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

Our ref: PP_2014_BEGA_003_00

Dear Ms Barnes

Attention: Mr Keith Tull

Planning proposal to amend Bega Local Environmental Plan 2013

I am writing in response to your Council's letter dated 6th January 2014 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the zones, heights of buildings and various other controls in the Bega, Merimbula and Eden CBDs as well as land at Carolynne Street and Arthur Kaine Drive Merimbula.

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

The maps are considered suitable for exhibition purposes, however, it appears that no zoning map has been included for Carolynne Street Merimbula. This should be added to the planning proposal prior to consultation. The maps will need to comply with the Department's 'Standard technical requirements for LEP maps' when the plan is submitted for finalisation.

I have also agreed the planning proposal's inconsistencies with s117 Directions are justified by Council's endorsed Community Plan, Structure Plans for each CBD and Bega Town Plan or are of minor significance. No further referral or approval is required in relation to these Directions while the planning proposal remains in its current form.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

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 as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

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 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 Ms Ann Martin of the Southern Regional office of the Department on 02 4224 9466.

Yours sincerely,



Brett Whitworth
General Manager
Southern Region
Growth Planning & Delivery

13 February 2014



Gateway Determination

Planning proposal (Department Ref: PP_2014_BEGA_002_00): to amend the zones and height limits in the commercial areas of the Bega Valley Shire from what was exhibited in the Draft Bega LEP 2010.

I, 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 Bega Local Environmental Plan (LEP) 2013 to *zone and amend various height limits, floor space ratios and minimum lot sizes at Bega, Eden and Merimbula CBDs, Carolynne Street and Arthur Kaine Drive Merimbula; and introduce the B5 Business Development 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 & Infrastructure 2013)* and 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 & Infrastructure 2013)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant s117 Directions:
 - Office of Environment and Heritage
 - Department of Primary Industries (Fishing and Aquaculture) (s117 Direction 1.4)
 - NSW Roads and Maritime Services
 - NSW Rural Fire Service (s117 Direction 4.4)
 - Commonwealth Department of Infrastructure and Regional Development – Aviation (s117 Direction 3.5)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. 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).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 13th day of February 2014.


Brett Whitworth
General Manager
Southern Region
Growth Planning & Delivery
Department of Planning & Infrastructure

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



Planning & Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Bega Valley Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2014_BEGA_002_00	Planning proposal to amend the zones and height limits in the commercial areas of the Bega Valley Shire from what was exhibited in the draft LEP 2010.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 13 February 2014

A handwritten signature in blue ink, appearing to read "Brett Whitworth".

Brett Whitworth
General Manager
Southern Region
Department of Planning and Infrastructure