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Our ref: PP_2014_BEGAV_001_00 (14/01254)
Your ref: PWG001775

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

Dear Ms Barnes,

Planning proposal to amend Bega Valley Local Environmental Plan 2013

I am writing in response to your Council's letter dated 6 January 2014 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to:

- Extend the land application map so that Bega Valley LEP 2013 applies to the waters of Snug Cove and Cattle Bay at Eden;
- Alter the zone boundary between the E2 Environmental Conservation and E3 Environmental Management zones on a property at Murrah; and,
- Rezone the Old Bega Hospital site from SP1 Special Activities to RE2 Private Recreation.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination. Please note the extension of the land application map may only proceed once a Ministerial Order under section 54(6) of the EP&A Act has been made.

I have also agreed the planning proposal's inconsistencies with S117 Direction 2.1 Environmental Protection Zones are of minor significance. No further approval is required in relation to this Direction.

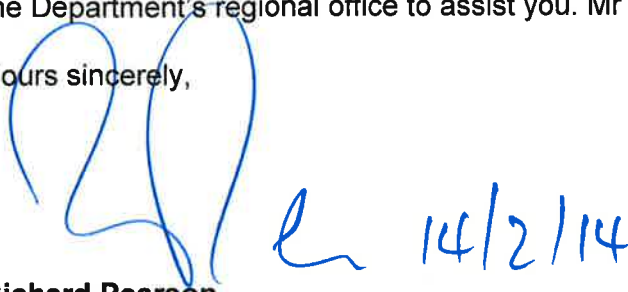
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation 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 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 EP&A 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 Mr Graham Towers of the Department's regional office to assist you. Mr Towers can be contacted on (02) 4224 9450.

Yours sincerely,

A handwritten signature in blue ink, consisting of a large loop followed by a horizontal stroke, and the date '14/2/14' written in a similar blue ink.

Richard Pearson
Deputy Director General
Growth Planning & Delivery

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

Gateway Determination

Planning proposal (Department Ref: PP_2014_BEGAV_001_00): to undertake various mapping amendments.

I, the Deputy Director General, Growth Planning and Delivery at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Bega Valley Local Environmental Plan (LEP) 2013 to extend the land application map to include waters of Snug Cove and Cattle Bay at Eden, alter the zone boundary between E2 Environmental Conservation and E3 Environmental Management on a property at Murrah and rezone Old Bega Hospital from SP1 Special Activities to RE2 Private Recreation 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 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of **14 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 & Infrastructure 2013).
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage
 - NSW Department of Primary Industries (Fisheries)
 - Transport for NSW – Roads and Maritime Services
 - Sydney Ports Corporation
 - NSW Rural Fire Service

Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation, and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

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 EP&A 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).



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

Dated

14

day of

February

2014.

Richard Pearson
Deputy Director General
Growth Planning & Delivery
Department of Planning and Infrastructure

**Delegate of the Minister for Planning and
Infrastructure**



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

The Bega Valley Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2014_BEGAV_001_00	Planning proposal to extend the land application map to include waters of Snug Cove and Cattle Bay at Eden, alter the zone boundary between E2 Environmental Conservation and E3 Environmental Management on a property at Murrah and rezone Old Bega Hospital from SP1 Special Activities to RE2 Private Recreation.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guide to preparing local environmental plans" and "A guide to preparing planning proposals".

Dated 14 February 2014

Richard Pearson
Deputy Director General
Growth Planning and Delivery
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2014_BEGAV_001_00
Date Sent to Department under s56	8/1/2014
Date considered at LEP Review Panel	6/2/2014
Gateway determination date	14/02/2014

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: