



Planning & Infrastructure

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Our ref: 13/10390

Mr Peter Tegart
General Manager
Bega Valley Shire Council
PO Box 492
BEGA NSW 2550

Dear Mr Tegart,

Planning proposal to amend Bega Valley Local Environmental Plan 2013

I am writing in response to your Council's letter dated 13 June 2013 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 rezone part of the Kalaru Racecourse to permit industrial development and recognise the existing use of the racecourse.

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.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 4.3 Flood Prone Land are of minor significance. No further consultation or referral is required in relation to S117 Directions while the Planning Proposal remains in its current form.

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. Please find attached an instrument of authorisation to exercise delegation.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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, please contact Mr Graham Towers of the Southern Region of the department on 4224 9467.

Yours sincerely,



2 August 2013

Brett Whitworth
Regional Director
Southern Region



Gateway Determination

Planning proposal (Department Ref: PP_2013_BEGAV_001_00): to rezone part of the Kalaru Racecourse to IN1 General Industrial and RE2 Private Recreation.

I, the Regional Director, Southern Region of 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 rezone part of the Kalaru Racecourse to IN1 General Industrial and RE2 Private Recreation should proceed subject to the following conditions:

1. As required under Section 117 Direction - 4.4 Planning for Bushfire Protection, Council must consult with the Commissioner of the NSW Rural Fire Service and take into account any comments made prior to public exhibition of the Planning Proposal.
2. Council shall provide maps for exhibition purposes consistent with the Department's mapping guidelines that clearly indicate the proposed changes to the Land Zoning Height of Buildings Map.
3. 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)*.
4. Consultation is required with the Office of Environment and Heritage (OEH) under section 56(2)(d) of the EP&A Act. OEH 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 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).

6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 2nd day of August 2013.



**Brett Whitworth
Regional Director
Southern Region**

**Department of Planning and
Infrastructure**

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



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

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_2013_BEGAV_001_00	Planning proposal to rezone part of Kalaru Racecourse to IN1 General Industrial and RE2 Private Recreation.

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

Dated 2 August 2013

Brett Whitworth
Regional Director
Southern Region
Department of Planning and Infrastructure