



Department of Planning, Housing and Infrastructure

Our ref: IRF24/2857

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

Dear Mr McMahon

Planning proposal (PP-2034-2653) to amend Bega Valley Local Environmental Plan 2013 – Housekeeping Amendments

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 4 December 2024 in respect of the planning proposal for Housekeeping Amendments - 13 Items

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.

As discussed with Council staff, while the intent of Item 13 regarding agritourism in the C2 Environmental Conservation Zone is supported, amending the land use table of Bega Valley LEP 2013 as proposed would not 'turn off' the exemption for *agritourism* in the C2 Zone under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (SEPP). A condition is included in the Gateway determination requiring this item to be removed. The Department would like to work with Council to progress this matter separately.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal (as amended by the Gateway determination) with applicable direction of the Minister under section 9.1 of the Act Direction 9.1 Rural Zones, is justified in accordance with the terms of the Direction.

In relation to Direction 5.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the proposed change is of minor significance.

No further approval is required in relation to the Directions.

Considering the nature of the planning proposal (as revised) 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 10 October 2025. 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.

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



10/1/2025

Chantelle Chow
Acting Director Southern, Western and Macarthur Region
Local Planning and Council Support

Encl: Gateway determination