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Gateway Determination

***Planning proposal (Department Ref: PP_2018_BEGAV_001_00)**: to amend the Bega Valley Local Environmental Plan 2013 to introduce an existing holdings map and amend clause 4.2A to preserve the permissibility of erecting a dwelling house on land identified as an existing holding beyond the expiry of a sunset clause (affecting 309 vacant existing holdings throughout the LGA).*

I, Stephen Murray, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Bega Valley Local Environmental Plan (LEP) 2013 to introduce an existing holdings map and amend clause 4.2A to preserve the permissibility of erecting a dwelling house on land identified as an existing holding beyond the expiry of a sunset clause should proceed subject to the following conditions:

1. Draft LEP maps shall be prepared prior to community consultation and made available during the community consultation period.

2. The planning proposal and draft LEP maps shall be amended to remove any reference to the term "dwelling entitlement".

3. Council should include in the exhibition material a statement clarifying the requirement to obtain approval for a dwelling house on land identified as an existing holding.

4. Community consultation is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:

   (a) the planning proposal must be made publicly available for a minimum of 28 days; and
   (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

5. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act:

   - Office of Environment and Heritage; and
   - Department of Primary Industries – Agriculture.

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Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:

   a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
   b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
   c. there are no outstanding written objections from public authorities.

8. The time frame for completing the LEP is to be 12 months following the date of the Gateway determination.

Dated 16th day of April 2018.

Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning