



Contact: Ann Martin
Phone: (02)42249466
Fax: (02)42249470
Email: ann.martin@planning.nsw.gov.au

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

Our ref: PP_2015_BEGAV_008_00

Dear Ms Barnes

Planning proposal to amend Bega Valley Local Environmental Plan 2013.

I am writing in response to your Council's letter dated 13 October 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 land at Cabarita Place Merimbula from R3 Medium Density Residential to B2 Local Centre to provide a Regional Learning Facility

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 inconsistency with S117 Direction 3.1 Residential Zones, and 6.2 Reserving Land for Public Purposes is of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction/creation of land for public purposes on the basis that it will create a Regional Learning Centre in the Merimbula Town Centre. 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 18 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 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 Ms Ann Martin of the Department's regional office to assist you. Ms Martin can be contacted on (02)4224 9466.

Yours sincerely



6/11/15

Linda Davis
Acting 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_BEGAV_008_00): to rezone land at Cabarita Place Merimbula from R3 Medium Density to B2 Local Centre to facilitate the provision of a Regional Learning Centre.

I, the Acting 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 and Assessment Act 1979* (the Act) that an amendment to the Bega Valley Local Environmental Plan (LEP) 2013 to rezone land at Cabarita Place Merimbula from R3 Medium Density to B2 Local Centre to facilitate the provision of a Regional Learning Centre 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* 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)*.

No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

2. 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).
3. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated 6th day of November 2015



Linda Davis
Acting General Manager
Southern Region
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_2015_BEGAV_008_00	Planning proposal to rezone land at Cabarita Place Merimbula from R3 Medium Density to B2 Local Centre to facilitate the provision of a Regional Learning Centre.

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 6 / 11 / 2015

Linda Davis
Acting General Manager
Southern Region
Planning Services
Department of Planning and Environment