



Mr Anthony McMahon
Acting General Manager
Bega Valley Shire Council
PO Box 492
BEGA NSW 2550

Dear Mr McMahon

Planning proposal PP-2021-4832 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 undertake minor housekeeping amendments.

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 2 of the Gateway determination requires the planning proposal to be amended prior to community consultation to make it clear that development consent will be required to erect a dwelling house or dual occupancy on sites 5 and 6 despite being included on the Original Holdings Map. Furthermore, detailed assessment will be required to determine the suitability of the sites to contain a dwelling.

The Gateway determination also requires consultation with DPIE Biodiversity and Conservation and NPWS because sites 5 and 6 are zoned E3 Environmental Management Zone, site 5 adjoins Biamanga National and DPIE Biodiversity and Conservation did not support introducing existing holding provisions under PP_2018_BEGAV_001_00 in its submission dated 16 May 2018. Council has also indicated that the Bundian Way Heritage route to be shown on the heritage map will also affect National Parks.

Consultation will also be required with NSW Rural Fire Service in accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection.

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.

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 Judge can be contacted on 6229 7906.

Yours sincerely



25 August 2021

Sarah Lees
Director, Southern Region
Local and Regional Planning

Encl: Gateway determination
Authorised plan-making reporting template