



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

Dear Leanne

**Planning proposal PP\_2020\_BEGAV\_002\_00 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) and additional information received on 1 May 2020 in respect of the planning proposal to rezone two sites located south of South Pambula and west of the Princes Highway to E4 Environmental Living Zone and E2 Environmental Conservation 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.

The Gateway determination requires Council to update the planning proposal to adequately address relevant Directions and Actions in the South East and Tablelands Regional Plan and section 9.1 Ministerial Directions. Additional information is also required to ensure the planning proposal satisfactorily addresses potential impacts on environmental assets and potential impacts from environmental hazards in accordance with state government policies and guidelines.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum and Extractive Industries, 1.4 Oyster Aquaculture, 1.5 Rural Lands, 2.1 Environment and Heritage, 2.3 Heritage Conservation, 2.6 Remediation of Land, 3.4 Integrating Land Use and Transport, 4.4 Planning for Bushfire Protection, 5.10 Implementation of Regional Plan. Council should ensure this occurs prior to the plan being made.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority because of the nature of the planning proposal, the additional information required to justify the proposal and the requirement to consult with a number of state agencies prior to community consultation.

The amending local environmental plan (LEP) is to be finalised within 18 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 for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

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 flourish at the end.

29 May 2020

**Sarah Lees**  
**Director Southern Region**  
**Local and Regional Planning**

Encl: Gateway determination