

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

28 July 2025

Subject: PP-2025945 to amend Bega Valley Local Environmental Plan 2013 – Bega Urban Release Area

Dear Mr McMahon

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 22 May 2025 and 13 June 2025 in respect of the planning proposal to permit urban development in the Bega Urban Release Area. I congratulate Council on preparing the proposal for substantial residential development in the Shire close to services and facilities.

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 6.1 Residential Zones, 7.1 Business and Industrial Zones, 9.1 Rural Zones and 9.2 Rural Lands are minor or justified in accordance with the Direction.

In relation to Direction 5.2 Reserving Land for Public Purposes, I have agreed to the creation of land for public purposes on the basis that it will provide recreation areas for new residents.

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 and 4.3 Planning for Bushfire Protection are unknown until consultation with relevant agencies confirms that the proposal is consistent or any inconsistency has been adequately justified. Council should ensure this occurs prior to the LEP being made.

Considering the strategic work carried out to date and as Council will be responsible for much of the servicing of the area, 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 28 July 2026. 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.

I note that Council has advised the Department that community consultation on the draft Bega Affordable Housing Contributions Scheme will occur at the same time as community consultation on the planning proposal. Condition 1 of the Gateway determination requires the planning proposal to identify all land affected by the Bega Affordable Housing Scheme provisions.

The Gateway determination includes consultation with relevant state agencies to consider requirements for state infrastructure and the requirements of section 9.1 Ministerial Directions. Condition 1 of the Gateway determination requires that the draft Urban Release Area Map in the planning proposal include the proposed R5 Large Lot Residential Zone because this land may potentially generate demand for state infrastructure in addition to other proposed residential areas.

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



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

Encl: Gateway determination