



Planning & Environment

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

Contact: Meredith McIntyre
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Our ref: PP_2015_BEGAV_010 (15/15256)

Dear Ms Barnes

Thank you for your letter of 23 January 2017 advising of Council's position on the proposed reclassification of the Bemboka Health Building site and requesting the Department proceed with processing the planning proposal.

I understand that the letter was in response to our original advice on 3 August 2016 and our most recent advice to Keith Tull dated 9 November 2016. The Department was of the view that the process to date had not followed Council's resolution of 2 September 2015 (being to remove the covenant from the land) and that it was not clear that Council had formally requested Health Infrastructure to remove the covenant from the title of the land.

I understand from your most recent letter, that Council is of the view that there is no longer a need to seek the removal of the covenant from the land title. If Council is satisfied that interests do not need to be removed, I have enclosed a Written Authorisation to Exercise Delegation to enable Council to finalise this local environmental plan.

Please be aware that an updated Opinion from the Parliamentary Counsel will be required as the previous Opinion is almost seven months old.

I reiterate our previous comments in relation to the discharging of interests on land in accordance with Practice Note 16-001. To enable any interests relating to the public use of land to be discharged, the land would need to be reclassified back to community land before a new planning proposal to reclassify the land to operational land could be undertaken to discharge those interests.

If you have any questions in relation to this matter, I have arranged for Meredith McIntyre to assist you. Meredith can be contacted on 6229 7912.

Yours sincerely,

Linda Davis
Acting Director Regions, Southern
Planning Services

Encl:
Written Authorisation to Exercise Delegation



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Bega Valley 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_BEGAV_010_00	Planning proposal to reclassify Lot 5 Section 7 DP 758087 at Bemboka

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 23 | 2 | 2017

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

Delegate of the Minister for Planning