



Planning & Environment

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

Our ref: PP_2015_BEGAV_010_00 (15/155256)

Dear Ms Barnes

Planning proposal to amend Bega Local Environmental Plan 2013

I am writing in response to your Council's letter dated 13 October 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to reclassify land at Bemboka from community to operational land.

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

In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the funds gained through disposal of the property will be reinvested into existing community facilities and programs in Bemboka and other villages. No further approval is required in relation to this Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 18 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 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 section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Ann Martin of the Department's regional office to assist you. Ms Martin can be contacted on (02)42249466.

Yours sincerely

Linda Davis
Acting General Manager
Southern Region
Planning Services

Encl: Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2015_BEGAV_0010_00): to reclassify land at Bemboka from community to operational land.

I, the Acting 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 (LEP) 2013 to reclassify land at Bemboka from community to operational land 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 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 2013)*.

No consultation is required with public authorities under section 56(2)(d) of the Act

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 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 **18 months** from the week following the date of the Gateway determination.

Dated 6th day of November 2015



**Linda Davis
Acting General Manager
Southern Region
Planning Services
Department of Planning and
Environment**

Delegate of the Minister for Planning