

Our ref: PP_2017_EUROB_002_00 ;(17/09409)

Dr Catherine Dale
Eurobodalla Shire Council
PO Box 99
MORUYA NSW 2537

Attn: Mark Hitchenson

Dear Dr Dale

Planning Proposal (PP_2017_EUROB_002_00) to amend Eurobodalla Local Environmental Plan 2012

I am writing in response to Council's letter dated 12 May 2017, requesting a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* and additional information received on 28 June, in respect of the Planning Proposal to amend Eurobodalla LEP 2012 to reclassify, rezone and amend the minimum lot size and height of building controls at part Lot 23 DP865887, Flying Fox Road / Rainforest Parkway, Narooma.

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, as delegate of the Secretary, the Planning Proposal's inconsistencies with Section 117 Directions 2.1 Environmental Protection Zones and 6.2 Reserving Land for Public Purposes are justified in accordance with the terms of the Directions.

The planning proposal relates to land either mapped, or in proximity to land mapped as bushfire prone land. To ensure consistency with Direction 4.4 Planning for Bushfire Protection Council is required to consult with the NSW Rural Fire Service Commissioner prior to consultation.

No further approval is required in relation to these Directions.

Plan making powers were delegated to Councils by the Minister in October 2012. As the removal of the public reserve status of the site will require the Governor's approval Council is not able to exercise delegation to make this plan.



Planning & Environment

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of 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 six 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 regarding this matter, I have arranged for Mr Nathan Foster of the Department's Southern Region office to assist you. Mr Foster can be contacted on 4224 9459.

Yours sincerely

Karen Armstrong 18/7/17
Karen Armstrong
Director Regions, Southern
Planning Services
Department of Planning and Environment

Gateway Determination

Planning Proposal (Department Ref: PP_2017_EUROB_002_00): to reclassify and rezone Community land, being part Lot 23 DP865887, Flying Fox Road / Rainforest Parkway, Narooma.

I, the Director Regions, Southern, 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* that an amendment to Eurobodalla LEP 2012 to reclassify, rezone and amend the minimum lot size and height of building controls at part Lot 23 DP865887, Flying Fox Road / Rainforest Parkway, Narooma should proceed subject to the following conditions:

1. Prior to community consultation:
 - a) to ensure consistency with s117 Direction 4.4 Planning for Bushfire Protection, Council is required to consult with the NSW Rural Fire Service in accordance with the Direction.
2. Community consultation is required under Sections 56(2)(c) and 57 of 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 local environmental plans (Department of Planning and Environment 2016)*.
3. Consultation is required with the following public authorities and / or organisations under Section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Office of Environment and Heritage
 - NSW Rural Fire Service

Each public authority/organisation 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.
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 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).



Planning & Environment

5. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.
6. The final LEP maps shall be prepared in accordance with the requirements of the Department's "Standard Technical Requirements for Spatial Datasets and Maps" Vers: 1.0 November 2015.

Dated *18TH* day of *JULY* 2017

Karen Armstrong
Director Regions, Southern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning