



Our ref: PP_2015_EUROB_004_00

Dr Catherine Dale
General Manager
Eurobodalla Shire Council
PO Box 99
Moruya NSW 2537

Attention: Jeff Morgan

Dear Ms Dale

Planning Proposal PP_2015_EUROB_004_00 – Alteration of Gateway Determination

I refer to your letter of 1 August 2016 requesting the issue of an amended Gateway determination for planning proposal PP_2015_EUROB_004_00, and the amended planning proposal sent to the Department by Mr Jeff Morgan on 1 November 2016 addressing the Department's previous concerns relating to the agency responses from the Office of Environmental and Heritage and the Rural Fire Service.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 2 October 2015 for PP_2015_EUROB_004_00. The Alteration of the Gateway Determination and amended written authorisation to Exercise Delegation are enclosed.

Prior to consultation, the planning proposal is to be amended to correct the references to the map sheets for building heights and lot sizes on Page 6 of the planning proposal.

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 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 for the Department of Planning and Environment to draft and finalise the LEP should be made six weeks prior to the projected publication date.

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 timeframes outlined in this determination are not met.

If you have any questions in relation to this matter, I have arranged for Mr Nathan Foster to assist you. Mr Foster can be contacted on (02) 4224 9459.

Yours sincerely



22/11/16.

Linda Davis
Acting Director Regions, Southern
Planning Services

Encl: Alteration to Gateway Determination; Written Authorisation to Exercise Delegation

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2015_EUROB_004_00)

I, the Director Regions, Southern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 2 October 2015 for the proposed amendment to the Eurobodalla Local Environmental Plan 2012 as follows:

1. Delete all 4 conditions from the Gateway Determination;
2. Insert the following new 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 LEPs* (Department of Planning and Environment 2016).
 2. Prior to consultation, the planning proposal is to be amended to correct the references to the map sheets for building heights and lot sizes on Page 6 of the planning proposal.
 3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage (OEH)
 - NSW Rural Fire Service (RFS)
- Each public authority 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. Council is required to undertake this consultation, and exhibit the agency responses as part of the consultation material while it is on public exhibition.
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).

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 22nd day of November 2016



A/ **Linda Davis**
Director Regions, Southern
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Eurobodalla 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_2015_EUROB_004_00	Planning proposal to amend the Eurobodalla LEP 2012 Land Zoning, Lot size and Height of Buildings Maps for land at Broulee

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 22 / 11 / 2016



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

Delegate of the Minister for Planning