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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,



Brett Whitworth
Regional Director
Southern Region
Planning Operations & Regional Delivery

Enclosed: Gateway determination
 Delegation Authorisation

Gateway Determination

Planning proposal (Department Ref: PP_2013_BEGAV_00_00: to provide additional supply of medium density residential dwellings and tourist accommodation opportunities.

I, the Regional Director, Southern Regional Team 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 Bega Valley Local Environmental Plan (LEP) 2013 to *provide additional supply of medium density residential dwellings and tourist accommodation opportunities* should proceed subject to the following conditions:

1. 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 **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 & Infrastructure 2013)*.

Consultation is required with the:

- Office of Environment and Heritage;
- NSW Rural Fire Service; and
- Transport for NSW – Roads and Maritime Services;

under section 56(2)(d) of the EP&A Act. Each agency 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.

2. 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).



3. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

1st

day of

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**

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