

Our ref: IRF22/1479

Ms Liz Jeremy
General Manager
Bellingen Shire Council
PO Box 117
BELLINGEN NSW 2454

Via email: council@bellingen.nsw.gov.au
dbennett@bellingen.nsw.gov.au

Dear Ms Jeremy

Planning proposal PP-2022-1535 to amend Bellingen Local Environmental Plan 2010

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to permit the community title subdivision of existing multiple occupancies and prohibit new rural land sharing communities in Bellingen Shire Local Government Area.

As delegate of the Minister for Planning, I have 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 inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act, being 3.1 Conservation Zones, 4.1 Flooding, 4.2 Coastal Management, 6.1 Residential Zones and 9.2 Rural Lands, is justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act, including Direction 4.3 Planning for Bushfire Protection

I have determined not to authorise Council to be the local plan-making authority because the planning proposal involves the amendment of a State Environmental Planning Policy.

The amending local environmental plan (LEP) is to be completed within 10 months from 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 and Environment to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency

referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Ms Carlie Boyd, Senior Planner to assist you. Ms Boyd can be contacted on 6643 6404.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray', written over a light gray rectangular background.

27/5/2022

Jeremy Gray
Director, Northern Region
Local and Regional Planning

Encl: Gateway determination