



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

Our ref: PP_2017_BEGAV_001_00

Dear Ms Barnes

Planning Proposal (PP_2017_BEGAV_001_00) to amend Bega Valley Local Environmental Plan 2013

I am writing in response to Council's letter dated 12 July 2016 requesting a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 20 December 2016 in respect of the Planning Proposal to rezone five deferred matter areas in Bega, Tathra, Jellat Jellat and Kalaru.

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 1.2 Rural Zones and 4.1 Acid Sulfate Soils are justified in accordance with the terms of the Direction. In relation to Section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the creation of land for public purposes on the basis that the protection will meet the requirements of State Environmental Planning Policy No 71 – Coastal Protection. 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 from 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 six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

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 Southern regional office to assist you. Meredith can be contacted on 6229 7912.

Yours sincerely

 27/1/17.

Deanne Frankel
Acting Director Regions, Southern
Planning Services
Department of Planning and Environment

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

Gateway Determination

Planning Proposal (Department Ref: PP_2017_BEGAV_001_00): to rezone and remove the deferred matter status from sites in Bega, Tathra, Jellat and Kalaru as follows:

- Site 1: Lot 10 DP 1162109, Finucane Lane, Bega to R5 Large Lot Residential Zone with a 2ha minimum lot size;
- Site 2: Part Lot 4 DP 1077434, Part Lot 2432 DP 793758 and Lot 1510 DP 1077898, Princes Hwy, Bega to R5 Large Lot Residential Zone with 1ha and 3ha minimum lot sizes,
- Site 3: Lot 5210 DP 807872, D'Arcy Lane, Jellat to E4 Environmental Living Zone with a 2ha minimum lot size,
- Site 4: Lot 2 DP 582074, Tathra River Estate, Thompsons Dr, Tathra to R5 Large Lot Residential Zone with a 1ha minimum lot size, RE1 Public Recreation Zone and E2 Environmental Conservation Zone, and
- Site 5: Lot 21 & 22 DP 816824 and Lots 2 & 3 DP 249834 Sapphire Coast Dr, Kalaru to E4 Environmental Living Zone with a 2ha minimum lot size.

I, the Acting 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* (the Act) that an amendment to the Bega Valley Local Environmental Plan (LEP) 2013 to rezone five deferred matter sites at Bega, Tathra, Jellat and Kalaru should proceed subject to the following conditions:

1. Change the description of the planning proposal:
 - from "Bega and Tathra Deferred Sites"
 - to "Bega, Tathra, Jellat and Kalaru Deferred Sites".
2. Prior to undertaking community consultation Council is to provide the Director Regions, Southern with a copy of the amended planning proposal.
3. 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).

4. Consultation is required with the following public authorities and / organisations under Section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:

- NSW Rural Fire Service
- Office of Environment and Heritage

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.

5. 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).
6. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.
7. 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 27th day of January 2017



Deanne Frankel
Acting Director Regions, Southern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning



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_2017_BEGAV_001_00	Planning proposal to rezone and remove the deferred matter status from sites in Bega, Tathra, Jellat Jellat and Kalaru as follows: • Site 1: Lot 10 DP 1162109, Finucane Lane, Bega to R5 Large Lot Residential Zone with a 2ha minimum lot size; • Site 2: Part Lot 4 DP 1077434, Part Lot 2432 DP 793758 and Lot 1510 DP 1077898, Princes Hwy, Bega to R5 Large Lot Residential Zone with 1ha and 3ha minimum lot sizes, • Site 3: Lot 5210 DP 807872, D'Arcy Lane, Jellat Jellat to E4 Environmental Living Zone with a 2ha minimum lot size, • Site 4: Lot 2 DP 582074, Tathra River Estate, Thompsons Dr, Tathra to R5 Large Lot Residential Zone with a 1ha minimum lot size, RE1 Public Recreation Zone and E2 Environmental Conservation Zone, and • Site 5: Lot 21 & 22 DP 816824, Lots 2 & 3 DP 249834 and Lot 21 DP 816824, Sapphire Coast Dr, Kalaru to E4 Environmental Living Zone with a 2ha minimum lot size.

In exercising the Minister's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "A guide to preparing local environmental plans 2016" and "A guide to preparing planning proposals 2016".

Dated 27th January 2017

Deanne Frankel
Acting Director Regions, Southern
Planning Services
Department of Planning and Environment