 ; (16/15215)

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

Dear Ms Barnes

Planning Proposal (PP_BEGAV_2017_002_00) to amend Bega Valley Local Environmental Plan 2013

I am writing in response to Council's letter dated 12 January 2017 requesting a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the Planning Proposal to make 12 minor zoning changes, 11 heritage amendments and minor changes to two land use tables in the Bega Valley Local Environmental Plan 2013.

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.

In relation to Section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the creation of land for public purposes on the basis the proposed rezonings will reflect the current public use and ownership of the land. 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.

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

Yours sincerely



13/2/17

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

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



Gateway Determination

Planning Proposal (Department Ref: PP_2017_BEGAV_002_00): to make 12 minor zoning changes, 11 heritage amendments and minor changes to two land use tables and clause 5.4 in the Bega Valley Local Environmental Plan 2013.

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* that an amendment to the Bega Valley Local Environmental Plan (LEP) 2013 to make 12 minor zoning changes, 11 heritage amendments and minor changes to two land use tables and clause 5.4 in the Bega Valley Local Environmental Plan 2013 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 local environmental plans (Department of Planning and Environment 2016)*.
2. No consultation is required with public authorities under Section 56(2)(d) of the Act.
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 timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.
5. The Council is authorised to use the Minister's plan making functions under sections 59(2),(3) and (4) of the Environmental Planning and Assessment Act 1979.
6. The final LEP maps shall be prepared in accordance with the requirements of the Department's "Standard Technical Requirements for Spatial Datasets and Maps" Version: 1.0 November 2015.

Dated 13th day of February 2017

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

Delegate of the Minister for Planning



Planning & Environment

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_2017_BEGAV_002_00	Planning proposal to make 12 minor zoning changes, 11 heritage amendments and minor changes to two land use tables and clause 5.4 in the Bega Valley Local Environmental Plan 2013

In exercising the Minister's functions under Section 59 of the Act, the Council must comply with the Department's "A guide to preparing local environmental plans 2016" and "A guide to preparing planning proposals 2016".

Dated

13 | 2 |

2017

A handwritten signature in black ink, appearing to read "Linda Davis", written in a cursive style.

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