



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

Dear Leanne

**Planning proposal PP\_2020\_BEGAV\_005\_00 to amend 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) in respect of the planning proposal to permit secondary dwellings in rural zones and amend clause 4.2D.

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.

Condition 1 of the Gateway determination requires Council to amend the planning proposal prior to community consultation to include dual occupancy development in clause 4.2A. Clause 4.2A currently applies a minimum lot size for the erection of a dwellings house in the rural zones, the R5 Large Lot residential zone, E3 Environmental Protection Zone and E4 Environmental Living Zone to prevent fragmentation of rural land and avoid land use conflict. I have determined that dual occupancy development that is permitted in certain rural areas should also be subject to the same controls on lot size that is applied to dwelling houses.

Condition 2 requires that a copy of the amended planning proposal is to be endorsed by the Director Southern Region prior to consultation.

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistency with section 9.1 Direction 4.3 Flood Prone Land is of minor significance. Council will be required to consult with the NSW Rural Fire Service to ensure consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection. No further approval is required in relation to these Directions.

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 and have conditioned the Gateway for Council to be authorised as the local plan-making authority. Please note that that Council cannot use its delegation if there are any outstanding written objections from public authorities.

The amending local environmental plan (LEP) must 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 Judge can be contacted on 6229 7906.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sarah Lees', with a stylized flourish at the end.

12 November 2020

**Sarah Lees**  
**Director Southern Region**  
**Local and Regional Planning**

Encl: Gateway determination  
Authorised plan-making reporting template