NSW GOVERNMENT | Planning & Environment

Contact: Meredith McIntyre
Phone: (02) 6229 7912
Email: meredith.mcintyre@planning.nsw.gov.au

Our ref: PP_2016_BEGAV_005 (16/09393)

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

Dear Ms Barnes

Planning proposal to amend Bega Valley Local Environmental Plan 2013

I am writing in response to your Council's email dated 23 September 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone nine deferred sites at Merimbula, Pambula and Eden.

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 S117 Directions (1.2 Rural Zones, 1.4 Oyster Aquaculture, 4.1 Acid Sulphate Soils, and 5.1 Implementation of Regional Strategies) 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 now accepted this delegation. 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 from 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 six 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 Act 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 Meredith McIntyre of the Department's regional office to assist you. Meredith can be contacted on (02) 6229 7912.

Yours sincerely

20/10/16

Linda Davis
Acting Director Regions, Southern
Planning Services
Department of Planning and Environment

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

NSW GOVERNMENT | Planning & Environment

Gateway Determination

***Planning proposal (Department Ref: PP_2016_BEGAV_005_00)**: to rezone nine deferred sites at Merimbula, Pambula and Eden.*

I, the Acting Director, 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 and Assessment Act 1979* (the Act) that an amendment to the Bega Valley Local Environmental Plan (LEP) 2013 to rezone the following nine deferred sites:

a) Part Lot 1882 DP 1014185, Merimbula Drive, Merimbula to part E3 Environmental Conservation Zone with a MLS of 10ha and part E4 Environmental Living Zone with MLS of 1ha and 2ha.

b) Lot 5431 DP 1041710, Boggy Creek Road, Millingandi to E4 Environmental Living Zone with a 2ha MLS.

c) Lot 529 DP 1007936, Lots 1-3, 16-19 Section 45 DP 758825, Lots 1-4, 19-22 Section 46 DP 758825, Oregon Street, Pambula to E3 Environmental Management Zone (with a 120ha MLS - already provided in the BVLEP 2013).

d) Lots 1 and 2 DP 68708, Lots 101 – 103 DP 734647, Lots 16-22 DP 792850, Lots 10-13 DP 1114693, Lots 1-3, 10, 13 – 19 Section 14 DP 758825, Lot 1 DP 198345, Lot 23 DP 803543, Lots 8 and 9 DP 997160 and Lot 12 DP 829514, Bega Street, Pambula to part E4 Environmental Living Zone with a 5000sqm MLS and part R5 Large Lot Residential Zone with a MLS of 2000sqm.

e) Lot 441 and 442 DP 1077278, Lots 431-434 DP 1152077, part Lot 381 DP 1027113, Part Lot 45 DP 807327, Oaklands Road, Pambula to part E4 Environmental Living Zone with 1ha MLS and part RU2 Rural Landscape Zone (with a MLS of 120ha - already provided in the BVLEP 2013).

f) Lot 841, DP 1193692, Mount Darragh Road, Lochiel to E4 Environmental Living Zone with a 4ha MLS.

g) Lot 302, DP 749405, Mount Darragh Road, South Pambula to part R5 Large Lot Residential Zone, part E4 Environmental Living Zone, and part E3 Environmental Management Zone with 3000sqm, 5000sqm and 7ha MLS respectively.

h) Lot 102, DP 1108395, Princes Highway, Griegs Flat to part E2 Environmental Conservation Zone, part E3 Environmental Management Zone and E4 Environmental Living Zone (with a 5ha MLS for the E3 zone and a 20ha MLS for the E4 zone - already provided in the BVLEP 2013).

i) Lot 128, DP 750205, West Street, Eden to RU2 Rural Landscape Zone with a 120ha MLS.

should proceed subject to the following conditions:

1. A flora and fauna study should be completed for Site 7, Mount Darragh Road, South Pambula and placed on public exhibition with the planning proposal.

2. 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 2016)*.

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

   - NSW Rural Fire Service
   - Department of Primary Industries
   - Office of Environment and Heritage
   - Australian Government Civil Aviation Safety Authority
   - Merimbula Airport
   - NSW Roads and Maritime Services
   - NSW Crown Lands Service

   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.

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).

5. The LEP maps shall be prepared in accordance with the *Standard Technical Requirements for Spatial Datasets and Maps (*Department of Planning and Environment, 2015).

6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 20th day of October 2016

Linda Davis
Acting Director Regions, Southern
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

NSW GOVERNMENT | Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Bega Valley 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_2016_BEGAV_005_00	Planning proposal to rezone the following nine deferred sites: a) Part Lot 1882 DP 1014185, Merimbula Drive, Merimbula to part E3 Environmental Conservation Zone with a MLS of 10ha and part E4 Environmental Living Zone with MLS of 1ha and 2ha. b) Lot 5431 DP 1041710, Boggy Creek Road, Millingandi to E4 Environmental Living Zone with a 2ha MLS. c) Lot 529 DP 1007936, Lots 1-3, 16-19 Section 45 DP 758825, Lots 1-4, 19-22 Section 46 DP 758825, Oregon Street, Pambula to E3 Environmental Management Zone (with a 120ha MLS - already provided in the BVLEP 2013). d) Lots 1 and 2 DP 68708, Lots 101 – 103 DP 734647, Lots 16-22 DP 792850, Lots 10-13 DP 1114693, Lots 1-3, 10, 13 – 19 Section 14 DP 758825, Lot 1 DP 198345, Lot 23 DP 803543, Lots 8 and 9 DP 997160 and Lot 12 DP 829514, Bega Street, Pambula to part E4 Environmental Living Zone with a 5000sqm MLS and part R5 Large Lot Residential Zone with a MLS of 2000sqm. e) Lot 441 and 442 DP 1077278, Lots 431-434 DP 1152077, part Lot 381 DP 1027113, Part Lot 45 DP 807327, Oaklands Road, Pambula to part E4 Environmental Living Zone with 1ha MLS and part RU2 Rural Landscape Zone (with a MLS of 120ha - already provided in the BVLEP 2013). f) Lot 841, DP 1193692, Mount Darragh Road, Lochiel to E4 Environmental Living Zone with a 4ha MLS. g) Lot 302, DP 749405, Mount Darragh Road, South Pambula to part R5 Large Lot Residential Zone, part E4 Environmental Living Zone, and part E3 Environmental Management Zone with 3000sqm, 5000sqm and 7ha MLS respectively. h) Lot 102, DP 1108395, Princes Highway, Griegs Flat to part E2 Environmental Conservation Zone, part E3 Environmental Management Zone and E4 Environmental Living Zone (with a 5ha and 20 MLS respectively - already provided in the BVLEP 2013). i) Lot 128, DP 750205, West Street, Eden to RU2 Rural Landscape Zone with a 120ha MLS.

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 20/10/2016

Linda Davis
Acting Director Regions, Southern
Planning Services
Department of Planning and Environment