

Gateway Determination

Planning proposal (Department Ref: PP_2021_2146): to re-instate an entitlement for a dwelling house on certain rural lands in Bega Valley

I, the Director, Southern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, 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 re-instate an entitlement for a dwelling house on certain rural lands in Bega Valley should proceed subject to the following conditions:

1. The planning proposal is to be amended prior to community consultation as follows:
 - a. The answer to Q1 in Part A of the planning proposal 'Need for the Planning Proposal' is to be amended to clarify that dwelling entitlements that existed on certain rural lots prior to the commencement of Bega Valley LEP 2013 (LEP 2013) were inadvertently removed because of the wording of clause 4.2A (3) (b) in the LEP 2013.
 - b. To include a timeframe for the planning proposal consistent with the requirements of section 2.6 of *A guide to preparing planning proposals* (Department of Planning, 2018).
2. Public exhibition 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - NSW Rural Fire Service in accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection
 - DPIE Biodiversity and Conservation
 - DPI Agriculture

Each public authority/organisation 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.

4. 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).
5. 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.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination expiring on 27 April 2022.

Dated 27th day of April 2021.



Sarah Lees
Director Southern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces