



Ms Leanne Barnes
General Manager
Bega Valley Shire Council
PO Box 492
BEGA NSW 2550

Attention: Dr Alice Howe

Dear Leanne

Planning proposal PP – 2021 - 4351 to amend clause 4.1A under Bega Valley Local Environmental Plan 2013

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 7 July 2021 in respect of the planning proposal to amend clause 4.1A Minimum site areas for dwellings houses, dual occupancies, multi-dwelling housing and residential flat buildings in certain zones.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

Please note the planning proposal is to be revised prior to community consultation to delete the proposal to remove the requirement for a 2,000 square metre minimum site area for a dwelling house in the RU5 Village Zone and the R2 Low Density Residential Zone on land not serviced by a sewerage system. This will enable the remainder of the planning proposal to progress through the Gateway process without being held up due to concerns about unserviced sites.

I have made this decision because the planning proposal has not adequately considered and justified increasing the density of residential development in unsewered villages that may have adverse impacts on the environment, public health, and local amenity. I have also noted that Council's Local Strategic Planning Statement and Residential Land Strategy do not appear to encourage increased density for residential development in unsewered villages. The strategies encourage the development of plans to guide infill residential development in rural villages where there is capacity in sewerage systems.

Should Council wish to revisit this matter, it is encouraged to develop plans to guide the future density and form of infill residential development in rural villages in consultation with the Bega Valley community and relevant state

agencies, prior to preparing a planning proposal. This would include assessment of potential impacts on the environment, public health, and local amenity of increased residential development on land not serviced by a sewerage system. The Department would then be in a position to reconsider this matter under a separate planning proposal.

I have agreed, as delegate of the Secretary, that the revised planning proposal's inconsistencies with section 9.1 Direction 3.1 Residential Zones are justified in accordance with the terms of the Direction. No further approval is required in relation to Direction.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal (as amended by the Gateway determination) and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Graham Judge to assist you. Mr Graham Judge can be contacted on 6229 7906.

Yours sincerely



20 July 2021

Sarah Lees
Director, Southern Region
Local and Regional Planning

Encl: Gateway determination
Authorised plan-making reporting template