



Planning & Infrastructure

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Mr Paul Anderson
 General Manager
 Eurobodalla Shire Council
 PO Box 99
 MORUYA NSW 2537

Our ref: PP_2012_EUROB_001_00 (112/09955)
 Your ref: 12.6148.R

Dear Mr Anderson,

Planning Proposal to rezone land bounded by John Street, Church Street and Princes Highway, Moruya from RU1 Primary Production Zone to B5 Business Development Zone, apply no minimum lot size and to introduce an additional objective into the B5 Zone under the draft Eurobodalla LEP 2012

I am writing in response to your Council's letter dated 7 May 2012 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the abovementioned planning proposal to amend the Eurobodalla draft Local Environmental Plan 2012.

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

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Nathan Foster of the Regional Office of the Department on 02 4224 9450.

Yours sincerely,


Sam Haddad
 Director-General

10/7/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_EUROB_001_00): to rezone land bounded by John Street, Church Street and Princes Highway, Moruya from RU1 Primary Production Zone to B5 Business Development Zone, apply no minimum lot size and to introduce an additional objective into the B5 Zone under the draft Eurobodalla LEP 2012

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Eurobodalla Draft Local Environmental Plan 2012 to rezone land bounded by John Street, Church Street and Princes Highway, Moruya from RU1 Primary Production Zone to B5 Business Development Zone, apply no minimum lot size and introduce and to introduce an additional objective into the B5 Zone 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 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Southern Rivers Catchment Management Authority
 - Office of Environment and Heritage
 - NSW Department of Primary Industries – Agriculture
 - NSW Department of Primary Industries - Fishing and Aquaculture
 - NSW Rural Fire Service
 - Transport for NSW - Roads and Maritime Services

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. Further to Condition 2 above, Council is to consult with the Commissioner of the NSW Rural Fire Service, prior to the commencement of community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, and forward a copy of the revised planning proposal to the Department for finalisation.
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 EP&A 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 timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

10th

day of

July

2012.

SHaddad

**Sam Haddad
Director-General**

**Delegate of the Minister for Planning and
Infrastructure**