



Planning & Infrastructure

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Our ref: PP_2013_BEGAV_003_00 (13/15084)

Ms Leanne Barnes
Acting 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 your Council's letter dated 5th September 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to provide additional supply of medium density residential dwellings and tourist development opportunities.

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.

I have also agreed the planning proposal's inconsistencies with s117 Directions 1.2 Rural Zones and 1.5 Rural Lands are of minor significance. In respect to s117 Direction 4.4 Planning for Bushfire Protection Council has indicated it will consult with the NSW Rural Fire Service prior to community consultation. This will satisfy the requirements of this Direction. No further approval or referral is required in relation to these Directions while the planning proposal remains in its current form.

DELEGATED

The Minister delegated his plan making powers to councils 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 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, please contact Ms Ann Martin of the Southern Regional office of the Department on 02 42249466.

Yours sincerely,

 1 October 2013

Brett Whitworth
Regional Director
Southern Region
Planning Operations & Regional Delivery

Enclosed: Gateway determination
Delegation Authorisation

Amending Gateway Determination

Planning Proposal (Department Ref: PP_2013_BEGAV_003_00): To provide additional supply of medium density residential dwellings and tourist accommodation opportunities;

I, the General Manager, Southern Region as delegate of the Minister for Planning and Infrastructure, have determined under section 56(7) of the EP&A Act to alter the Gateway determination for the proposed amendment to the Bega Valley Local Environmental Plan 2013 described above as follows:

Amend the Gateway determination by:

1. deleting Item 6 Lots 33 and 34 DP 243029 Tura Beach Drive, Tura Beach; and
2. correcting a zoning error on page 1 of the planning proposal for Item 1 Lot 2 DP 1170612 Bega-Tathra Road, Bega by changing the zone from RU2 Rural Landscape to RU1 Primary Production on Land Zoning Map sheets LZN_011B, LZN_011C, and LZN_019 accordingly.

Dated 3rd day of February 2014



Brett Whitworth
General Manager
Southern Region
Growth Planning & Delivery
Delegate of the Minister for Planning and
Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Bega Valley Shire 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_BEGAV_003_00	Planning proposal to provide additional supply of medium density residential dwellings and tourist accommodation opportunities.

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

Dated 1 October 2013

**Brett Whitworth
Regional Director
Southern Region
Planning Operations & Regional Delivery
Department of Planning and Infrastructure**

Delegate of the Minister for Planning and Infrastructure