



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

Dear Leanne

**Planning proposal PP\_2020\_BEGAV\_003\_00 to amend Bega Valley Local Environmental Plan 2013**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone 23 sites to SP2 Infrastructure Zone.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.1 Business and Industrial Zones, 2.1 Environmental Protection Zones, 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection are justified in accordance with the terms of the Direction. In relation to section 9.1 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the affected sites are operational land that are currently used for water or sewerage infrastructure. In relation to Direction 4.4 Planning for Bushfire Protection Council is required to consult with the NSW Rural Fire Service in accordance with the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Direction 2.3 Heritage Conservation because the planning proposal has identified a moderate or high level of Aboriginal heritage constraint on a number of sites, including those proposed for future infrastructure development. Council should ensure this occurs prior the plan being made in consultation with DPIE Biodiversity and Conservation.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

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, Industry 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Graham Judge to assist you. Mr Judge can be contacted on 6229 7906.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Sarah Lees', with a stylized flourish at the end.

11 August 2020

**Sarah Lees**  
**Director, Southern Region**  
**Local and Regional Planning**

Encl: Gateway determination  
Authorised plan-making reporting template