

Gateway Determination

Planning proposal (Department Ref: PP-2021-4811): to review permissible uses within the E4 Environmental Living zone

I, the Director 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 review permissible uses within the E4 Environmental Living zone should proceed subject to the following conditions:

1. Prior to agency or community consultation, the planning proposal is to be amended to:
 - (a) on page 8, update reference to clause 11 in Schedule 1 to refer to clause 13;
 - (b) remove references to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as part of the proposed Schedule 2 amendment and incorporate the proposed development standards for exempt development;
 - (c) include a statement acknowledging that final drafting for all proposed clauses will be subject to legal opinion and recognise that the clauses as proposed may not be as reflected within the final LEP;
 - (d) clarify that the proposed amendments to facilitate dual occupancy (attached) and secondary dwellings nominated on the Additional Permitted Uses map will not apply to multiple occupancies (PP-2021-2828); and
 - (e) identify that an E4 Environmental Living Zone, which is the subject of a separate planning proposal (PP-2021-3459), is proposed for Endeavour Drive, Bellingen.
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 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
 - NSW State Emergency Services
 - Department of Planning, Industry and Environment (Biodiversity and Conservation Division)
 - Bowraville & Nambucca Local Aboriginal Land Councils
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 21 day of September 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