



Gateway Determination

Planning proposal (Department Ref: PP-2021-2828): to permit the Community title subdivision of existing multiple occupancies

I, the Director, Northern 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 Bellingen Local Environmental Plan (LEP) 2010 to permit the Community title subdivision of existing multiple occupancies should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal must be updated to:
 - (a) amend the proposed Project Timeline to correspond to the nine month timeframe of the Gateway determination; and
 - (b) update Multiple Occupancy Map (Attachment 1 of the planning proposal) to include 913 Bowraville Road, Brierfield, as Item 31 in the relevant table and include on the map; and show all of Item 23.
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 **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
 - Coffs Local Aboriginal Land Council
 - Bowraville Local Aboriginal Land Council
 - Nambucca Local Aboriginal Land Council
 - Dorrigo Plateau Local Aboriginal Land Council
 - Department of Planning, Industry and Environment - Biodiversity and Conservation Division
 - Department of Primary Industry - 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 **nine months** following the date of the Gateway determination.

Dated 19 day of May 2021.



Jeremy Gray
Director, Northern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces