

Our ref:IRF25/735

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

Dear Mr McMahon

**Planning proposal PP-2024-2647 to amend Bega Valley Local Environmental Plan 2023**

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) and additional information received on 20 March 2025 in respect of the planning proposal to rezone part 200 and 300 Mount Darragh Road Lochiel to R5 Large Lot Residential Zone.

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 Ministers section 9.1 of the Act, Direction 9.1 Rural Zones, is justified in accordance with the terms of the Direction.

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 1.1 Implementation of Regional Plans, 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.1 Flooding, 4.3 Planning for Bushfire Protection, and 9.2 Rural Lands. Consultation with state agencies will confirm consistency of the planning proposal with these Directions. 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 on or before 30 January 2026. 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.

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

Yours sincerely



24/4/25

**Graham Towers**  
**Manager, Southern, Western and Macarthur Region**  
**Local Planning and Council Support**

Encl: Gateway determination