

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

By email: [council@bellingen.nsw.gov.au](mailto:council@bellingen.nsw.gov.au)  
[dbennett@bellingen.nsw.gov.au](mailto:dbennett@bellingen.nsw.gov.au)

Dear Mr Griffioen

**Planning proposal PP-2024-2189 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 rezone part of Lot 21 DP 1239022, 35 Gordon Road, Raleigh to C2 Environmental Conservation and R5 Large Lot Residential and amend the minimum lot size.

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 3.2 Heritage Conservation, 4.1 Flooding, 4.2 Coastal Management, 4.5 Acid Sulfate Soils, 6.1 Residential Zones, 9.1 Rural Zones and 9.2 Rural Lands is justified in accordance with the terms of the Direction. 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 section 9.1 Direction 4.3 Planning for Bushfire Protection. 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 amending local environmental plan (LEP) is to be finalised within 9 months from the date of the Gateway Determination. 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, Housing and Infrastructure regional 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, 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 Ms Sandra Bush to assist you. Sandra can be contacted on 5778 1409.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Craig Diss', with a small dot above the 'i'.

24.3.25

**Craig Diss**  
**Director, Hunter and Northern Region**  
**Local Planning & Council Support**

Encl: Gateway determination