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Our ref: PP_2013_BOMBA_001_00 (13/19108)

Ms Ngaire McCrindle
General Manager
Bombala Council
PO Box 105
BOMBALA NSW 2632

Dear Ms McCrindle,

Planning proposal to amend Bombala Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone certain land at Mahratta and Bright Streets, Bombala to R1 General Residential Zone with no minimum lot size; and certain lands in Cathcart to RU1 Primary Production with 40ha minimum lot size and to RU3 Forestry with no minimum lot size.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

It is noted that the proposed rezoning of land at Mahratta from IN2 Light Industrial to R1 General Residential is inconsistent with the endorsed Bombala Land Use Strategy and with S117 Direction 1.1 Business and Industrial Zones, in that it reduces the total amount of industrial zoned land, and raises potential land use conflict issues. Therefore, a public exhibition period of 14 days for the planning proposal is considered appropriate to allow surrounding land owners the opportunity to comment on the proposal. The Bombala Land Use Strategy should also be amended to reflect the proposed zoning change and exhibited with the planning proposal. Council is encouraged to consider the future zoning of the remaining IN2 Light Industrial zoned land in this location.

I have also agreed the planning proposal's inconsistency with S117 Direction 1.1 Business and Industrial Zones is of minor significance. No further approval is required in relation to this Direction.

The Minister delegated his plan making powers to councils 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. Council should contact the regional office of the Department should it require assistance in relation to the exercise of its delegation, including assistance with access to GIS support.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 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 EP&A 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 Mr Nathan Foster, of the regional office of the Department, to assist you. Mr Foster can be contacted on (02) 4224 9450.

Yours sincerely,



Neil Selmon
Acting Executive Director
Rural & Regional Planning
Planning Operations & Regional Delivery

19/12/2013

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

Gateway Determination

Planning proposal (Department Ref: PP_2013_BOMBA_001_00): to amend zoning and minimum lot size of certain lands in the vicinity of Bombala and Cathcart.

I, the Acting Executive Director, Rural and Regional Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Bombala Local Environmental Plan (LEP) 2012 to rezone certain land at Mahratta and Bright Streets, Bombala to R1 General Residential zone with no minimum lot size; and certain lands in Cathcart to RU1 Primary Production with 40ha minimum lot size and to RU3 Forestry with no minimum lot size should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update "the Bombala Land Use Strategy" to reflect the proposed rezoning of land at Mahratta to R1 General Residential. The updated strategy is to be placed on public exhibition with the planning proposal.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **14 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 & Infrastructure 2013)*.
3. Consultation is required with the NSW Forestry Corporation under section 56(2)(d) of the EP&A Act. NSW Forestry Corporation 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 EP&A 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 10th day of December 2013.



Neil Selmon
Acting Executive Director
Rural & Regional Planning
Planning Operations & Regional Delivery

Delegate of the Minister for Planning &
Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Bombala Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_BOMBA_001_00	Planning proposal to rezone certain land at Mahratta and Bright Streets, Bombala to R1 General Residential Zone with no minimum lot size; and certain lands in Cathcart to RU1 Primary Production with 40ha minimum lot size and to RU3 Forestry with no minimum lot size.

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

Dated 10 December 2013

Neil Selmon
Acting Executive Director
Rural & Regional Planning
Planning Operations & Regional Delivery
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_BOMBA_001_00
Date Sent to Department under s56	18/11/2012
Date considered at LEP Review Panel	05/12/2013
Gateway determination date	10/12/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: