

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

Our ref:15/12117

Attention: Sophie Thomson

Dear Ms Barnes

Planning Proposal - Reclassification of Part Lot 4 DP 1138056, Cattle Bay, Eden

I am writing in response to your Council's letter dated 30 July 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to amend the *Bega Valley Local Environmental Plan 2013* to reclassify Part Lot 4 DP 1138056, Cattle Bay, Eden, from community to operational land.

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

As delegate for the Secretary of Planning and Environment I have also agreed that the planning proposal is consistent with all relevant section 117 Directions. No further approval is required in relation to these Directions.

Council is reminded it is required to hold a public hearing for this matter in accordance with the *Local Government Act 1993* given the reclassification of land is proposed.

Council will also need to prepare an appropriate Land Reclassification (Part Lots) Map to identify the subject part lot in accordance with the Department's 'Standard technical requirements for LEP' maps prior to submitting the map for finalisation.

The proposed timeline, that currently states that the LEP will be completed by March 2015, should be corrected prior to exhibition.

As the planning proposal will require the approval of the Governor, the making of the draft plan cannot be delegated to the Council in this instance.

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 within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) 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 s54(2)(d) of the *Environmental Planning and Assessment Act 1979* if the time frames outlined in this determination are not met.

Should you have any questions regarding this matter, I have arranged for Ms Ann Martin, of the Department of Planning and Environment's Southern Region's Office to assist you. Ms Martin may be contacted on (02) 4224 9466.

Yours sincerely



11 August 2015

**Brett Whitworth
General Manager
Southern Region
Planning Services**

Encl:
Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2015_BEGAV_005_00): to reclassify Part Lot 4 DP 1138056, Cattle Bay, Eden, from 'community' to 'operational' land (interests changed).

I, Brett Whitworth, the General Manager, Southern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Bega Valley Local Environmental Plan 2013* to reclassify Part Lot 4 DP 1138056, Cattle Bay, Eden, from 'community' to 'operational' land (interests changed) 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* as follows:
 - (a) the planning proposal must be made publicly available for **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 local environmental plans (Department of Planning and Infrastructure 2013).
2. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979*:
 - * Sydney Ports Corporation
 - * Department of Primary Industry- Crown Lands

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

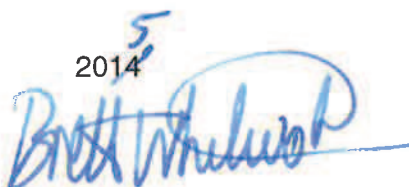
3. No public hearing is required to be held into the matter under section 56(2)(e) of the *Environmental Planning and Assessment Act 1979*. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or as required here when reclassifying land).

It is noted this proposal is to reclassify land and Council will need to fulfil any obligations under the *Local Government Act 1993*.

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 11th day of August

2014



Brett Whitworth
General Manager
Southern Region
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning