

## Gateway Determination

***Planning proposal (Department Ref: PP\_2020\_BEGAV\_005\_00): to permit secondary dwellings in rural zones and to amend clauses 4.2A and 4.2D***

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 permit secondary dwellings in rural zones and to amend clauses 4.2A and 4.2D should proceed subject to the following conditions:

1. The planning proposal is to be amended prior to consultation to include dual occupancy development in clause 4.2A of the Bega Valley Local Environmental Plan 2013.
2. The amended planning proposal is to be endorsed by the Director Southern Region prior to community consultation.
3. 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).
4. 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:
  - DPIE Biodiversity and Conservation
  - DPI Agriculture
  - NSW Rural Fire Service in accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection

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.

5. 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).
6. 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.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination, being 12 November 2021.

Dated 12<sup>th</sup> day of November 2020.



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

**Delegate of the Minister for Planning**  
**and Public Spaces**