



Planning & Environment

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Dr Catherine Dale
General Manager
Eurobodalla Shire Council
89 Vulcan Street
Moruya NSW 2537

Our ref: PP_2015_EUROB_002_00 (15/03548)
Your ref: E14.4882

Dear Dr Dale

Planning proposal to amend Eurobodalla Local Environmental Plan 2012 and Eurobodalla Rural Local Environmental Plan 1987

I am writing in response to your Council's letter dated 17 April requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to make housekeeping and other amendments to Eurobodalla Local Environmental Plan (LEP) 2012 and Eurobodalla Rural Local Environmental Plan (LEP) 1987.

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.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 3.1 Residential Zones and 6.2 Reserving Land for Public Purposes are justified by a Strategy or are of minor significance. No further approval is required in relation to these Directions.

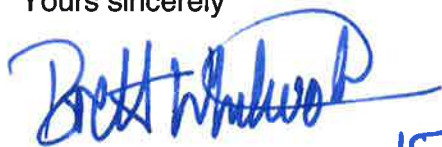
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise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

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 of Planning and Environment 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 *Environmental Planning and Assessment Act 1979* 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 Mr Nathan Foster of the Department's regional office to assist you. Mr Foster can be contacted on (02) 4224 9459.

Yours sincerely



15 May 2015

**Brett Whitworth
General Manager
Southern Region
Planning Services**

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (Department Ref: PP_2015_EUROB_002_00): to make housekeeping and other amendments to Eurobodalla LEP 2012 and Eurobodalla Rural LEP 1987.

I, the 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 & Assessment Act 1979* (the Act) that a proposal to make housekeeping and other amendments to the Eurobodalla Local Environmental Plan (LEP) 2012 and Eurobodalla Rural Local Environmental Plan (LEP) 1987 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* (the Act) 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)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979* and/or to comply with the requirements of relevant S117 Directions:
 - NSW 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, 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 *Environmental Planning and Assessment Act 1979*. 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 **12 months** from the week following the date of the Gateway determination.

Dated

15th

day of

May

2015



**Brett Whitworth
General Manager
Southern Region
Planning Services
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 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_EUROB_002_00	Planning proposal to proposal to make housekeeping and other amendments to Eurobodalla LEP 2012 and Eurobodalla Rural LEP 1987

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 15 May 2015

Brett Whitworth
General Manager
Southern Region
Planning Services
Department of Planning and Environment