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Our ref: PP_2014_EUROB_001_00
Your ref: 87.6976.R/1

Mr Mark Hitchenson
Co-ordinator, Land Use Planning
Eurobodalla Shire Council
Po Box 99
MORUYA NSW 2537

Dear Mr Hitchenson

Planning Proposal to amend Eurobodalla Local Environmental Plan (2012)

I am writing in response to your Council's letter dated 17 April 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 lot size map applying to Lot 254, DP773478, 1 Old Princes Highway Turlinjah.

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 4.4 Planning for Bushfire Protection, Council is required to consult with and give consideration to the comments of the NSW Rural Fire Service prior to public consultation. This response is to be exhibited with the 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. Council should contact the regional office of the Department should it require assistance.

The amending Local Environmental Plan (LEP) is to be finalised within 6 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 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 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 Southern Regional office of the Department on 02 4224 9459.

Yours sincerely,



8 May 2014

Brett Whitworth
General Manager
Southern Region
Growth Planning and Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2014_EUROB_001_00): to amend the lot size map applying to Lot 254, DP773478, 1 Old Princes Highway Turlinjah

I, as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Eurobodalla Local Environmental Plan (LEP) 2012 to amend the lot size map applying to lot 254, DP773478, 1 Old Princes Highway Turlinjah 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 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 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 EP&A Act:

- Office of Environment and Heritage
- NSW Department of Primary Industries - Fishing and Aquaculture
- NSW Rural Fire Service (s117 Direction 4.4)
- Transport for NSW - Roads and Maritime Services
- NSW Food Authority

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 it will require additional time to comment on the proposal. A public authority 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 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 Director General can be satisfied that the planning proposal will be consistent with section 117 Direction 4.4 - Planning for Bushfire Protection once the Council has consulted with the NSW Rural Fire Service prior to community consultation and taken into account any comments received.

5. The mapping included in the planning proposal (page 10) is to be amended prior to exhibition to clearly identify the subject land and show the current and proposed lot sizes for the subject land. Mapping in accordance with the Department's guidelines is required prior to finalisation of the LEP.

6. The time frame for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Dated 8th day of May 2014.



Brett Whitworth
General Manager, Southern Region
Growth Planning and Delivery
Department of Planning and Environment
Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Eurobodalla Shire Council is authorised to exercise the functions of the Minister for Planning and ~~Environment~~ 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_EUROB_001_00	Planning proposal to amend the lot size map applying to Lot 254, DP773478, 1 Old Princes Highway Turlinjah.

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

Dated 8th day of May 2014

Brett Whitworth
General Manager
Southern Region
Growth Planning and Delivery
Department of Planning and Environment

