



Mr Anthony McMahon
Acting General Manager
Bega Valley Shire Council
PO Box 492
BEGA NSW 2550

Dear Anthony

Planning proposal PP-2021-6786 to amend Bega Valley Local Environmental Plan 2013

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to permit residential development in the B2 Local Centre Zone.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 4.4 Planning for Bushfire Planning will be addressed when Council consults with the NSW Rural Fire Service. No further approval is required in relation to this Direction.

Please note that I have not yet agreed with Council's justification for the inconsistency with section 9.1 Directions 4.3 Flood Prone Land. Council will need to obtain the agreement of the Secretary for any inconsistency with this Direction after it has consulted with DPIE Biodiversity and Conservation and prior to the Plan being made.

I have also determined that community consultation is to be for a minimum period of 28 days because permitting additional residential development in the B2 Local Centre Zone is a significant change to the Bega Valley Local Environmental Plan 2013.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

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The amending local environmental plan (LEP) is to be finalised within 12 months of 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, Industry 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Graham Judge to assist you. Mr Judge can be contacted on 6229 7906.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Sarah Lees', with a stylized, cursive script.

26 November 2021

Sarah Lees
Director, Southern Region
Local and Regional Planning

Encl: Gateway determination
Authorised plan-making reporting template