

Mr Anthony McMahon
CEO
Bega Valley Shire Council

council@begavalley.nsw.gov.au

Dear Mr McMahon

Planning proposal PP-2023-2682 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 amend the Bega Valley LEP 2013 to allow retail premises, function centres, entertainment facilities and community facilities as additional permitted uses on land zone E4 General Industrial at Part Lot 1 DP1264640, 10 Lagoon Street, Bega.

As you are aware this proposal was previously not supported due to concerns about the impacts of flooding on the site. It is acknowledged that a Flood Impact Risk Assessment has now been provided in support of the proposal and that the assessment makes recommendations including in relation to emergency response.

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.

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 EP&A Act 4.4 - Planning for Bushfire Protection. Council should ensure this occurs prior to public exhibition.

Further, consistency of the planning proposal with Planning Direction 4.1 - Flooding remains unresolved until Council has consulted with NSW SES and DCCEEW (Flooding), as required by the Gateway Determination, and has carefully considered any advice given.

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 9 months from the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning, Housing and Infrastructure (Department).

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 Nathan Foster to assist you. Mr Foster can be contacted on 4247 1825.

Yours sincerely

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

19/2/2024

Daniel Thompson
Director Southern Region
Local and Regional Planning

Encl: Gateway determination