

Mr Anthony McMahon  
Chief Executive Officer  
Bega Valley Shire Council  
PO Box 492  
BEGA NSW 2550

Our ref: IRF23/688

Dear Mr McMahon

**Planning proposal PP-2023-141 to amend Bega Valley Local Environmental Plan 2013**

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 rezone part Lot 882 DP 789858 Red Gum Road, Yellow Pinch.

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

The Gateway determination includes a condition requiring that the planning proposal be amended before community consultation to include a traffic study as requested by Transport for NSW in response to the Scoping Proposal.

I have also noted the inconsistencies of the planning proposal with applicable Directions of the Minister under section 9.1 of the EP&A Act 1.1 Implementation of Regional Plans, 3.1 Conservation Zones, 3.2 Heritage Conservation and that consultation is required with relevant agencies and bodies to consider the assessments and studies accompanying the planning proposal that justify the inconsistency with these Directions.

Council will need to obtain the agreement of the Secretary to comply with the requirements of the above Directions of the Minister under section 9.1 of the EP&A Act and Council should ensure this occurs prior to the LEP being made.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 1<sup>st</sup> May 2024. Council should aim to commence the exhibition of the planning proposal as soon as possible.

Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to [mapinstrument.drafting@dpie.nsw.gov.au](mailto:mapinstrument.drafting@dpie.nsw.gov.au). The relevant Department of Planning and Environment team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination.

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 Graham Judge to assist you. Mr Judge can be contacted on 6229 7906.

Yours sincerely



1/5/2023

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

Encl: Gateway determination