

## Gateway Determination

***Planning proposal (Department Ref: PP-2021-4351): to amend clause 4.1A Minimum site area for dwelling houses, dual occupancies, multi dwelling housing and residential flat buildings in certain zones.***

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 amend clause 4.1A Minimum site area for dwelling houses, dual occupancies, multi dwelling housing and residential flat buildings in certain zones should proceed subject to the following conditions:

1. The planning proposal is to be revised prior to community consultation to delete the component proposing to remove the requirement for a 2,000 square metre minimum site area for a dwelling house on land not serviced by a sewerage system and zoned RU5 Village and/or R2 Low Density Residential.
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 NSW Rural Fire Service under section 3.34(2)(d) of the Act in accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection.
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 20 July 2022.

Dated 20<sup>th</sup> day of July 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**