



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

Dear Ms Barnes

**Planning proposal PP\_2018\_BEGAV\_003\_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 9 April 2018 in respect of the planning proposal to change the boundaries of the E2 Environmental Conservation Zone, E3 Environmental Management Zone, B4 Mixed Use Zone and RU5 Village Zone associated with four (4) sites located at Cuttagee, Broadwater, Eden, and Cobargo and to apply an E2 Environmental Conservation Zone and E3 Environmental Management Zone to a 'deferred matter' located at Millingandi.

As delegate of the Minister for Planning, 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 inconsistencies with section 9.1 Directions 2.1 Environmental Zones and 4.1 Acid Sulfate Soils are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of section 9.1 Directions 1.4 Oyster Aquaculture and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made. Please note that consultation with the NSW Rural Fire Service is required prior to community consultation.

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.

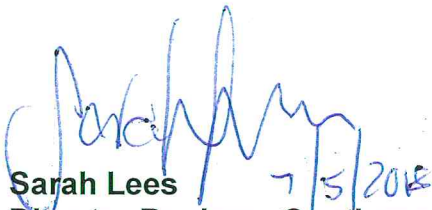
The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the

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 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning 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 further enquiries about this matter, I have arranged for Ms Meredith McIntyre to assist you. Meredith can be contacted on 6229 7912.

Yours sincerely

  
**Sarah Lees** 7/5/2018  
**Director Regions, Southern  
Planning Services**

Encl: Gateway determination  
Local plan-making authority reporting template