



Department of Planning, Housing and Infrastructure

Our ref: IRF24/1726

Mr Mark Griffioen
General Manager
Bellingen Shire Council
PO Box 117
Bellingen NSW 2454

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

Dear Mr Griffioen

Planning proposal (PP-2024-1209) 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 facilitate large lot residential development and environmental conservation at Lot 148 DP 755557, South Arm Road, Urunga.

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.

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 4.5 Acid Sulfate Soils, 6.1 Residential Zones, 9.1 Rural Zones and 9.2 Rural Land, is justified in accordance with the terms of the Direction. No further approval is required in relation to the 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 1.2 Implementation of Regional Plans, 4.1 Flooding, 4.2 Coastal Management, 4.3 Planning for Bushfire Protection and 9.3 Oyster Aquaculture. Council should ensure this occurs prior to the LEP being made.

I have determined not to authorise Council to be the local plan-making authority due to the number of issues requiring further assessment and consultation with State agencies and other organisations.

The amending local environmental plan (LEP) is to be finalised within 9 months of the Gateway determination date. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Housing and Infrastructure 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, Housing and Infrastructure, August 2023) 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 Carlie Boyd to assist you. Ms Boyd can be contacted on 6643 6404.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the date.

13/08/24

Jeremy Gray
Director, Hunter and northern Region
Local Planning and Council Support

Encl: Gateway determination