

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

Our ref: IRF24/689

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

Dear Mr Griffioen

Planning proposal PP-2024-674 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 make various housekeeping amendments to the Bellingen LEP 2010.

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 Directions 4.1 Flooding, 4.2 Coastal Management and 9.2 Rural Lands is justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.

Council will still need to obtain the agreement of the Secretary to comply with the requirements of Ministerial Direction 4.3 Planning for Bushfire Protection. Council should ensure this occurs prior to the LEP being made.

The Gateway determination requires Item 4 – Events on Public Land be removed from the proposal. As discussed with Council staff, these types of provisions are no longer supported as temporary events are not separately characterised in the standard instrument LEP as a type of development and they can ordinarily take place as a part of a primary lawful land use on Council land.

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 within six months of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make the 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 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.

30/04/2024

Jeremy Gray
Director, Hunter & Northern Region
Local Planning & Council Support

Encl: Gateway determination