

Mr Warwick Winn
General Manager
Eurobodalla Shire Council
PO Box 99
MORUYA NSW 2537

Dear Mr Winn

Planning proposal PP-2022-3684 to amend Eurobodalla Local Environmental Plan 2012

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 reclassify 11 sites from community land to operational land.

As delegate of the Minister for Planning and Homes, 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 EP&A Act 4.5 Acid Sulfate Soils is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

In relation to Directions 3.1 Conservation Zones and 5.2 Reserving Land for Public Purposes, I will make a decision on approving any inconsistency with these Directions once Council has completed community consultation and consultation with relevant agencies.

It is noted that Council has considered the potential for land contamination in response to SEPP (Resilience and Hazards 2021). The SEPP however does not have provisions for considering land contamination when preparing planning proposals. The provisions for considering land contamination in the preparation of a planning proposal are outlined in Direction 4.4 Remediation of Contaminated Land. Condition 1 of the Gateway determination therefore requires Council to amend the planning proposal prior to community consultation to address the potential for land contamination under Direction 4.4.

I have determined not to authorise Council to be the local plan-making authority because the planning proposal includes changing interests on the majority of the sites as part of the reclassification of the majority of the sites to operational land.

The amending local environmental plan (LEP) is to be finalised on or before 12th December 2023. 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 Mr Graham Judge to assist you. Mr Judge can be contacted on 6229 7906.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D Thompson', is displayed within a light grey rectangular box.

12/12/2022

**Daniel Thompson
Director Southern Region
Local and Regional Planning**

Encl: Gateway determination